

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Geelong — 15 November 2011

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Mr J. Lambert, director, John Lambert and Associates, and road safety consultant.

The CHAIR — I welcome Mr John Lambert. In a moment I will ask you to introduce yourself and outline your background and experience in this particular area of traffic management, traffic law and road safety. As you would have heard earlier, the evidence you will give today has the benefit of parliamentary privilege. Should you wish to give any information in camera, feel free to do so. We will clear the room, and you can speak to us privately. I doubt that is likely to be necessary, but in your case it may be more likely, given some aspects of your submission, than for some of the other people we have had here today. We have a copy of your submission. I will invite you to speak, following which we will ask you a number of questions. I suggest that you speak to the key points of it without necessarily repeating them so that we can make optimum use of a question-and-answer format. Please commence.

Mr LAMBERT — My name is John Lambert. I am self-employed, and I work in safety generally — road safety, industrial safety and agricultural safety. Most of my income is derived from investigating fatalities and serious injuries for WorkSafe and Comcare, or from providing expert witness reports for cases across Australia, including heavy vehicle crashes, light vehicle crashes and industrial matters. Most of my road safety work is voluntary; I do not get paid for it. I was with VicRoads for eight and a half years. I was the manager of road safety research and investigations for four years, and in that period I did all the background material that is in these two previous reports, so all the data you see in there — —

The CHAIR — For VicRoads?

Mr LAMBERT — It was part of the VicRoads submission and then got incorporated. The information I use in my reports is all from good public sources. For instance, I use the *Survey of Motor Vehicle Use*, and I will refer to that in the slides shortly in that regard; the motor vehicle censuses; the various state publications on deaths, injuries and serious injuries; the federal publications; and a lot of different reports that have been done in the last 30 years particularly. I have been involved in road safety for about 46 years.

Overheads shown.

Mr LAMBERT — I thought I might cover a couple of issues that might assist you. We have this question about the rate of deaths and serious injuries for motorbikes compared to other vehicles. There are some who choose to query the truth. This slide shows just 2011 data. The data on kilometres travelled is from the *Survey of Motor Vehicle Use*, and the deaths data is from the BITRE *Road Deaths Australia 2010 Statistical Summary*. You will see that there were 226 billion kilometres of travel last year, of which 2.4 billion was on motorbikes. Hence non-motorcycle travel was about 224 billion. There were 1360 road deaths last year, and 224 of those were motorcycle road deaths, so the non-motorcycle deaths totalled 1143. If you divide the two figures and convert it into a fatality rate per 100 million kilometres, the fatality rate for motorcyclists is 9.36 deaths per 100 million kilometres while the fatality rate for other road users is 0.5. That tells you that the rate of deaths with motorcycle travel is 18.3 times greater than the average for all other vehicles.

The next slide looks at it from a per vehicle basis, and I raise this because when TAC determines what its charge is per vehicle it is a rate per vehicle that is the issue. The number of registered vehicles is from the *Survey of Motor Vehicle Use*. We have the same number of deaths. If you do the ratios, the motorcycle rate per 10 000 registered vehicles is 3.43 deaths per 10 000 registered vehicles, and it is 0.74 for non-motorcycles. On a per vehicle basis the number of fatalities is 4.64 times greater with motorcycles. The next slide shows the historical trend. You can see that for a long time the ratio has been around 4. That goes way back to 1980, and it is based on reliable data.

The next slide goes into serious injuries. Serious injury data is variable, so in all this data I have compared data derived from the same method for motorcycles and other vehicles — that is, if the police were filling out a form of a certain style. When they change their form, you sometimes get changes in reported numbers. These all relate to consistent collection of data for motorcycles and other vehicles. I am only comparing them. I am not saying that this is the absolute number of serious injuries; I am just comparing the ratios. The graph on the left is from the UK, which has a very thorough system of collecting data on all sorts of crashes. Basically for motorcycles the rate of serious injuries per fatality is about 20 per cent higher than for other vehicles. On the right is information sourced from four different sources. The average is that the rate of serious injuries is 50 per cent higher than for cars. If you look at all the data, it suggests that the rate of serious injuries for motorcycles is around 5.5 to 7 times greater than for other vehicles. That is the reality.

I should point out that I am not anti-motorbikes. I admire their passion for what they do, but I am very passionate about trying to get something done about the very high level of trauma associated with motorcycle travel. That is the first thing.

The second thing is in regard to the cost of accidents. Serious injuries are defined as someone being admitted to hospital. The average cost for a serious injury crash is about \$220 000. If you go to disability injuries, which means that someone has become disabled in some way, that is \$1 million each. Fatalities are about \$2.4 million. The most expensive injuries are profound disabilities, when you are looking at about \$3.8 million per injury. That is based on the 2006 report updated to today, and that table is in my document if you want to read it. That is the best data you can get.

At the end of my report I have basically indicated a few things that I think need to be done to make motorcycle travel much safer. I appreciate that one of them would have a serious impact on the motorcycle industry, but I do not apologise for that. I think motorcycles should be speed limited, just as trucks are speed limited. If a motorcyclist comes off his motorbike at 100 kilometres an hour, slides across the ground for 20 metres, then slams into a stationary vehicle or fixed object, that person will almost certainly die. It is as simple as that. That is because the human body has a limit to what it can absorb, and that is about where it is at. I believe protective clothing should be mandatory. Based on its figures, the TAC say 15 per cent of their motorcycle injury costs relate to the fact that people do not wear protective clothing. That suggests they could probably subsidise protective clothing to about \$200 a year and the cost would balance out. That may be a way of getting it in.

I believe the TAC charge should be changed to what it always should have been. It is supposed to be a charge that recovers the costs of trauma associated with a certain group of vehicles, and without any cross-subsidy. If you take the figures I have given, where the fatalities are 4.6 times greater for motorcycles and the serious injuries are 5.5 to 7 times more, then the TAC charge for motorbikes in the 125 cc to 500 cc range should be about \$1500 a year and for the larger bikes should be perhaps \$2500 per year. That would have a huge impact on the industry, but it is no different than if I go and build a house in a flood plain and find my insurance is \$7000 per year, or if I do not build in a flood plain and it is \$700. People who choose to ride a motorbike have to accept that it is a high-risk industry and therefore the insurance costs will be high. One of the things that is often said about that sort of statement is, 'But it is only a small group within the motorcycle industry that creates all the problems'. It is the same for every single group of drivers. In other words, there is a small group of car drivers — the hoons, the people who drive impaired, the recidivist drink drivers — who have a crash rate that is probably 10 times greater than the average. At the other end of the scale you have 30 per cent of responsible drivers who have a crash rate that is one-tenth of the average, but there is no system that compensates one against the other. They all get pooled in together, and we pay an average fee for the whole group, so that should apply to motorcyclists as well. I know that seems hard, but I think it would have an amazing advantage, because then there would be serious discussion on doing something about motorcycle safety.

The level of illegal activity with motorcycles is much higher than for any other vehicle group. It does not matter which country or which study you look at. You will find that unlicensed riders, those riding unregistered motorbikes, those exceeding the speed limit and those being over BAC limits or under the influence of drugs are represented at a much higher level than any other group involved in crashes. One of the problems is that it is difficult to identify motorbikes because they do not have a front numberplate and the rear numberplate is small. I do not know if you have ever tried to report a motorcyclist that has gone past you on Geelong Road at 160 kilometres an hour, but you cannot read the numberplate in time to be able to report it because it is so small.

There is no reason why plates could not be fitted to the front and the back of a motorcycle, and as soon as someone says they are required they will be fitted. I was in India in September, and every single motorbike has a front numberplate. This suggestion that you cannot fit them is rubbish. All that has to happen is for someone to say, 'They must be fitted', and all the motorcyclists will work out how to do it. Their fairings do not fall off the front and their mudguards do not fall off the front. They can manage everything about their motorbikes so that nothing falls off the front, so they can manage to have a numberplate on the front that will not fall off as well. That should happen.

There are some fairly honest people amongst the motorcycle fraternity, like David MacKenzie, who gave evidence earlier. Ulysses Club members tend to be honest. They will say, 'We do not want a front numberplate because we would get fined more often'. That is honesty, and that is really what it is about. That is needed so that anybody has a chance of reporting the behaviour of a motorcyclist on the road when it is extreme.

I believe I have saved the lives of five motorcyclists by being a very aware car driver — that is, I have literally saved their lives. If I had not been really aware, they would be dead, and in one case my passenger would have been dead. But there is no real way that you can report to anybody someone travelling at extreme speed on a roadway. I will report them, and I have reported them. I would have to say that the response of the police is not very positive, but that is another thing. I suppose that is where I am coming from. Things can be done. A high TAC charge would generate the motivation to do things, because that would reduce the charge over time and make it much more reasonable.

Mr LANGUILLER — Thank you, John.

Mr LAMBERT — I can talk about filtering. I can talk about training.

Mr LANGUILLER — We have got a few questions for you. You will have every opportunity.

The CHAIR — We will be getting to filtering.

Mr LANGUILLER — In your submission you talked about imposing the full TAC levy on motorcyclists. Would you explain the positives and negatives of such an approach? Can you elaborate further?

Mr LAMBERT — The positives are that anyone who decides to consider buying a motorbike would have a message that this is a risky activity they are deciding to go into, and the levy is the cost of that risk. Then if you have a system whereby they can reduce the cost by reducing the risk — that is, if they are willing to wear protective clothing, the cost will be \$200 less; if they are willing to have a speed-limited motorbike, it will be less, or whatever — you then have a situation where you can actually take action to reduce the risk. Reducing the risk would reduce the TAC charge, and in that way we would get real action. The most important thing is that there would be a change in the attitude of the motorcycle fraternity, including the manufacturers, to doing something about reducing the trauma dramatically.

As it stands, the motorcycle industry always says the problem is the rider, and it is training and personal protective equipment, or PPE. It does not matter whether that is on-road or off-road bikes or quad bikes; their response is always the same. They never say, 'We are actually producing motorcycles that have speed limits of 250 kilometres an hour, which are totally inappropriate for motorcyclists on the road'. They will never accept that their product is part of the issue. I think if the TAC charge got put where it should be, they might reconsider their approach and start thinking about what they are putting on the road.

In my paper I have power-to-weight ratios. They are up to 1998. If I put current ones in, you can increase the numbers by about 30 per cent. You have got motorcyclists out there with power-to-weight ratios of 500-kilowatts-per-tonne. It is absolutely ridiculous. You might say, 'What is the problem?'. The problem is that that bike behaves in traffic so differently from any other vehicle that that in itself is a risk. It is a big risk. The policeman earlier talked about motorcyclists doing 170 kilometres an hour near Johanna. One of those high-powered motorcycles can get to 200 kilometres an hour in 20 seconds. It is totally unnecessary and it is dangerous. It is dangerous because other people do not necessarily allow for a vehicle accelerating at that sort of speed, at that rate, and then getting to that sort of speed in traffic. It can happen in an instant, and all of you will have seen it. Suddenly a motorbike goes, 'Whoof!', because it can.

Mr LANGUILLER — Is that why you are suggesting that we should limit motorcycles in terms of their capacity to speed? Is that a suggestion of yours?

Mr LAMBERT — Trucks are speed limited now, and yet truck drivers are the best drivers on the road. There is a very good reason to speed limit motorcyclists. Once they reach 100 kilometres an hour — unless they are at a motorcycle track where there is nothing for them to hit — if they go off their bike and hit anything, the injuries are really bad.

Mr LANGUILLER — Do you apply the same thinking to motor cars?

Mr LAMBERT — Motor cars are safe at much higher speeds, but yes, we apply the same thinking.

Mr LANGUILLER — Are you suggesting the TAC premium could be or should be between 1690 and 2180. Is that an issue? What is the intention behind that? Would that not make it financially difficult for a lot of people who want to take up motorcycling, including mopeds, scooters and so on? In the committee hearings we

have heard that people take up motorcycling for a whole range of reasons, including the cost of petrol and insurance, the environment and so on and so forth and, in addition, to taking it up for leisure reasons, tourism and so on. There appears to be a very significant risk associated with the cost of petrol and the cost of living generally where family members, including Dad, might take up riding a motorcycle, because they cannot afford to have two cars any more. Do you want to go back to your data?

Mr LAMBERT — There is a slide there on motorcycle fuel consumption. You can go to slide no. 35 on your right. Motorcycles are not economic nor are they environmentally friendly. Scooters are a different matter, and I have not spoken about putting a huge cost on scooters. I have been talking about motorcycles per se. The motorcycle use survey indicates that is the average fuel consumption for motorbikes that they surveyed. They make sure they select a range of motorbikes, a range of people and a range of locations. They do all that. They are doing about 6 litres per 100 kilometres. There are 65 makes and models of cars which have fuel consumption that is less than that.

Motorcycles are made from high-energy usage of materials — magnesium, aluminium and rubber tyres. There is not much glass in them. They have a short life. If you actually look at the energy costs per person per kilometre, motorcycles are not low. There is no environmental imperative that would support motorcycles over small cars. That is the reality. I know people think that is wrong, but I am quite willing to give you all of the data and people can play around with it any way they like. But they are just not efficient.

The small ones, scooters, are a different matter. They have other risks, but they do not generate the same level of injury and trauma as motorcycles. They are a different thing, and there may be the need to do something about the TAC charge to have another category, for instance, for scooters that do not have the same level of injuries> Perhaps they should not be included because they do not have the same crash-risk based on data to date. Maybe there needs to be a fiddle with the TAC charge for larger scooters.

Mr TILLEY — This is probably crossing many, many areas. Firstly, I am taking on board that you have said to the committee that you are certainly not against motorcycles. Motorcycle riding is inherently dangerous, and in terms of the data that you have provided in your submission, I thank you for being very matter of fact. It is all publicly available and accessible data. Are you able to provide us with any specific evidence that relates to motorcyclists engaging in more illegal behaviours than other motorists?

Mr LAMBERT — Could you go to slide 20? I have provided three copies of the major collision investigation group's investigation into fatalities and life-threatening injuries in 2002–03. The findings are listed there. You will note that all of the red bits represent illegal activity. There are 47 crashes, 39 of which were fatal and 8 were life threatening. Nine of the riders were unlicensed — that is 19 per cent; 18 of them were exceeding the speed limit before the collision; 9 had a measurable BAC limit; and 6 were above .05; 5 had traces of the cannabis drug; and 4 of the motorcycles were unroadworthy. That is the common sort of thing you see when you go and look at crashes. Typically when looking at motorcycle crashes, in 30 per cent of cases the rider is unlicensed. 'Unlicensed' includes not being licensed for the bike he is on — he may have a car licence — or the vehicle is unregistered or both. That is the norm. In America you will see the same figures. In Canada you will see the same figures. It is just part of the culture. That is the reality. If you are talking about cars in this situation, typically you will have a maximum of 4 per cent of unlicensed drivers.

Mr LANGUILLER — Which one would it be? Where is the inappropriate speed?

Mr LAMBERT — That just says they found 18 who were exceeding the speed limit. I will give you an example. Not far from here, just down the — —

Mr LANGUILLER — You would include both in terms of exceeding the speed limit.

Mr LAMBERT — They are all exceeding the speed limit. In addition there will be ones where the motorcycle was travelling at an inappropriate speed for the conditions. That would add to the 18. This was presented at the motorcycle safety forum in Belmont some years ago. The policeman provided details of an accident that occurred just down the road from the venue. He showed what had happened. You could see that a motorist had driven out in front of a motorbike coming from their right. The motorcyclist hit the car and died. The major collisions investigator said the motorcyclist was at fault, which had the old audience really angry. Then he said, 'At the time that car pulled out, the motorcycle was not in sight. We estimate he was doing 168 kilometres an hour in a 70 kilometres-an-hour zone.'

Mr LANGUILLER — Where is the source of information? Where does that information come from?

Mr LAMBERT — I have given you three copies of the report. This is the major collisions — —

Mr LANGUILLER — Yes, but did you get that information from?

Mr LAMBERT — From the major collisions investigation group of Victoria Police.

Mr TILLEY — Would it be fair to ask, in terms of that data, do you have any other evidence that brings you closer to 2011?

Mr LAMBERT — It does not matter when you look at it; the picture is much the same. When I was looking at the demerit points data, I noted that those at the extreme were disproportionately motorcyclists. It is in part because of what motorcyclists can do. They can get to very high speeds very quickly, but it is always the same.

Mr TILLEY — When you say it is always the same, is it something you can lead the committee to in terms of some data that is — —

Mr LAMBERT — I will send you all the references I have, and you can cross-check them if you like.

Mr TILLEY — Thank you. I suppose that leads me on to the previous slide where we were talking about fuel efficiency of motorcycles versus other passenger vehicles. In your submission you made some commentary in relation to preferring some of the passenger vehicles over the motorcycles and that, in particular, you said small diesel vehicles would be more fuel efficient. There was also a claim that had all the riders killed across Australia been in cars, 5000 would have survived. That suggests that motorcycle policy is being underpinned by the assumption that riders are primarily responsible for the cost of road trauma. Can we talk about that a little bit? I know we have discussed this broadly. Would you like to narrow down that statement?

Mr LAMBERT — My assessment is that politicians at large are very resistant to making major changes in regard to the motorcycle industry. The motorcycle industry is very good at lobbying and being very public. I know there is risk there, but what I am saying is that motorcyclists have not paid their way in regard to trauma for a long, long time whereas other road users do. Basically the revenue that we get for cars in Victoria covers the costs that the TAC pays out in relation to trauma from car operations. It is the same with trucks and the same with taxis. For every single different group within the TAC schedule, which goes for a number of pages with the concessions, the charge is based on cost recovery for the group. For some reason motorbikes are not.

Mr TILLEY — With regard to the previous question where you were talking about TAC premiums and suggesting that they should be comparative to the incidence of injury, serious injury and fatality in the state of Victoria, would there be some way of considering concessions? We have heard today in submissions that some sections were discussing protective clothing. The question is whether to mandate or not to mandate. Are there suggestions of concessions from those premiums if motorcyclists were to do certain things?

Mr LAMBERT — Based on the TAC's own information that the costs associated with people not wearing protective clothing represent about 15 per cent of the total cost of motorcycle trauma, I have suggested that mandating protective clothing would enable those charges to drop by 15 per cent right away. If other things were done and it changed the incidence of deaths and serious injury and it changed the severity, particularly of serious injuries, and the TAC was monitoring it, you would expect that their charge would reduce as the benefits are achieved. It might start at \$1500, but within five years if lots of things were done to change the scene, it might be down to \$1000, \$800 or \$700. That would all happen if the whole issue of trauma with motorcycles was addressed in the same way as it has been addressed for every other vehicle.

Mr TILLEY — In relation to the TAC premiums, we have heard overwhelmingly in a number of submissions that motorcyclists are also paying premiums for car registration and for their insurance.

Mr LAMBERT — Truck drivers are also paying premiums for cars. Sorry, I love motorcyclists, but they are so inventive at thinking of reasons why they should not accept something. It is amazing. I thought it was interesting today the two people talking about filtering one after the other. One had all the reasons in the world why filtering was fantastic and the next guy was totally honest and said, 'It is dangerous'. That is what it is — it is dangerous. It is more dangerous than talking on your mobile phone. If you talk on your mobile phone, the

penalty is three demerit points and \$280. It is probably twice as dangerous as that. The risk is having someone travelling in traffic between cars. That is the reality.

Mr PERERA — Is there any country where filtering is illegal?

Mr LAMBERT — I understand that there are jurisdictions that have done that, but I cannot tell you what they are. I would have to go and research that, but it has been done. My basic reason for saying that is that all the research into speed associated with crashes says that you have a vehicle doing 10 kilometres an hour faster than the traffic stream; in other words, if the traffic is doing 70 and that vehicle is doing 80, or if the traffic is doing 60 and that is doing 70, the increasing crash risk is eight times.

Mr PERERA — That is not filtering; that is lane splitting.

Mr LAMBERT — No, that is for a vehicle in the traffic going at a different speed. By definition a motorbike usually is going at least 10 kilometres an hour faster, and often much faster than that, so you can say the crash risk is of the order of eight times for filtering. People say there is no data to prove that. What people do not understand is the actual level of crash risk generally is very low.

I am sure you five gentlemen are all responsible drivers. Because you are responsible, the chance of your causing a crash where someone is injured is about once in your lifetime to once in five lifetimes. It is a very rare event. When I say the crash risk is eight times higher, it says if someone was to do that all the time while they are riding it would go to eight times in a lifetime, but it still would be once every 10 years. But that is the relative risks. With mobile phones and the research — we are not going to talk about the research — they say it is four times greater, and therefore three demerit points and \$280.

There are motorcycle riders who actually ride very well in traffic. All the guys here probably do it well because in my experience the motorcyclists who front up to safety forums are the responsible riders. But I am sure you have all been in a situation while travelling across the West Gate Bridge, if you do it regularly, and you will have a motorcycle weaving in and out like that and he is doing probably 40 to 60 kilometres an hour faster than the traffic stream, which is extremely dangerous. You have to catch him to fine him. He has got a little numberplate at the back that makes it hard to read. How do you control that behaviour? How do you make it so they are less likely to be in a crash? There were two people filtering near me and if I had not been aware, they would both be seriously injured.

Mr TILLEY — Do you have any evidence or a document with which you can provide this committee? You can take it on notice if you have not got it with you today, but if you can provide it to us at a later time that would be good. Specifically you were talking about an 18 kilometre difference in speed between vehicle and motorcycle — —

Mr LAMBERT — That has been proved since 1964, but I shall get it for you. That is Solomon in 1964 and it goes through to Kloeden and McLean with their crappy research. It goes to my papers on crash risk. Ten kilometres an hour is about an eight times increase in crash risk.

Mr TILLEY — So you have got the evidence?

Mr LAMBERT — Yes, I can send you the references to all that. That is all available.

Mr TILLEY — I appreciate that, thanks.

Mr PERERA — You have made a number of assertions about changes to motorcycles that would make them safer. These include speed limiting and weight-to-power limits. Could you expand on your statements, and do you think other safety enhancements such as ABS and ESC would have positive impacts on motorcycle safety?

Mr LAMBERT — ABS will be as useful as it has been for cars. It will make no difference. If you want to see the research on cars, you get the RACV-funded Monash University Accident Research Centre report of 2004 where they found there is no significant difference because of ABS on car. ABS means vehicles do not brake as quickly. The gentleman who was here earlier made the same statement. That is true. It is true for cars. It is true for motorbikes. Can I ask you five a question? Have any of you had ABS come on in your cars while you have been driving?

Mr ELSBURY — Yes.

Mr LAMBERT — What did you do when it came on?

Mr ELSBURY — I had my foot flat to the floor trying to get the brakes to go because I was going to hit something, and I steered away from a collision.

Mr LAMBERT — Mostly when it happens people take their foot off because they think what in the hell is going on? That is what you will do. You actually normally put an appropriate pressure on the brake pedal. When the ABS comes on you are supposed to try and push it through the floor, but when it starts doing that, people take their foot off. I would suggest that ABS in the long run will achieve nothing.

In addition there are a lot of people who are risk-takers on motorbikes. People who are not risk-takers do not ride motorbikes. The other problem which will arise is a thing called ‘risk homeostasis’. If they work out that they can push the bike harder with ABS, they will push it harder with ABS. Then when things go wrong they will actually be travelling faster, so they will be more likely to die and more likely to be seriously injured. I do not believe ABS on a motorbike will achieve anything from a community perspective. I suppose part of that is are the people it is supposed to help going to do the right thing with the ABS at the time? I doubt it. I believe you should be able to order cars with the ABS disconnected. ESC is even worse.

Mr PERERA — It is worse, is it?

Mr LANGUILLER — Why is that?

Mr LAMBERT — Why is ESC even worse? I am an engineer and I am a computer expert.

Mr LANGUILLER — I am not, so I ask you genuinely because I do not know.

Mr LAMBERT — I take it as being genuine. ESC is a system designed by engineers and designed by computer people that has a few sensors. Based on the input from the sensors, it presumes to know what the driver is trying to do and then when it cannot see what is ahead of the car it makes decisions about what it is going to make the car do. It is like putting a blind person in the seat in an emergency. It is an appalling technology, and I will guarantee you it will not reduce the road toll by the 20 per cent that MUARC says. If it is reduced by 2 per cent, that will be amazing. What will happen is one of you people, me or some other responsible driver will be killed by it, because the ESC will come on and make your car do something that you do not want it to do at a critical time and you will get killed. It is an appalling technology and unfortunately it is yet another case of the people who produce this technology pushing it.

The CHAIR — I might interrupt you there. We are becoming a bit constrained by time. I take it you have made your points in relation to ABS and ESC.

Mr LAMBERT — I have put in a very detailed submission on ESC to both the federal and Victorian governments, yes.

The CHAIR — Thank you for that. Mr Elsbury will flesh out a couple of other issues in relation to filtering, which you have already touched upon, but we would like to just build upon it.

Mr ELSBURY — I want to talk further about filtering and lane splitting. Lane splitting is at speed, usually down a highway, as you said, weaving in and out between vehicles, and filtering is when the traffic is stationary, usually in a high-traffic area like in the city or in amongst traffic lights — that sort of thing. A significant number of submissions to this inquiry have suggested that filtering be allowed. Some of the government agencies have cautiously suggested that filtering should be revisited as a possible future of legalising the practice. We have had a number of people not only in their submissions but also in the inquiry providing us with many very strong reasons as to why they feel filtering should be legalised. I have a feeling I know what your opinion is on lane filtering and definitely what it is on lane splitting, but would you mind fleshing that out just a little bit more given those differentiations?

Mr LAMBERT — If you define filtering as moving between cars when the cars are stopped, I have no problem with that. The sane advice is that that is completely safe. As soon as they are moving, that is when the problems start.

Mr ELSBURY — So no splitting but filtering is okay?

Mr LAMBERT — Filtering is okay, yes.

The CHAIR — Filtering for stationary vehicles? Filtering has been defined as vehicles moving up to 30 kilometres per hour by an earlier witness.

Mr LAMBERT — I would not agree with that, no.

The CHAIR — All right. Could you share with the committee the basis for your statement that motorcycle deaths are 38 times greater than those for vehicles?

Mr LAMBERT — I did have a figure there. The figures have varied over the years. The paper I would use had figures of up to 38. The United Kingdom has figures of up to 38. I gave you the 2011 data earlier and said in 2011 it was 18 times. TAC uses the 38 times figure in its ads, as you would know, but basically I am saying that for fatalities in 2011 it was 18 times, and that was for the whole of Australia.

The CHAIR — My further question would be in relation to the use of data in motorcycle safety. What comments would you make towards improving the use of data in improving motorcycle safety?

Mr LAMBERT — When I was manager of road safety research investigations I was responsible for the database that was used for crashes for Victoria, and for the enhancement of all the rest. I am very well aware of the problems with the database, and it is interesting that up until recently it was felt that fatalities were something you could rely on. But you would have seen the report that said the police have changed the way they review fatalities. They have moved from a single person reviewing which fatalities were suicides and which were from natural causes to a committee. The indications are that that probably produced a stepped change in fatalities. The only way we are going to know is by getting the coroner's information and comparing them.

When you come to serious injuries, there is a real issue, and for minor injuries there are even greater issues. It varies with road user groups. The underreporting of bicycle injuries is horrendous. There are a huge number of bicycle injuries that are never reported. Motorcycle injuries may be underreported and it is all to do with the issues about what people understand are their responsibilities in relation to crashes. Do they know they have to report it or not, and all of that sort of stuff. That is why in all my data I compare information gained under the same system. In 1988 the police changed their accident reporting form. There was a stepped change in injuries as a result of the change in the wording on their form, and these things happen. The way I deal with it is to only use data from the same year in comparisons, and I never assert that that data is complete, because it is just not.

Mr TILLEY — On the subject of coroners and fatalities, what years were you talking about?

Mr LAMBERT — Early last year they changed the way they evaluate or try to determine which fatalities were suicides or natural causes, and therefore whether they should or should not be included in the road toll. Suicides and natural causes are always being deducted. Last year there was a significantly larger number of fatalities taken out from the original.

Mr TILLEY — Because they were classified — —

Mr LAMBERT — Because this new committee classified them. One of the problems you have with suicides is if you have a suicide note, you know it is a suicide. The Norwegians did a study where they looked at all the crashes where there was no avoidance manoeuvre by the car where someone died. They went back and interviewed the families, and they found that 7 per cent of their crashes that had not been identified as suicides were suicides. So you get that situation of looking at the data and saying, 'Is this a crash that should be included in the road toll or one that should not be?'. If you can get evidence that it was a suicide, even though there is not a suicide note, then you remove it. Last year the things were changed and there was a much larger number of the total removed than what had occurred in previous years.

Mr TILLEY — What was the make-up of this committee you mentioned?

Mr LAMBERT — It has psychologists and medical people on it. You would have to check the membership with the police, because it is a committee rather than an individual.

Mr LANGUILLER — I am cognisant of the data you provided, particularly in relation to major fatalities. Do you think we build roads for everybody? In other words, we have a diversity of road users, which include motorcyclists? I am cognisant that you have been in the game since 1965.

Mr LAMBERT — Yes. Transport authorities build roads for light vehicles. They do not build them for pedestrians, which is why, as a pedestrian, you walk up to the lights, they have just gone green that way, and you push the button and it does not go green for you because they do not even have the lights for you. They do not build them for heavy vehicles. In almost every heavy vehicle crash I investigate, the road is part of the problem. Motorcycles can be the same. Roads are built for light vehicles. That is the reality of it. When I did the Victorian bicycle strategy in 1991, I tried to get VicRoads when they built the Western Ring Road to put a bicycle facility along the Western Ring Road to make sure that bicycles were not on it and that they could safely travel there. They gave a commitment that they would do so, but it was never done. VicRoads builds for light vehicles, and so does RTA and all the state governments. They build for light vehicles because they are the dominant vehicle. About 90 per cent of vehicles are light vehicles, and that is what they build for. Truck drivers are probably worse off than motorcyclists in trying to deal with roads that are not designed for trucks.

Mr ELSBURY — Just in relation to licensing issues that you have raised, considering that I have had minimal experience with a motorcycle — —

Mr LANGUILLER — Do not be modest!

Mr ELSBURY — Yet right now I have here a learners permit that says that I can ride a motorcycle out on the roads. That is after a maximum of 6 hours actually in the saddle riding bikes and that was because I did the learners permit test, which included a mandatory 2½ hours of riding around, and, because I am conscientious, I did an extra 3½ hours beforehand as well. Do you think that particular part of the licensing scheme is adequate? Also, with regard to drivers, do you think the spatial awareness that drivers are expected to have on the roads in avoiding causing accidents with motorcyclists is adequate?

Mr LAMBERT — I will deal with the second part first. Drivers do not have to avoid motorcycles. Motorcycles have to avoid drivers. People might say that that is very, very hard. The reality is that when you travel on the road, on average, 1 in 100 vehicles that you see will be a motorcycle. In fact, because of a lot of recreational travel with motorbikes, if you are travelling at business times for normal work, it will be a lot lower than that. In addition, a significant percentage of those motorcycles do not travel within the traffic stream in the way other vehicles do. They are the odd ones out. They are the ones creating the risk by weaving through the traffic, and the way your brain works when you are driving is that the eye and the subconscious analyse all the visual data all the time, and they alert you when there is something that needs to be alerted to, which is why you can be driving along and think, 'I don't remember anything for the last 1, 2, 5, 10 kilometres', because it is all being processed in the subconscious, and there is an assumption when you scan your driving — when you look in the rear-vision mirror, you assume that when you look in it next, there will not be much change behind you, so you look in there, there is no risk behind you, cars are all travelling, you decide you are going to change lanes, you go through the process and you change and in the meantime the motorcyclist has come up between them and you collect the motorcyclist. It is the motorcyclist who has to be taught that he is responsible because he is behaving in a way which the driver would not expect, so when it comes to look left, look right, look bike, it should be if you are a motorcyclist, you are responsible for your safety. You do not go driving between cars, lane splitting, without making sure it is safe before you do it.

Mr LANGUILLER — Can I interrupt you? Why not make the car driver equally responsible?

Mr LAMBERT — I will give you a reason why. There are a lot more trucks on the road than motorbikes, and trucks take longer to brake than cars, significantly longer. A big truck, a B-double, takes twice as long to stop from 100 kilometres an hour. You cannot train drivers to allow for the way trucks behave when they are 10 per cent of the traffic stream or more. What chance have you got training for motorcyclists, who are 1 per cent? It is impractical. It is lunacy. You will never do it. I look for motorcyclists because I am a very conscientious driver who is very alert, and others do too, but to get the whole population to do it, it is lunacy. What has got to happen is the motorcyclist has to realise that there is a significant percentage of people who will not expect them to be where they are, and he has to allow for that. That should be the emphasis, and I know it is hard on the motorcyclist, but if you want to achieve safety gains, you will never achieve it by look left, look right, look bike. It will never make any real difference. It is the motorcyclist who has got to be responsible. He

has to make sure that he is seen. He has to make sure that he is riding in a way that is not unexpected for the other road users — he or she; mostly they are he, of course. The other part of your question was?

Mr ELSBURY — Was about the licensing regime for motorcyclists.

Mr LAMBERT — It is a problem, but if you were thinking of going on a motorbike and you knew that you were going to be paying a \$1500 TAC charge, you probably would not start because that would tell you it is dangerous, and that would be one advantage, but I think it is very difficult to look at a buddy scheme with motorbikes. We require car drivers to do 120 hours of buddy-type driving — in other words, with someone in the car with them — but we let the motorcyclist out on the road, and the motorcyclist on the road is much more at risk than the car driver ever is, so there is a big problem there. It is not an easy one to fix for the reasons that have already been given here, and probably given elsewhere, that having a buddy system again, the same as the TAC charge, would make the cost of getting a licence much greater. In other jurisdictions in the world — Japan is one, and Singapore — the first licence might be for a 125 cc motorbike. Then you have to apply for the next one to get up to a 250 cc, then another one to get to 400 cc and another one after that. The end result is that there are hardly any big bikes in Japan or Singapore or those jurisdictions because it is not worth their while going that far. That would probably be a better thing to do if you want to reduce the trauma outcomes, because the power to weight ratio of bikes would be not as high and their top speeds would be not as high and maybe that would reduce trauma, but that would be a big change. It would affect, obviously, the motorcycle market, including Stevens in Geelong, because suddenly the demand for their product would be dramatically reduced. There are licensing issues, but I think the real message that has to get to people is if they want to consider motorcycle riding they have to know it is dangerous and they have to make a rational decision about that.

Maybe you have done the right thing by doing an extra 3^{1/2} hours. Perhaps in the process if people were paying \$1500 a year, TAC might say, ‘Well, if you do this defensive motorcycle training course, we will subsidise you for \$200’, because it would be worth their while.

Mr ELSBURY — I am loaded up for another training course on roads. They are available, but by the other token I am pretty sure motorcyclists understand the risks that they are undertaking when they hop on a bike.

Mr LAMBERT — Actually the research says that they rationalise the risks away.

Mr TILLEY — There is one thing we have not covered but we fairly widely covered in other public hearings. Before I ask the question I need to establish your experience in this field. You mentioned to us that you worked in industrial areas and OH&S and done crash investigations. Have you ever investigated an object, namely a wire rope barrier and a motorcycle, at all? If you have not got any experience in that area — —

Mr LAMBERT — I was one of the two managers of VicRoads who pushed for five years to get the first wire rope barrier installed, because we saw it add a huge advantage in getting greater protection, and that was between Laverton and Hoppers Crossing. The chief antagonists against that were the Motorcycle Riders Association. In the five years seven people died in crossovers on that section of road; no-one has been killed since.

The issue with wire rope barriers is that the cost of installing them means a lot more kilometres of them get installed. They have saved thousands of people from injuries, and they will continue to do so. I only know of three — and I am not saying these are the only ones — cases of motorcyclists hitting wire rope barriers. In two of those, if the barrier had not been there they probably would have died anyhow, because they would have gone straight into opposing heavy traffic.

Mr TILLEY — Of those three that you — —

Mr LAMBERT — The one where the rider might have survived was on the Frankston Freeway, with a huge gap between the roads, and it hit the wire rope barrier. If the wire rope barrier had not been there he probably would not have gone into the opposing traffic and would have been okay. I always say Armco barriers kill motorcyclists, concrete barriers kill and injure motorcyclists — all barriers kill and injure motorcyclists because they are an unprotected road user, and if you hit them hard they get seriously injured.

An emotive statement made very early on was, ‘These are cheese cutters’, the inference being that a motorcyclist could be sliced up by the wire rope barrier. I do not know whether that has ever happened, but that

was the image put up. Wire rope barriers have saved a huge amount of trauma, and it may be that there is the odd very rare case where it might have caused a problem for a motorcyclist, and that is the same as seatbelts. There is the odd case where a seatbelt jams, a vehicle catches fire and they cannot get the person out, but we do not say, 'We will not have seatbelts, because one in a thousand, or one in 10 000, might be negative'. My view is that that is a joke, but I do support, in situations where there is a particular risk to motorcyclists, cushioning the posts and putting in panelling over the wires — go for it! That is what the \$50 levy should be used for.

Mr LANGUILLER — That would be an improvement that you would recommend, given your experiences?

Mr LAMBERT — Where there is a specific risk, of course.

The CHAIR — Mr Lambert, thank you very much for your time and your evidence.

Mr LAMBERT — Thank you.

Witness withdrew.