

# TRANSCRIPT

## ROAD SAFETY COMMITTEE

### Inquiry into motorcycle safety

Geelong — 15 November 2011

#### Members

Mr A. Elsbury

Mr T. Languiller

Mr J. Perera

Mr M. Thompson

Mr B. Tilley

Chair: Mr M. Thompson  
Deputy Chair: Mr T. Languiller

#### Staff

Executive Officer: Ms K. Jenkins  
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#### Witness

Mr D. MacKenzie, senior instructor, Motorcycle Motion.

**The CHAIR** — I welcome Mr David MacKenzie from Motorcycle Motion. This is a parliamentary committee hearing and you have the benefit of parliamentary privilege for any comments you make here. You will get a copy of your transcript of evidence; we invite you to correct any typos and send it back to us, following which it will be placed on the Web. If you have any comments that should be heard in camera or privately, we can go into a closed session as well. I do not envisage that being a likely need, but there may be one at some point. There are some serious issues that relate to this inquiry overall. I would also like to welcome visitors from interstate. We have a couple of visitors down from Albury who heard about the inquiry from the newspaper. Their bikes have, if I understand the terminology correctly, a good Easy Rider rake. Welcome, gentlemen, and thank you for being here today. Also, if you have any comments, feel free to join in in the informal discussion at the end of this session.

Mr MacKenzie, what I would like you to do is to speak briefly to the general submission that has been put together by Mr Elias. I note that you have been invited to speak by him and also to speak generally. Following that there are a number of questions we would like to ask of you to optimise our time together.

Also if anyone has any thoughts they would like to present to us and they do not feel like they have the immediate opportunity to do so, we have an outstanding secretariat who can take on board written submissions. We can also program contributions later on. With those comments, please start.

**Mr MACKENZIE** — Thank you, Chair. Just stop me if I ramble on. I have a couple of pages that Derek has written out for me.

**Mr MacKENZIE** — My name is David MacKenzie. I have been a motorcycle rider for nearly 40 years. I am a senior instructor with over 10 years experience in the rider training industry. Motorcycle Motion is a wholly independent company relying on fees from students to cover all of our costs. Our goal is to train our students to the actual highest possible standard that we can get them to. We train students for road riding and cater to all levels of road rider, from novice to advanced riders. The majority of our training is done with students wishing to obtain learner permits or licences, but we also offer ongoing and remedial training on a personal one-to-one basis.

A major part of our learner permit course is our theory sessions where we start to try to convince our students to think like responsible, safe motorcyclists. As an instructor I am well aware that it is not possible to adjust an individual's attitude towards any subject, but we try to make the best use of our time with our students to make them aware of the hazards that inexperienced motorcyclists face and how possibly to avoid motorcycle hazards.

One of the major hazard or avoidance techniques we try to emphasise is to make decisions as soon as practical rather than relying on reactive skills — in other words, be proactive in their own safety. During theory sessions we discuss safety gear in detail. One of the issues concerning safety equipment on a motorcycle is the fact that the only requirement by law for motorcyclists as far as gear is concerned is the wearing of an approved helmet under AS1698 standards. In our theory classes we advise students that to minimise their injuries in a collision we strongly recommend that they wear the appropriate safety gear. VicRoads and TAC advertising on sites like spokes.com provide good advice for riders, but currently there is no requirement other than the helmet. This matter was brought up in the previous inquiry into motorcycle safety, and the recommendation was that VicRoads concludes and releases as a matter of urgency a recommended protective clothing and conspicuity standard. We feel a recommendation is not sufficient and that a minimum standard needs to be set.

With rising costs and the difficulty associated with obtaining a car licence, a lot of younger people are obtaining motorcycle licences. Currently an 18-year-old can obtain a motorcycle learner permit and legally ride on the roads of Victoria unaccompanied. We do not feel that riding unaccompanied is a problem. We believe the major issue is lack of traffic awareness — in other words, roadcraft, basically; things that perhaps we all take for granted. Inexperienced riders who choose to obtain a motorcycle learner permit prior to driving a car lack that necessary roadcraft that enables them to correctly judge speed, positioning and perhaps even distance. They are less likely to anticipate the actions of other vehicles and may need to react quickly to avoid a collision, whereas older, more experienced riders are reading the traffic perhaps a good deal ahead of where they would normally be. By requiring motorcycle learner permit applicants who have held a car licence for a period of time, there is a greater likelihood that they have developed some of the aforementioned skills.

If a learner permit was not available to a person who does not hold a car licence, there would be a need for an off-road riders licence — in other words, attaching a recreational licence to the recreational registration of motorcycles where there are certain requirements that they are not allowed to ride in built-up areas. It is a rec-registered bike, so it is really designed for riding in state forests and the like.

The current learner permit test is primarily a demonstration of basic motorcycle handling skills, and this may be sufficient for off-road riders with a more stringent test applied to obtaining a road-going learner permit at the appropriate time perhaps.

Currently the motorcycle learner permit test can be conducted using an automatic motorcycle — that is, a scooter — yet the successful applicant is able to ride a geared motorcycle on the road. I am aware that VicRoads began a study into scooter safety and that the study was not completed. As an instructor I believe the successful applicant who completes their learner permit on a scooter should be restricted to a scooter until such time that they can demonstrate on a geared motorcycle. Students who have difficulty with the clutch and gears tend to lose focus on other aspects of their riding. At Motorcycle Motion we advise students who choose to ride a scooter that if they wish to continue down the path of riding a motorcycle that they come back and do some private tuition enabling them to actually confidently and competently change gears on a geared motorcycle.

Driver attitudes towards one another on the road has changed significantly with the pace of society. This makes the road an increasingly more dangerous place to be. Drivers are insulated in their cars and have constant distractions nowadays, like radios, mobile phones, GPS and other such items. Motorcycles generally do not have these distractions, but are forced to concentrate more to allow for other road users' behaviour.

As a motorcycle instructor I am fortunate enough to have most students eager to learn the safest way to ride on the road, but there are students who have the belief that they know everything, but I still try to influence their decisions at some point. Unfortunately the young riders who choose to ignore safety messages make it difficult for the majority of the safe riders.

Driver education is not a subject taught at school at a time when the learner is more responsive. Perhaps by introducing some formal education component we can minimise the risks to younger drivers and hopefully have a safer driving environment in the future. I think getting the ability to obtain a driver licence and legally purchase alcohol on the same day is a bit of an oxymoron.

As an accredited provider Motorcycle Motion operates at the highest achievable standards. We welcome VicRoads audits and have always welcomed constructive advice with our administrative compliance. We worked with VicRoads to develop a motor trike test to enable paraplegics to obtain a licence to ride a motor trike.

The current LAMS laws in relation to motorcycles also impact on motor trikes resulting in only one commercial trike being available for use. We feel there is a safer alternative on the market that meets the spirit of the LAMS legislation — by having full vehicle stability control, anti-lock brakes — and that is the Can-Am Spyder. If anyone wants to see it, it is parked out the front.

**The CHAIR** — Good. Thanks.

**Mr MacKENZIE** — Due to the different nature of motor trikes we believe a separate licence should be introduced to cater for this segment of the motoring public. Our biggest concern with the accredited provider scheme is the continually rising cost for the applicant. VicRoads fees rise yearly, and with that the cost towards the student. Motorcycle Motion has always tried to minimise the costs to the students, but this eventually impacts on services. The TAC levy currently applied to motorcycle registrations is used to fund black spot and enforcement programs. I believe it was once called the motorcycle safety levy.

There is no funding currently provided to assist in the training of motorcycle riders. Whilst I appreciate the nature of the user pays system, redirecting some of that TAC levy towards the accredited providers at a greater level of tuition would be possible without continual cost increases. I believe most of that has been covered in a submission that you have probably got a copy of there, so if you have got some questions, fire away.

**The CHAIR** — Thanks very much. What sort of bike do you have out the front?

**Mr MacKENZIE** — It is called a Can-Am Spyder. It is a trike. It has got anti-lock brakes and vehicle stability control. We were trying to design a program where paraplegics — perhaps hurt in a bike crash at some point in time — could ride one of those. Under current licensing conditions the vehicle is actually registered under car registration, but you need a motorcycle licence to ride it. It is quite a safe vehicle and would give somebody a good way of riding a bike in the future if they do not have the ability of riding a normal bike.

**Mr TILLEY** — I just want to paint a picture. In relation to your submission you say you want to differentiate between urban and rural collisions. I do not know whether you are familiar with the area in north-east Victoria — a great riding area, good country — and in particular the Omeo Highway. That section of road to this day has 27 kilometres of unsealed road on it, but it is a tremendous ride from one side of the hill to the other. Certainly it is a commitment, which is a separate issue of course, to seal that road, which was Victoria's first gazetted highway. Interstate travellers coming down from the ACT and NSW are coming through those great parts of north-east Victoria, including Walwa and Corryong, and coming down the road to get onto the other side into Gippsland and head down for the grand prix, for example.

**The CHAIR** — I should interpose that that is his electorate.

**Mr MacKENZIE** — I was going to ask, but I thought that might be rude.

**The CHAIR** — So if our friends from Albury would like to visit, feel free to do so.

**Mr TILLEY** — Where I want to go with this is open the conversation. As I understand it, you have some experience in off-road training. On this particular section of road a lot of the adversaries and people who oppose this particular road suggest that sealing it will create a deathtrap for motorcyclists. This is going into training. Could we provide better training and differentiate in the collection of data between urban and rural crashes? This might alter the heightened perception that we are creating deathtraps around Victoria and that motorcyclists are a bunch of bloody maniacs out there trying to kill themselves or each other. Are you able to give us some commentary on those experiences and the way that you see the difference between urban and rural crashes.

**Mr MacKENZIE** — I cannot speak for the road crash data. I do not know what the road crash data is, full stop, end of story. Unsealed roads are inherently dangerous for road motorcycles, whereas dirt bikes are fully set up to deal with loose surfaces. One of the big things that I preach to students early on is that capabilities get mixed up with aspirations. I think that is a big problem, and I see that just in training, where people go hell for leather on the training range. Sometimes it is a wake-up call for them on the training range, but sometimes it is, 'Oh, it is only the training range; it doesn't matter'. I try to make sure that I drill into the students from any lesson I do, not to get their capabilities mixed up with their aspirations and to have speed and cornering positions set well and truly before they get to corners. Unfortunately I cannot stand on the corner that they go riding on every time, and yell out, 'You are going too fast into that corner!'. They are Valentino Rossi before they get to the corner, and then once they are in that corner they have realised that perhaps they are not. I think that is probably a high contributor to single-vehicle accidents on a country road, like up there in your electorate.

**Mr TILLEY** — As a trainer, how would you incorporate that into training, as a training standard?

**Mr MacKENZIE** — In both the learners and the licence testing there is a requirement to go through two marked turns, basically. In the learners permit standard there is a right-hand turn with a lane that is probably about a metre wide, and they actually have to pass through that corner without crossing the lines. There is no speed requirement for that, and all they need to do is simply pass between the lines without crossing them. They can see it themselves, but I tell them, 'Slow down' before they get to the corner; and I stand there and give them the instruction about it the whole time. You know, 'Slow down, get your entry position right. You are starting your turns too early'. A common thing I see even in on-road lessons is people starting their turns too early. You know, they tip into a corner, then they decide, 'Oh my God, I'm going to run into the gutter'. They have got to bring the bike back up; then they have got to tip it in again. That is a common thing that I see as far as novice riders are concerned.

In the licence test we have got another corner that they have to pass through. I should point out that the learners permit test is pass or fail. There is no grey area. Any things you do wrong on a learners permit test will fail you. However, the licence testing is a points-based system. The only way to fail instantly on the licence test is to drop the bike. You start off with zero points, and as you go through each of the exercises, depending on how

well or how poorly you do at them, you get awarded points. It is like golf; you want to keep your score low. You start with zero. You get points for the exercises, and the ideal scenario is to finish with zero. We spend a lot of time telling people to go slower. Yet the main requirement for the corner that you pass through on the licence testing, in the actual vernacular, is, 'Proceed through that marked turn as quickly and as safely as you possibly can without touching either of the sidelines'. It seems strange to me that you are asking somebody to go as quickly as they can through a turn. Personally I think it is crazy. It is not right that we are telling them to go as quickly as they can, and there are the points. If you touch the lines, you get 8 points. If you go too slowly, you get 8 points. I do not very often see zero points going through there, at the end of the day. When I was a lot younger, when I first started this, I would encourage them to try and get zero points. Being a rider trainer, I guess I have gone to the bigger picture now and now really try and get them to slow down and think about what they are doing prior to getting to corners, as opposed to going as fast as they can. What we have changed there is that we try and get them to go slower into a corner, accelerate out of it and make sure that they get themselves set up for these corners before they actually get to them.

**Mr TILLEY** — In earlier contributions in evidence we were addressing appropriate speeds, so you are talking about washing off sufficient speed to enter a corner, and picking your apex to exit out of it at an appropriate safe speed?

**Mr MacKENZIE** — Absolutely, yes. Get into the corner safely. Actually get into it. Every class gets that information. If you are going to make a mistake, it is better to be making a mistake on the lower side of the speed at the end of the day. That is the message that I try and give. I have been doing it for a long time. I can do the training part of it standing on my head and blindfolded, basically, so I am trying to give them extra messages. Not everyone is going to be able to do that. With newer instructors — and I am not saying this just from a Motorcycle Motion point of view; it is across the instructors — there is nothing that we all have to do together. In other words, the same message is never going to be given from each instructor, even from the Motorcycle Motion point of view.

**Mr TILLEY** — How do we establish a benchmark for each and every rider? I have a number of years riding experience, whereas my colleague is just entering into his motorcycle experience. In saying that, he could very quickly become a far better and more proficient rider than myself. Where do you find that benchmark for each and every person?

**Mr ELSBURY** — For the record, that is not going to happen.

**Mr MacKENZIE** — Come and see us. At the end of the day the current training and testing that we have looks to be competency based, but in reality it is not. I think getting a licence, or a learners permit for that matter, needs to be competency based, as it is done in the VET system. You have to show continual competence over a period of time to be allowed to be technically signed-off on a unit within the VET system. I do not know whether you are aware of the VET system, but vocational education and training is what I am referring to there. I think competency-based training means that we can go, 'This person is terrible; you can't have a licence. I am sorry, but that is not right. You haven't met the minimum competency standard'. I can test people. I tested a lady yesterday who struggled all day. We have got a business to run and I cannot discourage her from doing that — and that is a problem in itself. I cannot discourage her, because she cannot go away and run the business down. Otherwise we do not have a business. She struggled all day, and yet she managed to put it together for the 3 minutes of the test and got her learners permit. Now she can go out on the road. That is the thing that I sometimes wonder about. Before that lesson, I had a private on-road lesson, and I believe not all companies do on-road lessons. Some do, and some do not. There is an issue of public liability insurance in that.

**Mr LANGUILLER** — Just on that subject in terms of on-road testing, if that were to become part of the licensing regime, would that disadvantage or advantage students?

**Mr MacKENZIE** — Yes, I believe it probably would disadvantage students.

**Mr LANGUILLER** — Could you explain that?

**Mr MacKENZIE** — I think it would become a cost issue to them. I am not saying that it is not right, but I think it would disadvantage them in terms of the cost for a provider to do these things with them on-road. How many people do you take out on to the road at one time? If it is just one, there is the hourly cost of an instructor, plus if they do not have their own bikes. I am suggesting that they would be using our motorcycles. Obviously

there would have to be some sort of public liability insurance. There would have to be insurance on the motorcycles, and all those sorts of things are obviously going to push up the price for individuals wanting a motorcycle licence.

**Mr LANGUILLER** — Let us put aside the issue of costs associated with on-road testing. Do you think we should have on-road testing?

**Mr MacKENZIE** — Yes. I think there should be some component of on-road testing somewhere along the way. To be perfectly honest, I do not know where it lies.

**Mr TILLEY** — Would we get better riders?

**Mr MacKENZIE** — Yes, you would, but there is always going to be — —

If you read the newspaper this morning, there was the young boy and girl who were killed. His girlfriend was killed the week before, and he gets in a car and does exactly the same thing to himself. It is human nature. I know I am a different person riding motorcycles now than when I was younger.

**Mr LANGUILLER** — Do you want to tell us about it? You do not want to tell us about it, do you?

**Mr MacKENZIE** — I was lucky. At the end of the day I was lucky. I will admit it, but there were not as many people on the road.

**Mr PERERA** — What do you think of establishing something like the New South Wales model, like the Road Traffic Authority taking all the testing regime?

**Mr MacKENZIE** — I do not mind who does it at the end of the day, but whoever does it should be providing the riders with as much experience as they possibly can.

**Mr PERERA** — Do you think it could establish a benchmark?

**Mr MacKENZIE** — A benchmark? What is the benchmark going to be? How long is a piece of string? The benchmark is where somebody like VicRoads has to set it. Riding in traffic in the city is completely different to riding in Mr Tilley's electorate. A completely different set of rules come into play there.

**The CHAIR** — You have made the point well. We have some questions we need to work through.

**Mr LANGUILLER** — Thank you again for your submission and thank you for coming today in the place of Derek. Would you expand on the point you made about the size of the land providers need to train students on? Your submission says that providers are hampered by the need to have large parcels of land for training close to their student populations — that is, in urban areas — which are prohibitively expensive.

**Mr MacKENZIE** — I could not tell you what the exact land size is where we are at the moment. It is not huge. Our riders never get out of second gear. We cannot replicate the road environment, and in an industrial area the land is not cheap to buy. It is a small parcel that is in an established factory area, basically because of noise issues. We have two minimum-sized ranges. Please do not ask me what the minimum sizes are, but they are on the VicRoads provider agreement that we sign. We have that bare minimum, which really only allows second gear use. We cannot replicate road-type speeds. They are not even getting up to the school zone speed.

**Mr LANGUILLER** — Given your knowledge of the industry, do you think some or most of your colleagues as providers are in the same situation?

**Mr MacKENZIE** — Some have slightly larger areas. There is one particular provider, which is backed by a multinational company, that has quite large facilities at its training establishment, but I guess we could call ourselves boutique providers. We are limited by the amount of space that we can use.

**Mr TILLEY** — If you have safe driving areas in confined spaces how does that compare to what we were just discussing in relation to having on-road training with a buddy observing some of those skills? Comparatively speaking, how would that work?

**Mr MacKENZIE** — The problem with the buddy system is that the buddy should have some sort of training as well. Once the riders have some basic skills to get out there — or more than just the basic skills that we are sending them out with now, where they are competent — then having the buddy system is a good thing really, as long as the buddy has the right information. There is a lot of misinformation out there. All you have to do is look at some of the blogs on something like Netrider or the Kawasaki Z Owners Club. Some of the information on there horrifies me as to what people think is right.

**Mr TILLEY** — It is a bit like golf, isn't it? There is practice and then there is good practice.

**Mr MacKENZIE** — That is exactly right. If you do not get the right information, bad habits develop, and bad habits are difficult to break once they are entrenched.

**Mr LANGUILLER** — Do you think the new graduated licensing scheme will help deal with the inconsistent levels of training provided by accredited providers?

**Mr MacKENZIE** — I think the graduated system will certainly help the novice riders, but there needs to be a standard between the providers, where the information is exactly the same, and VicRoads, in consultation with industry obviously, has set what the benchmarks should be for trainers.

**Mr LANGUILLER** — The record should underline that.

**Mr MacKENZIE** — Thank you. VicRoads should set the benchmark and train the trainers. At the moment we can train our own trainers and give them the information that is required under the VicRoads licence provider agreements.

**Mr ELSBURY** — This is a question that a lot of people have been asking in relation to filtering. Some of the submissions have said that filtering is dangerous and risky. Do you accept that argument?

**Mr MacKENZIE** — Personally I split it into two. There are two different forms as far as I am concerned. One is filtering, and one is lane splitting. As far as I am concerned filtering is motorcycles moving up through stationary traffic to the front of the traffic lights.

**The CHAIR** — Completely stationary?

**Mr MacKENZIE** — Yes, stationary traffic. As far as I am concerned lane splitting is moving between moving vehicles, which is totally unacceptable. It is dangerous.

**Mr LANGUILLER** — At 20 kilometres an hour?

**Mr MacKENZIE** — No. It is dangerous. Think about peak hour traffic. I do not really have to spell this out for anybody, but I will paint the picture anyway. You are driving on the Geelong road up to Melbourne for the morning. There is a gap somewhere. How many of you have seen cars go, 'I will have that gap right now'? Cars do not look for motorcyclists. One of my questions to my students at learner permit level is how many more motorcycles are there on the roads now that you have decided — —

**Mr LANGUILLER** — Is that a problem with filtering, or is that a problem with car drivers?

**Mr MacKENZIE** — It is filtering because I think it is inherently dangerous for motorcycles to ride between vehicles that are moving. Where do you draw the line? At a B-double truck? Do you draw the line at a little mini minor? At the end of the day I think it is inherently dangerous. You cannot make legislation that says, 'You can filter past cars, but you cannot filter past trucks'. You might be in a position with a truck that you cannot see through. I think it is acceptable to filter but it is not acceptable to lane split.

**Mr LANGUILLER** — I have never seen a cop pull up a motorcycle rider doing filtering.

**Mr MacKENZIE** — No, and I will personally filter. I will do it, but I do not lane split. I used to, but after a couple of close misses I think it is not really for me. To be honest nowadays I would rather get home to the family.

**Mr PERERA** — Several submissions have suggested that ABS either has no impact on the road toll or introduces a layer of technology between the rider and the motorcycle that would not be beneficial. How do you think the motorcycling community would view the mandatory introduction of ABS or traction control on motorcycles? Do you think these technologies would help the motorcycle road toll?

**Mr MacKENZIE** — It depends on the studies that are done in relation to crashes involving incorrect use of the front brakes. I do not know what other providers or people who have spoken to the inquiry have already told you about the dangers of using front brakes incorrectly, but it is not like a car where you can just stand on the brakes, close your eyes and wait for the airbags to go off. Unfortunately on a motorcycle if you grab those front brakes, it locks the front wheel and it is all over in less than a second unless you let those brakes go. Personally I can out-brake ABS, but I think for novice riders it is not a bad thing. I do not know that it has to be put in legislation that motorcycles have to have ABS. I think it is a personal choice for novice bike riders. Returning riders are another issue. ABS is not a bad thing, but I can still out-brake it. But that is because I have a lot of experience, and I understand what is happening when I use those front brakes and how to do it.

A lot of times I see in licensed training and testing that people revert to panic mode. You see people do some of the strangest things in panic. The most common things I see are either relying on the rear brake — so do you then decide to have linked brakes? — or grabbing at the front brake and then falling off the motorcycle. As far as I am concerned there is nothing bad about ABS. I think it generally has a place for some riders. I do not need it, but that is just me.

**Mr TILLEY** — I want to discuss with you front plates and numberplates. In your submission you made comment that they are not the solution. Can you give us some commentary in relation to your thoughts on that?

**Mr MacKENZIE** — I did not know we had done that one.

**The CHAIR** — You do not have to come in at the moment. We can just parcel that question if you like.

**Mr TILLEY** — If you could give a personal view, it would be good.

**Mr MacKENZIE** — My personal view? I understand the need for some sort of front identifier, but where do you put it? There are so many different bikes out there nowadays; how and where do you put the front identifier? But I certainly do not believe in the Big Brother society or in *1984* being able to track bikes, which is another thing I have seen that has been mooted by VicRoads and other enforcement organisations.

**Mr TILLEY** — What about motor vehicles, heavy vehicles that use the same piece of — —?

**Mr MacKENZIE** — I cannot argue with that. But there are also cars out there that do not have — —  
You never see those figures released. You do not see the cars that have got the old E-series numberplates, or whatever they are. They have faded and you cannot see them, or the ones covered in mud and dirt.

**Mr TILLEY** — There are existing offences in the statutes to cover all that. It is whether they are caught or not.

**Mr MacKENZIE** — Absolutely, there is. Yes, that is exactly right. I guess at the end of the day that is the same for motorcycles. I understand the need for a front identifier. I do not know how you go about doing that. My personal view is that for a piece of metal it is going to be user pays to destroy the front of their \$20 000 motorcycle. I do not believe that is the answer.

**Mr TILLEY** — It does not necessarily have to be metal. We are not suggesting any form of construction, nor are we necessarily making any recommendations. We are feeling right across the whole field.

**Mr MacKENZIE** — No, I understand that.

**Mr TILLEY** — Victoria Police made a submission and that was part of their submission.

**Mr MacKENZIE** — I have no doubt about that. The camera office is probably the one that has made that submission, I would suggest. I understand the need for it, but whether I agree with that — —

**Mr TILLEY** — If you look at *Old Bike Australasia* you will see photographs in there right throughout. In particular there are a number of photos of former colleagues of mine, and we were all wearing front forward-facing numberplates on the motorcycle.

**Mr MacKENZIE** — Were they the forward-facing ones or the ones that ran along the guard?

**Mr TILLEY** — No, straight up the front.

**Mr MacKENZIE** — Straight up and down. The bikes in bygone days were probably more able to support those front-facing metal numberplates. The way the current design is on the bikes, I do not think that you could actually retro-fit bikes with forward facing identifies in the same vein as the ones that are currently on the — —

**Mr TILLEY** — If this committee does not ask the hard questions, we do not cover it right across the board.

**Mr MacKENZIE** — I have no problem with that.

**Mr TILLEY** — Do not think you are under any particular pressure.

**Mr LANGUILLER** — Can I just say that your submission states:

Chrome numberplates are not a solution, but perhaps using smart chips on the registration level would make riders more accountable.

So your submission recognises that there is an issue.

**Mr MacKENZIE** — Yes, I did not see that part of it, but what I will say is Derek, who was supposed to be here today, is an operational member of Victoria Police highway patrol. So that is where he is coming from in relation to that. I understand that. There are road riders out there — there is no doubt about that — who make life miserable for the rest of us, with targeted enforcement of bike riders. You get pulled up all the time to check licence and registration details. To be honest, I get sick of it.

**Mr TILLEY** — So do car drivers.

**Mr MacKENZIE** — Not to the same extent. If you go riding through the Black Spur or the Reefton Spur or somewhere like that you are targeted as a motorcycle rider.

**Mr LANGUILLER** — Can I come back to the issue of training and licensing regimes? A number of submissions received by the committee state that the current training and licensing regime is inadequate. I think you touched on that, but I want to come back to it. People who lack the skills and knowledge to ride a motorcycle are being passed. What responsibility do providers have not to pass people who clearly have inadequate skills and knowledge?

**Mr MacKENZIE** — It is a test. They go to test. VicRoads do not give us anything. Unless they say ‘unsafe operation of the motorcycle’, there is nothing that is covered in the provider agreement in relation to that. But VicRoads give us no latitude to say, ‘You think this person is terrible. Do not test them’.

**Mr ELSBURY** — Which is the situation you had with the individual that you referred to earlier?

**Mr MacKENZIE** — She is not the only one, trust me. She is not as bad as I have seen either. That was just fresh because I did it yesterday. But there are certainly some seriously substandard riders out there who fluked the test at the time. You must remember that we do have a business to run, and that is the point that I would really like to make. If we kept saying to people, ‘No, you are not good enough’, they will go somewhere else. That impacts upon the business and the livelihood of the people that own that particular business.

**Mr LANGUILLER** — Is that a general problem in your industry, given your anecdotal experience anyway?

**Mr MacKENZIE** — People do not change really from place to place. It is a case of you go to test, you pass the test, as far as I am concerned we are bound to write you up a learners permit or a licence. We do not have the option of saying, ‘You are not of sufficient standard and you need to come back’. What we will do, however, is we will suggest to them — or I do at the very least; I cannot speak for other trainers — that they go

elsewhere. I am quite candid about their abilities and I will let them know what their abilities are. At the end of the day most people understand their abilities, but whether they choose to come back or not for private lessons, I do not know. I tell them, 'Go to another provider if you think I am trying to rip you off. I am not trying to do that'.

Maybe that is where some of the anti-bike, TAC levy should go — sorry. It should go back into helping people who really want to ride a motorcycle for one reason or another. But some people have got a natural ability to do it, where others have to work and work and work at it. They are the ones that will be safe, but they still need that little bit of extra help to get there on the way.

**Mr PERERA** — Are you aware of motorcycle training simulators?

**Mr MacKENZIE** — HART has one, that I know of. I have not had a go on it, to be honest.

**Mr PERERA** — Would you think you will use them?

**Mr MacKENZIE** — No, not really.

**Mr PERERA** — Why not?

**Mr MacKENZIE** — It is all well and good to play computer games on them. I think that is how people would treat them, as a computer game. It is not a game once you get out on the road. That is another point that I make to students. I say that once you get out on the road, it is not a game any longer. They do a hazard perception test for their licence in a car. I got my licence when they did not have anything like that around. I have never heard that it was a really good thing to go and do.

**Mr PERERA** — It is not the real situation, so people — —

**Mr MacKENZIE** — No, and when it is the real situation people panic. I think that repeating something over and over is how it gets drilled into you and how you become good at it. I tell my students that I practise things like emergency brakes and counter-steering all the time. I try and impress upon them that if I do it 40 years on, there is no reason that they should not be doing it now to get it right.

**Mr ELSBURY** — What has been your experience with VicRoads auditors coming out to your facility? Do they measure how well you have trained the riders that pass through?

**Mr MacKENZIE** — Ss far as I am concerned, that is not what their job is when they come out to us. I must say, as far as VicRoads auditors are concerned, I think they do the right thing by us and they are good when they come out. We welcome them. But all they are doing is making sure, as far as I am concerned, that I administer the test correctly.

**Mr ELSBURY** — Would there be any value in having the training and the testing carried out by different people? When I did my test it was almost immediately after having done a training course with the same person.

**Mr MacKENZIE** — I would like to think that it would not have any bearing on it. It comes down to people's honesty, I suppose. Certain things have happened in the past that I query. However, if you look at the truck licensing model under VicRoads for heavy vehicle providers, the person who trains you in the truck to get the licensing is not allowed to test you. I do not know why it is different for heavy vehicle providers as opposed to motorcycle providers. If you do a truck course, you are trained by a particular trainer and then, when it is test time and you have to go out on the road for your drive test, you cannot have that person as your tester.

**Mr ELSBURY** — What specific outcomes would you like to see from the committee's inquiry?

**Mr MacKENZIE** — Mandatory minimum training and safety levels, better testing, an automatic condition for motorcycles and perhaps a separate trike licence to enable paraplegics to ride trikes instead of having to go through the current licence and learners permit testing, which obviously as paraplegics they could not possible pass. The way trikes are, if you have a look at the size of a trike, you could not do the same sort of testing with them.

**Mr LANGUILLER** — We have not received a submission from disability groups, have we?

**The CHAIR** — No. David, you have raised an important point and something we can look at further, so thank you for your forethought.

**Mr LANGUILLER** — I have a brief question about protective gear. Much discussion has taken place, as you can imagine, about making protective gear mandatory, or otherwise. It has been an issue internationally and indeed in this jurisdiction. What do you say to your students about wearing protective gear? What kind of advice do you provide?

**Mr MacKENZIE** — Leather is best. There are other options. At the end of the day we tell them about missing skin and how much that hurts. I also tell them to look for the CE standard. What CE stands for I cannot tell you, but it is the European standard for lots of goods. Australia does not have any standard relating to motorcycle gear other than the helmet. There are certain ways they should be constructed to make sure they are right. The question is: where do you draw the line for protective gear? Do you make everybody wear leather? Without a mandatory standard, how do you enforce it?

**Mr LANGUILLER** — How about wearing protective gear on a 40-degree summer day?

**Mr MacKENZIE** — If you have ever fallen off without wearing protective gear and slid down the road, you know that it is an extremely uncomfortable experience. I tell you that from personal experience. On a 40-degree summer day you should be rethinking whether you should be out riding a motorcycle. I was a motorcycle courier for quite a period of time a long time ago in another life. On a 45-degree day when you are sitting on top of an engine that generates heat and you are on top of bitumen that is 65 degrees, if you have all your protective gear on, you sweat buckets and probably cannot get enough fluid into your system to replenish and rehydrate yourself for what you are losing by being correctly suited up, so to speak.

**Mr LANGUILLER** — Would you agree with the notion that protective gear is good, provided that it does not become in itself an obstacle to safety and to safe riding?

**Mr MacKENZIE** — Yes. At the end of the day you also have to think there is debris on the road. A stone that will crack your windscreen will certainly impart a bit of pain onto a kneecap that has only a pair of shorts covering it. It needs to be worn at the end of the day, but there are various combinations. There are jeans with Kevlar inserts in them. Do you allow those to be worn if you legislate that you have to wear gear? What sorts of gloves do you wear? This is where you are going to have to think about where the standards lie. Does a highway patrolman pull you up and say, 'This is no good because you're not wearing leather'? They are dressed in leather, but you see them in their shirts too.

**Mr LANGUILLER** — What about boots and gloves? Let us separate the other stuff.

**Mr MacKENZIE** — Okay. I think that at least should be a mandatory requirement.

**Mr LANGUILLER** — Boots or gloves, or both?

**Mr MacKENZIE** — Both. I often ask my students, 'If you have a budget for buying your bike, how much of that budget is going towards your gear?'. The first two things I talk about after the helmet are gloves and boots. You cannot mend an ankle joint particularly well if you damage it badly. You end up with a fused ankle. You take the skin off your hands because you fall over and brace yourself along the way. You fall along the road and rub your hands off. One of our instructors has a great saying that if you fall off a scooter, you lose skin, and if you fall off a sports bike, you lose meat. I tell my students that.

**Mr LANGUILLER** — So high heels on a scooter are not the way to go. I am not suggesting that you would do that!

**Mr MacKENZIE** — Only on Saturday nights!

**The CHAIR** — On behalf of my colleagues I thank you very much for your time, your insight and your expertise. You will get a copy of your comments today to proofread, correct typos and get back to us. We will then place it on the Web. We appreciate your help.

**Witness withdrew.**