



Victorian Automobile
Chamber Of Commerce

National Transport Commission Australian Road Rules Amendment Package 2005 - Draft Regulatory Impact Statement

VACC Submission January 2006

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**National Transport Commission
Australian Road Rules Amendment Package 2005
Draft Regulatory Impact Statement**

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Executive Summary

The National Transport Commission 2005 release of its Australian Road Rules amendments RIS statement recommends a raft of changes to current Australian road rules. The Commissions primary aim is to offer nationally consistent transport policies and laws.

VACC Commentary

Many of the proposed NTC revisions are necessary and welcomed; however, in view of the increasing popularity of motorcycle use in Australia, the need for viable and practical road rule amendments in relation to lane splitting are required, not only to increase safety levels for all road commuters, but to deal with increasing concerns relating to congestion levels on Australian roads and the ensuing environmental impacts resulting from rising congestion.

The issue of lane splitting and/or filtering needs considered guidance involving consultation with relevant bodies and the establishment of rules that protect the safety of all road users, including motorcyclists.

Road safety reform is a key agenda for both NTC and VACC. VACC believes banning motorcycle lane filtering will compromise safety for all road users and recommends further research and specific guidance from NTC in regard to various levels of filtering activity to protect the safety of motorcyclists and other road users.

VACC also recommends review of rule 271 which prevents children under the age of eight from travelling as a pillion passenger. The relevant safety observations required of young pillion passengers extends beyond the age of the pillion occupant to include the relationship between a pillion passenger's physical size and ability to ride safely.

Other VACC recommendations include consideration of international best practice such as multi lane strategies to increase safety and the integration of motorcycle policy into national transport strategy to ensure future road transportation policies balance the needs of all road commuters as part of a consistent policy framework.

Introduction

Many of the proposed Australian Road Rules Amendments as outlined in NTC's Regulatory Impact (RIS) Statement are worthy of implementation. However, some proposed changes will reduce motorcyclist safety. As the motorcycle sector is one of the key industries represented by the Victorian Chamber of Commerce (VACC), VACC believes application of proposed rules 151A and 271 will be detrimental to both motorcyclists and motorists, particularly as motorcyclists are widely accepted as being vulnerable road users.

The proposed changes will add to road congestion and create a safety hazard for all road travellers.

VACC opposes the current proposed rules 151A and 271 and recommends NTC reconsider the implementation of these changes.

VACC

Since 1918, the Victorian Automobile Chamber of Commerce (**VACC**) has represented the interests of small business in the automotive industry. Currently its 5,000 members employ around 50,000 Victorians and provide key services in the repair, services and retail sectors of the motor industry. **VACC** representation includes the following industry sectors:

- Automotive Dismantlers & Recyclers
- Crash & Mechanical Repairers
- New Car Dealers
- Engine Reconditioners
- Radiator / Air conditioning Specialists
- Auto Electricians
- Motorcycle Dealers and Repairers
- Used Car/Rental vehicle/ Commercial Vehicle /Tyre/ Farm Machinery Dealers
- Service Station & Convenience Store Operators
- Automatic Transmission Specialists
- Brake and Vehicle Under body Repairers
- Parts Retailers
- LPG installers
- Car Detailers
- Tow Truck Operators
- Commercial Vehicle Body Builders
- Car Washes
- Steering and Suspension Specialists

Submission Scope

The scope of this submission will focus on 2 rule amendments which VACC believe impacts on responsible road policy, namely Rule 151A and Rule 271.

Motorcycle Usage in Australia

Motorcycles accounted for 3% of all registered vehicles in Australia in 2005. Nationally, the number of motorcycles rose from 350,930 registrations in 2001 to 421,923 in 2005 - a 20.2 % increase. In Victoria, registrations increased from 2001 registration figures of 94,741 to 102,463 (8.1% increase) in 2004 and rose to 107,581 new motorcycles on the road during 2005 (4.9% increase)¹. As motorcycle use rises, road rules that protect motorcyclists and other road users are essential for effective road traffic management.

Congestion Reduction and Motorcycle use

Congestion reduction and its relationship to motorcycle use is an under researched area. One UK study has found² those who switched to motorcycling were able to reduce journey times and by pass heavy traffic. Switching to motorcycles reduced congestion levels in areas of less accessible public transport. However, reducing congestion levels is dependent on adequate numbers of commuters with motorcycle access; small numbers of motorcycle owners will have reduced impact on road congestion.

One study³ which tested five possible road policy options to reduce road congestion found the combination of road user charges for motorists and increased motorcycle ownership produced the greatest reduction in car trips followed by rail and bus travel respectively (Refer to Table One page 5).

Policy options tested included:

- allowing motorcycles to use bus lanes
- increasing the cost of car parking by 50% for those who were also motorcycle owners
- introducing a global road use charge of 10p per mile for car travel by motorcycle owners
- increasing the level of motorcycle ownership by 50%
- combining road user charging with increased motorcycle ownership. Increasing the cost of car travel is expected to lead to an increase in motorcycle owners as more commuters seek cost effective forms of travel.

Road user charging encouraged motorists to switch to other modes of transport with the motorcycle being one of the top choices for alternative transportation chosen by motorists who were also motorcyclists. With increased motorcycle use in Australia, VACC supports the potential of this type of policy when discussing the mobility function of motorcycles in broad transport and road rule policy.

¹ ABS cat no 9309.0, Motor Vehicle Census Australia

² Advisory Group on Motorcycling 2004 Final Report to Government www.dft.gov.uk

³ Rand Europe WSP Civils, Department for Transport UK 2004 'Motorcycles and Congestion: The Effect of Modal Split'

VACC stress the importance of traffic management measures that offer balanced options for all road users including motorcyclists. Policies that favour one type of road user can lead to conflict between different road users and strain efficiencies intended for mixed traffic travel.

Table One Source: Dept for Transport UK 2004 5 Policy Options testing conversion rates to motorcycle use

<i>Mode</i>	<i>M/Cs in Bus Lanes</i>	<i>Parking Costs (Car +50%)</i>	<i>Road User Charging(RUC) (car10p/mile)</i>	<i>Ownership + 50%</i>	<i>Ownership and RUC</i>	<i>Ownership & RUC (relative to ownership only)</i>
Car	0.3%	-0.5%	-10.8%	52.1%	34.8%	-11.8%
Cycle	0.6%	0.6%	0.4%	50.7%	50.1%	0.3%
Walk	0.5%	0.7%	0.4%	50.6%	50.1%	0.3%
Bus	0.6%	0.3%	4.9%	52.5%	57.2%	3.4%
Rail	-0.8%	0.4%	10.9%	48.9%	57.1%	5.9%
M/C	-0.3%	0.2%	6.2%	49.6%	60.4%	7.5%
Total	0.0%	0.0%	0.0%	50.7%	50.7%	0.0%

Lane Sharing or Splitting and Filtering

Definition of Filtering and Lane Splitting

In broad terms, filtering by motorcyclists is defined as moving between traffic when other surrounding traffic is stationary. This is standard motorcycle practice and necessary for safe motorcycle travel.

Lane splitting is defined as moving through traffic when other traffic is in motion. It can also refer to overtaking within the same marked lane in moving traffic. This is currently an illegal activity in Victoria.

Sometimes lane splitting and filtering are used intermittently without full comprehension of the differences in each mobility activity. This results in problems for policy makers, motorcyclists and enforcement agencies during policy formation and implementation.

VACC recommends a commonly understood and practical set of definitions be promoted by NTC so that consistent policies can be introduced and maintained when considering these issues in the future.

Rule 151A – The Effect on Motorcycle Mobility

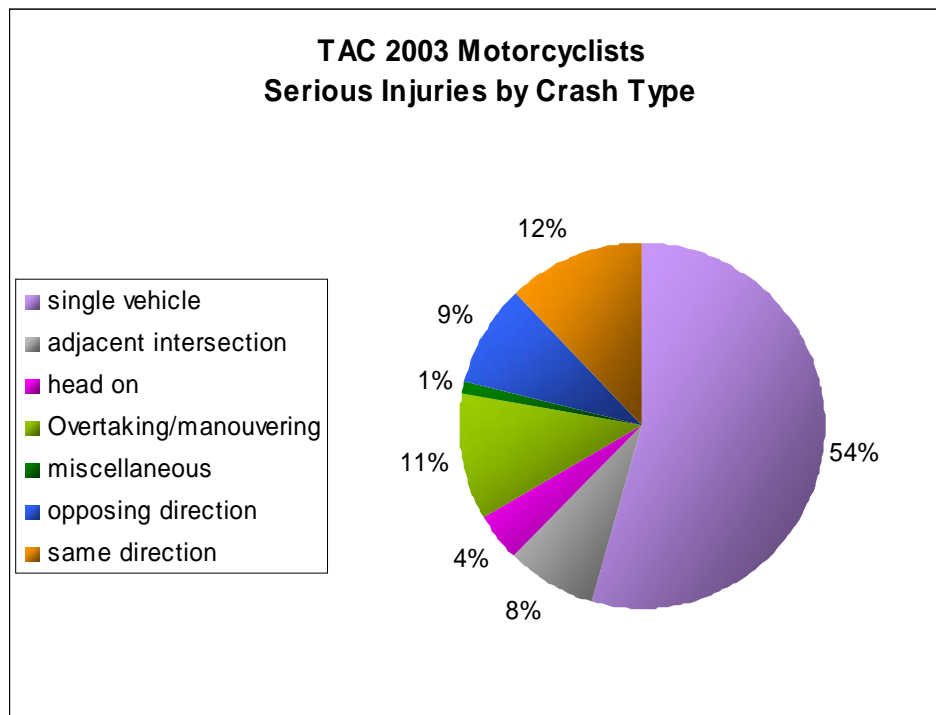
The primary advantage of motorcycle transportation is the narrowness and acceleration capacity of a motorcycle which allows a rider to overtake and filter past other traffic. Filtering is useful in heavy traffic flow conditions and facilitates road space management and mobility policy through use of road space unable to be occupied by vehicles such as passenger cars. Thus filtering contributes to road safety as it can increase the road space between motorcyclists and other mixed traffic.

Furthermore, filtering is a defensive driving measure that increases motorcyclist visibility to car drivers and prevents 'rear end' motorcycle collisions.

Motorcycle Crash Statistics

2003 TAC figures on motorcycle crashes for same direction type crashes (where vehicles are changing lanes, involved in rear end crashes or side swipes) show this type of crash produced no motorcycle fatalities, 12% of serious injuries and 16% of minor injuries. *In fact, the majority (54%) of injuries were caused by single vehicle collisions.*

Table 2 Source TAC: Motorcyclists – Serious Injuries by Crash Type



Apart from conflicting with NTC's charter obligation to improve Australia's transport efficiencies, prohibition of lane splitting undermines the complexity and range of variables that contribute to road traffic management and motorcycle

safety. Responsible filtering policies need to account for the spectrum of motorcycle models, types and performance levels that may be appropriate for filtering activity. It must also examine the various effects and interactions of rider age, sex, level of experience.

Consequently, research that employs consistent and sophisticated methodologies to investigate different subsets of motorcycling safety issues such as lane splitting is necessary to formulate motorcycle road rule policy that responds to effective road traffic management and road user safety.

Filtering in stationary and moving lanes also requires investigation as accident levels may differ widely and road rule policy must endeavour to reflect the level of risk associated with each filtering activity.

Additionally, consistency of the intended rule must also be considered. If the rule prohibiting lane splitting is to be enforced; it must apply to other forms of two wheel transport such as bicycles. Current law allows bicycles to lane split. If the danger levels of filtering are deemed unacceptable, then a consistent, considered policy approach would also prohibit bicycle lane splitting.

The filtering capabilities of different types of motorcycle riders also require review. For example, professional motorcycle travel needs of police, paramedics, motorcycle couriers, motorcycle taxi drivers and road recovery motorcycles need to be examined when forming a balanced filtering policy.

Table 3 Source: Transport for London Fatal Vehicle Accidents involving a Powered Two Wheeler (P2W) User London 2003

	P2W tried to pass through gap between other vehicle travelling alongside each other
Powered 2 wheeler	0
Pedal cyclist	0
Car	0
Taxi	0
Goods under 3.5 t	0
Goods over 3.5 t	1
Bus or coach	0
Other vehicle	0
No other vehicle	0
Multiple vehicle	1
%	2% of casualty total

VACC query the proposed filtering ban in light of 2003 UK data⁴ which examined 6,469 powered two wheeler (P2W) casualties in London. In this data, Powered two wheelers refer to mopeds and motorcycles up to and including 125cc and those over 125cc. When comparing P2Ws in fatal collisions with other types of vehicles, the statistics found lane changing contributes to only 2% of the casualty total (refer to table 3). This result implies the low risk nature of filtering. Consequently, safety concerns relating to filtering activities are low in contrast to the gravity of proposed rule 151A.

In 2004, the results of the first complete European study of P2W accidents was released by the Association of European Motorcycle Manufacturers (ACEM) with support from the European Commission, Director General of Transportation and Energy, Police, other government and medical agencies⁵. The Motorcycle Accident In- Depth Study (MAIDS) aimed to understand the nature and causes of P2W accidents and ran from 1999-2000 in five sampling areas located in France, Germany, Italy, Netherlands, and Spain. For consistency, methodology was based on one developed by the Organisation of Economic Co-operation and Development (OECD). 921 accidents were examined and showed around 2000 variables including human, environmental and vehicle factors.

Most of the accidents were founded on human error, the most common being a failure to see the P2W in traffic. While in 37% of cases the primary contributing factor was human error from the P2W rider, 50% of cases showed the primary accident contributor came from car driver error. Over 70% of car driver errors were due to failure to perceive the P2W. Hence being conspicuous is the prime factor in accidents as opposed to filtering activity.

Previous research from the American Hurt report⁶ confirms the current European findings. In multiple vehicle accidents, the driver of the other vehicle (mostly passenger cars), was found to violate the motorcyclists right of way and was responsible for causing two thirds of all motorcycle accidents. Thus, motorist failure to recognise motorcycles in traffic is the dominant cause of motorcycle accidents.

The highly regarded Hurt research also verifies higher safety levels for motorcyclists who are able to traffic filter.

⁴ Transport for London Street Management London Road Safety Unit 2004 'Powered Two Wheeler Causalities in Greater London'

⁵ ACEM, 2004 'Maids- in depth investigations of accidents involving powered two wheelers' Final Report <http://maids.acembike.org>

⁶ Hurt, HH Ouellet, JV Thom. DR 1981 'Motorcycle Accident Cause Factors and Identification of Countermeasures' AKA The Hurt Report' Traffic Safety Center University of Southern California Los Angeles California www.cs.wisc.edu

VACC Motorcycle Road Rule Recommendations

VACC advocates an integrated National Motorcycle Strategy that acknowledges mobility as well as safety issues for motorcycles and similar modes of transport such as mopeds and scooters.

Suggested improvements to proposed NTC's Australian Road Rules 2005 Draft Regulatory Impact Statement (RIS) include the following:

Removal of Rule 151A

VACC believe motorcycles should be able to move freely in a traffic lane as part of a low risk safety measure. For example, moving to the front of a traffic queue enables a motorcyclist to avoid rear end collisions safely, as traffic is moving in the same direction.

Furthermore, being unable to filter means a motorcycle would potentially contribute to greater congestion problems rather than responding to congestion reduction.

In the instance of slow moving traffic, filtering is important in the prevention of accidents particularly if a motorcycle is overtaking another slow-moving vehicle. If a motorcyclist is unable to filter, the safety of the motorcyclist and other road users who are travelling at faster speeds will be compromised especially if a motorcyclist must suddenly slow down.

Additionally if road rules changes are to be applied consistently, then bicyclists who are still able to lane split must also be considered a reasonable road risk with appropriate lane splitting restrictions applied to them.

As other jurisdictions⁷ have not raised the issue of lane splitting in regard to road safety in other States or Nationally, the significance of lane splitting requires further consultation and discussion prior to legislation being enacted.

Road Space Management

In relation to road space management, consideration must be given to the following;

- Investigation of multiple lane use strategies that include transit, bus and cycle lanes. If these strategies are to be implemented, they should be incorporated on a consistent National level with standardised definitions of what constitutes a transit lane in each State to allow motorcyclists to

⁷ Victorian Motorcycle Road Strategy 2002- 2007 Vicroads Publication number 01088, Motorcycling Road Safety Strategy 2005- 2010 Govt of South Australia, Tasmanian Road Safety Strategy 2005-2006 Department of Infrastructure Energy and Resources

travel safely in multi road user traffic. In the UK,⁸ trial use of bus lanes for motorcyclists has been recommended for extension despite some concerns over bicyclists and motorcyclists sharing the same lanes. Other findings⁹ suggest a reduction in motorcycle accident numbers and motorcycle side swipe accidents with permitted bus lane use and improved safety benefits for motorcyclists¹⁰. The promotion of alternate lane use involves filtering activity, so prohibiting filtering limits the safety options offered by multi lane transportation models.

- In regard to advanced stop lines that are provided at signalled junctions to provide safe stopping zone for motorcyclists, research results have been inconclusive as these affect junction design, sign regulations, road markings and the relationships between cyclists and motorcycle riders.¹¹ VACC support similar trials in Australia as part of an integrated motorcycle safety strategy to improve existing safety levels.
- Compatibility and allocation policy relating to different transport modes using these lanes.
- Access provisions and codes of practice for professional motorcycle riders who travel on motorcycles for business purposes including paramedics, police and couriers.

Road Capacity Management

In regard to road capacity administration, VACC recommend the following measures.

- Further research into filtering behaviours of motorcyclists and the impact on safety. Existing Australian research¹² reports a significant underreporting of motorcycle injury crashes and potential biases in the cases of self reported data. International transport policy and research is responding to the call for national motorcycling strategy as indicated by the release of the UK Department for Transport's 2005 Motorcycling Strategy. While the Australian National Cycling Strategy 2005-2010 has emphasized the integration of bicycles in transport and land use policies as an integral part of National Transportation Policy, the motorcycling sector has yet to receive a National strategy, even though the House of Representatives Standing Committee on Transport and Regional Services' Inquiry into National Road Safety – 'Eyes on The Road Ahead'

⁸ Elliot, MA, Baughan, CJ, Broughton, J. Chinn, B, Grayson, GB. Knowles, J Smith, LR Simpson H. 2003 'Motorcycle safety: A Scoping Study' prepared for Road Safety Division Department for Transport

⁹ Advisory Group on Motorcycling 2004 Final Report to Government www.dft.gov.uk

¹⁰ Department for transport 2005 'The Government's Motorcycling Strategy'

¹¹ Department for transport 2005 'The Government's Motorcycling Strategy'

¹² Haworth, N. Smith, R. Brumen, I. Pronk, B. 1997 Case control Study of Motorcycle Crashes Dept of Transport and Regulatory Development Federal Office of Road Safety Contract MUARC report CR

recommends a national motorcycling strategy be included in future road safety policies.¹³

- Available local statistical data is currently limited in its response to the specific question of lane sharing and its relationship with safety. Lane sharing is also influenced by motorcyclist behaviour and VACC acknowledges that *conclusive* proof of the safety value of lane splitting becomes difficult. Despite such limitations, VACC recommends further in-depth and multivariate analysis of behavioural motivations in relation to lane splitting that may provide some guidance in regard to capacity management decisions to help both motorists and motorcyclists.
- Existing policies tend to apply road capacity management to motorcyclists as a general road user rather than incorporating specialised measures to meet capacity management needs. Therefore, more enquires into motorcyclist behaviour is needed to establish an integrated view of motorcyclist user requirements, mobility function and safety issues. Existing research is further limited in its application because of small sample sizes, and past research suffered from a lack of theoretical foundations, resulting in faulty variable measurements. However, an overriding issue is the lack of data from the motorcyclist's perspective. In such instances, research has assumed the driving environment is similar for motorists and motorcyclists¹⁴. This assumption potentially undermines the relevance of past findings and at worst, guides road rule policy toward an unsafe driving environment for motorcyclists and other road users.
- In general terms, historical policy has tended to emphasize safety¹⁵ rather than distinguishing motorcycles as an alternate and viable means of transportation. An example of safety driven motorcycle policy is the Victorian 'Arrive alive' Motorcycle strategy. The emphasis on safety reinforces a high risk safety perception associated with motorcycling without recognition of motorcycle use as a legitimate form of transportation.
- Encompassing motorcycle transportation as a viable form of commuter travel means research must extend beyond violation and crash statistical variables to reach an objective understanding and assessment of motorcyclist behaviour and mobility functions. This will also help shift the current public perception of lane splitting as high-risk motorcyclist behaviour. Providing quality analysis will promote motorcycling as a

¹³ House of Representatives Standing Committee on transport and Regional Services Inquiry into National Road Safety – 'Eyes on the Road Ahead'

¹⁴ Buche, T. Williams, S, Tyra A. Motorcycle Safety Foundation , Irvine, CA 2004 ' A proposal for Defining, Measuring and Documenting the Effects of 'Safety Renewal' A Concept whose Time has come' A paper for the 5th ifz Motorcycle Conference ' Safety- Environment– Future' Munich Germany

¹⁵ Oxford Systematics 2000, ifz 'Motorcycle transport –Powered Two Wheelers in Victoria ' Report for VicRoads

mainstream transport mode alongside public transport, cycling, walking and as a way of reducing road congestion.

- Extended research tools that engage motorcycle use as a legitimate form of transportation needs to also examine motorcycling use as part of a multi-modal journey strategy. While some studies have initiated discussion on the function of multi modal travel, more is required to find out how motorcycles are combined with other transport modes such as rail or car and what inhibitors exist to extending motorcycle use on such journeys, particularly in regard to work travel where issues such as congestion impact more heavily.¹⁶
- Cultural acceptance of motorcycle use as a mainstream form of transportation relies on the integration of motorcycle policy in broad transport policy, road infrastructure and management initiatives. VACC support such integrated policy. Overseas, the inclusion of motorcycles as an integral part of government transport policy planning has been actively promoted¹⁷

The UK Government's ten year transport plan recognises the role of P2Ws in terms of efficient road use and as a cheaper transport alternative. Its Transport Energy Best Practice Programme released a Travel Plan Resource for employers to promote the benefits of lower running costs and quicker travel by P2Ws for work travel. Other incentives to encourage workers to motorcycles include the provision of safe and secure parking, changing /storage locker facilities, interest free loans and safety training.

- VACC also recommends the provision of National guidelines and codes of conduct regarding safe filtering activity for motorcycle riders e.g. hazard lights to warn other motorists of rider intention to move.

¹⁶ Advisory Group on Motorcycling 2004 Final Report to Government www.dft.gov.uk

¹⁷ Advisory Group on Motorcycling 2004 Final Report to Government www.dft.gov.uk

Riding on Motorcycles Rule 271

VACC recommends this rule prohibiting children under the age of eight to ride with responsible motorcyclists be reviewed for the following reasons:

- As children on bicycles may ride with anyone providing appropriate head gear is worn, VACC are concerned about the consistency of applying Rule 271 to motorcycles without similar restrictions for other road users such as bicyclists.
- The current provision of appropriate head gear for young children on motorbikes complies with road traffic management policy and promotes safety standards within the motorcycling fraternity. As motorcyclists and bicyclists are vulnerable road users, the current provision of children's motorcycle safety head gear allows for responsible and continued road safety outcomes.
- Furthermore, age limit compliance is difficult to enforce as it may require all children to carry proof of age if stopped by enforcement agencies. A prescriptive age parameter does not allow for physiological variations within an age limit and therefore further research is recommended to clarify appropriate compliance requirements of young passengers.
- In addition, compliance in keeping both feet on pillion passenger footrests as in Rule 271 (b) is centred around physical size rather than age as children can present in a range of heights and physical strength that will determine their ability to ride as a pillion passenger. Creating guidelines will contribute to shared community understanding of the responsibilities of motorists, motorcyclists and other road commuters in regard to safety. It will also offer consistency in enforcement and compliance.
- This rule is unlikely to be observed by those are determined to carry a child as a pillion passenger given the low incidence of children as pillion passengers. Thus, the proposed law is likely to have limited impact or even be ignored. VACC recommends that motorcyclists and bicyclists be informed of the risks associated with the carriage of young children as pillion passengers. Best practice in protecting children in traffic from the OECD emphasizes road safety education for children at all school levels, driver education/legislation in regard to passenger responsibility and appropriate publicity/education campaigns.¹⁸ Additionally, if such an action is deemed reckless, will current laws which prohibit reckless riding apply to the carriage of young pillion passengers on both motorcycles and bicycles?

¹⁸ OECD 2004 'Keeping Children Safe in Traffic' <http://titania.sourceoecd.org>

Appendix

**National Transport Commission
Proposed Australian Road Rules Amendments Package Rules 151A & 271**

4.34 Riding a motor bike alongside a vehicle – New rule 151A

This rule intends to prohibit motorcyclists from overtaking by splitting lanes. i.e. overtake or pass another motor vehicle (except a motor bike) in the same lane as the other motor vehicle. *Australian Road Rules Amendment Package 2005 Draft RIS Page 17*

Proposed motorcycle measures

Impact: The proposed amendment is expected to impact on the current behaviour of motor bike riders, in that they will not be able to overtake by splitting lanes, but will have to move into an adjacent lane to overtake. Although delay times for motor bike riders are expected to be minimal, some opposition can be expected from the motor bike fraternity, as it involves a change of behaviour. Nevertheless, the proposed amendment is expected to gain the support of the general motoring community and remove the crash risk to motor bike riders engaging in the practice.

Costs: The costs imposed by this amendment are those that accompany the making of amendments, education of motor bike riders and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review. Additional costs may also be seen in minimal time delays and prosecution costs for riders breaching the new rule. However, it is not possible to quantify a monetary value, as it is not possible to estimate how many motor bike riders currently split lanes, and how many will continue to do so after the introduction of the new rule.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. Furthermore, a general reduction in crash risk is expected which will benefit not only the rider, but also his/her family and drivers directly involved when passed, at a very close distance, by a motor bike.

4.58 Riding on motor bikes – Rule 271

Rule 271 describes how riders and passengers must travel on motor bikes, including in sidecars. However, the rule does not require a passenger in a sidecar to be seated safely. It is intended to require a passenger using a sidecar to be seated safely.

Additionally, concerns have been expressed by many jurisdictions regarding the carriage of children on the pillion seat of motor bikes, an inherently dangerous practice. It is also intended to prohibit a child under eight years of age from riding as a passenger, unless in a sidecar.

Furthermore, an anomaly has been identified that a person pushing a motor bike would be in control of the vehicle and could be said to be the rider (dictionary definition of rider). If a person was pushing a motor bike, they cannot also be expected to sit astride the rider's seat, etc.

The proposed amendment seeks to create an offence for both the rider and passenger of a motor cycle should the passenger not be seated properly in the sidecar, and prohibit the carriage of a child under eight years of age, unless in a sidecar. It also seeks to exclude a person pushing a motor cycle from the requirement of sub rule (1).

Impact: The community expects passengers in sidecars to be safely seated, and in most instances this is the case. However, the wayward passenger and rider need to realise unsafe behaviours will not be tolerated. The community is also fanatical about child safety and expects that irresponsible behaviour by riders will not endanger children. As riders in both these categories are in the minority, it is not expected there will be any adverse impact on road users generally.

Costs: The only costs imposed by this amendment are those that accompany the making of amendments, education and advice to enforcement agencies. It is expected that the latter cost will be absorbed in existing processes that provide contemporaneous legislative review.

Benefit: The benefits are to achieve a cohesive set of rules that reflect community needs and expectations, which will assist in reducing road trauma. It will also provide greater protection where passengers of motor cycles are concerned.

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