

VicRoads

Promoting a Safe Riding Culture

Consultancy Report

July 2010

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Disclaimer: This report is our best interpretation of the content of the discussions held, however various stakeholders may have conflicting views on some of the issues.

1 Background

In March 2010, VicRoads submitted a proposal to the Victorian Motorcycle Advisory Council (VMAC) to conduct a number of actions relating to 'Promoting a Safe Riding Culture'. The proposal was not endorsed, with VMAC requesting a first stage of consultations be conducted to inform the project scope.

The actions in the VMAC proposal were taken from two documents:

- *Victoria's Road Safety and Transport Strategic Action Plan for Powered Two Wheelers 2009-2013*, launched in August 2009.
- *A Motorcycle Protective Clothing Communications Audit*, conducted by a communications consultancy for VicRoads in June 2009.

Victoria's Road Safety and Transport Strategic Action Plan for Powered Two Wheelers (PTW) 2009-2013

This plan identifies the importance of improving rider's awareness of the risks associated with riding and a rider's vulnerability in a crash. It also identifies the need for riders to take responsibility to minimise and manage the risks associated with on-road riding.

One of the initiatives in the rider responsibility section of the plan involves working with the media, rider associations and clubs, and the PTW industry to develop a more safety focussed culture and attitude amongst riders. Three actions in the plan are associated with this initiative:

- Identify methods for encouraging the media to depict safe PTW riding practices and not irresponsible behaviours.
- Engage with riders' associations, clubs and the PTW industry and media to promote safety to riders and discourage irresponsible riding.
- Engage with the PTW industry to develop and implement a code of conduct for retailers around encouraging buyers to choose vehicles suited to their level of skill and experience, as well as to wear appropriate protective riding gear.

Motorcycle Protective Clothing Communications Audit

Two of the recommended high priority actions arising from this report are closely aligned with PTW Action Plan.

- A code of conduct to be introduced, possibly in conjunction with VACC and FCAI that would govern how images of motorcyclists and scooter riders are portrayed in imagery. This would include websites, magazines, adverts etc.
- Create a retailer code of conduct for promoting and selling protective clothing.

2 Aims

The aims of this project were to identify and engage with relevant stakeholders in the PTW industry to:

- Identify current actions being taken in relation to promoting a safe riding culture.
- Identify any gaps between actions identified in the PTW plan and protective clothing audit and those being undertaken and proposed.
- Identify the actions to promote a safe riding culture various parts of the industry believe are appropriate.
- Determine how best to engage various stakeholder groups to endorse such actions.

The key areas addressed were:

- How motorcyclists and scooter riders are portrayed in the media, how best to promote responsible riding practices and discourage irresponsible riding in the media, including advertising, newspapers, magazines, websites.
- Promotion and sale of protective clothing.
- Promotion and sale of vehicles suited to the level and skill of the rider.
- Development of communications materials to promote a safety focussed culture among riders (for inclusion in club newsletters etc).

3 Method

Face to face meetings of around one and a half hours duration were held with eleven PTW stakeholders identified by VicRoads.

The individuals and organisations consulted are outlined in Attachment 1.

A VicRoads representative attended each of the meetings.

Several follow-up contacts were made by telephone and email, to obtain relevant documents and to clarify issues.

4 Key Issues

4.1 Licensing requirements and associations for PTW distributors and retailers

Licensed Motor Car Traders (LMCTs)

In Victoria, sellers of registered new and second hand motor vehicles including motorcycles and scooters intended for on-road use must be licensed and thereby have obligations under the *Motor Car Traders Act 1986* and the *Motor Car Traders Regulations 2008*.

Among other requirements, the *Motor Car Traders Regulations 2008*, require Licensed Motor Car Traders (LMCTs) to give buyers a form (Form 4 *Cooling-Off Rights and Waiving Your Cooling-Off Rights*) before the buyer signs a sale agreement for a new or used vehicle.

More information can be found at www.bla.vic.gov.au

The Federal Chamber of Automotive Industry (FCAI)

The FCAI is the peak industry organisation representing the automotive industry in Australia. The FCAI's membership is voluntary and comprises the major importers and distributors of passenger, light-commercial and four-wheel drive vehicles and motorcycles in Australia.

Membership covers approximately 60% of the brands and 90% of the product of motorcycles, scooters and ATVs brought into Australia. Importers and distributors of unregistered, mini, fun and 4 wheel drive products that are distributed through non-conventional outlets are not generally FCAI members and therefore not subject to its codes of practice and other requirements.

More information can be found at www.fcai.com.au

Australian Scooter Federation (ASF)

The Australian Scooter Federation (ASF) is a voluntary organisation representing importers and distributors of motor scooters into Australia.

The ASF is a member of the FCAI.

More information can be found at www.scooterfederation.com.au

Victorian Automobile Chamber of Commerce (VACC)

The VACC is a voluntary automotive trades employer association and represents retailers and repairers of importers and distributors in Victoria that are normally appointed under franchise agreements. The VACC estimates that it represents approximately 60% of PTW retailers in Victoria.

More information can be found at www.vacc.com.au

4.2 Actions currently being undertaken in relation to promoting a safe riding culture

Overview

The consultation meetings indicated that the following work is already being undertaken in this area:

- The FCAI has an existing Code of Practice for Vehicle Advertising and has gone some way to developing a general member Code of Conduct for its Motorcycle and Scooter Dealers.
- The Australian Association of National Advertisers (AANA) has a Code of Ethics which requires that advertising or marketing communications for motor vehicles complies with the FCAI Code of Practice for Vehicle Advertising.
- The TAC is developing guidelines for use of vehicles and motorcycles in advertising.
- Several organisations provide information, training or advice about protective clothing to motorcycle and protective clothing retailers.
- Training organisations provide varying levels of information about protective clothing to new and returning riders participating in their programs.
- VicRoads and the TAC have developed several brochures about appropriate protective gear and selecting a suitable motorcycle or scooter. Several other resources, which were considered to have particular merit, were also referred for our attention.
- FCAI members will be required to distribute a rider safety DVD with each registered motorcycle sold, when they sign up to the Code of Conduct being developed.

General advertising and media

AANA Code of Ethics

The Australian Association of National Advertisers (AANA) has a Code of Ethics which aims to ensure that advertisements are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and with a fair sense of responsibility to competitors.

Compliance with this code is administered by the Advertising Standards Board (ASB). It was noted during the consultation meetings that compliance with the code relies on public complaints, and that the Board does not 'screen' advertisements prior to public release.

While the code is of a general nature, relating to ethics and decency, section 2.7 ensures that advertising or marketing communications for motor vehicles (including motorcycles) complies with the FCAI code of practice (see following page for detail).

TAC Guidelines for Use of Vehicles and Motorcycles in Advertising

The TAC is developing guidelines which advertisers can use when depicting vehicles, including motorcycles and scooters in advertising and other media. The project has not yet commenced, however it is anticipated that the guidelines will cover appropriate wearing of protective clothing and conspicuity issues.

Promotion and sale of vehicles

FCAI Voluntary Code of Practice for Motor Vehicle Advertising

The FCAI has a Voluntary Code of Practice for Motor Vehicle Advertising. The primary purpose of this code is to provide guidance in relation to advertising, relating to images, themes and messages relating to road safety.

The code applies to all forms and mediums for advertising motor vehicles in Australia, including television, radio, print media, cinema, billboards and Australian domain internet websites. It covers the following areas: unsafe driving, driving at speeds in excess of speed limits in the jurisdiction in which the advertisement is published or broadcast, unsafe practices while driving (including using hand-held mobiles or not wearing seatbelts and **motorcycle riders and passengers not wearing helmets**), driving while apparently fatigued or under the influence of alcohol or drugs, and deliberate environmental damage.

Assessment of compliance with the code is administered by the Advertising Standards Board (ASB). The ASB reviews all public complaints made against advertisements for motor vehicles under the terms of the code and withdraws advertisements which are found not to comply.

Under the definitions, the term 'motor vehicle' includes motorcycles. However, issues specific to advertising motorcycles and scooters, such as wearing protective clothing are not explicitly covered.

FCAI Code of Conduct: Industry Best Practice for Motorcycle and Scooter Dealers

The Federal Chamber of Automotive Industry (FCAI) is currently finalising a code of practice document for its members.

In signing up to this Code of Conduct, members will agree to abide by and comply with the document and apply the code as the standard they expect from their respective dealers to ensure compliance with their legal and safety duties.

The draft document indicates that the code will also be issued to non-FCAI importers with a strong recommendation that they comply with these requirements.

Section 2.4 of the draft Code prevents the sale of motorcycles or scooters where the intended rider does not hold the requisite licence class for that motorcycle or scooter.

The draft Code states that irrespective of the purchaser's or intended riders' motorcycle or scooter licence class, the dealer must complete a Motorcycle/Scooter Purchaser Disclosure Form which records the intended rider's licence details and any restrictions applied to the intended rider's licence. The form also requires the dealer to indicate that they have provided the purchaser and the intended rider each with a copy of a 'Rider Safety Instruction Kit'.

Section 2.9 indicates that the Dealer must also supply the intended rider with a 'Rider Safety DVD'.

Discussions with the FCAI provided the following information about the DVD:

The FCAI is continuing to produce a DVD called *Riding On* which was originally made by the Australian Transport Safety Bureau (ATSB) and is now being distributed by FCAI

members with each registered motorcycle sold. The Australian Scooter Federation (ASF) has developed a DVD called *Scootering On* but does not have funding for its production. The FCAI members that distribute ATV's distribute a DVD called *You and Your ATV* with each new ATV sold.

At the time of preparing this report, we were not able to obtain any further information about what is intended to be included in the 'Rider Safety Instruction Kit'.

Promotion and sale of protective clothing

No specific codes of conduct appear to exist.

Information about protective clothing is provided in various ways to dealers and to riders via some training programs and various brochures and DVDs produced by VicRoads, TAC and the PTW industry. At this stage the production and distribution of this information does not appear to be co-ordinated or consistent.

Dealer programs

During the consultation meetings, three separate programs were mentioned in which various organisations provide information to motorcycle dealers and sellers of protective clothing.

- The TAC has a Retailers Program where sellers of protective clothing are visited twice yearly, just prior to the start of the riding season (August) and during the season (February) to talk about road safety issues and to distribute road safety materials. About 160 separate protective clothing retailers are included in the program. However, retailers that only sell motorcycles and helmets but do not have a range of protective clothing, are not included.
- Honda has a program where its dealers are trained to provide suitable safety information and advice to novice and returning riders.
- Draggin Jeans visits retailers that stock its products, to explain how to sell its protective gear.

The retailer we spoke to indicated that sales people generally use their own expertise when selling protective gear. At Peter Stevens, the rider/ potential purchaser is provided with an A4 checklist of all protective items with tick boxes indicating the gear they have selected (and by default, what they have not selected) and a written quote for these items.

Rider training programs

Some rider training programs provide material about protective clothing during the classroom component of the training:

- HART has produced its own material (PowerPoint presentation) which provides advice about appropriate protective gear for summer and winter.
- DECA distributes existing brochures produced by VicRoads and the TAC (*Get Your Gear On*, *Chasing the Dream* and *The Right Stuff*).
- It was mentioned during the meeting with training providers, that some rider training organisations do not put any emphasis on protective clothing.

Communications materials

In addition to the previously mentioned materials produced by VicRoads, TAC and the PTW industry, three additional resources which are considered to have particular merit, were mentioned during the consultation meetings:

European protective clothing booklet

European Safer Urban Motorcycling (eSUM) and the UK Motor Cycle Industry Association (MCIA) have produced a booklet titled *Protective Clothing for Riders*.

eSUM is a collaborative initiative between local authorities of European motorcycling cities, motorcycle industries and universities.

The booklet provides detailed information about appropriate protective clothing for motorcycle and scooter riders, including fit and suitable material of various items for protection and visibility.

The information includes a 'protection factor' derived from data from a research study: MAIDS (Motorcycle Accidents In-Depth Study) which examined 921 PTW crashes (on-site) across five countries over three years. The protection factor indicates the proportion of accidents investigated in the research study in which the particular protective item was considered to have mitigated or prevented injury.

This style of information (including the research based rationale) is favoured by the motorcycle industry which is obtaining permission to use it in Australia.

More information can be found at www.esum.eu

NHTSA Website

The United States National Highway Traffic Safety Administration (NHTSA) has produced a Motorcycle Safety Awareness Planner which provides safe riding imagery and promotional materials for motorcycle clubs and other organisations to use and modify to fit local needs and objectives.

More information can be found at <http://trafficsafetymarketing.gov/motorcycles/ShareTheRoad/index.cfm>

The Good Gear Guide

In Australia, Liz De Rome Consulting has prepared a guide to choosing protective clothing which is available on the Department of Infrastructure website:

http://www.infrastructure.gov.au/roads/safety/publications/2009/good_gear_guide.aspx

4.3 Gaps between the work currently being conducted and the actions outlined in the PTW plan

Advertising and media

Use of motorcycles and scooters in the media

Issues specific to advertising motorcycles and scooters, such as wearing protective clothing are not explicitly covered in the existing codes.

The codes in existence do not appear to address the use of PTWs in advertising where the vehicle is not being advertised (ie a watch is being advertised by someone sitting on a scooter not wearing protective gear).

Unregistered PTWs

Concerns were raised by industry groups that the existing codes do not cover unregistered vehicles such as off-road motorcycles, ATVs (four wheeled motorcycles) which are generally used on farms and 'monkey bikes' (small low-powered mini bikes).

Instances were cited where advertising had displayed images of ATVs with adult and children riders not wearing helmets or other protective clothing.

Reliance on complaints process

It should be noted that the codes rely on a complaints process for their implementation.

Promotion and sale of vehicles and protective clothing

FCAI Draft Code

The draft FCAI Code does not go as far as encouraging buyers to choose vehicles suited to their level of skill and experience, as outlined in the *Strategic Action Plan for Powered Two Wheelers*.

It is not clear to what extent the draft FCAI code addresses the issue of protective clothing. This will depend on what information is included in the 'Rider Safety Instruction Kit'.

Non FCAI members

The codes currently being developed and in existence do not cover:

- The sale of motorcycles and scooters by non-FCAI members which may include second-hand dealers, some importers and by private sale.
- The sale of protective clothing by clothing retailers that do not sell motorcycles or scooters, the sale of protective clothing online and by clearance warehouses.

During the discussions, it was also mentioned that some motor vehicle dealers that primarily sell cars but also that sell motorcycles and scooters, do not sell any protective gear. Hence purchasers at those outlets may not be receiving any guidance about appropriate protective clothing.

Communications materials

The following riders appear to be missing out on the protective clothing message:

- Those who obtain their motorcycle learner permit or licence from a training organisation that does not provide a protective clothing message.
- Those who purchase a motorcycle or scooter privately or from a second-hand/non-FCAI dealer or from a retailer that does not sell protective clothing.
- Those who do not identify as part of the motorcycle culture (not in motorcycle clubs or do not read motorcycle magazines or websites). Scooter riders are generally in this category.

A recent research study commissioned by the TAC (Ipsos – Eureka and I-view, 2008) found that some riders owned protective gear but were not wearing it at the time they were involved in a crash. These findings suggest that messages to current riders need to focus on wearing existing gear, rather than purchasing gear.

4.4 Opportunities to promote a safe riding culture

Codes of Conduct

1. VicRoads together with VMAC to work cooperatively with the PTW industry to provide input to finalise the FCAI Code of Conduct for its Motorcycle and Scooter Dealers.

This work should identify how gaps between the content of the draft code and the *Strategic Action Plan for Powered Two Wheelers* can be addressed.

Key issues to be considered include how best to address encouraging buyers to choose vehicles suited to their level of skill and experience, particularly when returning to riding, and the selection and wearing of appropriate protective gear (refer also to item 10).

2. Consider how non-FCAI member retailers that sell PTWs could best be encouraged to comply with a code of conduct.

As all LMCTs are required to provide buyers with cooling-off information, this opportunity could be utilised to require them to provide additional motorcycle safety and protective clothing information.

Another opportunity may be for the licensing requirement for Motor Vehicle Traders to include a requirement to adhere to a code of conduct.

Consumer Affairs Victoria should be consulted on these issues.

Other issues to be considered in developing codes of conduct:

- Stakeholders generally held the view that voluntary codes of practice or guidelines were preferable to mandatory codes and that these were best developed and managed by the industry, rather than mandated by government.
- Several of the stakeholders interviewed commented that they would like to see a rationale for the wearing of protective clothing underlying communications and code of practice documents. Such data may be found in the European MAIDS *Motorcycle Accidents In-Depth Study* and the report recently commissioned by the TAC titled: *Motorcycle and Scooter Rider Client Research Project*.

Advertising and media

3. Work with the TAC to promote the Guidelines for Use of Vehicles and Motorcycles in Advertising when these have been completed.
4. Explore opportunities to incorporate the guidelines developed by the TAC into the FCAI Voluntary Code of Practice for Motor Vehicle Advertising and the AANA Code of Ethics, to ensure that wearing protective clothing is explicitly covered.

Professional development for training providers and retailers

5. Consider developing professional development modules for motorcycle and scooter training providers to assist them to promote and discuss with riders undertaking training programs, choice of suitable vehicles and appropriate protective gear.

Consideration could be given to making this professional development a requirement for being a VicRoads Accredited Provider.

To make the professional development engaging and interesting, manufacturers and importers could be approached to participate by providing examples of gear and participating in discussions.

6. Examine the various types of training currently provided to motorcycle and clothing retailers (by TAC and clothing and vehicle manufacturers) to identify what is covered, what gaps exist and whether various training programs might be able to be coordinated.
7. Consider developing professional development or training programs for retailers that are not currently participating in training programs eg second hand motorcycle traders, scooter traders, vehicle dealers that primarily sell cars but also that sell motorcycles and scooters.

Communications materials

8. Prior to developing new communication materials, the existing materials and distribution should be reviewed to ensure that messages are consistent and that all target groups are covered.
9. The stakeholders consulted provided feedback that to be most effective material needs to be:
 - Engaging and interactive, where possible.
 - Address requirements in different weather conditions.
 - Show riders looking fashionable, hip or cool.
 - Present positive messages of motorcycling and scooter riding, rather than criticise riders who do the wrong thing.
 - Include a clear rationale for wearing protective clothing and selecting a suitable motorcycle or scooter.

Rider Training

10. In conjunction with professional development, develop and provide materials to rider training providers to deliver during rider training programs. The material should cover selection of suitable motorcycles for the rider's skill level and appropriate protective clothing for various weather conditions.

Again, consideration could be given to making the inclusion of this material in training programs a requirement for being a VicRoads Accredited Provider.

From stakeholder discussions it is envisaged that communications materials would best be produced in the form of an engaging PowerPoint presentation to be used in the training course, simple printed materials participants could take home with them and references to appropriate websites.

Point of sale

11. Consider developing a short simple brochure/checklist retailers could use at the point of sale to sell summer and winter protective gear.

Manufacturers and retailers commented that communications need to be targeted at consumers as well as retailers, to maximise demand for protective gear.

12. The draft FCAI Code of Conduct requires its members to provide a 'Road Safety Instruction Kit' and a Rider Safety DVD to intended riders of the motorcycles or scooters they sell.

Consider how best to work with the industry to review and maximise the effectiveness of these materials.

Motorcycle clubs

13. Training organisations and rider clubs thought it would be useful for VicRoads to make available material about responsible riding practices, protective clothing and selection of suitable gear which could be distributed to riders, via their online newsletters.

The NHTSA online Motorcycle Safety Awareness Planner could be considered as a guide.

<http://trafficsafetymarketing.gov/motorcycles/ShareTheRoad/index.cfm>

To be most effective, this information and support would be ongoing, addressing different issues over time.

As a recent TAC study identified that some riders were not wearing protective gear when they crashed, this issue could be a good angle for initial messages.

General media

14. To target riders who do not belong to clubs or read motorcycle magazines, protective gear messages could be placed in low cost general media, such as local newspapers and council newsletters.

This may be particularly useful as a way to communicate with scooter riders who have a low incidence of wearing protective gear and little affiliation with motorcycle clubs. Communications could then be targeted at inner suburbs with a high incidence of scooter riders.

Attachment 1: Stakeholders Consulted

Face to face interviews

Transport Accident Commission

Samantha Cockfield

Industry Groups

FCAI Rhys Griffiths

VACC Peter Dunphy

Australian Scooter Federation Hollie Black

Training Organisations

Honda Mark Collins

DECA Ian Meares

Retailers/Importers

Draggin Jeans Fiona McIntosh

Peter Stevens Mark Boag

Monza Imports Bernie Nolan

Scooter and Harley-Davidson retailers were invited but did not attend

Clubs and other organisations

Ulysses Andrew Luck

Independent Cameron Cuthill

Telephone interviews

VMAC

Neil O'Keefe

Consumer Affairs Victoria

Albert Bonella