

Submission to the Parliamentary Road Safety Committee

Inquiry into Motorcycle Safety

Introduction

Thank you for the opportunity to make a submission to this inquiry. My submission is made from the dual perspective of a road-going motorcyclist of 26 years' experience and a professional consultant, specialising in public policy and regulatory issues and, in particular, in regulatory impact assessment. I believe that the combination of these two perspectives enables me to provide useful insights into the issues being addressed by the committee in pursuit of its terms of reference.

The submission is organised in terms of the terms of reference for the inquiry. Time limitations have meant that I have not been able to address all terms of reference or to provide as much detail as I would like in all cases. However, I would be pleased to attend a committee hearing in person to expand on the points made here, if requested to do so.

Trends over time in crash types

A sound understanding of this issue is essential to provide an adequately informed background for the consideration of specific policy issues and proposed interventions. Personal observation indicates that press reporting and statements by various participants in the road safety debate very often fail to contribute to a sophisticated and balanced analysis of motorcycle related fatalities, injuries and accidents, and trends over time. In particular, reporting of these issues has often failed to acknowledge the extent of the safety improvements that have occurred over time, while the relative risks of motorcycling are frequently over-stated. This lack of balance has tended to create a perceived imperative to "do something" and a consequent willingness to entertain poorly conceived policy initiatives that are unsupported by evidence and, thus, cannot be shown to be likely to be effective in addressing identified issues.

Fatality trends

A key issue which appears to underlie the above dynamic is that the number of motorcycles in use has risen very rapidly in recent years. This means that there has been a gradual increase in the raw number of motorcycle-related fatalities in a context in which fatalities among all road users has fallen. Thus, motorcyclist fatalities Australia-wide¹ fell from 262 in 1990 to 176 in 1999, but then increased to 225 in 2009. This increase of 27.8% in motorcyclist fatalities between 1999 and 2009 occurred in a context in which all road user fatalities fell from 1764 to 1507 - a reduction of 14.6%.

However, considered in terms of the more policy-relevant metric of the *fatality rate*, the picture is quite different. The number of deaths per 100,000 registered motorcycles declined from 52.7 to

¹ All data are drawn from the ABS. Relevant publications are Road Deaths Australia and the Motor Vehicle Census (various editions).

36.1 between 1999 and 2009, a fall of 31.6% in the fatality rate. The number of deaths per 100,000 registered motor vehicles (excluding motorcycles) fell from 14.8 to 10.0 over the same period - a fall of 32.2% in the death rate.

Thus, the fatality rate among motorcyclists has been declining at almost exactly the same rate as that for all road users over the past decade. This period is one in which there has been a general acknowledgement of the very strong road safety performance recorded across Australia. It is important to acknowledge that this substantial improvement in road safety performance has extended to the motorcycling sector.

The fact that the motorcycling sector has matched the overall improvement in road safety performance can be considered remarkable in the light of two factors:

- The scope for improvements in secondary (or passive) vehicle safety is substantially less in the case of motorcycles than passenger cars. Major innovations in the passenger vehicle sector such as a proliferation of airbags, seatbelt pre-tensioners, etc have contributed significantly to improved safety outcome in this sector, and yet equivalent improvements are essentially unavailable in motorcycling; and
- The rapid rise in registered motorcycles indicates that there has been massive entry to the sector. This inevitably means that the average experience level of motorcyclists has fallen over the past decade, due to the large number of novice motorcyclists and "returning" motorcyclists with heavily degraded skills who have taken up motorcycling over this time. Given that accident rates fall with increasing experience², the fact that fatality rates have declined strongly in the face of decreased average experience levels is evidence of still stronger performance than the raw data would imply.

A further point relates to the increased use of motorcycling as an alternative mode of transport, rather than simply a source of recreation, as highlighted in part B of the committee's terms of reference. A clear implication of the increasing use of motorcycles as a mode of transport is that the average number of kilometres travelled per motorcycle would be expected to be increasing significantly. In this context, the degree of safety improvement of motorcycles on a *per vehicle kilometre travelled* basis - the best possible standard of comparison - is clearly likely to exceed that of motor vehicles generally.

The above data clearly does not suggest that efforts to further improve motorcycle safety should not be undertaken. However, they indicate that, rather than the context being one of "crisis" and "rising deaths", it is one of steady improvement in safety performance that mirrors that of other vehicle types. This implies that careful consideration of further interventions is needed to both ensure that they are:

- adequately supported by an evidence base;
- respond directly to specific identified safety concerns; and

² See VicRoads (2010). Graduated Licensing For Motorcyclists: A Discussion Paper, December 2010, p 8.

- do not impose disproportionate restrictions or costs on motorcyclists as a whole or on particular groups of motorcyclists.

The attitudes of riders to safety and risk taking including drugs, alcohol, travelling at inappropriate speeds, use of protective clothing and fatigue

It is widely understood that, by comparison with car drivers, a much higher proportion of motorcyclists are enthusiasts. Underlying term of reference B is acknowledgement that motorcycling has historically been, to a large extent, a source of recreation rather than a mode of transport. A number of important implications flow from this recognition.

In particular, because they tend to be enthusiasts, motorcyclists have a high level of knowledge of motorcycling related issues and a high level of understanding of the risks involved. Moreover, for many motorcyclists, the attraction of the pursuit revolves to a significant extent around the thrill involved. The obverse of thrill, in any context, is risk. Motorcyclists, or at least the enthusiast subset, tend to understand and accept these risks. It is even reasonable to argue that they seek out these risks, or at least do not act consistently to minimise them. For example, recent survey-based research conducted by Vicroads, in which the author participated, found that a relatively high proportion of motorcyclists admitted a willingness to speed if they believed they were unlikely to be detected.

Recognition of this factor has important policy implications. First, it is appropriate to ask how far policy-makers should go to reduce the risk levels of a population that is, by nature, risk accepting rather than risk averse, as is the general assumption in public policy. Second, motorcycles are, in the jargon of road safety, "non-aggressive" vehicles. That is, while the uncontrolled motorcycle poses high risks for its user, it poses little risk to other road users: few indeed are the occupants of cars, trucks or buses who suffer injury or death due to motorcycle-caused accidents.

To broaden the above point regarding risk-acceptance into the realms of psychological speculation, it is reasonable to argue that motorcyclists as a group place a higher than usual value on autonomy and freedom of personal choice and decision-making. This is, perhaps, evidenced by the strong opposition that has been observed in the past to a number of safety-related legislative options, such as compulsory daytime running lights. As a personal example, prior to the introduction of this requirement for new motorcycles, I was a motorcyclist who used their headlight during the daytime in many circumstances in which I felt it contributed to my safety. However, particularly given the equivocal nature of the evidence supporting this policy, I objected to the use of daytime running lights effectively being made compulsory.

A number of proposals currently being considered by Vicroads can be expected to meet strong opposition on these grounds. Examples include suggestions that the wearing of protective clothing and/or high visibility clothing be made compulsory.

The efficiency and effectiveness of the accredited provider scheme in the delivery and administration of motorcycle licensing

Having obtained my Learner's Permit in 1984, I was an early user of the current scheme. I note recent press coverage, in which a number of these providers argue that current testing standards are too low and that they should be increased in order to prevent under-qualified riders reaching the roads and experiencing high accident rates.

It is clear that the skills taught and tested are relatively limited and it is therefore arguable that some increase in standards is desirable. However, personal observation suggests that these same providers who are currently complaining that they have "no option" but to pass relatively unskilled candidates will, in some cases, encourage failed candidates to return and seek further training - in circumstances in which it is often clear that the people involved display a fundamental lack of aptitude. This occurred in the case of my own learner group after a middle aged father had collided with a tree. Rather than being discouraged from pursuing his desire to become a motorcyclist, the instructor encouraged him to return the next week and assured that he would be able to pass.

Given this background, and my training as an economist, I necessarily suspect that a part of the motivation of these providers is to increase their own revenues through regulation that would increase the time required to pass the test and, hence, the fees that could be charged.

This raises the broader issue of the need to avoid adopting measures which unreasonably create barriers to people taking up motorcycling in the name of safety concerns. Recent press coverage reminds us that VicRoads officials testified to a Parliamentary road safety committee in the 1980s that they had a policy of avoiding any expansion in the provision of rider training as they wished to discourage motorcycling. While this policy has since been formally abandoned, a number of the proposals contained in the Vicroads discussion paper on graduated licensing (see above) could be interpreted as having this effect, even it may not be their explicitly stated purpose.

A particular example of concern is the proposal for completion of a minimum number of hours of supervised riding to be adopted as a pre-requisite for moving from a learner's permit to a probationary licence. Many learner motorcyclists do not have friends or family members with full motorcycle licences. For such learners, who would presumably need to pay for a professional supervisor, the cost of a requirement for even a relatively modest number of supervised hours could easily become prohibitive. For example, at \$50 per hour, completion of 120 hours of supervised riding (as required for car learner permit holders) would cost \$6,000. Even were "group" supervision to be allowed by such a scheme, large cost imposts would remain.

The effectiveness of the Motorcycle Safety Levy in improving rider safety in Victoria

I believe that the MSL is fundamentally inappropriate as a public policy intervention. The logic of the scheme, in which a specific group of road users is taxed in order to fund the reduction in risks that are wholly or partly specific to them is not applied, to the best of my knowledge, to any other road user group. This indicates that the MSL is fundamentally discriminatory against motorcyclists.

Further, there are significant questions as to the effectiveness of the expenditures funded by this scheme. Two of the four approved areas of expenditure are of particular concern: enforcement and enhanced information for decision-making.

As indicated on the "Arrive Alive" website sponsored by VicRoads³, part of the revenue raised by this levy is used to fund enforcement activities at motorcycle blackspots. That is, motorcyclists are being taxed in order to fund police enforcement on the roads. Again, no equivalent hypothecated tax is applied to any other road user group, to the best of my knowledge. I believe that there would be a fundamental lack of community consent, were car drivers to be faced with an additional registration levy to be used to fund speed camera enforcement at blackspots. That this policy has survived reflects the relatively small size, and limited lobbying capacity of the motorcycling community.

Second, a significant component of the "enhanced information" component is apparently directed toward placing signs on roadsides informing motorcyclists that they are entering a "motorcycle high risk area". These signs indubitably represent a total waste of the funds committed. Personal experience indicates that the signs are almost invariably placed along the high-interest roads that I, as an enthusiast motorcyclist, deliberately seek out. Indeed, for many motorcyclists, these signs function as positive indicators of roads that they should investigate as being likely to be especially rewarding.

The fundamental point is that such roads are rarely found on main routes and motorcyclists have, in general, deliberately chosen to ride on them. I am aware of the risk involved in riding these roads but, to return to the nexus between risk and thrill suggested above, choose to bear these risks. This is a decision involving calculated risk acceptance. The presence of these signs has virtually no bearing on my decision to ride these roads, or on the decisions of any other motorcyclists with whom I am acquainted. At the margin, the presence of one of these signs would incline us to continue down a particular road, rather than turning back. Thus, to the extent that they have any impact at all on motorcyclist behaviour, it would be in the direction of increasing motorcyclist usage of these identified "high risk" roads.

The ways government can work with non-government stakeholders to achieve motorcycle safety outcomes

As may be indicated by my decision to prepare a submission to the current inquiry, I believe that dialogue with non-government stakeholders is a key tool promoting better policy outcomes. I understand that the Minister for Transport has recently abolished the former Victorian Motorcycle Advisory Council and intends to constitute an alternative advisory body. I applaud this decision, for one specific reason. This is that VMAC was a body entirely composed of members appointed on an *ex officio* basis. That is, all of the members regarded themselves as representatives of some stakeholder group. Even Ministerial appointees were, as I understand it, appointed from among such representatives.

³ <http://www.arrivealive.vic.gov.au/levyprojects>

While there is certainly nothing wrong with representatives of particular stakeholder groups being represented on such a body, the fact that the body was exclusively composed of such representatives was of concern, for two reasons. First, stakeholders necessarily bring a partial perspective to bear, based on the interests of their own group, rather than that of the whole. A collection of such partial perspectives does not necessarily sum to the adequate representation of all community views.

Second, and more importantly, the voice of the motorcyclist went effectively unheard. While a small number of members of VMAC represented motorcyclist groups, it must be borne in mind that these groups have small memberships, relative to the size of the motorcycling community, and very limited democratic legitimacy as a result.

I believe that a preferable model would be a council that included a substantial number of Ministerial, or even Governor-in-Council appointees who are selected on the basis of their ability to bring relevant expertise to bear. At some risk of immodesty, I might suggest myself as an example of the kind of person who would be eligible for appointment: a highly experienced motorcyclist who rides large annual distances, a public policy and regulatory specialist and a current and past board member and Governor-in-Council appointee.

New initiatives to reduce motorcycle crashes and injuries

As noted above, I believe that any new initiatives of this kind should, in common with all public policy interventions, be based on sound evidence and be specifically directed to address identified issues of concern. Consistent with this general approach, I suggest that the Committee should investigate the following areas for potential intervention.

Encouraging take-up of post-licence training

As noted above, VicRoads data show that motorcyclists' accident risk declines as their level of experience increases. For example, the data provided in the discussion paper on graduated licensing, referenced above, indicates that motorcyclists in their fourth year as a licence-holder have approximately half the crash risk of those in their second year. It can be inferred that skills relevant to avoiding accidents increase with experience.

This suggests that encouraging licence-holders to undertake advanced rider training would constitute an effective intervention, since it would enable specific skills of the greatest importance in improving the ability to avoid accidents to be acquired more quickly. It can be noted that offering discounts to policy-holders who undertake advanced driver training is a relatively commonly used strategy on the part of insurers of passenger cars. However, I do not believe that a similar approach has been adopted in the -much smaller - motorcycle insurance sector. Moreover, a larger proportion of motorcyclists do not insure their motorcycles comprehensively, given their lower average value than cars.

In this context, the government could consider providing positive incentives to undertake further rider training by offering discounts on registration renewals to participating motorcyclists. This could be done through a reduction of the TAC charge, a reduction in the registration fee itself or the reduction of removal of liability for the Motorcycle Safety Levy. I would suggest that the first or third options would be preferable, since both of these payments are explicitly "risk related".

A key benefit of adopting this policy would be that it is based on a positive incentive, rather than a sanction or restriction. As a signal of a more positive approach from government, this would be likely to be very well received by motorcyclists.

Safety programs directed toward scooter riders

Perhaps the largest single contributor to the increase in "motorcycle" registrations has been the very rapid increase in the popularity of motor scooters. This group is now significantly over-represented in fatality and serious injury statistics, as noted by VicRoads:

In 2007, motor scooters accounted for about 6.4 per cent of all registered motorcycles in Victoria, yet they comprised about 15 per cent of all killed or seriously injured motorcyclists.⁴

This suggests that scooterists are more than twice as likely to be killed or injured than motorcyclists per se. Despite this, there appear to be virtually no current government safety programs specifically devoted to scooterists.

It is important to recognise that the motorcycling community is divided into a number of "subcultures" in terms of motorcycle type and predominant user characteristics. Scooter riders represent a very distinct group, who share relatively few characteristics with the broader motorcycling community. Indeed, an important insight is that many do not regard themselves as "motorcyclists" as such, while there is a relatively low rate of migration from scooters to motorcycles per se.

This means that existing government safety messages targeted toward motorcycle safety have limited resonance with scooters. This, in turn, suggests that developing safety messages and programs directly targeted toward scooter riders could constitute an important area for achieving safety benefits. To the extent that such messages are considered to be effective in relation to motorcyclists, consideration of how they can be delivered in a way that better communicates with the scooterist audience is warranted. Moreover, the key differences between motorcyclists and scooterists should be weighed in order to allow new and modified safety messages to be developed specifically for this group.

Key characteristics of scooterists as a group are that:

- Most are new entrants to motorcycling;
- A high proportion use their vehicles for transport - particularly in the commuting context;

⁴ See VicRoads (2010). Graduated Licensing For Motorcyclists: A Discussion Paper, December 2010, p 8.

- Relatively few are enthusiasts in the sense that they take pride and pleasure in the level of their motoring skills and seek to improve them;
- There is a relatively low level of awareness of the risks involved in their pursuit; and
- There is, as a consequence of the above, together with a concern with image, a low propensity to wear protective clothing.

Following from the above, a number of initiatives could be considered. A key consideration is the need to communicate with this group directly, rather than viewing them as a subset of motorcyclists, since this is a view that is largely at odds with their self-perception.

The low level of use of protective clothing is a key issue. Notwithstanding that much scooter riding occurs at relatively low, urban speeds, there is still significant risk of death and serious injury, as the above VicRoads statistics indicate. Hence, there is substantial potential for protective clothing to reduce the severity and number of these injuries. The low current propensity of scooterists to wear such clothing suggests that action in this area could have significant impacts.

Action to raise risk awareness would also be likely to have a number of positive impacts. This could include causing scooterists to reconsider whether to ride in certain risky circumstances (e.g. in rain, in heavy traffic), or whether to ride at all. It could also encourage them to undertake further training and contribute indirectly to increased use of protective clothing. The purpose of such risk awareness raising should not be to "scare-monger" but rather to correct what I believe are distorted perceptions of the risks of scooter riding in relation to motorcycling and car driving. Despite the statistical evidence above, personal observation suggests that most scooterists regard motorcycles as being less safe than scooters.

Increasing driver awareness of motorcyclists

Governments have undertaken programs to increase car driver awareness of motorcyclists for some time. However, statistics still indicate that the driver of the other vehicle is primarily at fault in most multiple vehicle accidents involving motorcycles. Personal observation also suggests that the perception of motorcycles by other road users is often limited. This suggests that further effort is required in this area.

A related issue, raised in part D of the Committee's terms of reference is that of the attitudes of car drivers to motorcyclists, and vice versa. Observation suggests that the frustrations of driving in increasingly heavy urban traffic often incline car drivers toward an aggressive attitude to motorcyclists who are able to filter through stationary traffic and thus progress more quickly toward their destination. Action to confirm whether and to what extent this is the case and, if so, to seek to modify attitudes seems appropriate and potentially fruitful in this context.

Consistent with the general recommendation in this submission that policy interventions should be based on clear evidence, I suggest that the TAC should fund research into the issue of car driver perception of motorcycles in order to provide a basis for the design of more effective measures in this area.

Graduated Licensing

In December 2010, I was made aware of the VicRoads discussion paper on graduated licensing, referenced earlier in this submission. I forwarded a submission in response to this paper to VicRoads, notwithstanding that the closing date had passed a few weeks previously. I was informed by Mr Chris Brennan from VicRoads that, because the period for acceptance of submissions had expired, it would not be possible to include my input into the analysis of submissions then being prepared.

While this seemed relatively unsurprising at the time, I read earlier this month in The Age's feature article on motorcycle learner testing that VicRoads was still considering the responses to this paper, some seven months after I had forwarded my submission.

Given that there is considerable doubt as to whether VicRoads has been able to consider my submission, I have forwarded a copy with this submission, in the hope that the Committee may find its contents useful.

Conclusion

I applaud the fact that there has been increasing recognition on the part of governments in recent years of the positive role that motorcycles can play in terms of reducing traffic congestion and parking pressures, reducing fuel consumption and resource use more generally and providing positive recreational opportunities. However, I would underline the need for governments to translate this recognition into positive policies toward motorcyclists if the sector is to continue to grow and to increase its contribution in these areas.

In the context of the current inquiry, this leads to the need to adopt positive approaches to enhancing motorcycle safety, including encouraging better behaviour, rather than focussing solely on a regime of penalties and restrictions. It is essential that current and recent motorcycle safety performance be properly understood as the background to determining appropriate recommendations and that the level of risk acceptance among motorcyclists also be taken into account.

As noted above, I would be pleased to attend a Committee hearing to expand on the above points if requested.

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D.O.B. 5/22

