

# Submission on Graduated Licensing

## Background

This submission has been prepared by Rex Deighton-Smith, a public policy professional who specialises in regulatory impact analysis and is also a road motorcyclist with 25 years experience, currently covering approximately 10,000 km annually.

## Overview

The Discussion Paper is to be applauded for its inclusion of a Preliminary Impact Analysis and for its inclusion of relevant statistics and references to the appropriate research material. However, inadequate analysis of these statistics has meant that an inaccurate, or possibly misleading, impression is given of the environment within which the regulatory proposal is made.

Of particular importance is the fact that the data on the numbers of fatalities and serious injuries amongst motorcyclists is presented in absolute, rather than relative, terms. As acknowledged in the paper, both the number of registered motorcycles and the number of licensed motorcyclists has increased rapidly in recent years. This increase, which substantially exceeds the rate of increase in the number of drivers and registered cars, explains the slight increase in the proportion of total fatalities and injuries accounted for by motorcyclists and demonstrated in table 1 (page 8).

In fact, the numbers of both fatalities and serious injuries per registered motorcycle (and per licensed motorcyclist) have declined over the period. This fact is apparent from a comparison of figure 1 and table 1, and is confirmed by widely available national statistics. It is essential to understand that the context within which regulatory changes being considered is one of improving performance and not declining performance, as the text surrounding table 1 in the discussion paper suggests.

Secondly, the discussion paper highlights the fact that a very large proportion of the recent growth in the number of motorcycles and motorcyclists is accounted for by the rapid recent increase in the popularity of motor scooters. This, in turn, implies that a very high proportion of the novice motorcyclists who constitute the target for the proposed regulatory change are, in fact, motor scooter riders. The Discussion Paper itself also notes that scooter riders are very substantially overrepresented in the motorcycle casualty statistics, accounting for 15% of all deaths and injuries, while representing only 6.2% of registered motorcycles. While these facts are acknowledged, the discussion paper does not identify or discuss their policy implications.

While motorcycling encompasses a range of relatively distinct subcultures, scooter riders can be considered to be a group that is very clearly separated from motorcyclists *per se* in terms that are highly relevant to the current policy. One important observation is that scooter riders, unlike riders of small/LAMS motorcycles, are unlikely to progress to riding large motorcycles. Personal

observation and experience indicates that scooter riders see scooters as being conceptually distinct from motorcycles and that many, while happy to ride scooter, believe motorcycles to be unduly dangerous. Consistent with this, the experience with two wheeled transport of a large proportion of this group is that they ride scooters for a relatively limited number of years, before reverting entirely to 4 wheeled vehicles.

The discussion paper highlights the importance of protective gear, but does not separately analyse the behaviour of scooter riders in this regard. Casual observation indicates clearly that a far smaller proportion of scooter riders typically wears protective clothing than is the case in respect of novice motorcyclists. This is consistent with the above observation that many among this group regard scooters as being somehow less dangerous than motorcycles as a form of transport. It also implies that failure to wear appropriate protective clothing constitutes a very large part of the explanation for the observed over-representation scooter riders in terms of fatalities and serious injuries.

An important implication of these observations is that scooter riders should constitute a major focus for policy action. A second implication is that, since much of the problem is apparently related to a lack of information/understanding, alternative policy options that are based on public education campaigns (as widely used by the Transport Accident Commission) should be given serious consideration. Such programs are likely to be better targeted, less expensive and more effective than most of the GLS proposals contained in the paper.

Within this context it can be observed that there are particular challenges in reaching scooter riders. As this group do not identify as motorcyclists, communications through motorcycle media (e.g. major motorcycle magazines, displays at race meetings, etc) are unlikely to be effective. Instead, it is necessary to identify and focus on other, highly correlated subcultures.

## Response to specific GLS issues

This part of the submission responds to the specific questions posed in the Discussion Paper.

### **Q1: do you support the extension of novice rider restrictions from 12 months to 3 years?**

Such an extension could only be supported if there were clear evidence of an upward "blip" in accident/fatalities/injury rates occurring immediately after the completion of the current 12 months of novice rider restriction period. The data presented on page 8 of the discussion paper indicates quite clearly that this is not the case.

In the absence of any such transient increase in harms, occurring upon completion of the current novice restriction period, it does not appear possible to conclude that the existing restriction period is, in any meaningful sense, "too short". More specifically, there appear to be no grounds for believing that an extension of the current restriction period would be effective in reducing fatalities and injuries among second and third year licence holders.

Conversely, the extension of these restrictions, including zero BAC, prohibition on carrying APN and prohibition on riding a non-learner approved motorcycle would cause a substantial inconvenience and loss of riding pleasure (in the case of the latter restriction) to the affected motorcyclists. To the extent that additional restrictions are proposed to be introduced, these problems would obviously become more significant. *This being the case, it must be concluded that an extension of the novice rider restriction period would fail a benefit/cost test.*

Given this, I do not support this proposed initiative.

**Q2 & 3: do you support a more comprehensive and rigorous assessment of practical skills to obtain a motorcycle license/motorcycle learner's permit?**

In relation to learners permit testing, I believe there is some room for increasing the required testing standards. Given the impracticable nature of supervised riding arrangements for learners (see below) it is important that this group has acquired adequate skills at the time they first ride on public roads. Given that learners are not supervised, it can be expected that improving their skills would have a significant impact on their accident rates in the first few months of riding. However, consideration of more rigorous skills testing must take account of practicability issues. That is, the cost of obtaining the training needed in order to reach the required skill levels must not be so high as to be prohibitive and create an unreasonable barrier to becoming a motorcyclist. This is particularly important given the benefits of motorcycling in terms of being low-cost transport and environmentally favourable transport.

In relation to motorcycle licensing, I favour the reintroduction of an on road component, noting that motorcycle licence testing in Victoria was entirely on road based at the time that I obtained my motorcycle licence in 1984. On road testing clearly replicates the day to day riding environment and is therefore obviously superior to "range based testing" as a means of ensuring that the rider being tested has developed the requisite skills. Given that obtaining a licence puts the rider on the path to full, unrestricted licensing, it is appropriate to verify these skills in an on road environment.

**Q4: Do you support of the development of a rider specific hazard perception test?**

I do support the development of such a rider specific test, but believe that this test should be administered as part of the learner's permit process. Given that these tests are software/simulator based, a requirement for intending learner permit holders to practise these skills and reach the required proficiency level at this early stage of their training does not seem to be unreasonable. Moreover, the fact that learner permit testing is, almost of necessity, carried out in an entirely off-road environment underlines the importance of the hazard perception test as a means of attempting to ensure that this group is adequately skilled to survive in the on road environment.

**Q5: do you support including an extra test riders must pass to obtain a full licence?**

I do not support this proposal. This is because of my support, explained above, for a reversion to on road testing as the means of obtaining the initial (probationary) motorcycle licence. If the rider's on

road skills have been verified at this point, there seems to be little potential benefit in undertaking an additional test 1 to 3 years later. This is because:

- it is difficult to see that would be practically possible to arrange for testing of "higher-order skills", as suggested in the discussion paper.
- Even if these were practically possible, it is difficult to see that the risk levels of a rider who fails this test are significantly reduced by virtue of a maintenance of the restrictions applied to probationary licence holders. This point appears to be admitted in the discussion paper itself, which states on page 22 that the successful completion of such a test would not necessarily reduce crash risk.

**Q6: Do you support the introduction of a specific motor trike test?**

Yes, I support the introduction of such a test for the reasons outlined in the discussion paper. In particular, I would underline the potential benefits of such a test in enabling disabled former motorcyclists who are no longer licensed the opportunity to undertake this activity.

**Q7 & 8 : Do you support the introduction of mandatory training?**

I do not support the introduction of mandatory training. Requiring mandatory training is philosophically at odds with the approach taken nationally throughout the vocational education and training system, which is based on competency-based testing. That is, it is possible to obtain any qualification in the VET system without having undertaken any specific course of training. Underlying this approach is a recognition that outcomes are driven by skills possessed, rather than by training undertaken. That is, it is preferable to focus upon outcomes rather than inputs.

In a specific motorcycling context, many people become a highly proficient motorcyclists in an off-road context. Many of these groups may also have highly developed on road skills as a result of having a car licence. For such people, requiring completion of a mandatory training course is wasteful of their time and money.

**Q9: Do you support requiring a rider who fails to skills test to complete mandatory training before being retested?**

While I would personally see undertaking training in this context as being the most logical and appropriate response, I do not support making it mandatory. Provided that testing costs are met on a user pays basis, the person being tested should be free to choose the most appropriate means for them of reaching the required skill level.

**Q10: Do you support the introduction of a standardised training curriculum?**

I do not support this proposal. In my experience, motorcycle riding trainers are experts, but differ according to their views as to what should be taught as a priority, and how it should be taught. I believe that attempts to impose a curriculum bureaucratically are likely to be counter-productive, ad

as well as potentially substantially increasing the cost of training, with a likely negative impact on the participation rates and, consequently, upon safety.

**Q 11 & 12: do you support requiring learner riders to be supervised?**

I do not support this proposal, for two main reasons. Firstly, as the preliminary impact analysis contained within the discussion paper confirms, the cost of such supervision would be prohibitive, particularly if it was required to be undertaken by a licensed instructor. I do not believe it appropriate the government to effectively prevent large numbers of people from participating in motorcycling by imposing costs of up to \$6000 in the name of achieving what would probably be marginal improvements in novice rider safety.

Secondly, I do not believe that the supervised riding concept is likely to be effective. In contrast to the position in a car, it is difficult or impossible to provide real-time feedback to the learner rider. Moreover, even if supervision by a licensed instructor were not to be mandated, the majority of people would have difficulty finding another licensed rider to undertake supervision. Therefore, they would face the full cost of obtaining supervision from a licensed instructor. There would be obvious practical difficulties in terms of the lack of availability of a sufficient number of licensed instructors to undertake the required supervision, particularly in the early years of the operation of such a scheme.

Finally, I have indicated above my support for more comprehensive and rigorous skills testing and the adoption of a hazard perception tests as part of the motorcycle learner permit test. I believe that this constitutes a superior alternative means of ensuring that motorcyclists have the necessary skills prior to riding on public roads.

**Q13 - 14: Do you support the required wearing of vests to identify learner riders and instructors in the supervised riding context?**

Given my answers to the above questions, clearly I do not support this proposal. However, I would add that I could see little benefit in safety terms from the wearing of such tests.

**Q15: do you support a requirement for a learner rider to obtain a certain number of hours of on road riding experience?**

Consistent with my response to questions 7 and 8, above, regarding mandatory training, I do not support this requirement. Sufficiently comprehensive motorcycle licence testing will ensure that any learner rider being tested has obtained the skills required for licensing. In such a context, the question of over what time period these skills have been acquired is irrelevant. That is, the licence test is appropriately focused on outcomes, and not inputs.

**Q16: Do you support enhancing the capabilities of motorcycle training providers?**

As noted above, my understanding and personal experience suggests that the capabilities of these training providers are generally high. I would also be doubtful of the ability of bureaucratic

organisations to act effectively to ensure significant improvements, while avoiding having perverse impacts on training availability and the ability of competent training providers to practise their occupation.

**Q17: do you support the introduction of a plate to identify riders in the intermediate phase?**

I agree that it seems appropriate that novice riders with a car licence should be required to display a P plate, as their riding skills may still be relatively undeveloped.

**Q18: Do you support introduction of night-time riding restrictions in the learner phase?**

Although I am not familiar with the research purporting to demonstrate the safety benefits of this intervention, I am generally not supportive of it because of the potentially significant impact on the novice rider's social mobility, as acknowledged in the discussion paper. *A priori*, it appears unlikely that the safety benefit would be sufficiently large as to justify this cost.

**Q19: Do you support a ban on mobile phone use for all riders in the intermediate phase of riding?**

I strongly support a ban on mobile phone use for all motorcyclists. Recognising the substantially greater demands that motorcycling places upon riders' attention and concentration, it is clearly not appropriate that anyone should attempt to use a mobile phone while riding.

**Q20: Do you support towing restrictions for riders in the intermediate phase of licensing?**

Casual observation suggests that the incidence of motorcyclists towing is very low. Therefore, it does not seem likely that this constitutes a significant risk (in aggregate terms) that would justify further regulatory intervention.

**Q21: Do you support an automatic transmission restriction being placed on drivers who pass their test using an automatic vehicle?**

I do not support such a restriction. While a licensed rider attempting to master a manual transmission for the first time places themselves at risk on the roads, I would assume that such a rider would take the opportunity to practise the skill in an off-road environment first. Requiring them to potentially undertake further training, followed by an additional license test, appears to be an unduly bureaucratic response to this issue. This conclusion would be reinforced to the extent that it was proposed that such a rider, upon obtaining a manual transmission licence, would also need to again pass through the novice and intermediate licensing stages.

**Q22: Do you support a reduced demerit points threshold for all intermediate licence holders?**

I do not support this proposal. Given the very high levels of enforcement currently practised in Victoria and the very low tolerance levels applied in relation to speeding, for example, large numbers of licensed drivers and riders currently accumulate significant numbers of demerit points as a result of accruing a relatively small number of minor infractions. Placing intermediate licence holders at

substantially greater risk of licence loss as a consequence of a small number of such infractions does not seem reasonable. I note the discussion paper does not advance any purported safety benefits in relation to this proposal.

It is implicit in my response to that I also disagree with the current imposition of a lower threshold for P1 and P2 licensed drivers/writers.

**Q23 and 24: Do you support a requirement for learners and intermediate licence holders to wear clothing designed for motorcycling?**

I do not support making distinctions between different groups of riders in this regard. While I personally choose to wear full protective clothing in almost all cases in which I am motorcycling, I do not believe that this should be made compulsory. Rather, individual choice should be supported by education campaigns, as at present. The ruling principle here, as in relation to many of the other questions asked in the discussion paper, is that the consequences of poor choices are borne by the riders themselves, alone. That is, there is no significant incidence of externalities to provide a rationale to underpin the abrogation of personal choice.

It is also arguable that wearing full protective clothing in very hot weather increases accident risk by making dehydration and/or heat exhaustion a more likely outcome. Moreover, my choice to sometimes wear a less than full set of protective clothing on shorter, urban rides essentially reflects convenience benefits which, while intangible, should not be ignored in the decision-making process.

**Q25 - 28: Do you support requirements for novices/intermediates to wear high visibility jackets and to be required to ride with their lights on at all times?**

Consistent with the view expressed above in relation to protective clothing, I do not support drawing distinctions between different writing groups in this regard. I note, in relation to the "lights on" proposals that all motorcycles sold in Australia for more than a decade have been required to have the headlight hardwired so that is in the on position at all times that the ignition is switched on. This implies that there is little purpose in regulating a "lights on" requirement that would affect only a small group of riders who are both learners/intermediate and are riding older motorcycles.

Further, there is a significant danger that the suggested accumulation of visibility increasing measures for motorcyclists will have perverse impacts. That is, if motorists come to expect that motorcyclists will be wearing brightly coloured jackets and have headlights illuminated, will they take less care to look out for motorcyclists who are not thus equipped? Policy must also demand competent and careful behaviour from motorists.