

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Melbourne — 19 October 2011

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Witness

Mr R. Deighton-Smith.

The CHAIR — I would like to extend a welcome to Mr Rex Deighton-Smith, who has been a long-term contributor to the parliamentary process through parliamentary committees. By way of background, we received 68 submissions, numbered among them is yours, to the committee. We are going through the public hearing process, which provides the opportunity for key questions to be asked and balanced against competing issues. Hansard will be recording your evidence. You will get a copy of the Hansard transcript, please amend any typos and get them back to the secretary and staff so matters can be placed on the web in due course. We are in a position, as you would be aware, to take evidence in camera should that be required at the end of the day or at a later point in time. You have the benefit of parliamentary privilege, which will not extend beyond the room. I do not take it as being an issue today. Could members of the gallery keep their mobile phones turned off.

Mr DEIGHTON-SMITH — I should do that myself.

The CHAIR — Or turned down. We have 45 minutes or so to enable you to speak to your submission, upon which we will be in a position to ask a number of questions.

Mr DEIGHTON-SMITH — Thank you, Mr Chair. Good afternoon, committee members. Thank you for the opportunity to talk to you. I have a very brief PowerPoint slide presentation. They say it is a substitute for deep thought, but hopefully that will not prove to be the case here. I want to expand a bit on a few of the issues that I raise in my submission. I do not think that will take very long, and then I will be happy to answer any questions from the committee.

First I should explain who I am. Unlike many of the people you have heard this afternoon, I do not hold any official position in this area. My interest is in large part due to the fact that I have been a motorcyclist for a long time, nearly 30 years, and for at least the last several years — since my children got older — I have had the good fortune to be able to get out there and rack up quite a lot of kilometres. I also have a bit of a comparative perspective to bring to bear because I have ridden in about 20 different countries over the years, so what I see on the roads in Victoria I can benchmark against what I have seen elsewhere.

The CHAIR — Can you elaborate on which countries?

Mr DEIGHTON-SMITH — I have predominantly ridden in European countries. Some years ago I undertook a very extensive tour of Europe, as many of us do, and did that by motorcycle. I covered pretty much all of Western Europe and some parts of Eastern Europe. This was when there still was an Eastern Europe, before it all fell. I have also done some riding in places like Malaysia and Taiwan.

The CHAIR — What speed is allowed on the autobahn for a motorcyclist?

Mr DEIGHTON-SMITH — I believe that motorcycles were in the same position as cars. In the days when most of the autobahns were unrestricted, that applied to motorcycles as well, although I did once get fined in Czechoslovakia, as it was then, because I did not know that while cars were able to do 130 kilometres per hour, on their autobahns motorcycles were restricted to 80 kilometres per hour. I had a lovely motorcycle at the time and I saw all these Skodas passing me with impunity. It seemed a little unfair, but that is an indicator of how legislation sometimes does not favour — —

The CHAIR — You are not recommending 80 kilometres per hour for our deliberations?

Mr DEIGHTON-SMITH — I do not think so, no. I am also a cyclist as well as a driver. Having gone back to bicycles in the last few years, I feel more vulnerable on my bicycle than I do on my motorcycle. That is an interesting bit of benchmarking. If you ask most non-motorcyclists about vulnerable road users they would tend to regard motorcycling as among the least safe ways of occupying the roads, but I put a question mark over that. While many people are prepared to go around on their bicycles, I think the statistics demonstrate that it is a fairly dangerous place to be, and personal observation backs that up.

The other reason I am here is that I am by profession a public policy specialist. I am an independent consultant and have an economics background, so I have an interest in a wide range of public policy issues. I apply that kind of perspective to this issue of motorcycling as well.

Overheads shown.

Mr DEIGHTON-SMITH — My first slide I call ‘Crisis! — What crisis?’ The message here is that we need to make sure we understand the nature of the reality that we are seeking to deal with in making regulatory change. The reason I raise this is that I have become conscious in reading the press that many articles create an impression that motorcycling is not only dangerous but perhaps is becoming more so. I see articles that point to the raw numbers of fatalities rising from year to year, at different times, and unfavourable comparisons being made with fatality numbers in passenger vehicles. I think it is important to look beneath the surface and analyse those statistics a little better. As you would have been told already, there has been a substantial increase in the number of motorcyclists on the road over several years. We can crunch the numbers and ask: what is the fatality rate in terms of the number of deaths per registered motorcycle versus per registered car, and what is happening in terms of the trends over time? I was able to do this comparison over the last 10 years and, as you see, the rate of decline in fatalities has been almost exactly the same for cars and for motorcycles. It has declined by over 30 per cent in both cases. That is pretty important and I think it is quite remarkable because in many ways it is more difficult to improve motorcycle safety.

As you would all be aware, some of the big contributors to reductions in road fatalities and injuries have been passenger safety measures. You have got airbags and seatbelt pretensioners and so on. Most of these devices are either totally inapplicable to motorcycles or, to the extent that they can be applied, have been much slower in being brought into play. ABS was discussed a few minutes ago. It is out there. It has reached a point where the best motorcycle ABS systems are pretty good, but the proportion of motorcycles on the road that have ABS is very low by comparison with the proportion of cars. So this rate of improvement in motorcycle safety has occurred despite the fact that there are fewer levers that we can pull, if you like, in order to achieve that outcome.

It is also a corollary of the fact that there are growing numbers of bikes on the road and there are growing numbers of inexperienced riders. One of the statistics that VicRoads puts in its graduated licensing scheme paper which is actually reliable, in my view, is the one that shows that the longer you ride the better your safety performance is — the lower is your likelihood for having an accident or having a fatality. We have seen this improvement at a time when there are more and more relatively inexperienced people out there among the riding community. We are also seeing that a lot of people are taking up scooters. They are often using them for commuting — they are covering relatively high numbers of kilometres. If we look at it in terms of the number of kilometres travelled, that has probably been rising on a per motorcycle basis. Again the fact that the rate of fatalities has declined as much as it has is remarkable.

One other thing it is important to point out is that a high proportion of motorcycle fatalities occur among people who are unlicensed. The importance of that is that in a sense they are a bit beyond the reach of our policy tools. These are people who have chosen to operate outside the law and, in a sense, the fact that that group is included amongst motorcyclists distorts the statistics. While this is often remarked on, I found one statistic that gives a sense of how important this issue is. It comes from South Australia over a recent five-year period. As you see there, they found that 31 per cent of motorcycle fatalities involved people who were not currently licensed to ride the motorcycle they were on when they were killed.

The underlying point I am trying to make is that policy-making ought not to be done in an atmosphere of crisis. Performance in this area has been good, and that implies that we need to take a measured approach, as we hopefully do in most or all the areas of policy. I underline the fact that we need to see a strong evidence base for whatever particular recommendations are to be put forward. That is obviously good advice for all public policy, but I would echo some of the comments that I heard earlier to the effect that propositions put forward by various official agencies — and VicRoads is one of these — I find often to be poorly based in terms of underlying evidence. So it is useful to be sceptical at some of the propositions that are put and to dig below the surface and satisfy yourselves about the evidence base and how strong it is and in particular to seek out a direct link between particular problems that are identified and particular policy proposals. I find this in relation to the graduated licensing scheme proposals. The statistics in VicRoads’ own paper show that there is not a spike in terms of fatality rates when people get past the initial licence period and have the freedom to get off their LAMS motorcycles and get onto the motorcycles of their choice. There is not a sudden upkick in fatalities, yet despite that we have this recommendation for a more extensive graduated licensing scheme, which would cause quite substantial problems for a lot of motorcyclists. It is a solution in search of a problem, in a sense.

At the risk of speaking for everyone when I ought not, it is worth saying something about who motorcyclists are. A comment I often make is that nearly 30 years ago, when I started riding, motorcyclists were all my age,

but now motorcyclists are all my age! We are an ageing group, and the statistic I managed to find when I was surfing with Dr Google this morning was that the average age of motorcyclists in New South Wales is 43. I found that a bit surprising; it was older than I thought. We need to recognise the age demographic and also that motorcyclists are, in very large part, enthusiasts. If we look at who is driving cars, it is nearly everyone. If we ask why they are driving cars, it is because they have to get around. It is very difficult to get by in life without driving a car. That is not so for riding a motorcycle, so people who make the choice to ride do so as an active choice, which tells us that most of them are enthusiasts. They pay a lot of attention to the process of riding their motorcycle and take pride in the skills they have and in being able to apply them.

From a policy point of view, that tells us firstly that there is a pretty high level of understanding of the risks. A high proportion of us are mature riders. We are doing it as a matter of choice. We have chosen to accept the risks with a pretty fair understanding of what they are. I draw an analogy with smoking. When I hear the latest bit of regulation of smoking, I often think it seems to contain the assumption that people do not know that cigarettes are bad for them, yet I am sure that everyone does. There is barely a person you could find who could not tell you that cigarettes are bad for you and in what ways and to roughly what extent. It is a bit the same with motorcycling. Yes, we all know the fatality and injury rate is a lot higher than it is for car drivers, but that is precisely the point. Motorcyclists and non-motorcyclists, and certainly intending motorcyclists, are aware in broad terms that that is the case. There is an assessment and risk acceptance in that group.

The other point about that goes back to my earlier point about falling fatality rates. We are seeing that those risks are being not only acknowledged and accepted but also well managed. Without the assistance of various secondary safety devices and so forth, we are seeing that motorcyclists are surviving more often than they used to.

I heard the question asked, 'What would you have us do?'. Again I am conscious of the fact that I am not coming from an official position and do not have the luxury of great research resources, but nonetheless I would like to make a few suggestions about what I think it would be good for the committee to do. The issue of sticks and carrots is important. I echo the point that it is pretty easy to take the view that whenever government pays attention to motorcyclists the next thing that happens is that it is waving a stick. It would be very well regarded if some of the committee's recommendations involved carrots rather than sticks. I believe that rider training is important in terms of improving skills and reducing accident rates, but I would like to see better rider training being approached from a carrot point of view rather than from a stick point of view. I would like to see encouragement of people undertaking additional training after they have become licensed. There are tools you could use; financial tools are obviously useful. We have a motorcycle levy, which is a stick, if you like, but perhaps to counterbalance that we could have some rebates on motorcycle registration or on the Transport Accident Commission charge for motorcyclists who have undertaken certain kinds of approved training. As someone with over 25 years experience I have recently done some rider training. I think you can convince people, even very experienced motorcyclists, that it is something that is in their interests and get them to do it.

It could potentially operate indirectly. As the father of a teenager I know that some car insurance companies offer discounts to young drivers who have undertaken additional training. I have not heard of that sort of incentive being applied in the motorcycle insurance industry, but I wonder whether it is something government could encourage the insurance industry to provide and thus use it as another avenue for increasing the take-up of riding training.

Mr LANGUILLER — Sorry to interrupt, but did you hear the RACV submission? They do not believe that additional training may necessarily lead to any improved statistics.

Mr DEIGHTON-SMITH — I recognise there is a sort of psychological phenomenon of compensating behaviour. We get better at something, so we push our luck a bit further. That probably applies to some degree in terms of the impact of training, but I would be very surprised if it completely overwhelmed the positive impact of teaching people better skills. Yes, be realistic about what it is going to achieve, but it is a difficult proposition to say that vehicle operators of any kind who are less well trained are preferable to ones who are more well trained.

I would like to point to scooter riders. I point out in my submission that there are some quite distinct subcultures in motorcycling, and scooters are sort of over on one side as a very distinct subculture. They do not see themselves as motorcyclists. I say this as someone who has a couple of friends who in middle age have taken up

riding scooters. They do not see themselves as motorcyclists, and in fact in many cases they would not consider riding a motorcycle, but somehow they see a scooter as different. I observe that they seem to be somewhat oblivious to the risks and to the fact that a scooter entails all of the same risks as a motorcycle and a couple more as well. They are less gyroscopically stable because they have small wheels rather than large wheels. They have less acceleration, so they have less ability to get out of the way of a car that has not seen them heading in their direction, and so forth. Casual observation tells you when you look around the streets that scooter riders tend not to wear protective clothing. Again there is a certain obliviousness to the risks.

I think some messages aimed at scooter riders pointing out some of the risks and suggesting changes in behaviour would be particularly useful. I underline this to the extent that a lot of these people are very inexperienced. I believe the statistics show that scooter riders tend to take it up, do it for a few years and then probably drop it, and they are very unlikely to move on to motorcycles. They are unlikely in most cases to maintain the habit over the long term, so you have this additional problem of relatively inexperienced people, and again statistics tell us that they are the people who are most likely to have accidents.

I echo another comment I heard made earlier, which is that driver awareness is an issue. While I am not always a great fan of the Transport Accident Commission's splatter ads, there may be some room to use those sorts of strategies to improve car drivers' awareness of motorcycle issues. If I were advising the TAC, I might suggest they need to look at breaking down the barrier between motorcyclists as 'them' and car drivers as 'us'. Perhaps car drivers have a son or a friend with a son who rides a motorcycle, and targeting that sort of link as a motivating factor for why you should be paying more attention to motorcyclists might be the kind of approach that could yield some positive outcomes.

Finally, what should be avoided. I think there is a real concern about creating unreasonable barriers to entry for motorcycling. While the numbers are up, as I have said, the age demographics are high. A lot of the explanation for the numbers being up is the sort of transient population of scooter riders. In a sense this is a pastime that is vulnerable to the sort of legislative incentives that some authorities, such as VicRoads, are throwing around.

Returning to that graduated licensing scheme paper, there was a suggestion about supervised riding being required. It has a nice sort of symmetry to it — we require that for people going through the learners process in cars, why not in motorcycles? I think there are a couple of reasons why not. One is that it is just of less benefit in the sense that you cannot give direct feedback. I am teaching my son to drive a car at the moment. You can give very direct feedback when you are sitting in the passenger seat. If you are following another motorcycle, you cannot give the same sort of direct feedback. There is a practicality issue here. We now require anyone under 21 to have 120 hours of supervised driving before we give them a car licence. If you were to transfer that to the motorcycle area, you would find that a large proportion of intending motorcyclists would not have a friend or parent who rode a motorcycle and that they would be in the position of having to hire a professional to do the supervised riding. At a very rough calculation, if you have to pay someone \$50 an hour to follow you around for 120 hours, you are up to \$6000. I would have thought that that would make a difference between taking up riding and not taking up riding for a very high proportion of people. I think it would be quite unreasonable for a government to put that sort of high barrier in the way of people who wanted to take up this pursuit.

The suggestion about extending the time that you would have to be on a learner-approved motorcycle or some other sort of motorcycle-related restrictions is in some respects of lesser concern, but you create problems for the motorcyclists and you have to ask the question, 'Where is the evidence to justify that sort of intervention?'. I refer back to the statistics from VicRoads that I quoted earlier, which say that there is not any uptick when people get on to large motorcycles in terms of fatality rates. If there were, you would have a potential justification for some sort of more staged process in terms of what motorcycles you can have access to, but the evidence is that it is not there, and I do not think we should be going down this path in the absence of that evidence.

What else to avoid? Failing to recognise the role of drivers in reducing risks. It is there in the statistics and it is there in a lot of personal experience. 'Sorry, I did not see you' is a very common experience. It always has been. I do not think it has gotten a lot better over the years. That is important to recognise in policy, and, unfortunate but true, I think there is an anti-motorcycling bias in some of the institutions that we rely upon for advice in this area, and that obviously needs to be taken into account in decision making as well. I might leave it there and open to questions.

Mr TILLEY — Just a very quick one. I am just taking the opportunity to read through the legislation; it has taken me a little bit longer from the days when I had to rely on the act. You were talking about public policy and those who are unlicensed riders. I am just exploring it while we are sitting here. Would it be fair to say that they are not necessarily outside the realms of public policy in the sense that in the legislation and vehicle seizure — understanding that the legislation does not allow a member of the police force to seize a motorcycle that is stolen or hired, potentially before they have a crash or a serious injury or fatality — there may be some scope in public policy to deal with unlicensed riders through seizure powers?

Mr DEIGHTON-SMITH — I think that is right, and on reflection I perhaps did not express myself too well. I guess what I was getting at was that we make policy in the hope that people who comply with the legislation that we use to put it into effect will have better outcomes. My point is that these people, by definition, are not compliant with the legislation, so we can change the legislation, and, other than in those sorts of indirect ways that you have mentioned, it is by definition not changing their behaviour. To the extent that they are a significant component of the harm we are identifying, we have to recognise that our powers to deal with them by making laws that apply to everyone but which they choose to ignore are pretty limited.

Mr TILLEY — Still, the truism is that you can never legislate against stupidity.

Mr DEIGHTON-SMITH — That is right.

Mr TILLEY — It is the flow-on effect it has on those legitimate people who operate motorcycles in the state — and no doubt the nation — and are trying to deflect that bad usage.

Mr LANGUILLER — Thank you so much for your submission — a well-thought through submission, if I may add. Two things: one, in your presentation, in relation to the data that you used, you talked about there being a decline in fatalities, both in terms of motorcycles and cars. You note that of course there is a growth in terms of the users of motorcycles of various types, but would it not be fair to supplement the data with the growth both in terms of users of motorcycles and cars as well? Do you know that at all?

Mr DEIGHTON-SMITH — Sorry, the statistic I was using in that first slide, in the bracket — sorry, it is probably a little difficult to see. What I am calculating there is the number of fatalities per 1000 — 10 000, whatever — registered vehicles. The point of doing that is precisely as you say: to allow for differences in the number of cars versus the number of motorcycles over the period. We are doing this on a ratio basis. In the best of all worlds you do it as fatalities per vehicle kilometre travelled, but that is usually something you are unable to do for data reasons. That is second best, but it is far better than just counting the numbers of heads, if you like — or the numbers of headstones.

Mr LANGUILLER — Thanks for that. You stated that the abolition of the Victorian Motorcycle Advisory Council, VMAC, was a positive step. What are your thoughts on the body that has replaced it? I think you heard in passing observation in terms of the 8 minutes and 57 seconds that will be made available to each participant four times a year.

Mr DEIGHTON-SMITH — I confess that I have not been very familiar with the nature of the body that replaced it. From what I have heard around the table today and in previous meetings, I would agree with the criticisms that have been made. Underlying my comment about VMAC was the concern that it seemed to be, if you like, a corporate endeavour. People, as I understood it, were appointed to that body ex officio, so there was no ability for an organised interest to be represented. Potentially it is a group of people, each with their own barrow to push, around a table. That sort of concerns me a little bit if I am part of the group that is allegedly being spoken for. Again, going back to my public policy experience, I would generally say that a consultation that is closed or restricted is less to be preferred than consultation that is open more broadly. The idea of, however you configure a body, having the possibility to have a more open representation on it was what I was looking for. I believe it is important that whatever is there is able to advise the minister rather than VicRoads. I think that is very important.

Mr LANGUILLER — I will check on it to make comment. Perhaps to be fair, I am a member of the opposition, as you would probably be aware. The fact that a new body will not be able to report directly to the minister, I think, will do the government and the minister a disservice. In due course the government will find that out. Increasingly, given the submissions and evidence sent to the committee, I am concerned about the management of data, the transparency of the data and the truthfulness of it. The discrepancies that exist between

various agencies are, more and more, in my personal judgement — and I do qualify that. I would think that the capacity of those agencies to go directly to the minister will increase and will become more and more important and not necessarily less important, but that is of course a matter for the government, and I qualify my remarks, if I may, through the chair in that context.

Mr PERERA — Submissions received by the committee so far have been split on the issue of post-licence training. Why do you support it? How would you encourage the take up of post-licence training?

Mr DEIGHTON-SMITH — I support it, I guess, in part from experience. I felt the training day that I undertook a couple of months ago taught me quite a lot, despite the fact that I have some decades of experience and a lot of kilometres under my belt, and in fact I have signed up for another session which I will be doing before Christmas. So personal observation is certainly one part of it.

But I think more broadly we would generally expect there to be some degree of positive impact from this, notwithstanding the possibility of compensating behaviour. What I am suggesting is that we need to positively motivate people to do it. If the providers of that training can convince people that it is in their interests, then people will undertake the training. As a matter of public policy I think encouraging them with a few financial incentives, of the kind that I suggested during my presentation, would be reasonable and worthwhile.

Mr PERERA — I have a question to ask just out of curiosity. Over the 25 years that you have been riding, you have adopted some bad habits; I believe that is what you had to fix by undergoing training. Are those trainers trained as well or have they themselves adopted some not-so-good practices?

Mr DEIGHTON-SMITH — I am probably not in a very good position to speak for the motorcycle training industry as a whole. The course that I undertook is very highly structured and the trainers are very well trained, I think. It is actually a franchise of a course that was developed in the US. It is run on racetracks but the skills that it teaches, at least in its first couple of levels, are very much road-oriented skills. They are probably helpful on a racetrack too, but they are certainly very much applicable on the road. I felt that the quality of what I got was very good. It was quite expensive but it was very good quality. There is good training out there; whether that can be said of most or all of the training I really could not say.

Mr ELSBURY — You might have heard me rabbiting on earlier about raising driver awareness.

The CHAIR — He means ‘eloquently articulating’.

Mr ELSBURY — Exactly. Let the Hansard transcript reflect that. How would you go about raising driver awareness of motorcyclists?

Mr DEIGHTON-SMITH — I think it is challenging. I think that to a certain extent there is a critical mass issue here. I hear this discussion in the context of cycling. Cycling rates are increasing, and people are becoming more aware of cyclists because they see them around more often and because they are more likely to know people who cycle and who get in their ear about the problems of car drivers not seeing cyclists and so forth. To a certain extent I hope that as the number of motorcyclists continues to increase that this awareness will happen organically.

In terms of what government can do to push it along, I think the Transport Accident Commission’s ads could certainly have a positive effect. When I look at what they are doing at the moment what I see is advertising aimed at motorcyclists, which irritates me and sometimes angers me and which I very much doubt achieves anything at all. I think diverting those dollars that are currently being supposedly spent on improving motorcycle safety to the sort of campaign that I was talking about which is aimed at car drivers would be a far better use of that money.

In my memory there has been one ad campaign of that kind conducted by TAC. It basically puts you in the driver’s seat and then shows the motorcyclist’s perspective and then with the motorcycle in the mirror. It showed the results of the driver not having seen the motorcyclist. It was not bad. I think you could build on that sort of approach. I think you have got to make people connect with it, hence my suggestion that it is really probably about who you know who is a motorcyclist. You know someone sitting there who is watching the television might never think of motorcycling, but if you can sort of create one of those scenarios — this might be your son or your cousin or your nephew or someone — you might get somewhere.

Mr ELSBURY — Actually going on from that — thank you very much for that segue — there was some mention earlier on in the hearings about the use of mopeds and the fact that, because they are a lower-speed and a much lower-powered vehicle, potentially people could take on a moped without necessarily needing a motorcycle licence. Once you have got brothers, uncles, sisters, wives and girlfriends — possibly both — using that form of transport then people would become more aware. Would you support that theory?

Mr DEIGHTON-SMITH — That might well have some impact. I do not know if I would put that front and centre in terms of my answer to the policy question of whether we should allow mopeds without licensing. What I would say is yes. I would nonetheless be inclined to allow mopeds without licensing. I think that we have to look them in terms of what they are most closely comparable to and in many respects it is a bicycle in terms of their speed capabilities and in terms of the way that they occupy roads and so forth. We let people ride bicycles without a licence; why then would we not allow them to ride the most comparable vehicle without a licence? Yes, I would be in favour of that sort of step, and, yes, at the margin I think it might well help in terms of spreading that message, but I would be wary of overselling that.

Mr ELSBURY — Okay.

The CHAIR — Mr Deighton-Smith, what would you like to see as specific outcomes of this inquiry?

Mr DEIGHTON-SMITH — I guess I have made a few suggestions about what I would like to see as policy steps. I think in broad terms the idea that a carrot needs to be used as well as the stick, and in many cases instead of the stick, is one that I would like to underline. I think it would also be very gratifying to see some sort of positive statement about motorcycling.

We have heard from various people that there are attitudes at some official levels, at VicRoads and at MUARC perhaps, that are discouraging motorcycling. But, if we look at motorcycling in broader terms, in terms of its relationship to other policy objectives, I think it is clear that in an urban context their contribution to easing congestion, to reducing resource use and so forth is potentially a very positive one. I think we need to recognise this.

Despite the fact that I have many sources of pleasure in my life, motorcycling is one of the ones that is right up there. I guess that sort of intangible benefit is often underplayed or not recognised in public policy, but I would underline that it is very important. I think if the committee's report were to reflect on the positives of motorcycling, both for the participants and in terms of those broader policy issues that I just mentioned, then I think that would be something that I would look on very positively.

The CHAIR — Thank you. Just to build on your comment that there was a knowledge of the risks and acceptance of the risks in the light of the positive aspects, before the hearing we had taken much evidence from people, and people are gathered in the room at the moment who have travelled on a motorcycle through many continents with much experience and they have maybe travelled dangerously but have survived safely.

We also have had some evidence yesterday from a trauma surgeon at the Alfred hospital, Professor Gruen, who in the midst of his presentation defined the circumstances of a person who he has been looking after in recent days, who one moment was motorcycling safely and milliseconds later had lost bodily function broadly below the neck. There is that counterbalance of assessment of risk. In other evidence before our committee a person had a turning vehicle right in front of him, and according to his riding partner he was not at fault in any way; it was just an inadvertent SMIDSY outcome where he was seriously injured. Is that the risk you would regularly balance and weigh and accept that driver error rather than rider error could lead to such consequences?

Mr DEIGHTON-SMITH — I think that you cannot ride on the roads for very long before encountering the sort of circumstance in which driver error puts you at risk. We have all had that experience where the heart is in the mouth because you are a couple of seconds away from that sort of potential outcome. It is unfortunate that it is that way, and I guess the focus in my comments on raising driver awareness is where I think we need to go in responding to that. The reality is that, whatever kind of vehicle you use on the road, the possibility of suffering due to someone else's fault is there. Yes, it is greater in relation to motorcycles than many other forms of transport. Conversely, as I said earlier, if we look at things like bicycles, probably that risk is at least as high.

To get back to your question, it is a risk I do acknowledge. I wish it were not one of the risks, but it is there, and I have to decide whether I am prepared to ride or not with the knowledge of that risk. As I have indicated

earlier, I am a parent of two children and, if I considered that risk was too high relative to my circumstances, I would have hung up the helmet by now, but I have not.

Mr TILLEY — In the interest of continuing to get as many public policy ideas as we might be able to, particularly relating to data, do you think there are advantages in having an independent data collection agency?

Mr DEIGHTON-SMITH — As someone who does a lot of regulatory impact assessment I am always in favour of good quality data. From my understanding of what is out there and what organisations are operating in this space I think that is something that certainly merits consideration. The question is whether we get unbiased data and analysis of that data from our existing agencies. I think there are question marks over that. Because of that I think the idea of an independent data collection agency merits consideration. Off the top of my head I am not in a position to give you any good leads on how that might be constructed, but in principle I would agree.

Mr ELSBURY — My experience with motorcycles consists of 10 days of having my learners permit, so you could call me new.

Mr DEIGHTON-SMITH — You took it up for the purposes of the inquiry? That is commitment! I am impressed.

Mr ELSBURY — I did.

Mr LANGUILLER — He has already given it up.

Mr DEIGHTON-SMITH — It was 10 days until last Saturday.

Mr ELSBURY — Over two days I received about 6 hours tuition on a bike. I then went and did the test and was passed. Strangely enough the person who passed me was the same person who was teaching me, so she saw all the bunny hops and stalls and the smoke coming up off the tyres when I braked. She had seen that all happening throughout the day, and at the end she was the person who said I was competent enough to use a motorcycle as per the parameters of the test: take this corner, stop in this box, go slowly down here, turn around that corner and stop as hard as you can when signalled. It was that sort of deal. Do you see any inherent problem in having your training and your testing conducted by the same people?

Mr DEIGHTON-SMITH — Actually I do not. I say that because, being an economist, I look for the incentives. What I am thinking is if she fails you but gives you encouragement to come back next weekend on the promise that she will get you through next time, then she has doubled her fee, hasn't she? Her incentive is, to a certain extent, to fail you. If she is prepared to pass you, presumably that reflects her judgement. I do have some sympathy for the view that says it is a little bit too easy to get your learners. I did basically the same course in 1984, and when I first got out on the road I was wide eyed and in some fear. I certainly doubted, in some respects, my degree of preparation. I was excited as well.

Mr ELSBURY — Someone said to me yesterday that you start off being cautious and timid, move on to being confident and then become paranoid.

Mr DEIGHTON-SMITH — I don't know. I think different people probably react differently. I can see a case for extending that pre-learners training and lifting the bar a little, but I would balance that against the caveat that we should not be setting the bar so high that we discourage large proportions of people who, reasonably, want to go out and ride. We have to think about the cost and the commitment as well.

Mr LANGUILLER — Just very quickly I take you back to the issue of additional training beyond the point where the rider obtains his or her licence. Do you see any role for community groups or bicycle groups in providing some level of assistance at a very grassroots level in terms of experience, training and tips? In other jurisdictions that is done. Would that not perhaps help begin to change the image of clubs and motorcyclists, if one were to do it properly with some level of assistance by government, such as some structured training for trainers? Do you think there should be any consideration of this? I did take note of your comment that if we were to make additional training mandatory, it would be very costly. I concur wholeheartedly with you given the demographics of the people in the western suburbs I represent. Is there room for that kind of partnership, perhaps?

Mr DEIGHTON-SMITH — My concern is that there is a need for a fairly high level of competence here. It is often said it is a more challenging thing and requires a higher level of skill to ride a motorcycle than to drive a car. I guess maybe you are finding this out. On the one hand we allow parents to teach their children to drive cars, but as a matter of practicality there is not much opportunity for that to happen in motorcycling. I think we need to be careful that whatever training we are providing is provided by competent people. As I have said, I favour the carrot being used in addition to, and supplanting, the stick in a lot of circumstances to the extent that government can see where it can channel a bit of money into making available these sorts of opportunities at an affordable price. I think it is a good thing if more people take it up, but we do need to keep our eye on the question of who is providing the training. I am sorry, I am not aware of the schemes you are referring to in other jurisdictions, so I cannot comment on those, I am afraid.

The CHAIR — Mr Deighton-Smith, I am interested, on behalf of the committee secretariat, in trying to ascertain whether you have a view on agencies moving too quickly or jumping towards interventions. There is this issue regarding the presentation of statistics, what the implication of that might be and how the approach to statistics might impact upon the approach of government agencies towards road safety initiatives.

Mr DEIGHTON-SMITH — I think that the presentation of statistics in the public debate is a real issue. That reflects the fact that I guess people who have access to them often have agendas to push, if I read the press. I frequently read articles that misuse statistics to justify more intervention in road law in a range of areas, not just in motorcycling. It comes from VicRoads and it comes from the police. Trying to put myself into the position of a politician, of a minister perhaps, it has obviously got to be tempting when you have a microphone in front of you and the police chief is saying, ‘Well, we really need to do something about this’, and waving around a statistic that on the face of it is telling a story. It is a bit hard to step back and say ‘No’.

It is an issue, and I guess this is why for a long time I have been an advocate for improvements to public policy processes like the regulatory impact assessment process that requires you to actually do that work, crunch the numbers and put out in public a document justifying what you are intending to do — putting that out there and enabling it to be criticised by people who have an interest in it. It is very important that we follow those sorts of good processes in getting to our end points.

The CHAIR — Mr Deighton-Smith, thank you very much for your evidence. You will get a copy of your transcript so you can correct typos and get it back to us so that we can put it on the web. We appreciate your skilled insight into this important policy area.

Witness withdrew.