

OC260166

7 April 2026

Tēnā koe [REDACTED],

On 9 March 2026, the New Zealand Transport Agency transferred to the Ministry of Transport the following request under the Official Information Act 1982 (the Act):

“For policy, briefing, and regulatory material, I am seeking documents that informed the current Restricted-to-Full motorcycle licence holding period settings, including any reviews, analysis, or regulatory impact assessments relevant to the present rule”

There are five documents within the scope of your request that are detailed in the document schedule attached as Annex 1. The document schedule outlines how the documents you requested have been treated under the Act.

Certain information is withheld under section 9(2)(a) of the Act to protect the privacy of natural persons.

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

In addition, attached as Annex 2 are publicly available documents that relate to the current Restricted-to-Full motorcycle licence holding period.

If you would like to discuss this decision with us, please do not hesitate to contact us at OIA@transport.govt.nz.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz.

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry's website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

s 9(2)(a)



Annex 1: Document Schedule

Doc #	Date	Title of Document	Decision on request
1	October 2007	Motorcycle Safety Policy – Legislative Options Working Paper (Not Government Policy)	Released in full. Please note this is not Government policy.
2	20 December 2007	Briefing: WGTA 9475 Motorcycle Safety Cabinet Paper Attachment: Cabinet Paper: Motorcycle Safety	Released with some information withheld under section 9(2)(a).
3	6 September 2010	Briefing: WGTA 13027 Completing Safer Journeys First Actions Attachments: Cabinet Paper: Completing Safer Journeys First Actions Regulatory Impact statement: Completing Safer Journeys First Actions	Released with some information withheld under section 9(2)(a).
4	13 September 2010	Cabinet Summary: Completing Safer Journeys First Actions (EGI (10) 215)	Released in full.
5	15 and 20 September 2010	Cabinet Minute of Decision: Completing Safer Journeys First Actions (EGI Min (10) 22/8) Report of the Cabinet Economic Growth and Infrastructure Committee: Period Ended 17 September 2010 (CAB Min (10) 34/6)	Out-of-scope material redacted.

Annex 2: Publicly Available Supporting Material

Doc #	Date	Title of Document	Link to publicly Available Information
1	June 2005	Review of Motorcycle Licensing and Training	https://www.monash.edu/_data/assets/pdf_file/0003/217254/Review-of-motorcycle-licensing-and-training.pdf
2	29 March 2008	Beehive Press Release: Motorcycle safety package aims to cut high crash rate	https://www.beehive.govt.nz/release/motorcycle-safety-package-aims-cut-high-crash-rate

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October 2007

Motorcycle Safety Policy – Legislative Options Working Paper (Not Government Policy)

Summary of proposed solutions

This paper outlines a number of possible legislative proposals for amendments to the Graduated Driver Licensing System (GDLS) for motorcyclists and a number of other legislative changes with the aim of reducing road crashes among this group. The proposals are:

1. Removing the 250cc restriction for learner and restricted motorcycle licence holders and replacing it with a Learner Approved Motorcycle Scheme (LAMS) which is more appropriate for novice riders. The scheme will allow novice riders to only ride a selection of approved moderately powered motorcycles and scooters with an engine capacity up to and including 660cc and which do not exceed a power to weight ratio of 150 kilowatts per tonne;
2. Amending the GDLS for motorcyclists so it encourages novice riders to undertake an approved motorcycle specific training course early in the learner phase, by allowing this course to speed up the acquisition of a full motorcycle licence, and providing a motorcycle specific competency based assessment option as an alternative to the full licence test;
3. Introducing a maximum validity period for a learner motorcycle licence;
4. Removing the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders;
5. Introducing demerit points and reducing the fine for helmet non-wearing offences;
6. Mandating standard headlight daytime running lights or head lights on for all motorcycles and mopeds;
7. Increasing the minimum time spent on a restricted licence for motorcyclists over the age of 25 from six months to twelve months; and
8. Only allowing motorcyclists to ride, during the learner licence phase, the type of motorcycle (i.e. manual or automatic) they passed their Basic Motorcycling Handling Skills Test on.

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Other work that will have an impact on Motorcycle Safety

It should be noted that a Cabinet paper focussing on 'Young and Novice Drivers' has a number of legislative proposals that will apply to the GDLS for motorcyclists and these will not be examined as part of this working paper:

- Extending the minimum period under 25 year olds spend on a learner licence from six months to 12 months;
- Rebalancing sanctions for breaches of GDLS conditions. This will include increasing the number of demerit points from 25 to 35 for breaches of the GDLS passenger, supervisor and curfew conditions and decreasing the current infringement fee for all GDLS breaches from \$400 to \$100; and
- Providing Police with the power to issue '*licence compliance orders*' to drivers in breach of their GDLS conditions. It is proposed that the orders would have a currency of 90 days. If the licence holder is found in violation of the conditions within this 90 day period they may have their motorcycle impounded for 28 days.

It should also be noted that in relation to mopeds:

- Requiring mopeds to be inspected before they are registered is to be evaluated as part of a review of the vehicle compliance rule in 2008/09;
- Restricting moped riders with learner and restricted driver licences from carrying pillion passengers is included in the next Omnibus Rule; and
- A minor technical amendment to the definition of a moped to facilitate enforcement by Police of vehicle registration and licensing requirements has been included in the Land Transport Amendment Bill due for introduction in Parliament shortly.

There is also a Land Transport Amendment bill before parliament that proposes to increase the driving age and this will automatically apply to motorcyclists and moped riders.

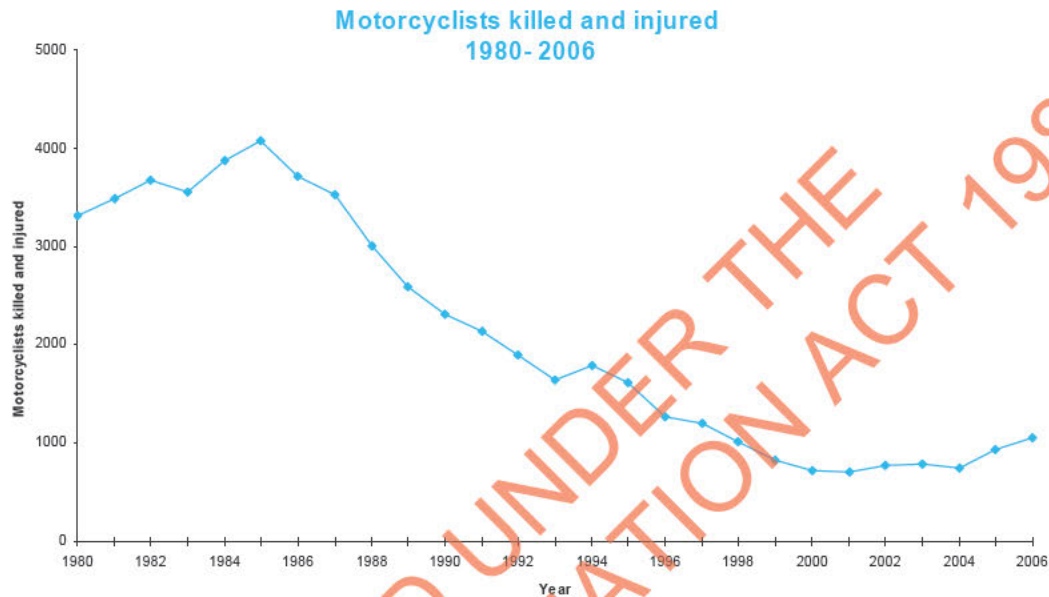
Work has been undertaken recently by the Department of Labour and ACC regarding the appropriate ACC levy level for motorcyclists and moped users. At present, motorcycle and moped owners are charged 150% and 35% of the standard licence fee levy respectively. There are no proposals to change the relativity in levy pricing for motorcycle and moped owners for the 2009/10 levy year.

Infrastructure improvements, education and enforcement also each have a major role to play in reducing the level of death and injury amongst motorcycle and moped riders. These areas are out of the scope of this paper and are being looked at separately by a cross government agency motorcycle safety group. This group is led by the Ministry of Transport and has members from Land Transport New Zealand, the New Zealand Police, the Accident Compensation Corporation, Transit New Zealand and the Department of Labour.

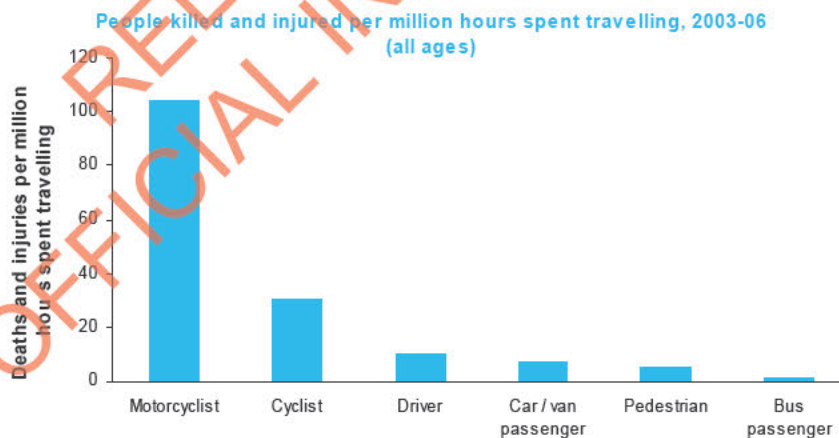
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Background

Motorcyclists are overrepresented in road crashes. Motorcycles make up approximately 2.7% of the fleet, yet they account for over 18% of the costs associated with injuries. As the below graph illustrates, although the number of motorcycle casualties dropped markedly during the late 1980's and 1990's, mainly thanks to a significant reduction in motorcycling due to the introduction of Japanese imports, since 2000 there has been no further decrease.



The social cost of motorcycle death and injuries in 2006 was calculated at \$378 million; this is up from \$290 million in the year 2000¹. The average social cost per reported injury based on June 2007 prices is \$3.2 million for a fatality, \$563,000 for a serious injury and \$61,000 for a minor injury. ACC claim statistics show the yearly costs for motorcycle claims now exceed \$49 million.



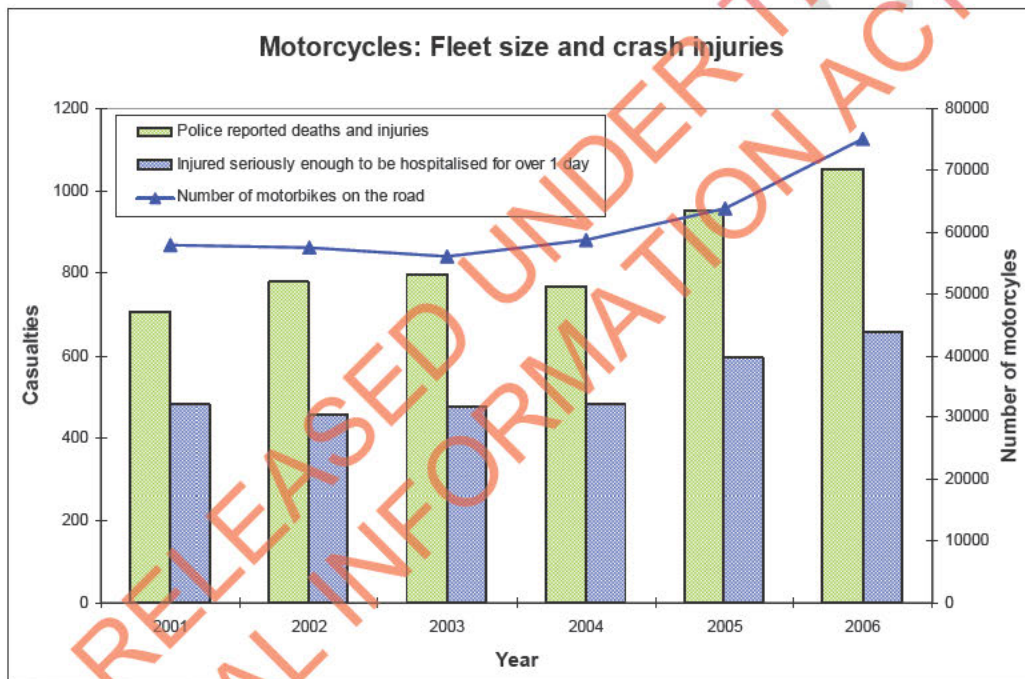
As the above graph illustrates, travel by motorcycle is more dangerous than any other travel mode. It is about fourteen times more risky than travel by

¹ The Social Cost of Motorcycle Injuries, 2007, Ministry of Transport

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cars on a risk per time travelled basis and four times as dangerous as cycling². Statistics pointing to high crash risk among motorcyclists are not unique to New Zealand; this problem is shared throughout the world. Crash statistics show the motorcyclist was primarily or partially at fault in only 33% of multi vehicle crashes during 2002-2006 but that 26% of motorcycle injury crashes over the same time period were single vehicle crashes.

The number of licensed motorcycles has increased by 23.2% since 2005, over the same period the total vehicle fleet has only grown by 5.1%. This pattern is also mirrored in a number of other jurisdictions. The largest area of growth in new registrations has been in the 'NZ new' moped category. Although it should be noted that the average CC rating of motorcycles entering the fleet has dropped slightly in recent years, it still remains close to 500cc. The below graph shows the increase in Police reported injuries since 2001 and the increase in registrations are closely related.



In terms of comparing the relative levels of risk of motorcycles and mopeds, the below table illustrates that the level of risk for motorcycle riders / pillion is significantly greater than that of mopeds riders / pillion when you look at injuries per 10,000 licensed vehicles. These figures reflect current usage in terms of vehicle kilometres travelled per vehicle, type of travel (open road, etc) and profile of riders (age, gender etc).

Riders / pillion injured per 10,000 licensed vehicles 2005-2006:

	Fatal and serious	All injuries
Motorcycles	104	165
Mopeds	55	72

² Ministry of Transport Motorcycles 2007 fact sheet

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The New Zealand Graduated Driver Licence System (GDLS), the first of its kind in the world when introduced in 1987, is generally working effectively and has been adopted in various forms in many jurisdictions worldwide, including all of Australia and most of the USA. However, the focus of the current GDLS is largely the light passenger vehicle licence and not motorcycles.

The current learner motorcycle licence restrictions in New Zealand are:

- You must not ride a motorcycle with an engine capacity greater than 250cc.
- You must not go faster than 70 km/h on the open road.
- You must not ride between 10 pm and 5 am.
- You must not carry a passenger.
- When you're riding, you must always have a learner 'L' plate attached to your motorcycle's rear number plate.
- You must always carry your learner licence when you're riding.
- If you're under 20 years old the legal blood alcohol limit is 30 mg/100 ml (150 mcg/litre for breath alcohol). If you're over 20 years old, the blood alcohol limit is 80 mg/100 ml (400 mcg/litre for breath alcohol).

The current restricted motorcycle licence restrictions in New Zealand are:

- You must not ride between 10 pm and 5 am.
- You cannot carry a passenger.
- You must not ride a motorcycle with an engine capacity greater than 250cc.
- You must always carry your restricted licence when you're riding.
- The legal alcohol limit is still the same as it was on your learner licence.

Monash University in Melbourne, Australia, has completed a review of motorcycle licensing and training systems in each Australian state and has compared these to a best practice model for motorcycle licensing and training. This best practice model is based on the premise "motorcycle riding requires higher levels of both vehicle control and cognitive skills than car driving. In addition, the potential outcomes of any failure on the part of the rider, other road users or the road environment are severe. In order to achieve substantial improvements in the safety of motorcycling, the rider training and licensing systems may need to be quite different than those for cars"³.

New Zealand already has some aspects of the Monash University best practice model in place, including:

- a Basic Motorcycle Handling Skills Test (BMHST) to obtain a learner licence and an on-road test to obtain a restricted licence;

³ Monash University best practice study 2005, p. iii.

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- restrictions on carrying pillion passengers for learner and restricted motorcyclists;
- compulsory display of 'L' plates for learner riders; and
- minimum periods for learner and restricted motorcycle licences.

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Specific Problems

- *The 250cc restriction for learner and restricted motorcycle licence holders is ignored by a proportion of riders, is difficult to enforce, and does not reflect the performance abilities and safety mechanisms of current motorcycles.*

In terms of compliance, despite the 250cc restriction being in place 10% of riders on learner licences and 20% of riders on restricted licences involved in injury crashes in 2006 were riding bikes greater than 250cc at the time of the crash⁴. It should be noted that engine size, in cc, is not recorded for around 30 percent of crash involved motorcycles so the level of non-compliance is likely to be even greater. Crash statistics show a higher proportion of crashes involving larger bikes (500ccs or bigger) result in death rather than injury⁵.

There are now a number of high performance 250cc motorcycles available that tend to produce their power at exceedingly high engine revolutions. Their sports style power delivery, riding position and handling, means that these motorcycles are often not particularly suitable for novice riders. Also, some novice riders are physically too large for a 250cc motorcycle.

Evidence from Australia suggests a large proportion of new full licence holders opt for very high performance bikes as soon as they are able when a 250cc restriction for learner and restricted motorcyclists is in place.

- *There are few incentives for learner riders to undertake motorcycle specific training prior to obtaining their full motorcycle licence. Formal training as part of the GDLS⁶, where it is undertaken, is largely focussed towards class one licence holders and not motorcycle riders and the current testing regime does not have enough motorcyclist specific material.*

There is very strong evidence that the highest crash risk is in first six months of riding, so key competencies and attitudes specific to motorcycling should be developed and tested for prior as soon as possible in this period.

There is currently no approved learner motorcycle training course, and the theory components of the current Defensive Driving Course / Street Talk courses (which can reduce time spent in the restricted licence phase) are largely class room and car focussed. Although the practical component of these restricted courses can be completed by the candidate using a motorcycle and an approved motorcycle instructor, this is not very common.

The amount of motorcycle specific training available is currently limited for learner and restricted motorcyclists and varies across the country; there is also no standardisation amongst trainers as to what the content should be in any courses they wish to run.

⁴ MoT motorcycle 2007 fact sheet

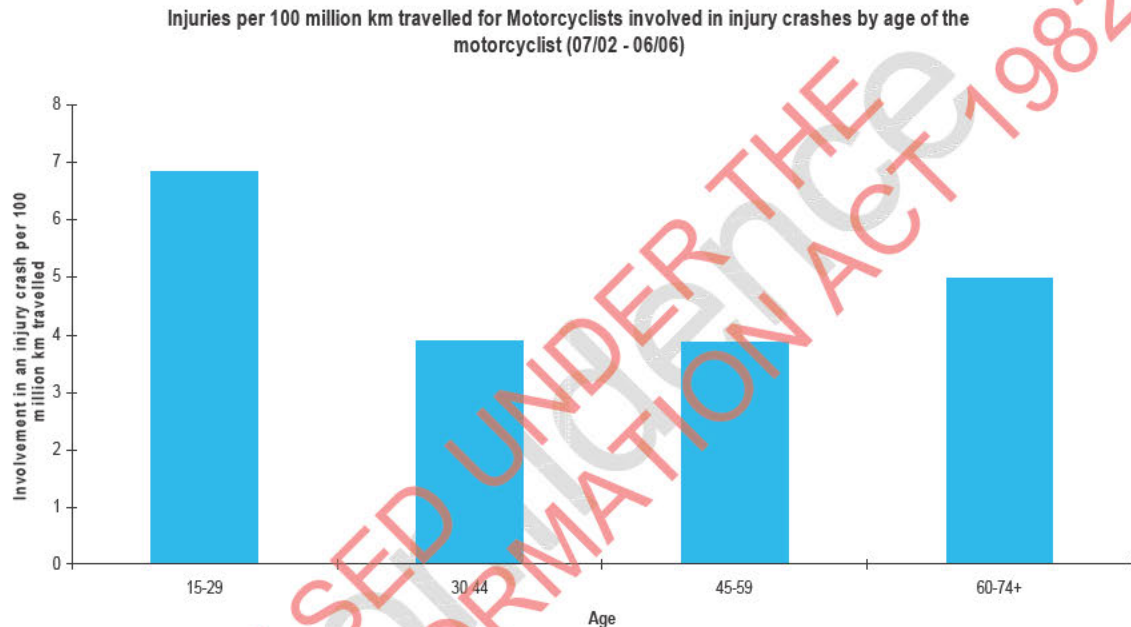
⁵ MoT motorcycle 2007 fact sheet

⁶ Defensive Driving Courses and Street Talk.

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- *Young motorcyclists are overrepresented in motorcycle crashes.*

Research indicates that, particularly before the age of 18, crash risk for car drivers is inversely correlated with the age at which a driver starts solo driving - the lower the age, the higher the crash risk.⁷ Because motorcycling carries a greater risk than car driving and learner motorcyclists are not supervised in New Zealand like learner car drivers, the crash profile of motorcyclists shows the crash risk for learner motorcyclists is at its highest in the learner phase when motorcyclists first start to ride, whereas this is the safest time for learner car drivers.



Although it should be noted that the level of death and injury for young motorcyclists has dropped significantly since the mid 1980's, in line with the decrease in motorcycle registrations, as the above graph illustrates the 15-29 age group is still overrepresented in the crash statistics when you look at injuries per 100 million kilometres travelled. When analysing motorcyclists involved in injury crashes by the age of the motorcyclist, the 15-29 age group is clearly involved in the most crashes.

The social cost of motorcycle injuries (including pillion passengers) between 2002 and 2006 when the motorcyclist was responsible in some way for the crash is estimated to be 1 billion dollars. Motorcyclists aged 15-29 contributed to \$355 million or 35% of the estimated total combined social cost of motorcycle crashes between 2002 and 2006. When the average number of motorcycle licence holders in this age group is considered the corresponding average social cost of injuries per motorcycle rider aged 15-29 is over twelve times that of a motorcycle rider aged over 40⁸.

⁷ OECD (2006). *Young Drivers: The Road to Safety*, p.127.

⁸ The Social Cost of Motorcycle Injuries, 2007, Ministry of Transport

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- *Novice riders frequently remain on learner and restricted licences indefinitely, often breaching conditions and without sitting the full licence test, which is longer and more difficult than the restricted licence test and includes an examination of hazard awareness.*

Ministry of Transport data indicate that of those individuals who gained their motorcycle learner licence in 1997, 83% were still on a learner licence as at April 2007. Approximately 8% were on a restricted licence and 9% had progressed to a full licence by this point. This data highlights that many of those who gain motorcycle learner licences fail to progress to a full licence, and many may not be actively riding. Of those that do progress to a restricted licence, 35% who had gained their class 6 restricted licences in 1999 were still on a class 6 restricted licence as at April 2007.

- *The 70km/h speed limit restriction for learner motorcycle licence holders is widely ignored as it is perceived by riders as unsafe.*

Anecdotal evidence suggests the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders is frequently ignored. Riders ignoring conditions of the GDLS undermines the credibility of the whole system. Feedback from motorcyclists on the Ministry of Transport community forum, 'Safe As', indicates it is not considered safe practice by motorcyclists to adhere to this restriction as requiring people to ride at a lower speed encourages them to adopt an 'inferior' riding position on the side of the road. Therefore, this restriction may place motorcyclists in danger as other vehicles are more likely to encroach on their space.

There is little international evidence of road safety benefits of speed restrictions, and some studies have even found restricting young drivers from high speed roads has slightly increased crash involvement⁹. Although, it should be noted the focus of these evaluations has been on young and novice drivers and not motorcyclists.

- *Non helmet wearing.*

In 2006, 971 motorcycle helmet non-wearing offences were committed. Of the 168 motorcycle riders and pillion riders killed in the five years from 2002 to 2006, 19 (11%) did not have a helmet on. The officers attending the crashes estimated that four would not have died if they were wearing their helmets. While these numbers are currently small, the motorcyclist population is currently growing rapidly. A rider without a helmet is six times more likely to suffer severe brain damage than a helmeted rider in the same type of crash. It is considered the current sanction for breach of this law is not strong enough to deter non-wearing of a helmet by motorcyclists.

⁹ Monash University best practice study 2005, p.45.

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- *Visibility is a contributing crash factor in a significant proportion of multi-vehicle motorcycle crashes.*

While motorcycles are inherently more dangerous than cars the fault for crashes does not always lie with the motorcyclist. Overall crash statistics show motorcyclists are accountable for about 55% of the crashes they are involved in. However, if only intersection collisions are examined the other driver is at fault about 75% of the time. Motorcycle speed and manoeuvrability coupled with their small size can make them hard to see and educating motorists to look out for motorcyclists and making motorcycles more visible are two areas for improvement. In terms of the number of multi-vehicle motorcycle crashes where visibility was listed as a contributing crash factor, the Crash Analysis System (CAS) shows in 2006 there were 323 of these crashes¹⁰ and they made up 33% of all motorcycle crashes recorded in CAS that year.

- *Riders aged over 40 increasing as a proportion of total motorcycle deaths and injuries.*

In 2000, 26% of all motorcyclists killed and injured were over the age of 40, this figure increased to 35% in 2006. Over the same time period the proportion of 15-29 year old motorcyclists killed and injured dropped from 51% to 43%. This effect is also mirrored in ACC's claim statistics where for the first time in 2007 the cost of claims by over 45 year old riders exceeded those made by under 25 year olds. However, it should be noted that the higher cost of total claims for over 45 year old age group can be partially attributed to higher incomes, and that riders aged over 40 still have fewer injuries per kilometres travelled than those in the 15-29 age group. This pattern is also seen in other jurisdictions.

Anecdotal evidence suggests the increase can be partially attributed to the emerging trend of older (predominantly male) motorcyclists returning to riding after a prolonged absence. However, returned and continuing riders cannot be distinguished in the crash data. A survey of Australian motorcyclists undertaken by Monash University in 2001 found little difference in the crash involvement of continuing and returned riders over the age of 30¹¹. However, there was clear evidence that crash risk on a per annum basis is higher for new riders.

Riders aged over 40 increasing as a proportion of total motorcycle deaths and injuries may simply be due to greater number of motorcyclists riding in this age bracket. In terms of new riders over the age of 40 on learner and restricted motorcycle licences, in 2006 there were 10,419. This is compared to just 4,811 in the year 2000. The overall figures show in 2006 there were 376,851 motorcycle licence holders over the age of 40, an increase of 14.6%

¹⁰ Crash codes used: 'Did not see or look for another party until too late' or 'Misjudged speed, distance, size or position'

¹¹ Monash University, *Motorcycling after 30*, 2002, p. 31

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since 2000, compared with 24,990 between the ages of 15 and 29, a decrease of 62% since 2000.

In terms of social cost, as mentioned earlier, motorcyclists aged over 40 are not the major problem. Although these motorcyclists contributed to the same social cost figure as the 15-29 year old age group (\$355 million or 35% of the estimated total combined social cost of motorcycle crashes between 2002 and 2006¹²), there are over 12 times more motorcycle licence holders in the over 40 age group than 15-29 year old age group.

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¹² The Social Cost of Motorcycle Injuries, 2007, Ministry of Transport

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Proposed Solutions

1. *Removing the 250cc restriction for learner and restricted motorcycle licence holders and replacing it with a Learner Approved Motorcycle Scheme (LAMS) which is more appropriate for novice riders. The scheme will allow novice riders to only ride a selection of approved moderately powered motorcycles and scooters with an engine capacity up to and including 660cc and which do not exceed a power to weight ratio of 150 kilowatts per tonne.*

The power-to-weight ratio of a motorcycle is the ratio of the maximum net power output of the engine to the motorcycle's weight. This ratio determines the acceleration capabilities – the higher the ratio the faster the motorcycle can accelerate.

A Learner Approved Motorcycle Scheme (LAMS), which is a list of approved motorcycles for novice riders based on a power-to-weight ratio, gives novice riders access to moderately powered motorcycles and scooters that are appropriate for their level of experience. The scheme allows new and learner riders access to a greater number of bikes and scooters than the 250cc restriction, including a wider range that have safety features like ABS and combined braking systems.

In Australia, New South Wales, Tasmania, and South Australia have all recently introduced LAMS. Victoria will also be changing to this scheme from a 250cc restriction in mid-2008. The majority of Australian schemes allow novice riders to ride moderately powered motorcycles and scooters with an engine capacity of up to and including 660ml (a millilitre is the same as a cubic centimetre) which do not exceed a power to weight ratio of 150 kilowatts per tonne. In NSW an evaluation of LAMS was undertaken two years after introduction which found no evidence that the scheme has a negative impact on safety. There is strong support for LAMS from the Australian motorcycle community, who believe the scheme has a safety benefit by allowing novice riders to ride more suitable machines and by providing a more progressive step to larger machines.

In the United Kingdom, learner motorcyclists under the age of 21 are restricted for two years to riding a machine with a power output of up to 25kW and a power/weight ratio not exceeding 160 kilowatts per tonne.

Evidence from overseas jurisdictions also shows a power-to-weight restriction encourages novice riders to stay on a less powerful bike for longer (compared to the 250cc restriction) after their restriction period ends. This is a positive result from a safety perspective as the statistics show a higher proportion of crashes involving larger bikes (500cc or bigger) result in death rather than injury. A large case study of motorcyclists carried out in New Zealand in 2000 also found that in terms of experience, familiarity with a specific motorcycle was the only experience measure associated with a strong protective effect¹³.

¹³ Mullin, Jackson, Langley & Norton, 2000. *Increasing age and experience: are both protective against motorcycle injury? A case control study*

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There are potential issues with the proposed system from an enforcement, vehicle standards and vehicle inspection perspective. From an enforcement perspective, using an approved list at the roadside may be difficult in practice. To facilitate enforcement and recognition of approved motorcycles in New South Wales (NSW); eligible motorcycles have a code 'LA' placed on their registration labels and on their registration history. The Roads and Traffic Authority in NSW also publish a list of the approved motorcycles on the internet; the latest list has over 50 different makes and approximately 300 models. If LAMS is introduced in New Zealand it is recommended a similar labelling scheme is established as this would mean officers at the roadside would be able to quickly ascertain whether motorcycles meet the appropriate criteria.

Any motorcycles or scooters that have been modified would be non-compliant. Although it is possible to increase the power output of some machines significantly with little visible modification, evidence from Australia suggests this appears to be relatively rare as the scheme is generally well respected by both the industry and novice motorcyclists.

If LAMS was introduced in New Zealand there would be costs of educating new riders, amending publications and websites, as well as the cost of adding a code to the motorcycle registration label and recording the power to weight output on the motor vehicle register. There would also be an ongoing cost of maintaining the scheme.

Removing the 250cc restriction for learner and restricted motorcycle licence holders and replacing it with a Learner Approved Motorcycle Scheme (LAMS) list, allowing novice riders to ride moderately powered motorcycles and scooters with an engine capacity of up to and including 660ml which do not exceed a power to weight ratio of 150 kilowatts per tonne would require a change to the Driver Licensing Rule.

2. *Amending the GDLS for motorcyclists so it encourages novice riders to undertake an approved motorcycle specific training course early in the learner phase, by allowing this course to speed up the acquisition of a full motorcycle licence, and providing a motorcycle specific competency based assessment option as an alternative to the full licence test.*

This proposal seeks to address the higher crash risk in the first twelve months of riding as well as acknowledging the distinctive aspects of motorcycling compared to car driving.

Currently, the Defensive Driving and Street Talk courses are available to those on restricted motorcycle licences, and act to reduce the minimum period for being on a restricted motorcycle licence from 18 to 12 months. However, these courses are almost always undertaken after the key high crash risk period (the first twelve months of riding) has passed. Having an approved motorcycle specific course in the learner phase would mean that key skills (for example, hazard perception) would be taught when riders are most at risk and could be tested for in the restricted practical test. This course would be

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developed by Land Transport NZ and based on the recent popular Competency Based Training pilot programme. Successful completion would enable application for a full licence six months earlier.

The restricted test would remain in its current form for motorcyclists, but it is proposed that a motorcycle specific competency based assessment option be provided as an alternative to the current full licence test for those motorcyclists that undertake the Competency Based Training in the learner phase. There would be a cost to motorcyclists for undertaking the Competency Based Training programme, which would be set by the providers, and the number of full licence tests undertaken would be expected to fall.

If this proposal was introduced there would be costs incurred by Land Transport NZ for the development and monitoring of the approved courses. An IT change to the Driver Licence Register would be required so these can allow faster acquisition of a full motorcycle licence. There would also be costs of educating new riders and amending publications and websites.

Amending the GDLS for motorcyclists so it encourages novice riders to undertake an approved motorcycle specific training course early in the learner phase, by allowing this course to speed up the acquisition of a full motorcycle licence, and providing a motorcycle specific competency based assessment option as an alternative to the full licence test would require changes to the Driver Licensing Rule. Land Transport NZ will be responsible for the design of the appropriate courses, determining appropriate criteria and standards, as well as giving final course approval.

3. Introducing a maximum validity period for a learner motorcycle licence;

Introducing a maximum validity period for a learner motorcycle licence would assist in addressing the issue of learner riders frequently remaining on this type of licence indefinitely. This group of riders often breach licence conditions and fail to sit the restricted test. This proposal also prevents riders who are unable to pass the restricted licence test being permanent learners.

The majority of Australian states have a maximum validity period on a learner motorcycle licence, ranging from six months to two years. Evidence from these jurisdictions shows having this maximum period in place encourages riders to progress through the GDLS system.

As the minimum learner licence period in New Zealand is proposed to be extended to 12 months, a maximum validity period could be set for two years to give applicants time to progress to a restricted motorcycle licence. There would also need to be a minimum time period introduced before someone is allowed to reapply to re-sit a restricted licence test if the test is failed.

Under this proposal, holders of a learner motorcycle licence who do not pass a restricted licence test within two years would forfeit their learner licence. If they wish to take up riding again in the future they would need to re-sit and pass the basic motorcycling handling skills and learner licence tests.

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If this proposal was introduced there would be costs incurred by Land Transport NZ for IT changes. There would also be costs of educating new riders and amending publications and websites.

Introducing a maximum validity period for a learner motorcycle licence would require a change to the Driver Licensing Rule.

4. *Removing the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders.*

This speed limit causes considerable difficulties for learner motorcyclists who wish to gain experience in open road driving. Furthermore, the practical motorcycle test has an open road component, so it is anomalous that learner riders cannot effectively practice at open road speeds. International evidence suggests that there is unlikely to be any loss in safety from removing the provision.

If this proposal was introduced there would be costs incurred by Land Transport NZ of amending publications and websites.

Removing the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders would require a change to the Driver Licensing Rule.

5. *Introducing demerit points and reducing the fine for helmet non-wearing offences*

The Land Transport (road user) Rule 2004 states “a person must not drive or ride on a motorcycle, or on a moped, on a road unless the person is wearing a safety helmet of an approved standard that is securely fastened”. Currently there are no demerit points for this type of offence and the fine is \$150.

It is proposed helmet non-wearing offences attract a fine of \$50 and 25 demerit points. This will include incorrect wearing offences and pillion passengers. Reducing the level of fine and adding demerits is based on a road safety crash risk framework developed for a review of the traffic penalty regime. A group of road safety experts examined a range of traffic infringement offences that had road safety implications, of which motorcycle non-helmet wearing was one, and allocated it a risk rating according to the likely severity of the impact and frequency of the offence. Demerit points were then allocated according to the risk categorisation.

If you accumulate 100 or more active demerit points in any two-year period, your licence can be suspended for three months. If losing your licence is going to seriously affect you (e.g. cause you to lose your job) or cause a great deal of trouble for other people, you may be able to get a limited licence.

With current high wearing rates, most people will be quite unaffected by the introduction of demerit points on motorcycle helmet incorrect and non-wearing

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offences but these new penalties recognise the increased risk to motorcyclists given the increasing proportion of motorcycles in the fleet.

The allocation of demerit points has been proposed to ensure that repeat offenders risk losing their licence. The proposal also recognises that the probability of this offence occurring is low, but when a crash occurs the risk of death or serious injury is very high. The proposed regime is detailed in the following table:

Offence description	Current fee for offence	Proposed fee for offence	Proposed Demerit points
Drive or ride motorcycle or moped without securely fastened approved helmet	\$150	\$50	25

Adding demerit points to non-helmet wearing offences will require an amendment to the Land Transport (Offences and Penalties) Regulations.

6. *Mandating standard headlight daytime running lights or head lights on for all motorcycles and mopeds*

Daytime running lights are optional lamps fitted to the front of a vehicle to make it easier to see in daylight. They have a low light output and are not bright enough to illuminate the road ahead of the vehicle. Daytime running lamps are normally designed so that they turn on automatically with the engine ignition, and turn off when the dipped or main beam headlamps are switched on.

Visibility is a contributing crash factor in a significant proportion of multi-vehicle motorcycle crashes. In 33% of all recorded motorcycle crashes in 2006 visibility was flagged as a contributing factor. Mandating daytime running lights or head lights on will assist in increasing the visibility of motorcycles and mopeds for other road users.

Research carried out in 2006 by the National Roads and Motorist Association (NRMA) in New South Wales recommends bright yellow turn signal daytime running lights should be encouraged for all motorcyclists and disallowed for other vehicles. It is estimated this policy has the potential to reduce fatal motorcycle crashes by more than 13%, as it would make motorcyclists more easily identifiable on the road compared to other traffic¹⁴. A case control study on motorcycle rider conspicuity carried out in New Zealand and published in 2004, found three quarters of motorcycle riders had their headlight turned on during the day and that this was associated with a 27% lower risk¹⁵.

¹⁴ 'Daytime Running Lights for Motorcyclists', M. Paine et al, 2006

¹⁵ Wells, Mullin, Norton, Langley, Connor, Lay-Yee, & Jackson. *Motorcycle rider conspicuity and crash related injury: a case control study*, 2004

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Benefit cost analysis has been carried out into the use of daytime running lights by vehicles in New Zealand, but this excluded motorcycles due to the large proportion of motorcyclists that already ride with their lights on. Mandating bright yellow turn signal daytime running lights in New Zealand would involve significant compliance costs as the vast majority of motorcycles do not currently have these. However, the cost of mandating automatic headlight daytime running lights on all motorcycles and mopeds would be very low as the majority of New Zealand motorcycles already have their headlights permanently wired on. The few motorcycles and mopeds without headlight daytime running lights would be required to ride with their lights on. Therefore, even very modest crash reduction capabilities would be cost effective.

Social cost analysis (based on the period 2002-2006) indicates removing daylight injuries when the motorcyclist was not at fault and the driver did not see the motorcycle would save \$39.5 million in social cost per year¹⁶.

If this proposal was introduced there would be costs incurred by Land Transport NZ for notifying riders of the requirements and amending publications and websites.

Mandating standard headlight daytime running lights or head lights on for all motorcycles and mopeds will require a new requirement in the Road User Rule, in the form of a sub-clause in section 8.3 (Use of motor vehicle lighting equipment on road).

7. Increasing the minimum time spent on a restricted licence for motorcyclists over the age of 25 from six months to twelve months.

Currently you can apply for a full motorcycle licence after eighteen months on your restricted licence if you are under 25 years old, or after six months if you are 25 or older. This proposal would mean motorcyclists over the age of 25 would have to spend a minimum twelve months on their restricted licence before applying for a full motorcycle licence. The time period for under 25 year olds would remain at eighteen months.

The proposal acknowledges that riders older than 25 years have more than 50% lower risk than those aged from 15–19 years¹⁷, but that motorcyclists in the over 25 age group still face a significantly higher level of risk than car drivers of the same age. It is therefore recommended the current minimum time period for restricted motorcyclists over the age of 25 be changed to twelve months to acknowledge the greater risks motorcyclists face and give these riders more time to gain on-road experience under the restricted licence conditions. If the proposal in item two is accepted, successful completion of competency based training in the learner phase would enable application for a full licence after six months on a restricted licence.

¹⁶ The Social Cost of Motorcycle Injuries, 2007, Ministry of Transport

¹⁷ Mullin et.al, 2000. *Increasing age and experience: are both protective against motorcycle injury? A case control study*

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If this proposal was introduced there would be costs incurred by Land Transport NZ for IT changes. There would also be costs of educating new riders and amending publications and websites.

Increasing the minimum time spent on a restricted licence for motorcyclists over the age of 25 from six months to twelve months would require a change to the Driver Licensing Rule.

8. *Only allowing motorcyclists to ride, during the learner licence phase, the type of motorcycle (i.e. manual or automatic) they passed their Basic Motorcycling Handling Skills Test on.*

The general rule in New Zealand is that all learner drivers must be accompanied by an in-vehicle tutor or supervisor while operating the vehicle. The exception to this is motorcyclists, who cannot be accompanied by another person. Therefore, to ensure that learner riders have basic riding skills before riding on the road, motorcycle learner licence applicants must pass a basic motorcycling handling skills test (BMHST) before applying for a motorcycle learner licence.

If a person wishes to sit a BMHST on an automatic ('twist and go') motorcycle there is no restriction on this person riding a manual control motorcycle in their learner and restricted licence phases. Learner car drivers are able to drive a manual car as they are supervised, however restricted car licence holders can only drive the type of car they sat their restricted test on. There is currently no such restriction for motorcyclists. Only allowing motorcyclists to ride the type of motorcycle (i.e. manual or automatic) they passed their BMHST on would ensure only novice riders that have shown the basic skills necessary to operate a manual motorcycle would be able to use this on the road in their learner licence phase.

If this proposal was introduced there would be costs incurred for educating new riders and amending publications and websites, as well as an IT change so the motorcycle learner licence would show "auto only".

Only allowing motorcyclists to ride, during the licence learner phase, the type of motorcycle (i.e. manual or automatic) they passed their BMHST on would require a change to the Driver Licensing Rule.

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Measures considered and not proposed

Introduction of mandatory 'R' plates for motorcyclists

This proposal would require restricted riders to display an 'R' plate, as learner riders do with the 'L' plates. This would indicate to other road users that these drivers are novice riders, and indicate to the Police that a particular rider was required to adhere to certain restrictions / conditions.

However, this requirement would be easy for riders to violate, and could result in increased breaches for non-compliance. Furthermore, if failure to display the 'R' plate is a breach of the licence conditions (as it is for learner licences) the multiple fines from a single incident could be too severe and disproportionate to the offence.

Moped rider licensing

The level of risk for motorcycle riders / pillion is significantly greater than that of mopeds riders / pillion when you look at injuries per 10 000 licensed vehicles. Requiring all moped users to obtain a motorcycle licence would be costly from a compliance point of view and cannot currently be justified from a safety perspective. There would also be issues with a number of Tourist operators who have based their businesses around the current system.

Introducing on road testing every ten years to retain a motorcycle licence

Although this would assist in addressing the problem of motorcycle licence holders not progressing through the GDLS, the compliance costs of introducing such a proposal are likely to be very large. It should also be noted that none of our road safety partners have an on-going testing system in place.

In terms of addressing the returning rider issue incentives for these riders, such as insurance discounts for undertaking motorcycle specific training, are likely to be more successful in reducing the crash risk of this group.

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MINISTRY OF TRANSPORT REPORT

Subject: MOTORCYCLE SAFETY CABINET PAPER

Date: 20 December 2007 **Docmin No.:** WGTA 9475

Attention: Hon Annette King (Minister of Transport)
Hon Harry Duynhoven (Minister for Transport Safety)

Purpose of Report

1. This report provides a draft Cabinet paper that sets out a package of policy proposals which aim to reduce the level of motorcycle related death and injury on New Zealand roads. The proposals will contribute to the road safety goals set out in the government's *Road Safety to 2010* strategy.

Executive Summary

2. In response to motorcycle casualties (fatalities and serious injuries) increasing by almost 50 percent since 2001 the attached Cabinet paper has been drafted. The paper outlines a number of proposals for amendments to the Graduated Driver Licensing System (GDLS) for motorcyclists and other safety initiatives to reduce road crashes among this high risk road user group.
3. The underlying principle of the set of proposals is based on a best practice model for motorcycle licensing and training developed by Monash University in Australia. This model is based on the premise that motorcycle riding requires higher levels of both vehicle control and cognitive skills than car driving and that the potential outcomes of any failure on the part of the rider, other road users, or the road environment are severe.
4. On November 8 2007 Minister Duynhoven asked officials whether, in addition to the power to weight limit, an absolute weight limit had been considered as an alternative to engine capacity (cc) for the Learner Approved Motorcycle Scheme (LAMS) proposal in the paper. The Ministry of Transport has investigated the impacts of using an absolute weight limit as opposed to cc using sample data from the Australian Capital Territory who have had LAMS based on a power to weight ratio not exceeding 150 kilowatts per tonne in place since 2000. This analysis illustrated that motorcycles with higher engine capacities are generally heavier so the difference between the two limits is relatively few bikes at the margins. On balance because a cc limit will remove some lighter high performance motorcycles with larger engines that a weight limit would not, cc is favoured over weight.
5. Further to this, in terms of ease of implementation and working with bike importers and distributors it would be preferable to follow the Australian model, which has been researched thoroughly and has proved popular with the local motorcycling community, rather than set up a whole new scheme that incorporates an absolute weight limit as opposed to cc rating. None of our road safety partners use an absolute weight limit so incorporating this would mean a lot of initial set up work in creating a new LAMS list rather than utilising the material already available in a number of Australian states. It is therefore recommended in addition to the power to weight limit engine capacity is kept as the restriction for LAMS.

6. The paper has been developed in consultation with, and endorsed by, all of the National Road Safety Committee member agencies. These are: Ministry of Transport, Land Transport New Zealand, New Zealand Police, the Accident Compensation Corporation, Transit New Zealand, Local Government New Zealand, the Ministries of Health, Education, Justice and the Department of Labour. The Treasury, the Department of Corrections, Youth Affairs, Te Puni Kōkiri, Pacific Island Affairs, and Agriculture and Forestry have also been consulted, and the Department of Prime Minister and Cabinet informed.
7. Key motorcycle stakeholders have been consulted through the Motorcycle Safety Reference Group. The reference group involves the motorcycling industry, manufacturers, retailers, trainers and motorcycle interest groups. The group broadly support the proposals.

Recommendation

The recommendation is that you:

- (a) **Agree** to sign and lodge the attached paper for consideration at Cabinet Policy Committee Yes/No

Priority Routine **Security Level** Restrictive/Sensitive **Deadline** 7 February 2008

Contact for telephone discussion (if required)

Name	Position	Telephone		Suggested First Contact
		Direct Line	After Hours	
s 9(2)(a)		s 9(2)(a)		X

s 9(2)(a)

MINISTER'S COMMENTS:

MINISTER'S SIGNATURE:

DATE:

- | | | |
|--|---|--|
| ☐ <i>Noted</i> | ☐ <i>Seen</i> | ☐ <i>Approved</i> |
| ☐ <i>Needs Change</i> | ☐ <i>Referred to</i> | |

☐ <i>Withdrawn</i>	☐ <i>Not Seen by Minister</i>	☐ <i>Overtaken by events</i>
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Office of the Minister of Transport
Office of the Minister for Transport Safety

Chair
Cabinet Policy Committee

MOTORCYCLE SAFETY

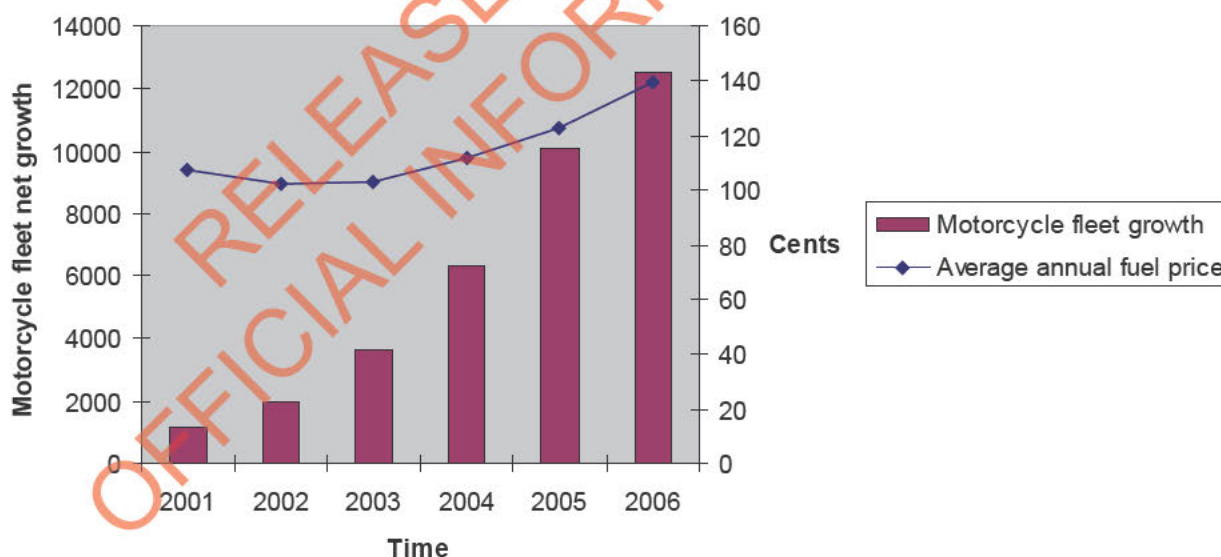
Proposal

1. This paper sets out a package of policy proposals that aims to reduce the level of motorcycle related death and injury on New Zealand roads. The proposals will contribute to the road safety goals set out in the government's *Road Safety to 2010* strategy.

Executive summary

2. Motorcycle casualties (fatalities plus serious and minor injuries) have increased by almost 80 percent since 2001¹. While some growth in casualties might have been expected as a result of the 28 percent increase in licensed motorcycles over the same period (refer figure one), it is very concerning that the casualty increase is so large. Furthermore the cost of fuel has risen, and is likely to remain high, so motorcycle ownership and use is likely to increase further. It is important that best practice motorcycle safety initiatives are put in place now to deal with this growing road safety problem.

Figure One: Motorcycle fleet growth and fuel price: 2001-2006



3. This paper outlines a number of proposals for amendments to the Graduated Driver Licensing System (GDLS) for motorcyclists and other safety initiatives to reduce road crashes among this high risk road group. The proposals mainly focus on novice motorcyclists as they face the greatest crash risk, a growing portion of which are in the over 30 age group. The proposals are to:

¹ Based on provisional 2007 crash data

- Improve the safety of novice riders by restricting learner and restricted motorcycle licence holders to motorcycles which do not exceed a power-to-weight ratio of 150 kilowatts per tonne. This is required because technological developments have meant the current 250cc restriction allows motorcycles which are very powerful. In addition to the power-to-weight limit an upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders;
 - Encourage the uptake of rider training by amending the GDLS for motorcyclists so an approved motorcycle-specific training course completed in the learner licence phase reduces the time spent on a restricted motorcycle licence by six months;
 - Introduce a motorcycle-specific competency based assessment option as an alternative to the restricted and full licence tests for those riders that undertake an approved motorcycle-specific training course in the learner licence phase;
 - Encourage progression through the GDLS by introducing a maximum three year validity period for all learner motorcycle licences;
 - Remove the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders. This restriction is largely ignored. When this speed restriction is adhered to it creates a large difference in the speed of vehicles travelling on the open road, which is a known road safety problem. Road safety research indicates this speed difference issue outweighs any benefit of lower open road speed limits for novice motorcycle riders;
 - Increase compliance with the motorcycle helmet requirement by introducing 25 demerit points and reducing the level of fine from \$150 to \$50 for helmet incorrect and non-wearing offences;
 - Improve the visibility of motorcycle and moped riders by introducing a requirement for all motorcycle and moped riders to have daytime running lights or their headlights on at all times when riding on the road; and
 - Reduce the level of risk for novice motorcyclists over the age of 25 by increasing the minimum time period these motorcyclists spend on a restricted licence from six to twelve months.
4. The rationale for the proposals is presented in the main submission. The proposals will require changes to the Land Transport (Driver Licensing) Rule 1999, the Land Transport (Road User) Rule 2004 and the Land Transport (Offences and Penalties) Regulations 1999. Amendments to these rules are included in the 2007/08 rules programme.
 5. The underlying principle of the set of proposals is based on a best practice model for motorcycle licensing and training developed by Monash University in Australia. This model is based on the premise that motorcycle riding requires higher levels of both vehicle control and cognitive skills than car driving and that the potential outcomes of any failure on the part of the rider, other road users, or the road environment are severe.
 6. The recently introduced Land Transport (Driver Licensing) Amendment Bill that proposes to increase the driving age, the Cabinet decision to introduce a zero blood alcohol limit for learner and restricted licence holders under 20 years old, and the Cabinet decisions approved in relation to 'Young and Novice Drivers' will all automatically apply to motorcyclists and moped riders and will help reduce the risk of this road user group.

Background

7. Motorcyclists are overrepresented in road crashes. Motorcycles make up approximately 2.7 percent of the fleet, yet motorcyclists and pillion riders accounted for 10 percent of all road fatalities in 2007. Motorcycle casualties (fatalities plus serious and minor injuries) peaked at over 4,000 in the mid 1980s but dropped to a low of 704 in 2001. This decrease was mainly attributed to a significant reduction in motorcycling with the introduction of imported used Japanese vehicles. Since 2001 motorcycle casualties have increased by almost 80 percent. While some growth in casualties might have been expected as a result of the 28 percent increase in licensed motorcycles over the same period, it is very concerning that the casualty increase is so large. Furthermore the cost of fuel has risen, and is likely to remain high, so motorcycle ownership and use is likely to increase further.
8. Motorcycling is fourteen times riskier than travel by cars on a risk per time travelled basis and twice as risky as travel by moped when examining injuries per 10,000 licensed vehicles. The social cost of motorcycle injuries between 2002 and 2006 where the motorcyclist was responsible in some way for the crash is estimated to be \$1 billion. The Accident Compensation Corporation (ACC) claim statistics show the yearly costs for motorcycle claims now exceed \$50 million and new entitlement claims are over seven times greater for motorcycles than cars on a cost per 1000 registrations basis.

Current Regulatory Environment

9. You must be at least 15 years old and pass a basic handling skills test before you can apply for a motorcycle licence in New Zealand. The current GDLS learner motorcycle licence restrictions are:
 - You must not ride a motorcycle with an engine capacity greater than 250cc;
 - You must not go faster than 70 km/h on the open road;
 - You must not ride between 10 pm and 5 am;
 - You must not carry a passenger;
 - You must always have an 'L' plate attached to the rear of your motorcycle;
 - You must always carry your learner licence when you're riding; and
 - If you're under 20 years old the legal blood alcohol limit is 30 mg/100 ml. If you're over 20 years old, the blood alcohol limit is 80 mg/100 ml.
10. After holding a learner licence for at least six months you can sit your restricted licence test. The restricted licence restrictions are the same as those for learner riders except you may exceed 70 km/h on the open road and there is no requirement for an 'L' plate. You can apply for a full licence after 18 months on your restricted licence if under 25 years old, or after six months if over 25. If you successfully complete an approved course (if under 25 you can only complete an approved course after six months on a restricted licence), the length of time you must hold your restricted licence will be reduced to 12 months for those aged under 25 years, and three months for those over 25.
11. The Land Transport (Driver Licensing) Amendment Bill, introduced by Hon Peter Dunne, that proposes to increase the driving age; the Cabinet decision to introduce a zero blood alcohol limit for learner and restricted licence holders under 20 years old; and the Cabinet decisions

approved in relation to 'Young and Novice Drivers' (which include extending the minimum period under 25 year olds spend on a learner licence from six to 12 months and rebalancing sanctions for breaches of GDLS conditions) will automatically apply to motorcyclists and moped riders and will help reduce the risk of this road user group.

12. Requiring all mopeds to be inspected before registration is currently being considered as part of a review of low powered vehicles. Restricting moped riders with learner and restricted car driver licences from carrying pillion passengers is to be included in the Land Transport (Driver Licensing) Amendment Rule 2008.
13. A cross-government agency motorcycle safety group led by the Ministry of Transport is examining non-legislative safety initiatives for motorcycle and moped riders. These include infrastructure improvements, education and enforcement activities.

Problems and Proposed Solutions

14. Monash University has created a best practice model for motorcycle licensing and training after reviewing these systems in Australia, the U.K., parts of Europe and the U.S.A. This model is based on the premise that motorcycle riding requires higher levels of both vehicle control and cognitive skills than car driving and that the potential outcomes of any failure on the part of the rider, other road users, or the road environment are severe. The model states that in order to achieve substantial improvements in the safety of motorcycling, the rider training and licensing systems may need to be quite different than those for cars. New Zealand already has aspects of the model in place, including a Basic Motorcycle Handling Skills Test to obtain a learner licence. There are also other specific motorcycle safety issues emerging outside of the licensing and training systems that need a policy response.

Problem: *The 250cc restriction for learner and restricted motorcycle licence holders no longer accurately reflects the power capabilities of modern motorcycles*

15. Advances in technology in recent years have resulted in a number of powerful high-performance 250cc motorcycles capable of high speed and rapid acceleration. These motorcycles are therefore not suitable for novice riders due to their sports style power delivery, riding position and handling. Power-to-weight ratio provides a better indication of a motorcycle's potential performance than engine capacity alone.
16. Despite the 250cc restriction being in place, 10 percent of riders on learner licences and 20 percent of riders on restricted licences involved in injury crashes in 2006 were riding bikes greater than 250cc when they crashed. Crash statistics show crashes involving larger and more powerful bikes are more likely to result in death and serious injury than crashes involving lower powered bikes.

Proposed Solution: *Improve the safety of novice riders by restricting learner and restricted motorcycle licence holders to motorcycles which do not exceed a power-to-weight ratio of 150 kilowatts per tonne. This is required because technological developments have meant the current 250cc restriction allows motorcycles which are very powerful. In addition to the power-to-weight limit an upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders.*

17. Power-to-weight ratio determines the acceleration capabilities of a motorcycle and combined with a maximum engine capacity will reduce novice riders access to high-powered

motorcycles that are allowable under the 250cc restriction. Introducing this restriction will give novice riders access to a greater range of motorcycles appropriate for their level of experience, including more that have safety features like Automatic Braking Systems (ABS), and provides a more progressive step to larger bikes than the 250cc restriction. Evidence from overseas jurisdictions shows a power-to-weight restriction encourages novice riders to stay on a less powerful bike for longer than a 250cc restriction after their restriction period ends. This is positive from a safety perspective as studies have shown that familiarity with a motorcycle reduces crash risk.

18. A number of Australian states have recognised the 250cc novice rider restriction is a safety issue and have replaced this with a power-to-weight restriction through the introduction of a Learner Approved Motorcycle Scheme (LAMS).. In terms of ease of implementation and working with bike importers and distributors the most expedient option for New Zealand would be to duplicate the New South Wales (NSW) LAMS model and use their approved list of motorcycles, which has been researched thoroughly and has proved popular with the local motorcycling community. To facilitate enforcement and recognition of approved motorcycles in NSW a code is placed on the registration label and bike history, with the approved list published on the internet. Modified motorcycles are non-compliant and evidence from Australia suggests this is rare.

Problem: *There are few incentives for novice riders to undertake motorcycle-specific training prior to obtaining their full motorcycle licence.*

19. The crash risk for motorcyclists is highest in the learner phase of the GDLS when motorcyclists first start to ride, whereas research has shown this is the safest time for novice car drivers. This is because motorcycling is fourteen times riskier than travel by cars on a risk per time travelled basis and learner motorcyclists are not supervised in New Zealand like learner car drivers. Therefore, key competencies and attitudes specific to motorcycling should be developed and tested as soon as possible in the learner licence period to reduce this risk.
20. There is currently no approved learner motorcycle training course, and the theory components of the current Defensive Driving Course/Street Talk courses (which can reduce time spent in the restricted licence phase) are largely classroom and car focussed. Although the practical component of these restricted courses can be completed using a motorcycle with an approved motorcycle instructor, this is not common.

Proposed solution: *Encourage the uptake of rider training by amending the GDLS for motorcyclists so an approved motorcycle-specific training course completed in the learner licence phase reduces the time spent on a restricted motorcycle licence by six months.*

21. Having an approved motorcycle-specific course in the learner phase would mean that key motorcycle skills (for example, hazard perception) would be taught when riders are most at risk. This course would be user pays and developed by Land Transport NZ based on the recent popular Competency Based Training pilot programme with the latest research on motorcycle training best practice considered. Successful completion of the course would enable under 25 year olds to apply for a full licence after twelve months on a restricted licence or after six months for those over the age of 25.

Problem: *The current testing regime does not have enough motorcyclist specific material.*

22. The current testing regime is largely car focussed, raising concerns that learner and restricted motorcyclists are not being effectively examined in terms of the skills and techniques required to ride a motorcycle safely. For example, it is common for testing officers to undertake the practical restricted and full licence tests in a car that follows the motorcyclist around the test route. This is not ideal because the skills and techniques required to ride a motorcycle safely cannot be easily or fully observed from a car.

Proposed Solution: *Introduce a motorcycle-specific competency based assessment option as an alternative to the restricted and full licence tests for those riders that undertake an approved motorcycle-specific training course in the learner phase.*

23. The motorcycle-specific competency based assessment option would more effectively test motorcyclists for the skills required to ride on the road. The learner licence test would remain in its current form for all motorcyclists. It would be the responsibility of Land Transport New Zealand to develop the new assessment option.

Problem: *Novice riders frequently remain on a learner motorcycle licence indefinitely.*

24. As riders graduate from one stage of the GDLS to the next their riding and road safety skills should progressively improve as they are given a new licence with different requirements and more responsibilities. Ministry of Transport data indicate that between May 1999 and November 2005 a total of 16,159 individuals were granted a learner motorcycle licence. As of November 2007 9,930 or 61 percent of these individuals were still on a learner motorcycle licence. This confirms that the majority of individuals who gain motorcycle learner licences are failing to progress to a restricted or full licence or may not be actively riding. Motorcyclists that remain on a learner licence have not been formally assessed on the skills and techniques required to ride a motorcycle safely and are more likely to breach licence conditions.

Proposed solution: *Encourage progression through the GDLS by introducing a maximum three year validity period for all learner motorcycle licences.*

25. Evidence from overseas jurisdictions shows having a maximum validity period in place encourages riders to progress through the licensing system. It is proposed that all current and future learner licence holders be given three years to progress to a restricted motorcycle licence. Current motorcycle learner licence holders will receive a three year learner licence when they next apply to renew that licence. Three years gives enough time for learner motorcyclists to practice their riding and learn key road safety skills before moving to a restricted motorcycle licence. If a learner motorcycle licence holder does not sit their restricted licence test within this timeframe they would forfeit their learner licence and would need to re-sit and pass the basic motorcycling handling skills and learner licence tests to legally ride a motorcycle.

Problem: *The 70km/h speed limit restriction is perceived as unsafe for learner motorcycle licence holders and is widely ignored.*

26. Novice riders ignoring conditions of the GDLS undermines the credibility of the system. There is little evidence of the safety benefits of speed restrictions and feedback from motorcyclists indicates it is not safe practice as it encourages riders to adopt an 'inferior' position on the side of the road so other vehicles are more likely to encroach on their space. Road safety research shows large differences in the speed of vehicles travelling on the open road creates a road safety problem.

Proposed solution: Remove the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders..

27. Removing the 70km/h speed limit will allow learner motorcyclists to gain experience in open road driving and practice for the open road component of their restricted practical motorcycle test. Best practice in speed management is for vehicles in high speed zones to be travelling at similar speeds.

Problem: *Non and incorrect helmet wearing*

28. It is considered the current sanction for breach of this law is not strong enough to deter non and incorrect wearing of a helmet. Of the 168 motorcycle riders and pillion passengers killed in the five years from 2002 to 2006, 19 (11 percent) did not have a helmet on. The officers attending the crashes estimated that four would not have died if they were wearing their helmets. A rider without a helmet is six times more likely to suffer severe brain damage than a helmeted rider in the same type of crash.

Proposed solution: *Increase compliance with the motorcycle helmet requirement by introducing 25 demerit points and reducing the level of fine from \$150 to \$50 for helmet incorrect and non-wearing offences*

29. If you accumulate 100 or more active demerit points in any two-year period your licence can be suspended for three months. Reducing the level of fine and adding demerits is based on a road safety crash risk framework developed for a review of the traffic penalty regime. A group of experts examined a range of traffic infringement offences with road safety implications and allocated a risk rating according to the likely severity of the impact and frequency of the offence. With current high wearing rates, most people will be unaffected by the introduction of demerit points on motorcycle helmet non-wearing offences. These new penalties recognise that the probability of this offence occurring is low, but when a crash occurs the risk of death or serious injury is very high.

Problem: *Visibility is a contributing factor in a significant proportion of multi-vehicle motorcycle crashes*

30. Motorcycle speed and manoeuvrability coupled with their small size can make them less visible to other road users. Motorcyclists are accountable for about 55 percent of the crashes they are involved in, but if only intersection collisions are examined the other driver is at fault about 75 percent of the time. There were 323 (33 percent of all motorcycle crashes) multi-vehicle motorcycle crashes in 2006 where visibility was recorded as a contributing crash factor.

Proposed solution: *Improve the visibility of motorcycle and moped riders by introducing a requirement for all motorcycle and moped riders to have daytime running lights or their headlights on at all times when riding on the road*

31. Daytime running lights are fitted to the front of a motorcycle to make it easier to be seen by other road users. They have a low light output and are not bright enough to illuminate the road ahead. These are normally designed so that they turn on automatically with the engine ignition, and turn off when the dipped or main beam headlamps are switched on. The vast majority of new motorcycle and moped imports entering New Zealand have these lights fitted as standard.

32. A case control study on motorcycle rider visibility carried out in New Zealand and published in 2004, found three quarters of motorcycle riders had their headlight turned on during the day and that this was associated with a 27 percent lower crash risk. Under this proposal the few motorcycles and mopeds currently without daytime running lights would be required, when being ridden on the road, to have their headlights on at all times. Social cost analysis (based on 2002-2006 data) indicates removing daylight injuries when the motorcyclist was not at fault and the driver did not see the motorcycle would save \$39.5 million per year, so even very modest crash reductions would be cost effective.

Problem: *Riders aged over 40 are increasing as a proportion of total motorcycle deaths and injuries.*

33. In 2000, 26 percent of all motorcyclists killed and injured were over the age of 40, this figure increased to 35 percent in 2006. Over the same time period the proportion of 15 to 29 year old motorcyclists killed and injured dropped from 51 percent to 43 percent. However, the average social cost of injuries per motorcycle rider aged 15 to 29 is still twelve times that of a motorcycle rider aged over 40.

34. There has been a 14.6 percent increase in over 40 year olds obtaining learner and restricted motorcycle licences since 2000 compared with a decrease of 62 percent for 15 to 20 year olds. A survey of Australian motorcyclists undertaken by Monash University in 2001 found little difference in the crash involvement of continuing and returned riders over the age of 30, but clear evidence that crash risk on a per annum basis is higher for new riders that are over 30.

Proposed solution: *Reduce the level of risk for novice motorcyclists over the age of 25 by increasing the minimum time period these motorcyclists spend on a restricted licence from six to twelve months.*

35. Although this proposal is not solely focussed on riders over the age of 40 it will impact on the motorcyclists in this group who face the greatest level of risk from riding (those who are new to motorcycling or still progressing through the GDLS). The proposal acknowledges that riders older than 25 years have more than 50 percent lower risk than those aged from 15 to 19 years (the minimum time period for under 25 year olds on a restricted licence would remain at 18 months), but that motorcyclists in the over 25 age group still face a significantly higher level of risk than car drivers of the same age. The change gives these riders more time to gain on-road experience under the restricted licence conditions. Successful completion of an approved course in the learner phase would enable application for a full licence after six months on a restricted licence for those over the age of 25.

36. A number of the other proposed solutions in this paper will impact on motorcyclists over the age of 40, particularly those most at risk who are new to motorcycling or still progressing through the GDLS. As for returning riders aged over 40 with full motorcycle licences, there are a number of non-legislative safety initiatives being examined by the motorcycle cross-agency team to reduce the crash risk of this group. This includes working with the motorcycle industry to promote refresher courses for those returning to riding after a prolonged absence.

Consultation

37. This paper has been developed in consultation with, and endorsed by, all of the National Road Safety Committee member agencies. These are: Ministry of Transport, Land Transport

New Zealand, New Zealand Police, the Accident Compensation Corporation, Transit New Zealand, Local Government New Zealand, the Ministries of Health, Education, Justice and the Department of Labour. Also consulted were The Treasury, the Department of Corrections, Youth Affairs, Te Puni Kōkiri, Pacific Island Affairs, and Agriculture and Forestry. The Department of Prime Minister and Cabinet has been informed.

38. Key motorcycle stakeholders have been consulted through the Motorcycle Safety Reference Group. The reference group involves the motorcycling industry, manufacturers, retailers, trainers and motorcycle interest groups. The group broadly supports the proposals.

Financial implications

39. Information technology systems changes will be required to implement the changes proposed in this Cabinet paper. These changes will be made in conjunction with the changes detailed in the other *Road Safety to 2010 Strategy* papers at an estimated additional cost of between \$673,000 and \$1,088,000. System changes and changes that will affect licensing volumes will be dealt with through a Review of Driver Licensing Fees and Charges.
40. There will be costs incurred by Land Transport NZ from the implementation of these proposals to educate riders, amend publications and websites, re-train staff, develop new operational guidelines and maintain the Learner Approved Motorcycle Scheme. Funding for the education/information proposals in the paper will, in the first instance, be sought through a re-focusing of existing programmes. If additional funding is required business cases will be developed for the 2008/09 year to coincide with implementation.

Human rights implications

41. Overall, the proposals are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. This paper reduces the difference between under 25 year olds and those over 25 by proposing to increase the minimum time period motorcyclists over 25 spend on a restricted licence from six to twelve months, but retains the current approach of applying greater restrictions to those under 25 progressing through the GDLS. This may raise issues of consistency with the New Zealand Bill of Rights Act 1990. However, these are likely to be justified in terms of section 5 of the Act because studies show that under 25 year olds have a significantly greater crash risk.

Legislative implications

42. These proposals will require changes to the Land Transport (Driver Licensing) Rule 1999, which is due for public consultation in 2008; the introduction of a new requirement in the Land Transport (Road User) Rule 2004, which is in the early stages of being updated; and an amendment to the Land Transport (Offences and Penalties) Regulations, which will be made along with numerous changes required to the regulations as part of implementation of the Road Safety to 2010 strategy and will coincide with the introduction of amending legislation in 2008.

Regulatory impact analysis

43. A Regulatory Impact Statement was circulated with the Cabinet paper for departmental consultation. This regulatory impact statement has been reviewed by the Ministry of Transport and it is satisfied that it complies with CO(07)03.

Publicity

44. Should the proposals in this paper be agreed to, the Minister of Transport and Minister for Transport Safety will issue a press statement. A detailed communications plan would then be developed by Land Transport NZ preceding the implementation of the proposals to ensure the public is aware of the nature of the changes and the reasons for them. Land Transport NZ will revise reference material such as fact sheets and website information accordingly.

Recommendations

45. It is recommended that the Committee:

- 1) **notes** that since 2001 motorcycle registrations have increased by 28 percent and motorcycle casualties have increased by almost 80 percent;
- 2) **notes** that the proposals in this paper aim to reduce the level of motorcycle related death and injury on New Zealand roads and are based on a best practice model developed by Monash University in Australia;
- 3) **agrees** to improve the safety of novice riders by restricting learner and restricted motorcycle licence holders to motorcycles which do not exceed a power-to-weight ratio of 150 kilowatts per tonne. This is required because technological developments have meant the current 250cc restriction allows motorcycles which are very powerful. In addition to the power-to-weight limit an upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders;
- 4) **agrees** to encourage the uptake of rider training by amending the GDLS for motorcyclists so an approved motorcycle-specific training course completed in the learner licence phase reduces the time spent on a restricted motorcycle licence by six months;
- 5) **agrees** to introduce a motorcycle-specific competency based assessment option as an alternative to the restricted and full licence tests for those riders that undertake an approved motorcycle-specific training course in the learner licence phase;
- 6) **agrees** to encourage progression through the GDLS by introducing a maximum three year validity period for all learner motorcycle licences;
- 7) **agrees** to reduce the road safety problem caused by speed differences on the open road by removing the 70km/h speed limit restriction for learner motorcycle licence holders. Road safety research indicates this speed difference issue outweighs any benefit of lower open road speed limits for novice motorcycle riders;

- 8) **agrees** to increase compliance with the motorcycle helmet requirement by introducing 25 demerit points and reducing the level of fine from \$150 to \$50 for helmet incorrect and non-wearing offences;
- 9) **agrees** to improve the visibility of motorcycle and moped riders by introducing a requirement for all motorcycle and moped riders to have daytime running lights or their headlights on at all times when riding on the road;
- 10) **agrees** to reduce the level of risk for novice motorcyclists over the age of 25 by increasing the minimum time period these motorcyclists spend on a restricted licence from six to twelve months;
- 11) **notes** these proposals will require changes to the Land Transport (Driver Licensing) Rule 1999, the Land Transport (Road User) Rule 2004 and the Land Transport (Offences and Penalties) Regulations 1999, which are all included in the 2007/08 rules programme;
- 12) **notes** that should the proposals in this paper be agreed to, the Minister of Transport and Minister for Transport Safety will issue a press statement and a detailed communications plan will be developed by Land Transport NZ to ensure the public is aware of the nature of the changes and the reasons for them; and
- 13) **agrees** to publish the Regulatory Impact Statement on the Ministry of Transport's website.

Hon Annette King
Minister of Transport

Hon Harry Duynhoven
Minister for Transport Safety

Dated: _____

CONSULTATION ON CABINET AND CABINET COMMITTEE SUBMISSIONS

CERTIFICATION BY DEPARTMENT

Guidance on the consultation requirements for Cabinet and Cabinet committee papers is provided in the Procedures: Consultation section of the CabGuide website at http://www.cabguide.cabinetoffice.govt.nz/procedures/consultation		
Departments/agencies consulted: The attached submission has implications for the following departments/agencies whose views have been sought and are accurately reflected in the submission: This paper has been developed in consultation with, and endorsed by, all of the National Road Safety Committee member agencies. These are: Ministry of Transport, Land Transport New Zealand, New Zealand Police, the Accident Compensation Corporation, Transit New Zealand, Local Government New Zealand, the Ministries of Health, Education, Justice and the Department of Labour. Also consulted were the Treasury, the Department of Corrections, Youth Affairs, Te Puni Kōkiri, Pacific Island Affairs, and Agriculture and Forestry. Departments/agencies informed: In addition, the following departments/agencies have an interest in the submission and have been informed: The Department of Prime Minister and Cabinet has been informed. Others consulted: Other interested groups have been consulted as follows: Key motorcycle stakeholders have been consulted through the Motorcycle Safety Reference Group. The reference group involves the motorcycling industry (including the Motor Industry Association), manufacturers, retailers, trainers and motorcycle interest groups. The group broadly support the proposals.		
Signature	Name, Title, Department	Date
	s 9(2)(a)	

CERTIFICATION BY MINISTER

Ministers should be prepared to update and amplify the advice below when the submission is discussed at Cabinet/Cabinet committee. The attached proposal:	
Consultation at Ministerial level	☐ has been consulted with the Minister of Finance <i>[required for all submissions seeking new funding]</i> ☐ has been consulted with the following Ministers: ☐ did not need consultation with other Ministers
Discussion with Labour/ Progressive caucuses	☐ has been or ☐ will be discussed with the government caucuses ☐ does not need discussion with the government caucuses
Discussion with other parties	☐ has been discussed with the following other parties represented in Parliament: ☐ New Zealand First ☐ United Future ☐ Green Party ☐ Other [specify] ☐ will be discussed with the following other parties represented in Parliament: ☐ New Zealand First ☐ United Future ☐ Green Party

	☐ Other [specify] ☐ does not need discussion with other parties represented in Parliament	
Signature	Portfolio	Date / /

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Most submissions to Cabinet and Cabinet committees are relevant to departments other than the initiating department. It is important for the quality of decision making that all interested departments are involved in developing a submission. Departments should consider the schedule of interests of all departments in chapter 11 of the Cabinet Office *Step by Step Guide* for **every** submission for which they are responsible. Particular attention should be paid to the need to consult the departments listed below, which have a broad "horizontal responsibility".

The Cabinet Office will **reject submissions** if the necessary consultation does not appear to have taken place.

Department	Issues on which they must be consulted
Crown Law Office	Proposals having legal implications for the Crown
Ministry of Consumer Affairs	All policy proposals likely to affect the economic welfare of consumers
Ministry of Foreign Affairs and Trade	All proposals having implications for New Zealand's external relations, trade policy and international legal obligations
Ministry for the Environment	All proposals having significant environmental implications
Ministry of Maori Development (Te Puni Kokiri)	All proposals with implications for Maori, as individuals, communities or tribal groupings, with particular focus on reducing inequalities, and Treaty of Waitangi issues
Ministry of Pacific Island Affairs	All proposals with implications for Pacific peoples as individuals and communities with particular focus on reducing inequalities
Parliamentary Counsel Office	Proposals for legislation or amendments to legislation
Department of the Prime Minister & Cabinet	All policy proposals which are likely to have implications for the government as a whole, or for the coordination of the activities of two or more departments
Ministry of Research, Science and Technology	All proposals having implications for science policy or funding, or which might be significantly influenced by scientific or technological input
Office for Senior Citizens, Ministry of Social Development	All matters relating to the well-being of older people
State Services Commission	All proposals with an impact on organisational structures, chief executive accountability or departmental performance specification and industrial relations in the state services
The Treasury	All proposals having economic, financial or fiscal (expenditure or revenue) implications
Ministry of Women's Affairs	All proposals that relate to the economic and social status of women, especially Maori women
Ministry of Youth Affairs	All proposals dealing with issues of concern to 12-25 year olds

Regulatory Impact Statement

EXECUTIVE SUMMARY

Several problems have been identified that contribute to the high crash risk of motorcyclists. With motorcycling increasing in popularity the following package of proposals recommends amendments to the Graduated Driver Licensing System (GDLS) for motorcyclists and other safety initiatives to reduce road crashes among this high risk road user group:

- Improve the safety of novice riders by restricting learner and restricted motorcycle licence holders to motorcycles which do not exceed a power-to-weight ratio of 150 kilowatts per tonne. This is required because technological developments have meant the current 250cc restriction allows motorcycles which are very powerful. In addition to the power-to-weight limit an upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders;
- Encourage the uptake of rider training by amending the GDLS for motorcyclists so an approved motorcycle-specific training course completed in the learner licence phase reduces the time spent on a restricted motorcycle licence by six months;
- Introduce a motorcycle-specific competency based assessment option as an alternative to the restricted and full licence tests for those riders that undertake an approved motorcycle-specific training course in the learner licence phase;
- Encourage progression through the GDLS by introducing a maximum three year validity period for all learner motorcycle licences;
- Remove the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders. This restriction is largely ignored. When the speed restriction is adhered to it creates a large difference in the speed of vehicles travelling on the open road, which is a known road safety problem. Road safety research indicates this speed difference issue outweighs any benefit of lower open road speed limits for novice motorcycle riders;
- Increase compliance with the motorcycle helmet requirement by introducing 25 demerit points and reducing the level of fine from \$150 to \$50 for helmet incorrect and non-wearing offences;
- Improve the visibility of motorcycle and moped riders by introducing a requirement for all motorcycle and moped riders to have daytime running lights or their headlights on at all times when riding on the road; and
- Reduce the level of risk for novice motorcyclists over the age of 25 by increasing the minimum time period these motorcyclists spend on a restricted licence from six to twelve months.

ADEQUACY STATEMENT

This regulatory impact statement has been reviewed by the Ministry of Transport and is consistent with the adequacy criteria set out in the Ministry of Economic Development's Regulatory Impact Analysis Guidelines.

STATUS QUO AND PROBLEM

Motorcyclists are overrepresented in road crashes. Motorcycles make up approximately 2.7 percent of the fleet, yet motorcyclists and pillion passengers made up almost 10 percent of all road fatalities in 2006. Since 2000 motorcycle casualties have increased by almost 74 percent. While some growth in casualties might have been expected as a result of the 28 percent increase in licensed motorcycles since 2001, it is very concerning that the casualty increase is so large. Furthermore the cost of fuel has risen, and is likely to remain high, so motorcycle ownership and use is likely to increase further

A number of specific problems have been identified in relation to motorcycle safety:

- *the 250cc restriction for learner and restricted motorcycle licence holders no longer accurately reflects the power capabilities of modern motorcycles;*
- there are few incentives for novice riders to undertake motorcycle-specific training prior to obtaining their full motorcycle licence;
- the current testing regime does not have enough motorcyclist-specific material;
- novice riders frequently remain on a learner motorcycle licence indefinitely;
- the 70km/h speed limit restriction is perceived as unsafe for learner motorcycle licence holders and is widely ignored;
- non and incorrect helmet wearing;
- visibility is a contributing factor in a significant proportion of multi-vehicle motorcycle crashes; and
- riders aged over 40 are increasing as a proportion of total motorcycle deaths and injuries.

The Land Transport Act 1998 places an obligation on the government to, among other things, promote safe road user behaviour and vehicle safety and to provide for a system of rules governing road users' behaviour, the licensing of drivers, and the technical aspects of land transport.

The status quo was rejected due to the increasing level of road trauma involving motorcyclists and because best practice specifies that in order to achieve substantial improvements in the safety of motorcycling, the rider training and licensing systems may need to be quite different than those for cars. There are also other specific motorcycle safety issues emerging outside of the licensing and training systems that require a policy response.

OBJECTIVES

The key objective of the package of proposed measures is to reduce the crash risk for motorcyclists. It is expected the proposals will enhance safety culture and the integrity of the driver licensing system.

ALTERNATIVE OPTIONS

Other options were considered and rejected early on in the policy process.

Mandatory rider training

Despite the intuitive appeal of rider training, at this stage there is not enough evidence of the overall safety benefits from introducing a compulsory, cost-effective, and formal pre-licence

training scheme for all novice motorcycle riders. It is therefore difficult to justify mandatory pre-licence training courses. In addition, this could provide a cost disincentive to individuals to enter the GDLS, and therefore an incentive to ride motorcycles unlicensed.

Moped rider licensing

The level of risk for motorcycle riders/pillions is significantly greater than that of mopeds riders/pillions when examining injuries per 10,000 licensed vehicles. Requiring all moped users to obtain a motorcycle licence would be costly from a compliance point of view and cannot currently be justified from a safety perspective. There would also be issues with a number of tourist operators who have based their businesses around the current system.

Introduction of mandatory 'R' plates for motorcyclists

This proposal would require restricted riders to display an 'R' plate as learner riders do with the 'L' plate. This would indicate to other road users that these drivers are novice riders, and indicate to the Police that a particular rider was required to adhere to certain restrictions/conditions.

Because learner riders face a greater crash risk than restricted riders, who have attained a level of competence by graduating from one stage of the GDLS to the next, it is not felt this additional requirement would be very effective. Furthermore, if failure to display the 'R' plate is a breach of the licence conditions (as it is for learner licences) the multiple fines from a single incident could be too severe and disproportionate to the offence.

Introducing on-road testing every ten years to retain a motorcycle licence

Although this could assist in addressing the problem of motorcycle licence holders not progressing through the GDLS, the compliance costs of introducing such a proposal are very high. It should also be noted that none of our road safety partners have an on-going testing system in place.

In terms of addressing the returning rider issue, incentives for these riders such as insurance discounts for undertaking motorcycle specific training, are likely to be more successful in reducing the crash risk of this group.

Encourage motorcyclists to surrender their motorcycle licences if no longer required

This proposal has been suggested as a way of reducing the number of poorly skilled returning riders. There is not a strong enough safety case to introduce such a scheme, through incentives or penalties, to encourage motorcyclists to give up their motorcycle licences if they have chosen to no longer ride. This is largely because recently returned and continuing riders cannot be distinguished in the crash data. New riders of all ages have higher crash involvement rates than other riders of the same age.

Best practice suggests promotion of refresher courses for licence holders returning to riding may be of more benefit to improve skills and reinforce to potential returning riders that their skills may need updating. Motorcycle retailers have a role to play here as they are often the ones who come in contact with returning riders purchasing new bikes.

PREFERRED OPTION

Officials recommend the proposals below for motorcycle (class 6) licence holders:

1. *Improve the safety of novice riders by restricting learner and restricted motorcycle licence holders to motorcycles which do not exceed a power-to-weight ratio of 150 kilowatts per tonne. This is required because technological developments have meant the current 250cc restriction allows motorcycles which are very powerful. In addition to the power-to-weight limit an upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders.*

Power-to-weight determines the acceleration capabilities of a motorcycle and combined with a maximum engine capacity will reduce novice riders access to high-powered motorcycles that are allowable under the 250cc restriction. Introducing this restriction will give novice riders access to a greater range of motorcycles appropriate for their level of experience, including more that have safety features like Automatic Braking Systems (ABS), and provides a more progressive step to larger bikes than the 250cc restriction. Evidence from overseas jurisdictions shows a power-to-weight restriction encourages novice riders to stay on a less powerful bike for longer than a 250cc restriction after their restriction period ends. This is positive from a safety perspective as studies have shown that familiarity with a motorcycle reduces crash risk.

2. *Encourage the uptake of rider training by amending the GDLS for motorcyclists so an approved motorcycle-specific training course completed in the learner licence phase reduces the time spent on a restricted motorcycle licence by six months.*

Having an approved motorcycle-specific course in the learner phase would mean that key motorcycle skills (for example, hazard perception) would be taught when riders are most at risk. This course would be developed by Land Transport NZ and based on the recent popular Competency Based Training pilot programme with successful completion enabling application for a full licence after twelve months on a restricted licence for under 25 year olds and after six months for those over 25. The course would be user pays. Land Transport NZ would be responsible for the design of the courses, determining appropriate criteria and standards based on motorcycle training best practice, as well as giving final course approval.

3. *Introduce a motorcycle-specific competency based assessment option as an alternative to the restricted and full licence tests for those riders that undertake an approved motorcycle-specific training course in the learner licence phase.*

The motorcycle-specific competency based assessment option would more effectively test motorcyclists for the skills required to ride on the road. The learner licence test would remain in its current form for all motorcyclists. It would be the responsibility of Land Transport NZ to develop the new assessment option.

4. *Encourage progression through the GDLS by introducing a maximum three year validity period for all learner motorcycle licences.*

Evidence from overseas jurisdictions shows having this condition in place encourages riders to progress through the licensing system. It is proposed all current and future learner licence holders be given three years to progress to a restricted motorcycle licence. Current motorcycle learner licence holders will receive a three year learner licence when they next apply to renew that licence. If a learner motorcycle licence holder does not sit their restricted licence test within this time they would forfeit their learner licence and would need to re-sit and pass the basic motorcycling handling skills and learner licence tests to legally ride a motorcycle.

5. *Remove the 70km/h speed limit restriction which currently applies to learner motorcycle licence holders. This restriction is largely ignored. When this speed restriction is adhered to it creates a large difference in the speed of vehicles travelling on the open road, which is a known road safety problem. Road safety research indicates this speed difference issue outweighs any benefit of lower open road speed limits for novice motorcycle riders..*

Removing the speed limit will allow learner motorcyclists to gain experience in open road driving and practice for their restricted practical motorcycle test which has an open road component. Best practice in speed management is for vehicles in high speed zones to be travelling at similar speeds.

6. *Increase compliance with the motorcycle helmet requirement by introducing 25 demerit points and reducing the level of fine from \$150 to \$50 for helmet incorrect and non-wearing offences.*

Reducing the level of fine from \$150 to \$50 and introducing 25 demerits is based on a road safety crash risk framework developed as part of a review of the traffic penalty regime. With current high wearing rates, most people will be unaffected by the introduction of demerit points on motorcycle helmet non-wearing offences. These new penalties recognise that the probability of this offence occurring is low, but when a crash occurs the risk of death or serious injury is very high.

7. *Improve the visibility of motorcycle and moped riders by introducing a requirement for all motorcycle and moped riders to have daytime running lights or their headlights on at all times when riding on the road.*

Daytime running lights are fitted to the front of a motorcycle to make it easier to be seen by other road users. They have a low light output and are not bright enough to illuminate the road ahead. These are normally designed so that they turn on automatically with the engine ignition, and turn off when the dipped or main beam headlamps are switched on. The vast majority of new motorcycle and moped imports entering New Zealand have these lights fitted as standard.

A case control study on motorcycle rider visibility carried out in New Zealand and published in 2004, found three quarters of motorcycle riders had their headlight turned on during the day and that this was associated with a 27 percent lower crash risk. Under this proposal the few motorcycles and mopeds without headlight daytime running lights would be required to ride with their lights on during daylight hours. Social cost analysis (based on the period 2002-2006) indicates removing daylight injuries when the motorcyclist was not at fault and the

driver did not see the motorcycle would save \$39.5 million per year, but even very modest crash reductions would be cost effective.

8. *Reduce the level of risk for novice motorcyclists over the age of 25 by increasing the minimum time period these motorcyclists spend on a restricted licence from six to twelve months.*

The proposal acknowledges that riders older than 25 years have more than 50 percent lower risk than those aged from 15–19 years (the minimum time period for under 25 year olds on a restricted licence would remain at 18 months), but that motorcyclists in the over 25 age group still face a significantly higher level of risk than car drivers of the same age. The change gives these riders more time to gain on-road experience under the restricted licence conditions. Successful completion of an approved course in the learner phase would enable application for a full licence after six months on a restricted licence for those over 25.

A number of the other proposed solutions in this paper will impact on motorcyclists over the age of 40, particularly those most at risk who are new to motorcycling or still progressing through the GDLS. As for returning riders aged over 40 with full motorcycle licences, there are a number of non-legislative safety initiatives being examined by the motorcycle cross-agency team to reduce the crash risk of this group. This includes working with the motorcycle industry to promote refresher courses for those returning to riding after a prolonged absence

Costs:

Information technology systems changes would be required to implement the changes proposed in this Cabinet paper. These changes will be made in conjunction with the proposed changes detailed in the other *Road Safety to 2010 strategy* papers. System changes and changes that will affect licensing volumes will be dealt with through a Review of Driver Licensing Fees and Charges.

There will be costs incurred by Land Transport NZ from the implementation of these proposals to educate riders, amend publications and websites, re-train staff, develop new operational guidelines and maintain the Learner Approved Motorcycle Scheme. Funding for the education/information proposals in the paper will, in the first instance, be sought through a re-focusing of existing programmes. If additional funding is required business cases will be developed for the 2008/09 year to coincide with implementation.

IMPLEMENTATION AND REVIEW

These proposals will require changes to the Land Transport (Driver Licensing) Rule 1999, which is due for public consultation in 2008; the introduction of a new requirement in the Land Transport (Road User) Rule 2004, which is in the early stages of being updated; and an amendment to the Land Transport (Offences and Penalties) Regulations, which will be made along with numerous changes required to the regulations as part of implementation of the Road Safety to 2010 strategy and will coincide with the introduction of amending legislation in 2008.

On introduction of the proposals the Minister of Transport and Minister for Transport Safety will issue a press statement. A detailed communications plan will be developed by Land Transport NZ preceding the implementation of the proposals to ensure the public is aware of the nature of the changes and the reasons for them. Land Transport NZ will revise reference material such as fact sheets and website information accordingly and re-train staff where necessary.

Following the implementation of the proposals, the Ministry of Transport will continue to gather and analyse statistical information related to crashes to ascertain the effect of changes and whether they contribute to achieving the goal of reducing crash risk for motorcyclists.

CONSULTATION

Stakeholder Consultation

In July 2006, the National Road Safety Committee launched a nationwide series of workshops. The workshops and the associated web-based road safety forum were developed to ensure that people at local and community levels had the opportunity to engage in pre-policy discussions. Comments were provided on a variety of matters related to road safety, including motorcycle safety.

The Ministry of Transport consulted key motorcycle stakeholders through the Motorcycle Safety Reference Group. The reference group involves the motorcycling industry, manufacturers, retailers, trainers and motorcycle interest groups. The group broadly supports the proposals.

Government departments/agencies consultation

This paper has been developed in consultation with, and endorsed by, all of the National Road Safety Committee member agencies. These are: Ministry of Transport, Land Transport New Zealand, New Zealand Police, the Accident Compensation Corporation, Transit New Zealand, Local Government New Zealand, the Ministries of Health, Education, Justice and the Department of Labour. Also consulted were The Treasury, the Department of Corrections, Youth Affairs, Te Puni Kōkiri, Pacific Island Affairs, and Agriculture and Forestry. The Department of Prime Minister and Cabinet has been informed.

MINISTRY OF TRANSPORT REPORT

Subject: COMPLETING SAFER JOURNEYS FIRST ACTIONS

Date: 6 September 2010 **Docmin No.:** WGTA13027

Attention: Hon Steven Joyce (Minister of Transport)

Priority: Medium **Security Level:** In-Confidence

Deadline: Thursday 9 September 2010

Reason for Deadline: To meet the Cabinet Office deadline for receiving signed papers to be considered at the Cabinet Economic Growth and Infrastructure Committee (EGI) meeting on Wednesday 15 September 2010.

Purpose of Report

- To provide you with the final copies of the 'Completing Safer Journeys First Actions' Cabinet paper and Regulatory Impact Statement (RIS) for your consideration and signature.

Contact for telephone discussion (if required)

Name	Position	Telephone		Suggested First Contact
		Direct Line	After Hours	
s 9(2)(a)		s 9(2)(a)		
				✓

Minister of Transport's Office Actions

- ☐ *Noted*
☐ *Seen*
☐ *Approved*
- ☐ *Needs Change*
☐ *Referred to*
- ☐ *Withdrawn*
☐ *Not Seen by Minister*
☐ *Overtaken by events*

Executive Summary

2. The attached Cabinet paper seeks approval of the remainder of the actions set out in the Safer Journeys strategy first actions table, and the RIS outlines the costs and benefits of the proposed regulatory actions, as well as for some alternative options.
3. You have seen a draft copy of these papers and provided feedback. The papers were revised to reflect your comments. The key issue is that you have indicated a preference that the proposed introduction of R plates be removed from this paper, and be progressed through a separate paper focused on enhancing the integrity of the licensing system. The Cabinet paper and RIS have been amended, to remove the content relating to the R plates proposal.
4. The attached briefing provides you with further information about the revisions to the paper, and the implications of removing the R plates proposal. In particular, it sets out the likely timeframe for the implementation of R plates, should that proposal be progressed separately to this Cabinet paper, and other considerations you may wish to be mindful of when deciding on your preferred approach.
5. The Officials Committee for EGI was provided with an earlier draft copy of the Cabinet paper and RIS for their meeting on 23 August 2010.
6. It is recommended that you sign the attached Cabinet paper and submit it to Cabinet Office by 10am on Thursday 9 September, to enable EGI to consider the paper at its meeting on 15 September 2010.

Recommendations

7. The recommendations are that you:
 - (a) **note** that you have provided officials with your comments on draft copies of the attached papers
 - (b) **note** that your comments, and comments received from departments, have been reflected and incorporated in the final papers
 - (c) **note** that this briefing provides you with further information on the revisions to the papers, particularly in relation to your suggestion that the R plates proposal be removed from this paper for Cabinet consideration at a later date

- | | | |
|-----|---|--------|
| (d) | sign the attached Cabinet paper | Yes/No |
| (e) | submit the signed Cabinet paper and RIS to Cabinet Office by 10am Thursday 9 September 2010. | Yes/No |

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MINISTER'S COMMENTS:

MINISTER S SIGNATURE:

DATE:

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Completing Safer Journeys First Actions

Purpose

1. To provide you with the final copies of the 'Completing Safer Journeys First Actions' Cabinet paper and Regulatory Impact Statement (RIS), for your consideration and signature.
2. The Cabinet paper seeks agreement to the remaining initiatives listed in the *Safer Journeys* strategy as first actions for Cabinet consideration. The full list of the first actions is included in the background section of the Cabinet paper.

Background

3. You have seen a draft copy of these papers and provided feedback. Your specific comments on the Cabinet paper were:
 - 3.1. A 3-year transitional period would be more realistic for current moped riders to change to the proposed new 6M (moped) licence. The Ministry and the NZ Transport Agency (NZTA) support this change and also recommend that the transitional period for novice drivers changing from the 250cc restriction to the power-to-weight restriction be 3 years also.
 - 3.2. The background to the proposed changes to the give way rules should provide more information about the history of the give way rules – what the rules were previously, why the rules were changed in 1977 and why we are now suggesting to change.
 - 3.3. That you are considering the merits of removing the R plates proposal from this paper, to be progressed in a separate paper that would address issues relating to the integrity of the licensing system.
4. We revised the paper in line with your comments. Additional information on the changes to the paper is provided below; and the timing and implementation implications of progressing the R plates with this paper, or progressing the paper at a later date.

Changes to the paper

5. In your feedback you suggested that the transitional period for current moped riders to obtain a 6M (moped) licence be changed from 18 months to 3 years. The Ministry and the NZTA support this change.
6. We recommend that the transitional period for novice drivers changing from the current 250cc motorcycle restriction to the new power-to-weight restriction also be extended from 18 months to 3 years. The NZTA advises that, in addition to maintaining consistency between elements of the motorcycle and moped safety package, this change will also help provide a fairer transition as people who enter the licensing system just before the new requirements come into force will have time to progress through the licensing system before they would be required to change motorcycles (if necessary).

R plates

7. You have indicated a preference that the R plates proposal be removed from this Cabinet paper, and progressed at a later date as part of an 'enhancing the integrity of the licensing system' Cabinet paper.
8. Discussed below are some considerations you may wish to be mindful of in relation to delaying Cabinet consideration of the R plates proposal.

Ease of implementation

9. R plates would be easy and quick to implement, and if progressed in this Cabinet paper, could be in force by mid-2011. The NZTA advises that this proposal would result in a quick, cheap and easy win.

Cohesiveness of the package

10. We acknowledge that this paper contains several different issues that target different road crash risks, and as a result the package of measures lacks cohesiveness. By removing the R plates proposal, this paper would be more closely focused on the *Safer Journeys* first actions listed in the strategy, and would remove the risk that it may be perceived that the R plates proposal was missed out of the earlier package targeting young and novice drivers.
11. Progressing R plates separately would assist in packaging the initiatives that may arise from the work into enhancing the integrity of the licensing system, and would avoid Cabinet considering this issue in a piecemeal fashion.

Timeframe for implementation

12. Removing the R plates proposal from this paper will mean that it will not be included in the upcoming Land Transport (Driver Licensing) Amendment Rule (Driver Licensing Amendment Rule). It would be progressed at the next opportunity to amend the Land Transport (Driver Licensing) Rule 1999 (Driver Licensing Rule).
13. The fundamental review of the driver licensing and testing business model has been scoped by the Ministry and the NZTA. The Cabinet paper setting out the scope of the review [WGTA12725], of which you have seen a draft, recommends that no further amendments to the Driver Licensing Rule are made until the outcomes of the review are considered by Cabinet. The review will commence following Cabinet agreement to the scope and timeframes of the review, and is expected to take 12 months.
14. Therefore, it is likely that the next opportunity to amend the Driver Licensing Rule will be in 2012.

Timing of the 'Enhancing the integrity of the licensing system' Cabinet paper

15. The Ministry recommends that the 'Enhancing the integrity of the licensing system' Cabinet paper considers all issues relating to the integrity of licensing system, including R plates and maximum licence time limits. The maximum time limits work is currently working to a timeline that takes into account the volume of driver licensing-related work being carried out by the Ministry and the NZTA over the next 6 months, which includes the Land Transport Amendment Bill, the Driver Licensing Amendment Rule, and the fundamental review of the driver licensing system. The maximum time limits proposal is likely to be available for Cabinet consideration mid to late 2011.

Ministry's recommendation

16. We recommend that no further amendment to the Driver Licensing Rule be progressed until the outcomes of the fundamental review are known. This would mean that the necessary legislative change to implement R plates and any other necessary changes would not be available for public consultation and implementation until 2012.
17. With the above in mind, the Ministry recommends that the 'Enhancing the integrity of the licensing system' Cabinet paper be made available for Cabinet consideration in mid to late 2011.

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Office of the Minister of Transport

Chair
Cabinet Economic Growth and Infrastructure Committee

COMPLETING *SAFER JOURNEYS* FIRST ACTIONS

Proposal

1. This paper seeks approval for a package of initiatives to improve road safety, which complete the first actions of *Safer Journeys – New Zealand's Road Safety Strategy 2010–2020 (Safer Journeys)*.

Executive summary

2. *Safer Journeys* was launched on 3 March 2010 following approval by Cabinet [CAB Min (10) 5/9 refers]. The strategy adopts a 'safe system' approach and a long-term vision for road safety.
3. *Safer Journeys* identifies a number of 'first actions', which will have the greatest impact on the road crash problem. The first actions package of initiatives focuses on the areas of high concern. The government had already approved initiatives on many of the first actions: increasing the safety of young and novice drivers [CAB Min (10) 12/8 refers] and reducing the impacts of alcohol impaired driving [CAB Min (10) 26/9 and CAB Min (10) 26/10 refer].
4. The initiatives proposed in this paper address the remaining areas of high concern highlighted for immediate action: increasing the safety of motorcycling and improving the safety of roads and roadsides.
5. This paper proposes the following final first actions be introduced:
 - 5.1. A package of measures to improve motorcycle and moped rider safety
 - 5.2. Changes to the give way rules at intersections.
6. Since 2004, motorcyclist deaths and serious injuries have risen by 68 percent, which coincides with a quadrupling of motorcycle registrations since 2000. The proposed motorcycle and moped safety measures focus on making sure that new motorcycle and moped riders are capable of riding safely before they are allowed on the road, and better ensuring that new riders are limited to less powerful motorcycles. The one-off cost to implement this package is \$0.8–\$1.15 million.
7. The proposal to change the give way rules will improve safety at intersections, and will support efforts to improve the safety of walking and cycling. Changing the give way rules is estimated to save one life and prevent 97 injuries per year, which translates to a social cost saving of \$17 million per year. This proposal will cost \$2–\$3 million to implement, due to the necessary publicity campaign and any changes to road markings. It has a benefit cost ratio of 41:1, with a net present value of \$111 million (based on a 10-year evaluation period and a discount rate of 8 percent per annum).

8. Obtaining Cabinet approval for the first actions package this year will show that we are serious about implementing *Safer Journeys* quickly, and that reducing death and injuries from road crashes in New Zealand is a priority for this government. Including the proposals in this paper in the first package of *Safer Journeys* initiatives shows that we will take action on the high priority road safety areas.
9. This paper completes the policy process for the first actions package. The focus will now move to developing legislation and implementing the agreed changes. I expect that the proposals in this paper will begin being implemented from mid-2011.

Background

10. Following Cabinet approval [CAB Min (10) 5/9 refers], *Safer Journeys* was launched on 3 March 2010. It outlines the direction for road safety in New Zealand over the next 10 years. It adopts a 'safe system' approach and has a long-term vision for road safety: 'towards a safe road system increasingly free of death and serious injury'. *Safer Journeys* is based on research and experience from other countries, such as Australia. The development of the strategy included extensive public consultation through a discussion document that set out possible measures to improve road safety in New Zealand.
11. *Safer Journeys* also outlines the priority areas where road safety effort should be focused. Four of the five areas of high concern within *Safer Journeys* are targeted by the first actions initiatives. The full list of first actions are as follows:

Figure 1: *Safer Journeys* First Actions

Priority area	Actions for formal Cabinet consideration
Increasing the safety of young drivers	Raise the driving age to 16 Make the restricted licence test more difficult to encourage 120 hours of supervised driving practice Introduce a zero drink-drive limit for drivers under 20 Raise public awareness of young driver crash risk Improve the road safety education available to young people and increase access to it Investigate vehicle power restrictions for young drivers
Reducing alcohol/drug impaired driving	Address repeat offending and high level offending through: • Compulsory alcohol interlocks • A zero drink drive limit for offenders Either • Lower the adult drink drive limit to BAC 0.05 and introduce infringement penalties for offences between 0.05 and 0.08; OR • Conduct research on the level of risk posed by drivers with a BAC between 0.05 and 0.08 Review the traffic offences and penalties for causing death and injury
Safe roads and roadsides	Develop a classification system for the roading network

	Focus safety improvement programmes on high risk rural roads and high risk urban intersections
	Change the give way rules for intersections
Increase the safety of motorcycling	Improve motorcycle rider training and licensing, including for mopeds
	Introduce a power-to-weight restriction for novice riders

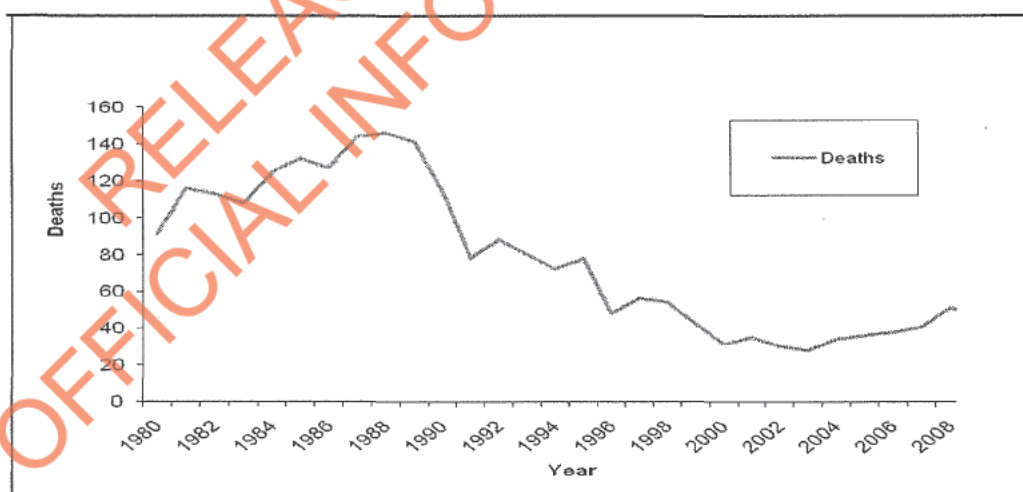
12. The aim is to make progress on all the first actions in *Safer Journeys*. Cabinet has already considered papers targeting the high priority areas: increasing the safety of young drivers, reducing alcohol-impaired driving and reducing the impact of high-risk drivers. This paper seeks agreement to the remaining first actions initiatives.
13. *Safer Journeys* will continue to be progressively implemented through a series of action plans, which will include new initiatives, as well as those measures that are already in place and are effective in reducing road trauma.

Improving motorcycle and moped safety

The problem

14. After declining in the late 80's and 90's motorcyclist deaths and serious injuries have risen by 68 percent since 2004, as illustrated by figures 2 and 3 below. This coincides with a quadrupling of motorcycle registrations since 2000. In 2009, 48 motorcyclists were killed, 460 were seriously injured, and a further 909 suffered minor injuries. The social cost of these crashes was \$595¹ million. A motorcycle rider is, on average, 20 times more at risk of being involved in a fatal or injury crash than a car driver over the same distance travelled².

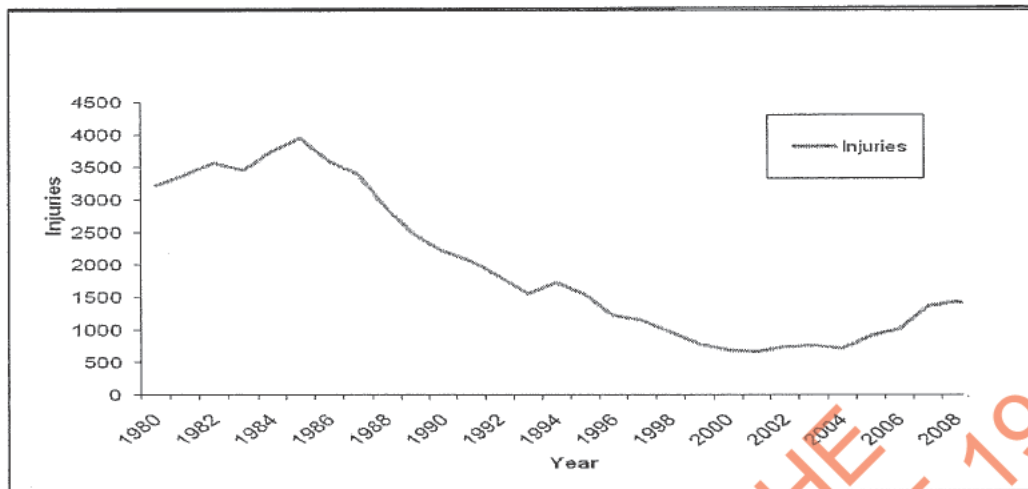
Figure 2: Motorcyclist deaths, 1980–2009



¹ Social cost is an internationally accepted measure for estimating the cost of road crashes to society. It is made up of a number of elements including loss of life and life quality, loss of output due to temporary incapacitation, medical costs, legal costs and property damage costs. The social cost estimates are \$3,528,000 for a death, \$625,000 for a serious injury, and \$64,000 for a minor injury. These figures are national averages, and total social cost calculations take into account urban, rural and regional differences.

² The New Zealand Travel Survey 2010.

Figure 3: Motorcyclist injuries, 1980–2009



15. This risk is currently being managed through the graduated driver licensing system (GDLS), awareness raising campaigns and the recently introduced Motorcycle Safety Levy, which will fund safety initiatives for motorcycle and moped riders.
16. Increasing the safety of motorcycling is a high priority area in *Safer Journeys*. As with young drivers, it is important to get the learner licensing criteria right, to ensure that novice riders are better prepared for riding on the road. As noted above, the rates of motorcycling, and motorcycle-related injuries and deaths, are increasing. The proposed measures are part of the first actions package because motorcycle-related deaths and injuries will not reduce without intervention.
17. It is important that emphasis on the required level of skill is as evident in the motorcycle licensing system as it is in the car licensing system. The biggest gains will be achieved through ensuring that criteria for entry and progression through the motorcycling licensing system require a higher level of skill.
18. Monash University in Australia has developed a best practice model for motorcycle training and licensing, which is based on research of those elements of a system that are shown to reduce crash risk. This model is in practice in a number of Australian states, and those jurisdictions have a motorcycle crash risk that is significantly less than in New Zealand (for example, the road fatality rate for motorcyclists in Victoria is a third less than in New Zealand³). New Zealand's current motorcycle licensing regime already contains some elements of the model. The following proposals are based on the Monash Best Practice Model.

The proposed changes

19. I propose that motorcycle rider training and licensing be improved by:
 - 19.1. strengthening motorcycle licence tests

³ The road fatality rate of motorcycle and moped riders in New Zealand is 12 per 1,000,000 population, whereas in Victoria the rate is 8 per 1,000,000 population.

- 19.2. introducing competency based training and assessment (CBTA) as an alternative to the standard testing regime.
20. I propose that the safety of moped riders be improved by requiring all moped riders to complete a moped-specific Basic Handling Skills Test (BHST), along with a motorcycle learner theory test, to obtain a new Class 6M (moped) licence.
21. I also propose that:
- 21.1. the current 250cc restriction for learner and restricted licence holders be replaced by a power-to-weight restriction
 - 21.2. all novice motorcyclists, regardless of age, be subject to the same minimum time requirements at the restricted licence stage
 - 21.3. an optional refresher training course be developed for returning riders and that agencies encourage uptake
 - 21.4. the benefits of high visibility and protective clothing be promoted.
22. Improved rider training and licensing was the highest ranked motorcycle safety initiative from the consultation on the *Safer Journeys* discussion document. A power-to-weight limit for novice riders and refresher training for returning riders were both strongly supported in the stakeholder and general public submissions. I am aware that the motorcycling community is supportive of these measures.

Improve motorcycle rider training and licensing

23. The current motorcycle testing regime requires a person to pass a learner theory test and the BHST in order to gain a learner licence, then pass a practical restricted licence test to gain a restricted licence, and then pass a practical full licence test to gain a full licence. At the learner and restricted stages, the licence must be held for a minimum period of time before the person can apply to progress to the next stage.
24. The crash risk for motorcyclists is highest in the learner licence phase, so the key competencies and attitudes specific to motorcycling should be developed and assessed before the learner licence holder is allowed on the road.
25. In line with the best practice model, the learner motorcycle theory test will be redeveloped with emphasis placed on motorcycle-specific requirements; and the BHST will be strengthened. The BHST will also take longer to complete, so that additional skills such as hazard detection and road craft can be better assessed. The restricted and full licence tests will also be made harder, to encourage novice motorcyclists to gain more experience before they attempt to progress to the next stage of licence. This is in line with the changes to the restricted licence test for drivers.
26. Motorcycling by its nature means that novice riders learn and gain experience on the road unsupervised. Strengthening the tests will act as an incentive for novice motorcycle riders to take approved training courses (which also acts to reduce the minimum time spent in the learner and restricted phase). At present, there are no

motorcycle-specific training courses available. However, a novice motorcyclist can gain a time reduction if they complete an approved driving course (Defensive Driving or Street Talk) even though it is a classroom-based course and few motorcycle-specific skills are taught.

27. Therefore, the current option to undertake an approved driving course will be removed, and a motorcycle-specific approved training course will be developed. This training course will be a competency based training and assessment course (CBTA). Key skills, such as hazard detection, advanced handling skills, urban road riding, open road riding, motorcycle safety checks and emergency stopping, will be taught in CBTA. Successful completion of stage 1 CBTA will advance the rider to the restricted stage and will remove the requirement to sit the restricted test. Successful completion of stage 2 CBTA will reduce the minimum time required to be spent on a restricted licence from 18 months to 12 months, and will remove the requirement to sit the full motorcycle test.
28. CBTA will be offered as an alternative to the standard process of sitting tests, and will be optional. It will be user-pays and developed by the New Zealand Transport Agency (NZTA). It will be based on the popular competency based training pilot programme undertaken by Land Transport New Zealand a few years ago, and will incorporate the latest research on motorcycle training best practice.

Improve moped rider training and licensing

29. Riders of low-powered motorcycles (mopeds) are becoming more prominent in crash statistics. The number of mopeds involved in crashes has increased from 11 percent of all reported crashes in 2000 to 20 percent in 2007. ACC figures show a similar pattern. At present, moped riders only need a learner car licence and are not required to pass any handling skills test before they can legally ride a moped on the road.
30. To improve the on-road safety of moped riders, it is proposed that they be required to demonstrate that they have the necessary riding skills to be able to safely operate a moped on the road. A new 6M (moped) licence will be introduced, and people who wish to ride a moped will be required to hold a 6M licence, or a learner, restricted or full motorcycle licence.
31. Therefore, new moped riders will need to obtain a 6M licence before they can ride their moped on the road, by passing the strengthened motorcycle learner theory test and strengthened BHST. This will ensure that moped riders have at least the basic skills required to safely ride a moped on the road, which is the same level of skill as required of a learner motorcycle rider.
32. It is proposed that the requirement to hold a 6M licence also apply to people who are currently allowed to ride a moped due to holding a Class 1 (car) licence. At present, any person who holds any level of car licence can legally ride a moped, even if they have never ridden a moped or motorcycle. There is no assurance that these people have the necessary skills to safely ride a moped on the road. This means that many current moped riders will have to gain a 6M licence as well. There will be a transitional period of 3 years, by which time all moped riders will have to hold a 6M licence, or a motorcycle licence, in order to legally ride a moped. Moped owners will receive a

reminder of the new requirement when they receive their (moped) vehicle licence renewal reminder letter.

33. Research indicates that introducing specific licensing and testing for moped riders would result in a 13 percent reduction in crashes. If this is considered to be a maximum achievable reduction, then this initiative could prevent one fatality and between two to five serious injuries per year.

Introduce a power-to-weight restriction for novice riders

34. Larger and more powerful motorcycles are involved in more fatal and serious injury crashes than lower-powered motorcycles. Currently a 250cc limit applies to the motorcycles that learner and restricted licence holders can ride. However, a number of powerful high-performance 250cc motorcycles capable of high speeds and rapid acceleration are available on the market. These motorcycles are not suitable for novice riders due to their power, riding position and handling.
35. I propose that learner and restricted motorcycle licence holders be restricted to motorcycles that do not exceed a power-to-weight ratio of 150 kilowatts per tonne, using a Learner Approved Motorcycle Scheme (LAMS). LAMS has been used in Australia for some time, has been researched thoroughly, and is popular with motorcyclists. An upper limit of 660cc will apply, to ensure that the approved motorcycles are not too physically large for novice riders. The LAMS will give novice riders access to a greater range of motorcycles appropriate for their level of experience, and those that have more safety features (for example, automatic braking systems).
36. In terms of enforcement, a code will be placed on the registration label to indicate that a motorcycle is LAMS-compliant. A list of approved motorcycles will also be published on the internet to aid prospective buyers. A 3-year transitional period will allow for a smooth transition for novice riders who have entered the motorcycle GDLS just prior to these provisions coming into force.

Require all novice motorcyclists, regardless of age, to be subject to the same minimum time requirements at the restricted licence stage

37. Currently, there is a distinction in terms of the minimum time required at the restricted licence phase between riders over 25 years and riders under 25 years. This distinction was set in legislation when motorcycles were a common and cheap form of transport for young people who, as a result, featured significantly in crash statistics.
38. The use of motorcycles has changed in the last 20 years, and they are increasingly used recreationally. The age profile of novice motorcyclists has changed since that distinction was set, with the average age of a restricted motorcycle licence applicant now 32.5 years. Age-based distinctions in the motorcycle graduated licensing system are no longer appropriate. The number of motorcyclists aged over 25 years involved in crashes has increased over recent years, and older novice motorcyclists will benefit from additional time to gain experience.

Develop appropriate refresher training for returning riders and encourage uptake

39. There is a need to address the needs of returning motorcycle riders, as motorcyclists over 40 years have experienced the largest increase in death and injuries over the last decade. I propose that an optional refresher rider training course be introduced, which will target improving the skills of returning riders. The course will be promoted using ACC's strong linkages with motorcycle clubs and groups, and through motorcycle retailers.

Promote the benefits of high-visibility and protective clothing

40. Motorcycles offer little protection to riders in the event of a crash. Protective clothing can significantly reduce the impact of minor and moderate crashes on the rider. High-visibility clothing could also reduce the incidence of crashes caused by another road user failing to see a motorcyclist. Surveys have shown that some riders are unaware of the benefits of protective and high-visibility clothing, indicating that safety gains could be made if awareness was raised. Promoting the benefits of protective and high-visibility clothing would complement other safety improvements, and is expected to be a cost-effective measure to reduce the severity and incidence of motorcycle crashes.

Costs of the proposed changes to motorcycle and moped licensing and training

41. Information technology system changes will be required to implement the changes proposed in the motorcycle and moped safety package. It is estimated that this will cost between \$0.8–\$1.15 million in one-off IT development costs. Ongoing additional operational costs will be recovered from revised licensing and testing fees.
42. There will be costs from amending publications and websites, re-training staff, developing the new tests and courses, and creating new operational guidelines. Training the trainers, and maintaining their skills, will also be required. There will be ongoing costs to the NZTA to maintain the approved motorcycle power-to-weight list. These costs will be met from fees and from within existing National Land Transport Fund (NLTF) funding.
43. There could be additional enforcement costs, in particular for the Police Infringement Bureau and Prosecutions, if the number of detected offences increase. It is not possible to determine what these additional costs might be due to the difficulty in predicting offending levels. However, officials estimate any additional amount would be relatively minor. I expect the Ministry of Transport in conjunction with the New Zealand Police (Police) and NZTA to re-prioritise the Road Policing Programme to cover any increased cost of handling extra offences as a result of these changes.

Benefits of the proposed changes to motorcycle and moped licensing and training

44. It is not possible to provide an estimate of the exact road safety benefits of the motorcycle rider training and licensing proposals. It is difficult to test the effectiveness of licensing and testing interventions as they do not exist in isolation, but as part of a package. Current research shows a lack of empirical evidence on the effectiveness of these measures.

45. The Monash University Best Practice Model is based on research of those elements of a system that are shown to reduce crash risk. This model is in practice in a number of Australian states, and those jurisdictions have a motorcycle crash risk that is less than in New Zealand.
46. It is possible to quantify the benefits of introducing a moped licensing and testing regime. It is expected to avoid the loss of one life and prevent between two and five serious injuries per year.
47. The total cost of introducing the motorcycle and moped safety proposals is likely to be less than \$1.15 million, and it is estimated that to achieve a break-even situation, these proposals need only to result in between two and three less serious injuries per year.

Changes to the give way rules

Background

48. Before the introduction of the current give way rules, the rules for uncontrolled intersections were described in *The official New Zealand road code* as follows:
 - Give way to traffic on your right, including cyclists.
 - If you are turning to the right, give way to other traffic.
 - Where two vehicles are turning to the right, neither has the right of way.
49. There were, at that time, a significant number of uncontrolled intersections, traffic volumes were increasing, and the occasions when two vehicles were both turning right were becoming more frequent. Due to the lack of clarity for the two right turning vehicles, it was considered desirable to formalise a priority.
50. New Zealand had a history of giving way to the right, and it seemed appropriate that this rule be formalised. The rules proposed were consistent with those which applied in Victoria, where no apparent problems were being experienced at that time.
51. The give way rules introduced in 1977 coincided with a 2.5 percent increase in casualty crashes at intersections in the 3 years following the change. Victoria changed its give way rules to those proposed in this paper in 1993. The give way rules in New Zealand are inconsistent with those in international jurisdictions.
52. The current give way rules, including whether they are the safest for road users, and whether they produce the most efficient traffic flows, have been an issue for debate since they were introduced. Revision of the give way rules have been considered on several occasions.

The problem

53. Intersection crashes currently make up 21 percent of fatal crashes. The majority of fatal intersection crashes occur in rural areas, but the majority of serious injury crashes are in urban areas. The number of intersection crashes involving pedestrians

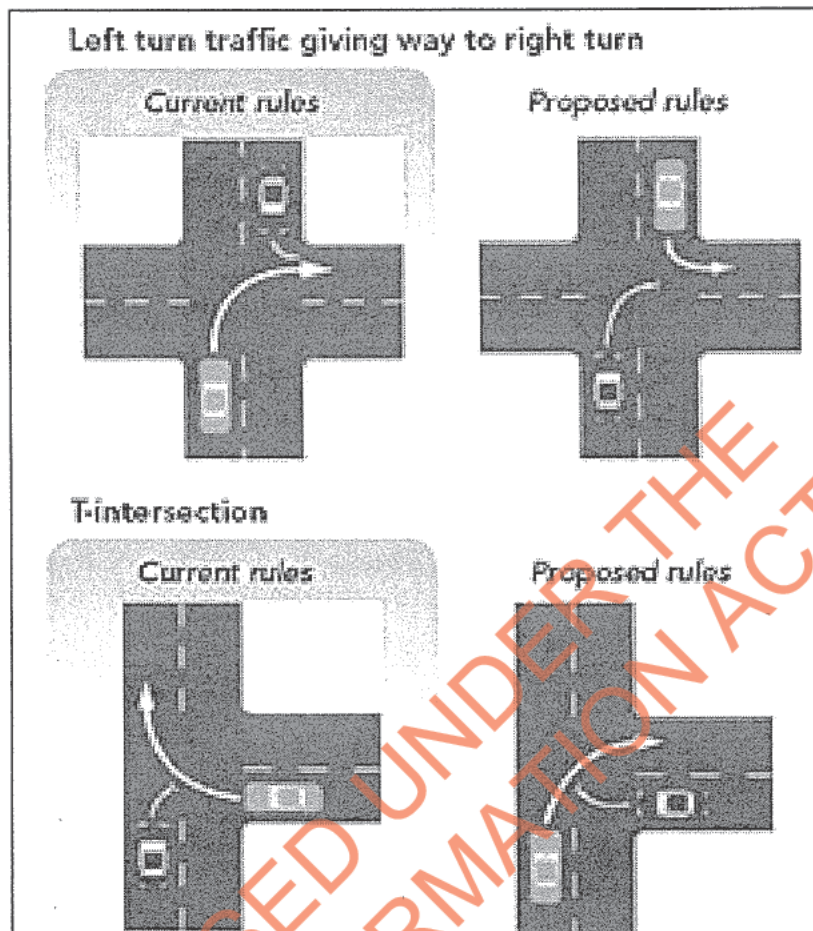
has increased by 88 percent since 2000, and many of these pedestrians were hit by turning traffic.

54. The current left turn-right turn rules mean the driver of a left-turning vehicle has to:
 - 54.1. check if there are any right-turning vehicles to give way to
 - 54.2. check if there is any traffic coming from behind that will delay a right-turning vehicle
 - 54.3. check for cyclists alongside and pedestrians crossing the road they are turning into.
55. This means that the driver has to check in three different directions – the situation opposite them, behind them, and on the road they are entering – all within seconds. The situation is also difficult for drivers of vehicles turning right, when another vehicle is turning left into the same road. The driver of the right-turning vehicle needs to judge the intentions of the traffic following the left-turning vehicle (whether the traffic will remain behind, or attempt to proceed around the turning vehicle).
56. The 'T-intersection' rules apply when there are conflicting right-turns at a T-intersection. At present, the right-turning vehicle on the terminating road has priority over the right-turning vehicle on the through road. The T-intersection is a very common intersection in New Zealand, and often the through road is the higher volume (or major) road. The current T-intersection rule accords the vehicle entering from a minor road priority over a vehicle travelling on the major road.

The proposed changes

57. It is proposed that New Zealand's give way rules be amended to:
 - 57.1. require traffic turning right to give way to traffic turning left into the same road (see figure 4)
 - 57.2. require traffic from an uncontrolled terminating road to give way to traffic on a continuing road (the T-intersection rule) (see figure 4).
58. These changes would align New Zealand's give way rules with those applying in almost all overseas jurisdictions.
59. Creating safer roads and roadsides is a high priority area in *Safer Journeys*. The proposed changes to the give way rules were strongly supported by both the public and stakeholders during consultation on the *Safer Journeys* discussion document, and there is a strong public expectation that these changes will be implemented in the first action plan. There is also a strong expectation among stakeholders that measures to improve the safety of walking and cycling will be implemented. The proposed changes will support that goal.

Figure 4: Current give way rules and proposed new give way rules



60. The existing penalties for failing to give way are 20–25 demerit points and a fine of \$100–\$150 (depending on the offence). The nature of the penalties will remain as at present, but the descriptions of the offences will be amended to reflect the proposed changes to the give way rules⁴.

Benefits of the proposed changes

61. It is expected that the proposed changes to the give way rules will reduce intersection crashes and improve safety, especially for pedestrians and cyclists. The proposed changes to the give way rules will result in less complex decision making at intersections. Left-turning vehicles only need to check whether there are pedestrians crossing the road they are turning into, and whether there are any cyclists on the inside of the turning vehicle. The driver of a right-turning vehicle would only need to assess whether there is a sufficient gap in the oncoming traffic.
62. It is estimated that changing the give way rules as proposed will result in a reduction of about 7 percent of relevant intersection crashes, with a resulting saving of one life, 13 serious injuries and 84 minor injuries a year. This translates into a social cost

⁴ For example, references to a left-turning vehicle failing to give way to a right-turning vehicle will need to be amended to reflect that the right-turning vehicle will now be required to give way.

saving of about \$17 million per annum. Victoria, Australia, made a similar change in 1993, which resulted in a 7.1 percent reduction in relevant intersection crashes.

63. New Zealand is the only country with this variant of give way rules, and changing the give way rules will align New Zealand with other countries. This will make it easier for international tourists driving in New Zealand.

Costs of the proposed changes

64. Changing the give way rules will require an extensive publicity and education campaign. This could cost the NZTA up to \$2 million and would include costs for education, publicity and reprinting publications (*The official New Zealand road code*, licence tests, factsheets, and pamphlets targeting overseas visitors and new migrants). This publicity cost will be allocated through reprioritisation within the National Land Transport Programme.
65. Some road markings may be changed to improve the efficiency of roads, such as right-hand turn bays. These costs would be borne by road controlling authorities, and may cost up to \$1 million. Any ongoing costs to changing road markings would be met by existing road network improvement funding.

Risks of the proposed changes

66. A possible risk is that there is an increase in crashes at intersections immediately following the implementation of the new give way rules. When Victoria made a similar change to give way rules in 1993, the predicted increase in crashes did not eventuate. Therefore, it is considered that while this is a risk, it can be mitigated by a good publicity campaign (as has been proposed), which was considered to be a key reason behind the successful transition in Victoria.
67. There is a possible safety risk, because vehicles waiting in the middle of the road are at a higher risk of a collision from behind than vehicles waiting towards the left of the road. This was a concern in 1977, when the rules were last changed. However, today's traffic environment is considerably different as there are now many right-turn bays on higher volume roads, which means that this risk is substantially lower than in 1977.

Consultation

Public consultation on the proposals in this paper

68. More than 1,500 submissions were received on the *Safer Journeys* discussion document (general public around 1,400 and stakeholders almost 130). More than 1,200 members of the general public and almost 20 key stakeholders ranked the 62 initiatives outlined in the discussion document.
- 68.1. Improved rider training and licensing was the highest ranked motorcycle safety initiative from the consultation on the *Safer Journeys* discussion document. A power-to-weight limit for novice riders and refresher training for returning riders were not listed as separate initiatives in the *Safer Journeys* discussion

document. However, they were both strongly supported in the stakeholder and general public submissions.

- 68.2. The proposed changes to the give way rules were strongly supported in the public and stakeholder submissions on *Safer Journeys*.

Departmental consultation

69. The following government agencies were consulted in the development of this paper, and any comments have been incorporated: ACC, Department of Internal Affairs, Department of Labour, Ministry of Economic Development, Ministry of Justice, the NZTA, the New Zealand Police, the Treasury, Ministry of Social Development, Te Puni Kōkiri, and the Ministry for Youth Development. The Department of the Prime Minister and Cabinet was informed.

Financial implications

Motorcycle and moped safety

70. Introducing the package of motorcycle and moped safety proposals will cost between \$0.8–\$1.15 million to upgrade the IT system to allow for the introduction of these measures.
71. I will seek to amend the Government Policy Statement on Land Transport Funding to give the NZTA Board the option to decide whether to fund this cost under the NLTF. This is my preferred option, as it will not require additional Crown funding. However, if the Board declines to fund this package from the NLTF, there is a risk to the Crown that there will be a need to seek an increase in appropriations.
72. The one-off costs to amend publications and websites, re-train staff, develop tests and create new operational guidelines will be minor and be met from within existing NLTF funding. Any increase to ongoing operational costs to the NZTA will also be minor and be met by revised licensing and testing fees.
73. The total cost of introducing the motorcycle safety proposals is likely to be less than \$1.15 million. It is estimated that to achieve a break-even situation, these proposals need only to result in between two and three less serious injuries per year. It is estimated that the proposed changes to introduce moped testing and licensing alone will save one life and between two and five serious injuries per year. Implementing the rest of the recommended proposals will further enhance the safety benefits for motorcycle and moped riders. Given the break-even requirement is low, the Ministry of Transport believes that the package will produce a net benefit to society.

Give way rules

74. Changing the give way rules is likely to cost the NZTA up to \$2 million in conducting a publicity campaign, and a further \$1 million to local road controlling authorities for any discretionary improvements to maximise traffic efficiency under the new give way rules. The NZTA's publicity cost will be allocated through reprioritisation within the

National Land Transport Programme (NLTP), whereas road controlling authorities will determine whether any specific work is prioritised from within existing budgets.

75. The proposal to change the give way rules has a benefit cost ratio (BCR) of 41:1, with a net present value of \$111 million. This is based on a 10-year evaluation period and an annual discount rate of 8 percent, and assumes that there is no increase in failure to give way offences and no extra delay in traffic due to the change in rules.

Human rights implications

76. The three proposals in this paper do not raise any human rights implications.

Legislative implications

77. Amendments will be required to the Land Transport (Road User) Rule 2004 to implement changes to the give way rules and the Land Transport (Driver Licensing) Rule 1999 to implement the proposals relating to motorcycle and moped safety.
78. The current land transport rules programme includes a Land Transport (Road User) Amendment Rule and a Land Transport (Driver Licensing) Amendment Rule. I expect that both of these amendment rules will be ready for my signature by April 2011.
79. Amendments will be required to the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999, to ensure that the regulated fees for tests align with the costs of providing the tests.
80. The Land Transport (Offences and Penalties) Regulations 1999 will also need to be amended to ensure that existing offences remain accurate, and to introduce new offences. The Transport (Vehicle Registration and Licensing) Notice 1995 will need to be amended to provide for the LAMS additions to the licence label. The Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 will also need to be amended to allow the NZTA to charge a fee for the new moped licence transactions.

Next steps for *Safer Journeys* first actions

81. This paper is the last paper to obtain Cabinet approval to proceed with the development of legislation to complete the first actions of *Safer Journeys* (see page 2 for full list of first actions). Cabinet has already approved the development of legislation for the proposals to improve the safety of young drivers and address alcohol-related offending. An amendment Bill to the Land Transport Act 1998 is currently being developed.
82. Following agreement to the proposals in this paper, officials will proceed with the development of legislation to amend the Land Transport (Driver Licensing) Rule 1999 and the Land Transport (Road User) Rule 2004. I expect that the amendments to these Land Transport Rules will be completed by April 2011.
83. The implementation dates of the first actions will vary, depending on the degree of legislative amendment and administrative change required and the relative priority

that government accords each of the measures. For example, some high priority actions such as raising the driving age will be brought into force before some other actions, such as the alcohol interlock programme which will also require time to establish an appropriate regime for New Zealand.

84. I expect that the proposals in this paper will be implemented over the coming 2 years, as part of the first *Safer Journeys* action plan:

84.1. The new motorcycle testing and training regime will be phased in incrementally, and is likely to be in place by the end of the 2011 calendar year. Time is required to ensure that changes are robust and tested prior to being in force, and the motorcycle community supports this approach.

84.2. The motorcycle and moped licensing changes will require IT development. The timing of this work will depend on the implementation timeframes of the changes arising from the Land Transport Amendment Bill.

84.3. The changes to the give way rule could be in place by the end of the 2011 calendar year at the earliest. This would allow sufficient time for education and publicity to be carried out, and for physical road changes to take place. However, I am mindful that this is a significant change that will affect all drivers, and that the timing of the change should take into account high-traffic periods such as Christmas holidays and the Rugby World Cup. Implementation during a low-traffic period will assist a smoother change. As the success of the transition is reliant on a good publicity campaign, implementation after the Rugby World Cup will ensure that the publicity around the give way rules is able to gain peoples' attention. Officials will provide me with a recommended implementation plan when the legislative change is made, but I currently anticipate introducing the change in early-to-mid 2012.

85. This paper seeks agreement to the remaining *Safer Journeys* first actions, and the focus will now move to developing legislation and implementing the agreed changes. I expect that the proposals in this paper will begin being implemented from mid-2011.

Regulatory Impact Analysis

Regulatory impact analysis requirements

86. The regulatory impact analysis requirements apply to these policy proposals. A regulatory impact statement (RIS) has been prepared and is attached to this paper. The Treasury has advised that the proposals in this paper do not trigger the significance criteria.

Quality of the impact analysis

87. A member of the Ministry of Transport's Regulatory Impact Statement (RIS) assessment panel has reviewed the RIS prepared by the Ministry of Transport and associated supporting material, and considers that the information and analysis summarised in the RIS meets the quality assurance criteria. The length of the RIS

reflects that the document incorporates assessments of two different initiatives under the Completing Safer Journeys umbrella.

Consistency with government statement on regulation

88. I have considered the analysis and advice of transport officials, as summarised in the attached RIS, and I am satisfied that the regulatory proposals recommended in this paper are required in the public interest, will deliver the highest net benefits of the practicable options available, and are consistent with our commitments in the government statement 'Better Regulation, Less Regulation'.

Publicity

89. I will issue a media statement following Cabinet approval. A public awareness campaign will be carried out to ensure the public is aware of the nature of the changes and the reasons for them. In particular, the changes to the give way rules will require extensive public communications and information. The NZTA will revise reference material such as fact sheets, website information, and *The official New Zealand road code* accordingly.

Recommendations

90. It is recommended that the Committee:
- 1) **note** that *Safer Journeys – New Zealand's Road Safety Strategy 2010-2020* (*Safer Journeys*) includes the high priority areas of improving the safety of roads and roadsides, and increasing the safety of motorcycling
 - 2) **note** that *Safer Journeys* includes a table of first actions, as listed on page 2, which are initiatives that will have the greatest impact on the road crash problem; and that Cabinet has considered papers on the proposals relating to young and novice drivers, combating alcohol-impaired driving, and reducing the impact of high-risk drivers
 - 3) **note** that this paper seeks agreement to the remaining first actions as identified in *Safer Journeys*

Improving motorcycle and moped safety

- 4) **note** that:
 - 4.1 the risk of a motorcyclist being killed or seriously injured in a crash is about 20 times higher than for a car driver, despite only making up approximately 3 percent of the vehicle fleet. In 2009, motorcyclists were involved in around 13 percent of all road deaths and 19 percent of all serious injuries, which equated to 48 deaths and 460 serious injuries
 - 4.2 the best practice motorcycle rider training and licensing model developed by Monash University in Australia has informed the development of the proposed motorcycle rider training and licensing changes

- 5) **agree** to improve motorcycle and moped rider training and licensing in line with current best practice by:
- 5.1 strengthening the basic handling skills test (BHST), motorcycle learner theory test, and the restricted and full motorcycle licence practical tests
 - 5.2 introducing competency based training and assessment (CBTA), with successful completion of stage 1 removing the requirement to pass a practical test before progressing to the restricted licence phase; and successful completion of stage 2 CBTA gaining the rider a 6-month reduction in the minimum time spent on a restricted licence (in place of the current option to complete an approved driving course) and removing the requirement to pass a practical test before progressing to the full licence stage
 - 5.3 requiring all novice motorcyclists, regardless of age, to be subject to the same minimum time requirements at the restricted licence stage
 - 5.4 requiring all new moped riders to successfully complete a moped-specific BHST along with a motorcycle learner theory test to obtain a new Class 6M (moped) licence
 - 5.5 requiring all current moped riders to successfully complete a moped-specific BHST along with a motorcycle learner theory test to obtain a new Class 6M (moped) licence within 3 years of the new requirement coming into force
 - 5.6 replacing the 250cc restriction for novice riders with a power-to-weight restriction of 150 kilowatts per tonne combined with an upper limit of 660cc
- 6) **note** the New Zealand Transport Agency (NZTA) will develop an optional refresher training course for returning riders, using the Accident Compensation Corporation's linkages with motorcycle clubs, groups, and retailers to encourage uptake, and that the benefits of protective and high-visibility clothing will be promoted among riders
- 7) **direct** the Ministry of Transport, in conjunction with the New Zealand Police and the NZTA, to re-prioritise the Road Policing Programme to cover any increased cost of handling extra offences as a result of the *Safer Journeys* motorcycle safety initiatives

Give way rules

- 8) **note** that:
- 8.1 the current give way rules place complex demands upon road users, which results in compromised road safety at intersections
 - 8.2 the number of intersection crashes involving pedestrians has increased by 88 percent since 2000, and many of these pedestrians were hit by turning traffic
- 9) **agree** that the give way rules be amended to require traffic turning right to give way to traffic turning left into the same road, and to require traffic from an uncontrolled terminating road to give way to traffic on a continuing road (the T-intersection rule), including consequential amendments to align the regulated offences and penalties with the change
- 10) **note** that it is estimated this change will reduce intersection crashes by 7 percent, which translates into a social cost saving of about \$17 million per annum, has a benefit cost ratio of 41:1 and a net present value of \$111 million
- 11) **note** that while there is some public concern that this change may increase crash risk at intersections immediately following implementation, experience from Victoria suggests that this risk can be mitigated by a good publicity campaign

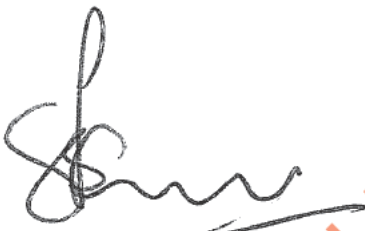
Financial implications

- 12) **note** that:
- 12.1 the motorcycle safety package will entail IT set-up costs of between \$0.8–\$1.15 million
 - 12.2 the Minister of Transport will invite the NZTA Board to consider approving funding for this package out of the National Land Transport Fund
 - 12.3 should the NZTA Board decline the funding, the matter will require further consideration by Cabinet
- 13) **note** that the costs from the motorcycle and moped safety package to amend publications and websites, re-train staff, develop the new tests and create new operational guidelines will be met from within existing National Land Transport Fund funding
- 14) **note** that the necessary publicity campaign for the changes to the give way rules is expected to cost the NZTA up to \$2 million, which will be met by reprioritisation of the National Land Transport Programme and \$1 million to improve road markings, which will be met by existing road network improvement funding

- 15) **note** the NZTA will incur ongoing operational costs in administering the changes to motorcycle and moped rider licensing and training, that these costs will be monitored,

Legislative implications

- 16) **agree** to amend the fees set in the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 to reflect the introduction of new motorcycle transactions and to ensure that the regulated fees retain alignment with the cost of delivering the testing services
- 17) **invite** the Minister of Transport to instruct the Parliamentary Counsel Office to draft amendments to Land Transport Rules and regulations to give effect to recommendations 5, 9, and 16, including any necessary consequential savings and transitional provisions
- 18) **authorise** the Minister of Transport to determine any matters of minor policy detail that may arise in the course of preparing the draft legislation.


Hon Steven Joyce
Minister of Transport

Fol
Dated: 10/9/10

Regulatory Impact Statement

Completing Safer Journeys First Actions

Agency disclosure statement

1. This Regulatory Impact Statement (RIS) has been prepared by the Ministry of Transport (the Ministry). It provides an analysis of options to complete the first actions of *Safer Journeys – New Zealand's Road Safety Strategy 2010-2020* (*Safer Journeys*). The initiatives recommended in this paper address three areas of high concern: increasing the safety of motorcycles, and improving the safety of roads and roadsides.
2. This impact analysis informs the regulatory decisions to:
 - 2.1. introduce a package of measures to improve motorcycle and moped safety (section one)
 - 2.2. change the give way rules at intersections (section three).
3. The analysis in this statement includes an examination of the likely costs, benefits and risks of these actions. It also outlines alternative options that were considered during the policy process, but not recommended to Cabinet.
4. The analysis in this paper follows on from the analysis in *Safer Journeys*. The strategy identified motorcycles, and roads as areas of high safety concern. This paper looks at introducing some of the initiatives proposed in *Safer Journeys*.
5. The main constraint is that the benefits for the motorcycle proposals have not been quantified. Benefits are expected because they are based on Monash University's best practice model, which is set up to reduce crash risk. It is difficult to test the effectiveness of licensing and testing interventions, and research shows a lack of empirical evidence on the effectiveness of these measures. However, research has identified components of licensing systems that appear to best reduce crash risk.
6. However, the costs of these proposals are low, so would require a low level of crash reduction for the benefits to outweigh the costs.

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09/08/2010

SECTION ONE: Improving motorcycle and moped safety

Background

Graduated Driver Licensing System

7. The crash risk of novice motorcyclists is currently managed through the graduated driver licensing system (GDLS). Novice drivers and riders graduate from one stage of the system (learner licence, restricted licence, full licence) to the next as experience and skills are gained and then demonstrated and assessed.
8. Studies show the GDLS has been associated with an ongoing reduction of 8 percent in novice driver crashes¹. However, its effectiveness for novice motorcyclists has not been determined. The GDLS is largely car focused and research suggests it is unlikely to be as effective in reducing novice motorcyclist crash risk as it is for novice drivers.
9. The penalties for breaching the restricted licence conditions have recently been revised through the Land Transport (Enforcement Powers) Amendment Act 2009. The infringement fee was reduced from \$400 to \$100, whilst the demerit points were increased from 25 to 35. Licences are suspended for 3 months if riders get 100 or more demerit points within any 2-year period.
10. The assessments that must be passed to gain a full motorcycle licence are:
 - 10.1. a basic handling skills test (BHST)—this shows that a novice rider has mastered the basic skills (such as performing routine and quick stops) to keep them safe on the road while working towards their restricted licence
 - 10.2. a learner licence theory test—this is the same road rules theory test undertaken by learner car licence applicants except for ten specific motorcycle questions
 - 10.3. a restricted licence practical test—this is currently the same practical test undertaken by restricted car licence applicants
 - 10.4. a full licence practical test—this is currently the same practical test undertaken by full car licence applicants.
11. Mopeds can be ridden on either a learner car licence or learner motorcycle licence. If they are ridden on a learner car licence there is no requirement for moped riders to demonstrate they have mastered basic riding skills before going on the road.

¹ DJ Begg, S Stephenson, J Alsop, J Langley. *Impact of graduated driver licensing restrictions on crashes involving young drivers in New Zealand*, Injury Prevention 2001; 7:292-296

ACC injury prevention activity

12. The Accident Compensation Corporation (ACC) undertakes a number of initiatives designed to help improve motorcycle safety, including awareness-raising campaigns to promote safer riding and encourage motorists to look out for motorcyclists. ACC has websites designed to provide motorcyclists with key safety information. Ride Forever (www.rideforever.co.nz) includes information on riding gear, training and maintenance. Scooter Survival (www.scootersurvival.co.nz) is focused on scooter/moped safety.
13. ACC recently announced the introduction of a Motorcycle Safety Levy (MSL). The Accident Compensation Amendment Act 2010 allows ACC to use a proportion of the recent ACC levy increase for motorcyclists (\$30 per registered motorcycle) to be used for the sole purpose of financing programmes to improve the safety of moped and motorcycle riders. ACC has set up a MSL Establishment Group to help determine how the levy should be spent.

Problem definition

Motorcycle crash risk

14. The latest New Zealand Travel Survey (2010) results indicate that, on average, the risk of being involved in a fatal or injury crash has increased to 20 times higher for a motorcyclist than for a car driver over the same distance travelled (2005–2009 data).

Figure 1: Motorcyclist deaths, 1980–2009

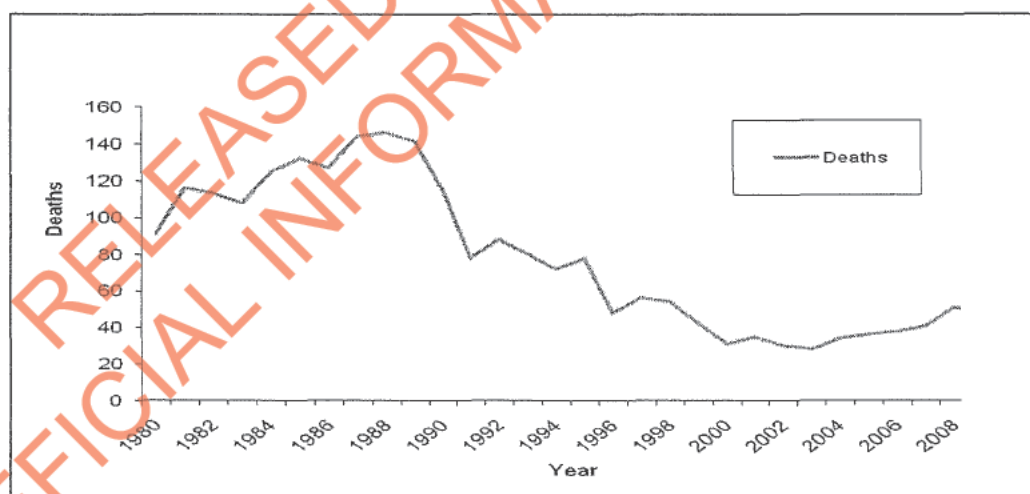
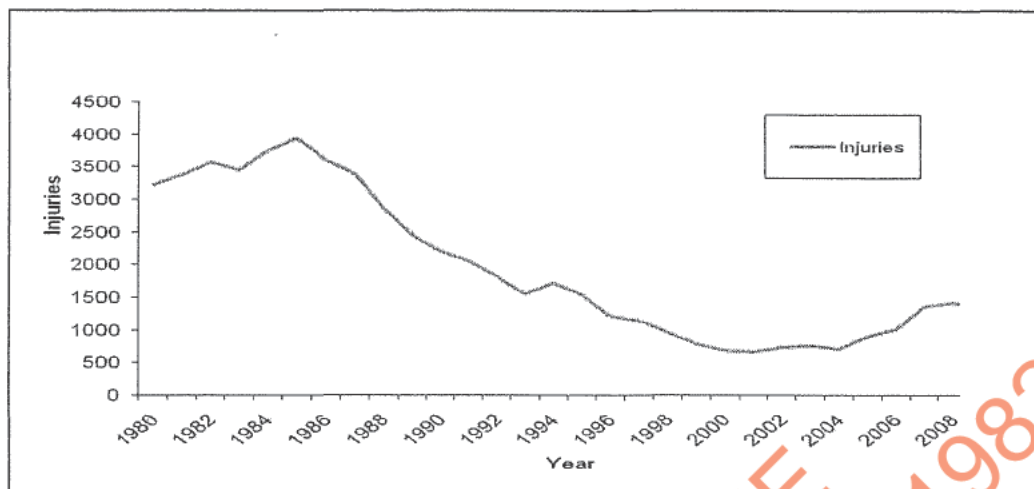


Figure 2: Motorcyclist injuries, 1980–2009

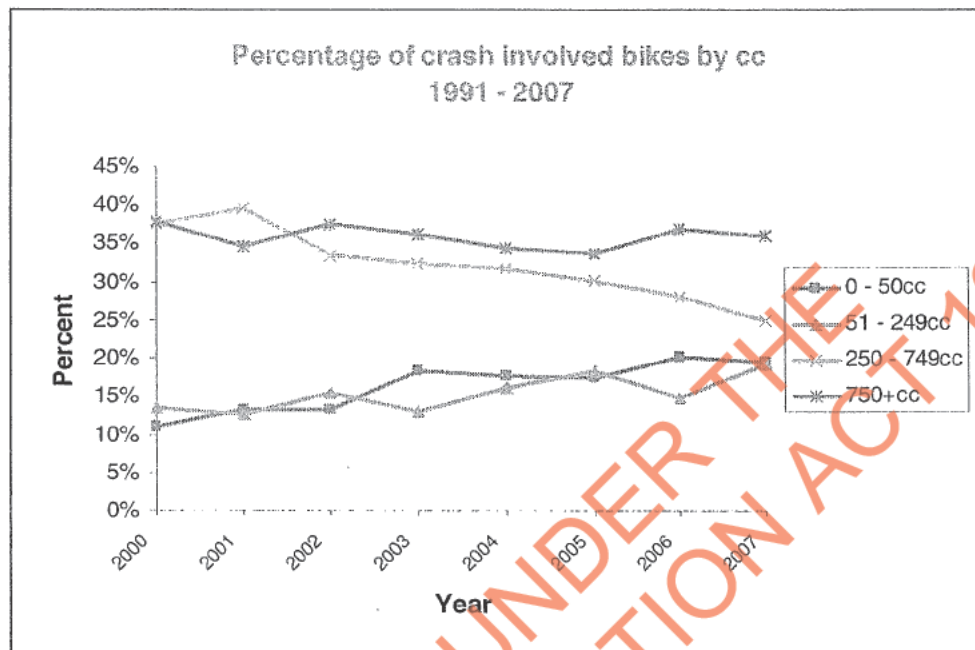


15. Since 2004 deaths and serious injuries from motorcycle crashes have risen by 68 percent, as indicated in figure 1 and 2 above. This coincides with a quadrupling of motorcycle registrations since 2000.
16. Motorcyclists are over-represented in crash statistics. In 2009, 48 motorcyclists were killed, 460 were seriously injured and a further 909 suffered minor injuries. The social cost of these crashes was \$595 million². Despite motorcycles only making up approximately 3 percent of the vehicle fleet, in 2009 they comprised almost 13 percent of all road deaths and 19 percent of all serious injuries.
17. While the social cost of road crashes and injuries is borne largely by the individuals in terms of the victims' loss of life and life quality, society (through the health sector and ACC) also suffers a sizeable part of the cost.
18. ACC claims costs for motorcyclists continue to increase each year, and exceeded \$71 million in 2009/10 (up from \$38 million in 2001/02). Around 24 percent of all new entitlement claims are for motorcyclists and these are over ten times greater for motorcycles than cars on a cost-per-1000 registrations basis.
19. In terms of fault, in the period 2005–2009 motorcyclists were either at fault or had some level of responsibility for the crash in 61 percent of recorded crashes.
20. For more serious crashes, the motorcyclist was more likely to have the primary responsibility for the crash. Crash statistics for 2005–2009 show the motorcycle rider had the primary responsibility for nearly 70 percent of fatal motorcycle crashes, but the comparable figure for minor injury crashes was about 50 percent.

² Social cost is an internationally accepted measure for estimating the cost of road crashes to society. It is made up of a number of elements including loss of life and life quality, loss of output due to temporary incapacitation, medical costs, legal costs and property damage costs. The social cost estimates are \$3,528,000 for a death, \$625,000 for a serious injury, and \$64,000 for a minor injury. These figures are national averages, and the total social cost calculation takes into account urban, rural and regional differences.

21. Riders of low-powered motorcycles (mopeds) are becoming more prominent in the crash statistics. Motorcycles under 50cc have increased from about 11 percent of all reported crashes in 2001 to around 17 percent in 2009. ACC claim figures illustrate a similar pattern.

Figure 3: Percentage of crash involved motorcycles by cc rating, 2001–2007



22. Figure 3 above shows that motorcycles with a large engine capacity – which are generally more powerful and larger motorcycles – are involved in more crashes. At present, novice motorcyclists are restricted to riding motorcycles with an engine capacity of 250cc or less³.
23. A higher proportion of crashes involving large bikes (500cc or bigger) result in death rather than injury. Riders of large motorcycles make up 32 percent of all casualties but 52 percent of deaths.

Objective

24. The aim of these options is to reduce the number of New Zealanders killed and injured as a result of motorcycle, and moped, crashes.

Options

25. The options considered were:

- keeping the status quo
- improving the skill base of motorcycle riders
- improving the roads
- improving the motorcycles.

³ Engine size is currently not recorded for between 10 and 15 percent of crash-involved motorcycles. The graph above is based only on those motorcycles with recorded engine size.

26. Keeping the status quo was rejected because of the high motorcycle crash risk, the rising number of crashes and the rising number of new motorcycle registrations.
27. One of the *Safer Journeys* initiatives is to implement targeted programmes of treatments on popular motorcycle routes to address motorcycle 'black spots'. It is proposed that no further road improvement initiatives targeting motorcycling be commenced until those programmes have been completed.
28. Various improvements to motorcycles were also considered, such as mandating anti-lock braking systems. Most were rejected because of costs (but could be considered further when costs of such features come down).
29. The highest risk period is when motorcyclists first start riding. The proposal is therefore to lower that risk. A package of initiatives is proposed that move New Zealand toward the best practice guidelines from Monash University. The best practice model has been adopted in Australia, where jurisdictions have lower motorcycle crashes.
30. The proposals to improve motorcycle and moped safety are:
- 30.1. initiatives to improve motorcycle rider training and licensing, by:
- strengthening motorcycle licence tests
 - introducing competency based training and assessment (CBTA) as an alternative to the standard testing regime
- 30.2. initiatives to improve moped rider training and licensing, by:
- requiring all moped riders to complete a BHST along with a motorcycle learner theory test to obtain a new Class 6M (moped) licence.
- 30.3. Other recommended safety initiatives include:
- requiring all novice motorcyclists, regardless of age, to be subject to the same minimum time requirements at the restricted licence stage
 - developing optional refresher training for returning riders and encourage uptake (non-regulatory)
 - introducing a power-to-weight restriction for novice riders
 - promoting high visibility and protective clothing (non-regulatory).
31. The appendix compares the proposed new motorcycle graduated rider licensing system with the current system.

Regulatory impact analysis – motorcycle and moped safety proposals

Improve motorcycle rider training and licensing

32. The underlying principle of the rider training and licensing proposals, outlined further below, is based on a best practice model developed by Monash University in Australia in 2005⁴. This model is based on the premise that motorcycle riding requires higher levels of both vehicle control and cognitive skills than car driving; and that the potential outcomes of any failure on the part of the rider, other road users, or the road environment are severe.
33. New Zealand already has some aspects of the best practice model for training and licensing in place. The proposal is to include more elements to match practice in Australian states where crash rates are lower. For example, the New Zealand road fatality rate for motorcycle and moped riders is 12 per 1,000,000 population, whereas the rate in Victoria is 8 per 1,000,000.

Strengthen motorcycle licence tests

34. The crash risk for motorcyclists is highest when motorcyclists first start to ride. Therefore, key competencies and attitudes specific to motorcycling should be developed and assessed as soon as possible in the learner licence period, preferably before riders are allowed on the road.
35. Motorcyclists are currently required to complete a learner theory test, the BHST, and the restricted and full motorcycle licence practical tests. The learner theory test will be redeveloped with emphasis on motorcycle-specific requirements. The BHST will be strengthened and will take longer to complete, so that additional skills such as hazard detection and road craft can be better assessed. The restricted and full licence practical tests will also be strengthened and made more motorcycle-specific.

Benefits

36. Strengthening the theory test and BHST will help ensure that learner motorcyclists have a higher level of basic skills before they start riding by themselves. It is believed that increasing riders' competence, before permitting them to ride on public roads, will reduce the risk for novice riders. Strengthening the practical tests will encourage novice riders to gain more experience, and incentivise training programmes.

Costs

37. The one-off establishment costs of strengthening the tests will be met by the New Zealand Transport Agency (NZTA) from existing National Land Transport Fund (NLTF) funding. Ongoing operational costs resulting from longer and harder tests will be recovered from revised licensing and testing fees. This will

⁴ Narelle Haworth and Christine Mulvihill, *Review of motorcycle licensing and training*, Report Number 240, June 2005, Monash University, ISBN 07 326 2310 3.

maintain the policy of licence holders bearing the full cost of the services delivered.

38. More difficult tests will mean it is likely that more riders will fail, particularly in the short-term as they adjust to the new standard. Riders will meet the cost of re-sitting the tests and taking additional training (if necessary). The NZTA will monitor the failure rate to ensure the tests are performing as envisaged, and will make amendments where necessary.

Risks

39. Some novice motorcyclists might not be able to meet the new test requirements and may ride unlicensed or ignore their licence conditions. Routine enforcement of licence conditions and licensing requirements will detect some such offences. This risk will be reduced by a public awareness campaign to explain the reasons for the stricter motorcycle tests, providing supporting material, and encouraging the uptake of training.

Introduce competency based training and assessment

40. There is currently no approved learner motorcycle training course. Strengthening the restricted and full licence motorcycle tests and making them more motorcycle-specific will act as an incentive for novice riders to undertake training courses, to better equip them for the harder tests. CBTA would cover key on-road skills, including: hazard detection, advanced handling skills, urban road riding, open road riding, motorcycle safety checks, and emergency stopping. It would also provide a key opportunity to educate novice riders of other safety issues, such as the benefits of protective clothing.
41. Stage 1 CBTA will be available for riders in the learner phase. This would mean that key skills are taught when riders are most at risk (that is, in the first 12 months of riding). Successful completion of Stage 1 CBTA will mean that the rider does not need to sit the restricted licence test. Stage 2 CBTA will be available in the restricted phase. Successful completion of Stage 2 CBTA will reduce the minimum time spent on a restricted licence from 18 months to 12 months and the rider will not need to sit the full motorcycle test. Refer to the appendix for further details.
42. The NZTA will develop the CBTA, based on the popular competency based training pilot programme undertaken by Land Transport New Zealand a few years ago. It will include the latest research on motorcycle training best practice in New Zealand and Australia.

Benefits

43. As mentioned, it is not possible to readily quantify the road safety benefits of the rider training and licensing proposals. However, this initiative is in line with current best practice and will help reduce the high crash risk of novice motorcyclists.

Costs

44. CBTA will be developed as an approved course by the NZTA. The cost of course development is likely to be low due to the previous pilot programme. This cost, and the cost of ongoing administration, will be met from within existing NLTF funding. Individual providers will be approved by the NZTA to conduct the course. The course will be user pays, with the fee determined by the individual approved providers.
45. There will be some IT development cost, to build in an ability to recognise CBTA certificates as entitling the applicant to bypass the requirement to sit the restricted licence test and reduce the restricted licence period. The IT project that will include this change will cover a range of minor licensing changes, and has a total cost of \$100,000.

Risks

46. There might not be enough quality motorcycle-specific trainers to cope with the demand for training courses, particularly in the short term. The NZTA will be responsible for upskilling existing motorcycle trainers to provide the required CBTA training and assessment.
47. Training coverage will be monitored over time. Encouraging training, through strengthened tests, is likely to increase demand for training from novice riders, creating an incentive for motorcycle trainers to enter the market. However, it will be important that the approval standard for trainers is not lowered just to allow more providers in a certain area.

Remove the option for motorcyclists to complete an approved driving course (Defensive Driving or Street Talk)

48. Currently motorcyclists can complete an approved driving course (Defensive Driving or Street Talk) to reduce their time on a restricted motorcycle licence. The theory components of these courses are largely classroom and car focused.
49. As result of completing the CBTA, the motorcycle rider will receive a reduction in the minimum time period that they must hold a restricted licence. To support CBTA, the option to complete an approved driving course will be removed for motorcyclists.

Benefits

50. Training that reduces the minimum time spent on a restricted licence is attractive to novice riders. However, the potential benefits to motorcycle riders from completing a car-based driving course may be small or non-existent. Removing car driving courses as an option for motorcyclists will encourage riders to acquire motorcycle-specific skills through the CBTA.

Costs

51. The operational costs of this initiative, for example working with agents to publicise the change, will be met from within existing NLTF funding. These costs are estimated to be minor.

Risks

52. It should be noted that CBTA will not be compulsory, as it is a voluntary alternative training and assessment option. There is a risk that CBTA will not have the same level of coverage as there is for the currently available approved driving courses.
53. However, the standard option of completing the motorcycle GDLS by sitting the tests will remain available for those people who cannot access or choose not to undertake a CBTA course.

Remove the under 25 and over 25 distinction within the graduated licensing system for motorcyclists

54. Currently riders under 25 years old must spend longer on a restricted licence than a rider aged over 25 years. This distinction was introduced, when motorcycles were commonly used as entry into the licensing system by young people, as they were more affordable than cars. Therefore, young riders featured significantly in the licensing and crash statistics.
55. Transport availability for young people has changed, with more affordable cars, and there has been an increase in recreational motorcycling. Consequently, the age profile of novice riders has changed, with the average age of a learner motorcycle licence applicant now just over 30 years. The crash statistics illustrate a similar pattern, with the average age of motorcycle casualties increasing from 22 years in 1980 to 35 years in 2008.
56. It is no longer appropriate to maintain a lower restricted licence period for older motorcyclists. The same requirements should apply to all novice motorcyclists.

Benefits

57. Requiring novice drivers aged over 25 years to remain in the learner and restricted licence phases for a longer period of time will ensure that they gain experience while still subject to the relevant licence conditions. These conditions are specifically designed to reduce novice rider crash risk.
58. Removing the distinction will also help simplify the motorcycle graduated licensing system.

Costs

59. The IT development cost to implement this proposal, and range of other minor licensing changes, has a total cost of \$100,000.

Risks

60. There are no risks associated with this proposal.

Require all moped riders to complete a basic handling skills test (BHST) as well as a motorcycle learner theory test to obtain a new Class 6M licence

61. Riders of low-powered motorcycles (mopeds) are becoming more prominent in the crash statistics. The number of mopeds involved in crashes has increased from 11 percent of all reported crashes in 2000, to 20 percent in 2007. ACC figures show a similar pattern. At present, moped riders only need a learner car licence and are not required to pass any handling skills test before they can legally ride a moped on the road.
62. To improve the on-road safety of moped riders, it is proposed that they be required to display that they have the necessary riding skills to be able to safely operate a moped on the road. A new 6M (moped) licence will be introduced, and people who wish to ride a moped will be required to hold a 6M licence, or a learner, restricted or full motorcycle licence.
63. Therefore, new moped riders will need to obtain a 6M licence before they can ride their moped on the road, by passing the strengthened motorcycle learner theory test and strengthened BHST. This will ensure that moped riders have at least the basic skills required to safely ride a moped on the road, which is the same level of skill as required of a learner motorcycle rider.
64. It is proposed that the requirement to hold a 6M licence also apply to people who are currently allowed to ride a moped due to holding a Class 1 (car) licence. At present, any person who holds any level of car licence can legally ride a moped, even if they have never ridden a moped or motorcycle. There is no assurance that these people have the necessary skills to safely ride a moped on the road. This means that many moped riders will have to gain a 6M licence as well. There will be a transitional period of 18 months, by which time all moped riders will have to hold a 6M licence, or a motorcycle licence, in order to legally ride a moped. Moped owners will receive a reminder of the new requirement when they receive their vehicle licence renewal reminder letter.

Benefits

65. Requiring basic handling and skills for moped riders is likely to have a small road safety benefit. An Australian study⁵ found a 13 percent reduction in rider crashes from introducing compulsory driving tests combined with training for motorcycles. Unfortunately it is not clear whether this was due to a reduction in rider crash risk or in exposure to risk.
66. If we assume a 13 percent reduction to be the maximum achievable reduction in moped accidents, then this initiative could potentially avoid one fatality and between two and five serious injuries per year.

⁵ Elvik and Vaa (2006)

Costs

67. There will be some IT development cost to implement this proposal, estimated to be around \$150,000.

Risks

68. There is a risk that moped riders will not comply with the new test requirements and will continue to ride on a car licence. The risk will be reduced by a public awareness campaign to explain the change and by providing support material in relation to the BHST. Enforcement of licence conditions and licensing requirements will detect some non-compliance.

Introduce a power-to-weight restriction for novice riders

69. Currently holders of learner and restricted motorcycle licences are restricted to riding motorcycles of 250cc and less. This is because larger and more powerful bikes are more likely to be involved in fatal and serious injury crashes than lower powered motorcycles. However, high-performance 250cc motorcycles capable of high speeds and rapid acceleration are available on the market. These motorcycles are not suitable for novice riders due to their power, riding position and handling. The trend for increases in motorcycle power is likely to continue.
70. Instead of the 250cc limit, it is proposed that learner and restricted motorcycle licence holders be restricted to motorcycles that do not exceed a power-to-weight ratio of 150 kilowatts per tonne. An upper bound of 660cc is proposed to ensure that the approved motorcycles are not too physically large for novice riders. It is proposed there be an 18-month transitional period from the current restriction to the new one for current learner and restricted motorcycle licence holders.
71. Most Australian states have recognised the 250cc novice rider restriction as a safety issue and have replaced this with the proposed power-to-weight restriction through the introduction of a Learner Approved Motorcycle Scheme (LAMS). This includes a list of motorcycles that are LAMS-compliant, which has been researched thoroughly. LAMS has proved popular with the Australian motorcycling community, and could readily be adapted for use in New Zealand.

Benefits

72. This restriction will give novice riders access to a greater range of motorcycles appropriate for their level of experience, including more that have safety features like anti-lock braking systems. Evidence from overseas jurisdictions shows a power-to-weight restriction encourages novice riders to stay on a less powerful bike for longer than a 250cc restriction after their restriction period ends. This is positive for safety as familiarity with a motorcycle reduces crash risk.
73. A power-to-weight restriction on motorcycles is more effective at reducing novice rider crash risk than an engine capacity limit.

74. It will not be possible to determine the magnitude of benefit for this initiative until the implementation outcomes can be evaluated. However, as mentioned, this restriction is considered best practice and is in place in most Australian states.

Costs

75. The NZTA estimates that it will cost between \$286,000 and \$472,000 to make system changes to the Motor Vehicle Register in order to introduce a power-to-weight restriction for novice riders. There will be a further cost of approximately \$120,000 to include LAMS information on the registration label.
76. The cost of setting up and the ongoing administration of the power-to-weight novice motorcycle list will be met from within existing NLTF funding. This cost is estimated to be minor.
77. Police costs will depend on whether the number of detected offences increases. While offending levels cannot be readily predicted, Police estimate any additional cost is likely to be minor.
78. There may be a cost to some novice riders who must buy a new motorcycle if their current one does not comply with the new restriction. However, this will be limited by having an 18-month transitional period from the current 250cc restriction to the new power-to-weight restriction.

Risks

79. There is a risk that novice motorcyclists will continue to ride high-powered 250cc bikes. This risk will be managed by placing a code on the registration label to aid enforcement, and having the approved motorcycle list published on the internet to aid prospective buyers.

Total cost of recommended proposals

80. Many of the costs associated with introducing the full suite of motorcycle and moped safety proposals discussed above can be met within existing funding, particularly any operational costs to Police and the NZTA. Some ongoing operational costs to the NZTA may require amendment to the regulated licensing and testing fees, to ensure alignment between costs of services and the fees charged for those services.
81. There are some one-off costs to the NZTA, relating to IT development. The NZTA has estimated that these costs, in total, amount to \$0.8–\$1.15 million.

Total benefit of recommended proposals

82. As mentioned, it is not possible to provide an estimate of the exact road safety benefits of the rider training and licensing proposals. However, they are in line with best practice and are in place in jurisdictions with better motorcycle and moped crash statistics than New Zealand.
83. The total cost of introducing all the recommended proposals is likely to be less than \$1.15 million. Therefore, to achieve a break-even situation, these

proposals need only to result in between two and three fewer serious injuries per year.

84. The proposed change to introduce a specific moped licence, and require an applicant to pass a motorcycle learner theory test and the BHST before being legally able to ride a moped, is expected to deliver quantifiable benefits. It is estimated that this proposal alone will save one life and between two and five serious injuries per year. Implementing the rest of the recommended proposals will further enhance the safety benefits for motorcycle and moped riders. Given the break-even requirement is low, the Ministry believes that the package will produce a net benefit to society.

SECTION TWO: Changing the give way rules

Background

85. The current give way rules are that a turning vehicle must give way to all traffic not turning, and in all other situations give way to traffic crossing or approaching from the right. The driver of a vehicle turning left has to:
- check if there are any right-turning vehicles to give way to
 - check if there is any traffic coming from behind that will delay a right-turning vehicle
 - check for cyclists alongside and pedestrians crossing the road they are entering.
86. This means that the driver has to check in three different directions: the situation opposite them, behind them, and on the road they are entering – all within seconds.
87. The 'T-junction' rules apply when there are conflicting right-turns at an uncontrolled T-junction. At present, the right-turning vehicle on the terminating road has priority over the right-turning vehicle on the through road. The T-junction is a very common intersection in New Zealand, and often the through road is the higher volume (or major) road. The current T-junction rule accords the vehicle entering from a minor road priority over a vehicle travelling on the major road.

Problem definition

88. Intersection crashes currently make up 21 percent of fatal crashes. The majority of fatal intersection crashes occur in rural areas, but the majority of serious injury crashes are in urban areas. The number of intersection crashes involving pedestrians has increased by 88 percent since 2000, and many of these pedestrians were hit by a turning vehicle.
89. The current left turn-right turn rules create crash risks:

- between left-turning vehicles and pedestrians crossing the road that the vehicle is turning into, or cyclists on the inside, because the driver of the vehicle has been watching for right-turning traffic
 - between right-turning vehicles and left-turning vehicles
 - between right-turning vehicles and vehicles overtaking the left-turning vehicles.
90. The current uncontrolled T-junction rule often gives rise to confusion as it is the reverse of the rule for intersections controlled by give way or stop signs. At controlled T-junctions, the vehicle approaching the intersection from the minor, or terminating road gives way to vehicles turning from the major road. However, if the T-junction is uncontrolled, the vehicle turning from the minor road has right of way.
91. The T-junction rule also requires the driver of the vehicle turning from the major road to establish whether the minor road is controlled or not.
92. The confusion and hesitation that can occur at an uncontrolled T-junction gives rise to risks between the two vehicles, and to pedestrians crossing the minor road.
93. Intersection crashes are often caused by poor judgement, due to the observation and decision making burden of the give way rules. Educational initiatives have been introduced in recent years to help reduce intersection crashes, but are limited in what they can achieve given the current give way rules.

Objective

94. To make intersection decisions easier, to reduce intersection crashes and improve cyclist and pedestrian safety.
95. The overall objective of *Safer Journeys* is to reduce the level of road trauma on New Zealand roads.

Options

Status quo

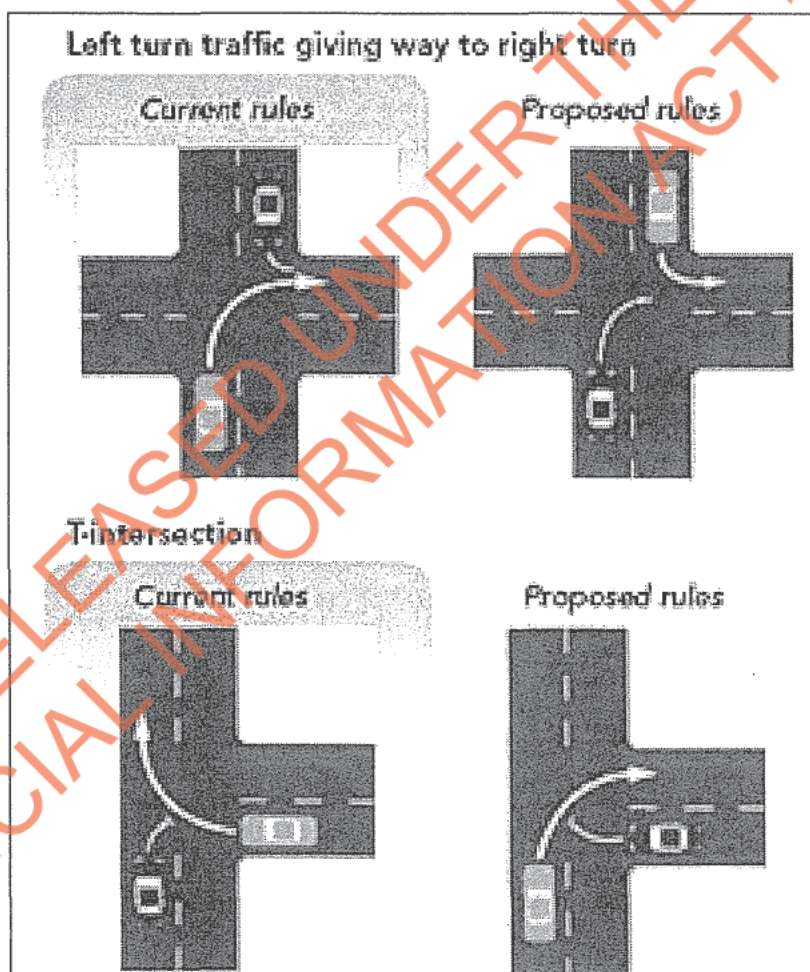
96. Retaining the current give way rules will not reduce the complexity of intersection situations governed by give way rules. The status quo will not assist actions to reduce the occurrence and severity of intersection crashes, and the success of efforts to reduce intersection crashes, injuries, and fatalities will be limited. The number of intersection crashes involving pedestrians has increased over recent years.
97. This option has been discounted as it does not contribute to the overall objective of *Safer Journeys*; indeed, as it may result in further increases to road trauma it could undermine the objective of *Safer Journeys*.

Proposed changes to give way rules

98. This option would:

- 98.1. require traffic turning right to give way to traffic turning left into the same road (see figure 4)
 - 98.2. require traffic from an uncontrolled terminating road to give way to traffic on a continuing road (the T-junction rule) (see figure 4).
99. These changes would align New Zealand's give-way rules with those applying in almost all overseas jurisdictions.

Figure 4: Current and proposed give way rules



Regulatory impact analysis – changing the give way rules

Benefits

100. Several pieces of evidence indicate that changing the give way rules will reduce crashes at intersections. In 1995 a first principles review used basic traffic engineering principles to determine which give way rules would be optimal for safety and efficiency. It concluded that the proposed give way rules are

inherently safer, are expected to reduce the most common traffic conflicts that lead to crashes, and improve safety for pedestrians and cyclists.

101. Victoria used to have the give way rules that New Zealand currently has. In 1993 Victoria made a change similar to that proposed in this paper. This resulted in a 7.1 percent reduction in crashes between vehicles turning right and oncoming vehicles, and crashes involving left-turning vehicles hitting pedestrians and cyclists.
102. It is estimated that changing the give way rules will result in a reduction of about 7 percent of relevant intersection crashes. It is expected that this change will save one life and prevent 97 injuries (13 serious injuries and 84 minor injuries) each year. This translates into an annual social cost saving of about \$17 million.

Costs

103. Changing the give way rules will require an extensive publicity and education campaign, which would cost the NZTA up to \$2 million. This campaign would include education, publicity, and reprinting publications (*The official New Zealand road code*, licence tests, factsheets, and pamphlets targeting overseas visitors and new migrants).
104. Some road markings may be changed to improve the efficiency of roads, such as right-hand turn bays. These costs would be borne by road controlling authorities, and may cost up to \$1 million. Any ongoing costs for changing road markings would be part of road network improvement costs.
105. There may be additional costs to Police, if infringement offences for failing to give way increase following the implementation of the change in give way rules. However, it is likely that the transitional period would be managed by issuing warnings and educating drivers, as was the case when the mobile phone ban was introduced.

Figure 5: financial implications of proposed change to give way rules

	One-off costs	Ongoing costs
NZTA	\$2 million (up to)	Will be met from within existing funding
Police	N/A	Negligible
Local authorities	\$1 million	Will be met from existing funding
TOTAL	\$3 million	Met by existing funding

106. The proposal to change the give way rules has a benefit cost ratio of 41:1, with a net present value of \$111 million. This is based on a 10 year evaluation period and an annual discount rate of 8 percent, and assumes that there is no increase in failure to give way offences and no extra delay in traffic due to the change in rules.

Risks

107. A possible risk is that there is an increase in crashes at intersections following the implementation of the new give way rules. This risk was also considered

when Victoria made a similar change in 1993, but did not eventuate. It is therefore considered that this is a transitional risk that can be adequately mitigated by a good publicity campaign, as is proposed, which was identified as a key reason behind the successful transition in Victoria.

108. There is a possible safety risk, because vehicles waiting in the middle of the road are at a higher risk of a collision from behind than vehicles waiting towards the left of the road. This was one of the reasons for introducing the current rules in 1977. However, today's traffic environment is considerably different as there are now many right-turn bays on higher volume roads, which means that this risk is substantially lower than in 1977.
109. There may also be some short-term impacts on efficiency, as drivers adjust to the new rules. However, these impacts will reduce over time and the expected improvements will arise.

Consultation

Safer Journeys discussion document

110. The *Safer Journeys* discussion document was launched on 18 August 2009. The consultation period closed on 2 October 2009. During the consultation period, Ministry officials attended over 40 meetings across New Zealand, including Regional Transport Committee meetings and meetings with road safety coordinators and specific interest groups like walking and cycling advocates. The *Safer Journeys* website contained an online forum, where people could exchange their views on the different priority areas and *Safer Journeys* in general. Almost 400 people joined the forum and posted more than 1,000 notes.
111. Key road safety stakeholders were consulted with before the development of the discussion document, and they received copies of the discussion document as soon as it was released. The Ministry's stakeholder engagement team worked with stakeholders across the country to highlight the consultation to ensure they were aware and prepared, should they want to make a submission. The consultation was promoted on the Ministry website and websites of other government agencies and some key stakeholders.
112. More than 1,500 submissions were received on the *Safer Journeys* discussion document (general public about 1,400 and stakeholders almost 130). In addition, more than 1,200 members of the general public and almost 20 key stakeholders ranked the 62 initiatives outlined in the discussion document. The Ministry of Youth Development also received 310 submissions on the *Safer Journeys* youth document (264 from individuals and 46 from groups).

Departmental consultation

150. This RIS was provided to the following government agencies for their comment: ACC, Department of Internal Affairs, Department of Labour, Ministry of Economic Development, Ministry of Justice, the NZTA, the New Zealand Police, the Treasury, Ministry of Social Development, Te Puni Kōkiri, and the Ministry

for Youth Development. The Department of the Prime Minister and Cabinet was informed.

Conclusions and recommendations

151. Road crashes place a significant burden on the economy and the health sector, and reduce the quality of life in New Zealand. Consequentially, increasing the safety of motorcyclists, young and novice riders, and of roads and roadsides, is a high priority in *Safer Journeys*. The current approach in these three areas will not be sufficient to achieve the aim of reducing road crash fatalities and injuries in New Zealand.

152. It is recommended that the following actions be implemented.

152.1. Introduce a package of measures to improve motorcycle and moped safety.

152.2. Change the give way rules at intersections.

153. Figure 6 below summarises the potential costs to the government of these proposals.

Figure 6: Potential costs of all recommended proposals

	One-off implementation costs	Ongoing costs
<i>Motorcycle and moped safety package</i>		
- NZTA	\$824,000 – \$1,152,000	Yet to be determined
- ACC	N/A	Met from existing funding
- Police	N/A	Met from existing funding
<i>Changing the give way rules</i>		
- NZTA	\$2,000,000	Met from existing funding
- Road controlling authorities	\$1,000,000	Met from existing funding

Implementation

154. Amendments will be required to the Land Transport (Road User) Rule 2004 to implement changes to the give way rules; and to the Land Transport (Driver Licensing) Rule 1999 to implement the proposals relating to motorcycle and moped safety. The current land transport Rules programme includes a Land Transport (Road User) Amendment Rule and a Land Transport (Driver Licensing) Amendment Rule. The Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 may also need to be amended to ensure that the regulated fees for tests retain alignment with the costs of delivering the testing services.

155. The Land Transport (Offences and Penalties) Regulations 1999 will also need to be amended to ensure that existing offences remain accurate, and to introduce new offences. The Land Transport (Vehicle Registration and Licensing) Notice 1995 will need to be amended to provide for the LAMS additions to the licence label. The Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 may also need to be amended to allow the NZTA to charge a fee for the new moped licence transactions.
156. The NZTA will be responsible for ensuring that the public is aware of the changes, with support from Police in their contacts with road users. The NZTA will also revise all relevant material, including *The official New Zealand road code*, fact sheets and website information.

Monitoring, evaluation and review

157. The NZTA will monitor test pass rates following the changes to the motorcycle theory test, the BHST, and the restricted and full practical tests.
158. The effectiveness of these initiatives will be evaluated and reviewed as part of the review process of the *Safer Journeys* action plans. This function will be carried out by the National Road Safety Committee⁶.

⁶ The National Road Safety Committee (NRSC) is comprised of the Secretary for Transport, the Commissioner of Police, and the Chief Executives of the NZTA, the ACC, and Local Government New Zealand. The Chief Executives of Justice, Health, Education and of the Department of Labour are associate members.

APPENDIX: Current and proposed motorcycle and moped licensing regimes

	BHST	Motorcycle Learner theory test	Learner phase	Learner conditions	Restricted licence test	Restricted phase	Restricted conditions	Full licence test	Min. total time to full licence
Current Regime:									
Under 25 (No Course)	YES	YES	Min 6 months	250cc 70km/h - L plate - no passenger - no riding between 10pm and 5am	YES	Min 18 months	250cc - no passenger - no riding between 10pm and 5am	YES	24 months
Under 25 (approved course, e.g. DDC)	YES	YES	Min 6 months		YES	Min 12 months [Must wait 6 months to take course]		YES	18 months
Over 25 (No Course)	YES	YES	Min 6 months		YES	Min 6 months		YES	12 months
Over 25 (approved course)	YES	YES	Min 6 months		YES	Min 3 months [no wait to take course]		YES	9 months
Mopeds (need a car or motorcycle learner licence)	NO	YES (motorcycle or car learner theory test)	Min 6 months	Class 1L or 6L conditions apply	YES (but can ride on 6L/1L)	As above-age/course dependent	Class 1R or 6R conditions apply	Yes (but can ride on car or motorcycle learner licence)	As above-age/course dependent
Proposed Motorcycle Regime:									
Motorcyclists - CBTA	YES stronger test	YES strengthened test that emphasises motorcycle requirements	CBTA - no wait to take course and no minimum learner period once completed	- LAMs (size restriction) - L plate - no passenger - no riding between 10pm and 5am	NO [Present CBTA certificate]	Min 12 months	- LAMs (size restriction) - R plate - no passenger - no riding between 10pm and 5am	YES strengthened test that emphasises motorcycle requirements	12 months
Motorcyclists - No CBTA	YES stronger test	YES strengthened test that emphasises motorcycle requirements	Min 6 months	no riding between 10pm and 5am	YES strengthened test that emphasises m/cycle requirements	Min 18 months		YES strengthened test that emphasises motorcycle requirements	24 months
Proposed Moped Regime:									
	BHST		Theory test		Moped licence				
Moped riders (2 wheels, 50cc or less (if petrol) and designed for operation at 50 km/hr)	YES – a strengthened moped version		YES (strengthened test that emphasises motorcycle requirements)		6M - Can only ride a moped. If want to ride a motorcycle must obtain class 6L				

IN CONFIDENCE

18279



Cabinet Economic Growth and Infrastructure Committee

EGI (10) 215

Copy No: 40

Summary of Paper

13 September 2010

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LATE PAPER: This paper was submitted after the Cabinet deadline and has been accepted for the agenda by the Chair.

Completing Safer Journeys First Actions

Portfolio Transport

Purpose This paper seeks agreement to a package of initiatives to improve road safety, which will complete the first actions of *Safer Journeys - New Zealand's Road Safety Strategy 2010-2020* (Safer Journeys).

Previous Consideration On 15 February 2010, Cabinet noted that *Safer Journeys - New Zealand's Road Safety Strategy 2010 to 2020* (Safer Journeys) sets the direction for improving road safety in New Zealand over the next 10 years, and agreed to publicly release the Safer Journeys document [CAB Min (10) 5/9].

In March and July 2010, Cabinet approved a number of initiatives on many of the first actions identified in the Safer Journeys document [EGI Min (10) 6/4; CAB Min (10) 26/9; CAB Min (10) 26/10].

Summary

The full list of Safer Journey's first actions is in the table on pages 2-3. The government has already approved first action initiatives relating to increasing the safety of young and novice drivers and reducing the impacts of alcohol impaired driving. This paper proposes the following final first actions:

Motorcycle and moped rider safety (pages 3-9)

A package of measures is proposed to ensure that new motorcycle and moped riders are capable of riding safely before they are allowed on the road, and that new riders are limited to less powerful motorcycles. This package is estimated to save one life and between two and five serious injuries per annum. The proposals are based on a best practice model developed by Monash University in Australia.

Changes to the give way rules at intersections (pages 9-12)

This proposal is estimated to save one life and prevent 97 injuries per annum, which translates to a social cost saving of \$17 million per annum. It has a benefit cost ratio of 41:1. The changes would align New Zealand's give way rules with those applying in almost all overseas jurisdictions.

Regulatory Impact Analysis	A Regulatory Impact Statement (RIS) is on pages 20-40 . The Ministry of Transport considers the RIS to be adequate according to the quality assurance criteria.
Baseline Implications	Motorcycle and moped rider safety This package will involve a one-off cost of \$0.8-\$1.15 million to implement. If the NZTA Board decides to not fund this package under the National Land Transport Fund, an increase in appropriations may be required. The Ministry of Transport, in conjunction with Police and the NZTA, will be directed to reprioritise the Road Policing Programme to cover any increased cost of handling extra offences as a result of these changes. Give way rules This proposal will involve implementation costs for the NZTA of up to \$2 million (this cost will be met by reprioritisation of the National Land Transport Programme), and a further \$1 million to improve road markings (which will be met by existing road network improvement funding).
Legislative Implications	A number of amendments to Land Transport Rules and Regulations will be required.
Timing Issues	It is expected that the Safer Journey initiatives will begin to be implemented from mid-2011. The new motorcycle testing and training regime is likely to be in place by the end of 2011. The changes to the give way rule will be implemented after the Rugby World Cup – the Minister anticipates introducing these changes in early to mid-2012.
Announcement	The Minister of Transport will issue a media statement, and the NZTA will revise reference material. A public awareness campaign will be carried out (in particular, the changes to the give way rules will require extensive public communications and information).
Consultation	Paper prepared by Transport. ACC, DIA, Labour, MED, Justice, NZTA, Police, Treasury, MSD, TPK and Youth Development were consulted. DPMC was informed. The Minister of Transport indicates that discussion will be required with the government caucus and with other parties represented in Parliament.

The Minister of Transport recommends that the Committee:

Background

- 1 note that on 15 February 2010, Cabinet noted that *Safer Journeys - New Zealand's Road Safety Strategy 2010-2020* (Safer Journeys) sets the direction for improving road safety in New Zealand over the next 10 years, and agreed to publicly release the Safer Journeys document [CAB Min (10) 5/9];

2 note that:

- 2.1 Safer Journeys includes the high priority areas of improving the safety of roads and roadsides, and increasing the safety of motorcycling;
- 2.2 Safer Journeys includes a table of first actions, which are initiatives that will have the greatest impact on the road crash problem;
- 2.3 In March and July 2010, Cabinet agreed to a number of proposals relating to young and novice drivers, combating alcohol-impaired driving, and reducing the impact of high-risk drivers [EGI Min (10) 6/4; CAB Min (10) 26/9; CAB Min (10) 26/10];

3 note that the paper under EGI (10) 215 seeks agreement to the remaining first actions as identified in Safer Journeys;

Improving motorcycle and moped safety

4 note that:

- 4.1 the risk of a motorcyclist being killed or seriously injured in a crash is about 20 times higher than for a car driver, despite motorcycles only making up approximately 3 percent of the vehicle fleet;
- 4.2 in 2009, motorcyclists were involved in around 13 percent of all road deaths and 19 percent of all serious injuries, which equated to 48 deaths and 460 serious injuries;
- 4.3 the best practice motorcycle rider training and licensing model developed by Monash University in Australia has informed the development of the proposed changes to motorcycle rider training and licensing changes set out in paragraph 5 below;

5 agree to improve motorcycle and moped rider training and licensing in line with current best practice by:

- 5.1 strengthening the basic handling skills test (BHST), the motorcycle learner theory test, and the restricted and full motorcycle licence practical tests;
- 5.2 introducing competency based training and assessment (CBTA) with:
 - 5.2.1 successful completion of stage 1 CBTA removing the requirement to pass a practical test before progressing to the restricted licence phase;
 - 5.2.2 successful completion of stage 2 CBTA gaining the rider a 6-month reduction in the minimum time spent on a restricted licence (in place of the current option to complete an approved driving course) and removing the requirement to pass a practical test before progressing to the full licence stage;
- 5.3 requiring all novice motorcyclists, regardless of age, to be subject to the same minimum time requirements at the restricted licence stage;
- 5.4 requiring all new moped riders to successfully complete a moped-specific BHST, along with a motorcycle learner theory test, to obtain a new Class 6M (moped) licence;

- 5.5 requiring all current moped riders to successfully complete a moped-specific BHST, along with a motorcycle learner theory test, to obtain a new Class 6M (moped) licence within three years of the new requirement coming into force;
- 5.6 replacing the 250cc restriction for novice riders with a power-to-weight restriction of 150 kilowatts per tonne, combined with an upper limit of 660cc;
- 6 note that:
 - 6.1 the New Zealand Transport Agency (NZTA) will develop an optional refresher training course for returning riders, using the Accident Compensation Corporation's linkages with motorcycle clubs, groups, and retailers to encourage uptake;
 - 6.2 the benefits of protective and high-visibility clothing will be promoted among riders;
- 7 direct the Ministry of Transport, in conjunction with the New Zealand Police and the NZTA, to re-prioritise the Road Policing Programme to cover any increased cost of handling extra offences as a result of the Safer Journeys motorcycle safety initiatives;

Give way rules

- 8 note that:
 - 8.1 the current give way rules place complex demands upon road users, which results in compromised road safety at intersections;
 - 8.2 the number of intersection crashes involving pedestrians has increased by 88 percent since 2000, and that many of these pedestrians were hit by turning traffic;
- 9 agree that:
 - 9.1 the give way rules be amended to require traffic turning right to give way to traffic turning left into the same road, and to require traffic from an uncontrolled terminating road to give way to traffic on a continuing road (the T-intersection rule);
 - 9.2 consequential amendments be made to align the regulated offences and penalties with the change;
- 10 note that it is estimated that this change:
 - 10.1 will reduce intersection crashes by 7 percent, which translates into a social cost saving of about \$17 million per annum;
 - 10.2 has a benefit cost ratio of 41:1 and a net present value of \$111 million;
- 11 note that, while there is some public concern that this change may increase crash risk at intersections immediately following implementation, experience from Victoria suggests that this risk can be mitigated by a good publicity campaign;

Financial implications

- 12 note that:
 - 12.1 the motorcycle safety package will entail IT set-up costs of between \$0.8-\$1.15 million;

- 12.2 the Minister of Transport will invite the NZTA Board to consider approving funding for this package out of the National Land Transport Fund;
- 12.3 should the NZTA Board decline the funding, the matter will require further consideration by Cabinet;
- 13 note that the costs from the motorcycle and moped safety package to amend publications and websites, re-train staff, develop the new tests, and create new operational guidelines will be met from within existing National Land Transport Fund funding;
- 14 note that the necessary publicity campaign for the changes to the give way rules is expected to cost the NZTA up to:
 - 14.1 \$2 million, which will be met by reprioritisation of the National Land Transport Programme; and
 - 14.2 \$1 million to improve road markings, which will be met by existing road network improvement funding;
- 15 note that the NZTA will incur ongoing operational costs in administering the changes to motorcycle and moped rider licensing and training, and that these costs will be monitored;

Legislative implications

- 16 agree to amend the fees set out in the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 to reflect the introduction of new motorcycle transactions and to ensure that the regulated fees retain alignment with the cost of delivering the testing services;
- 17 invite the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to draft amendments to Land Transport Rules and regulations to give effect to paragraphs 5, 9, and 16 above, including any necessary consequential savings and transitional provisions;
- 18 authorise the Minister of Transport to determine any matters of minor policy detail that may arise in the course of preparing the draft legislation.

s 9(2)(a)

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Cabinet Economic Growth and Infrastructure Committee

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Completing Safer Journeys First Actions

Portfolio: Transport

On 15 September 2010, the Cabinet Economic Growth and Infrastructure Committee:

Background

- 1 **noted** that on 15 February 2010, Cabinet noted that *Safer Journeys - New Zealand's Road Safety Strategy 2010-2020* (Safer Journeys) sets the direction for improving road safety in New Zealand over the next 10 years, and agreed to publicly release the Safer Journeys document [CAB Min (10) 5/9];
- 2 **noted** that:
 - 2.1 Safer Journeys includes the high priority areas of improving the safety of roads and roadsides, and increasing the safety of motorcycling;
 - 2.2 Safer Journeys includes a table of first actions, which are initiatives that will have the greatest impact on the road crash problem;
 - 2.3 in March and July 2010, Cabinet agreed to a number of proposals relating to young and novice drivers, combating alcohol-impaired driving, and reducing the impact of high-risk drivers [EGI Min (10) 6/4; CAB Min (10) 26/9; CAB Min (10) 26/10];
- 3 **noted** that the paper under EGI (10) 215 seeks agreement to the remaining first actions as identified in Safer Journeys;

Improving motorcycle and moped safety

- 4 **noted** that:
 - 4.1 the risk of a motorcyclist being killed or seriously injured in a crash is about 20 times higher than for a car driver, despite motorcycles only making up approximately 3 percent of the vehicle fleet;
 - 4.2 in 2009, motorcyclists were involved in around 13 percent of all road deaths and 19 percent of all serious injuries, which equated to 48 deaths and 460 serious injuries;

- 4.3 the best practice motorcycle rider training and licensing model developed by Monash University in Australia has informed the development of the proposed changes to motorcycle rider training and licensing changes set out in paragraph 5 below;
- 5 **agreed** to improve motorcycle and moped rider training and licensing in line with current best practice by:
- 5.1 strengthening the basic handling skills test (BHST), the motorcycle learner theory test, and the restricted and full motorcycle licence practical tests;
- 5.2 introducing competency based training and assessment (CBTA) with:
- 5.2.1 successful completion of stage 1 CBTA removing the requirement to pass a practical test before progressing to the restricted licence phase;
- 5.2.2 successful completion of stage 2 CBTA gaining the rider a 6-month reduction in the minimum time spent on a restricted licence (in place of the current option to complete an approved driving course) and removing the requirement to pass a practical test before progressing to the full licence stage;
- 5.3 requiring all novice motorcyclists, regardless of age, to be subject to the same minimum time requirements at the restricted licence stage;
- 5.4 requiring all new moped riders to successfully complete a moped-specific BHST, along with a motorcycle learner theory test, to obtain a new Class 6M (moped) licence;
- 5.5 requiring all current moped riders to successfully complete a moped-specific BHST, along with a motorcycle learner theory test, to obtain a new Class 6M (moped) licence within three years of the new requirement coming into force;
- 5.6 replacing the 250cc restriction for novice riders with a power-to-weight restriction of 150 kilowatts per tonne, combined with an upper limit of 660cc;
- 6 **noted** that:
- 6.1 the New Zealand Transport Agency (NZTA) will develop an optional refresher training course for returning riders, using the Accident Compensation Corporation's linkages with motorcycle clubs, groups, and retailers to encourage uptake;
- 6.2 the benefits of protective and high-visibility clothing will be promoted among riders;
- 7 **directed** the Ministry of Transport, in conjunction with the New Zealand Police and the NZTA, to re-prioritise the Road Policing Programme to cover any increased cost of handling extra offences as a result of the Safer Journeys motorcycle safety initiatives;

Give way rules

- 8 **noted** that:
- 8.1 the current give way rules place complex demands upon road users, which results in compromised road safety at intersections;

8.2 the number of intersection crashes involving pedestrians has increased by 88 percent since 2000, and that many of these pedestrians were hit by turning traffic;

9 agreed that:

9.1 the give way rules be amended to require traffic turning right to give way to traffic turning left into the same road, and to require traffic from an uncontrolled terminating road to give way to traffic on a continuing road (the T-intersection rule);

9.2 consequential amendments be made to align the regulated offences and penalties with the change;

10 noted that it is estimated that this change:

10.1 will reduce intersection crashes by 7 percent, which translates into a social cost saving of about \$17 million per annum;

10.2 has a benefit cost ratio of 41:1 and a net present value of \$111 million;

11 noted that, while there is some public concern that this change may increase crash risk at intersections immediately following implementation, experience from Victoria suggests that this risk can be mitigated by a good publicity campaign;

12 noted that the Minister of Transport anticipates introducing the change to the give way rules in early to mid 2012;

Financial implications

13 noted that:

13.1 the motorcycle safety package will entail IT set-up costs of between \$0.8-\$1.15 million;

13.2 the Minister of Transport will invite the NZTA Board to consider approving funding for this package out of the National Land Transport Fund;

13.3 should the NZTA Board decline the funding, the matter will require further consideration by Cabinet;

14 noted that the costs from the motorcycle and moped safety package to amend publications and websites, re-train staff, develop the new tests, and create new operational guidelines will be met from within existing National Land Transport Fund funding;

15 noted that the necessary publicity campaign for the changes to the give way rules is expected to cost the NZTA up to:

15.1 \$2 million, which will be met by reprioritisation of the National Land Transport Programme; and

15.2 \$1 million to improve road markings, which will be met by existing road network improvement funding;

16 noted that the NZTA will incur ongoing operational costs in administering the changes to motorcycle and moped rider licensing and training, and that these costs will be monitored;

Legislative implications

- 17 **agreed** to amend the fees set out in the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 to reflect the introduction of new motorcycle transactions and to ensure that the regulated fees retain alignment with the cost of delivering the testing services;
- 18 **invited** the Minister of Transport to issue drafting instructions to the Parliamentary Counsel Office to draft amendments to Land Transport Rules and regulations to give effect to paragraphs 5, 9, and 16 above, including any necessary consequential savings and transitional provisions;
- 19 **authorised** the Minister of Transport to determine any matters of minor policy detail that may arise in the course of preparing the draft legislation.

s 9(2)(a)

Reference: EGI (10) 215

Present:

Hon Bill English (Chair)
 Hon Dr Nick Smith
 Hon Tim Groser
 Hon Steven Joyce
 Hon Phil Heatley
 Hon Maurice Williamson
 Hon Peter Dunne

Officials present from:

Office of the Prime Minister
 Officials Committee for EGI

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**Cabinet**

18338

CAB Min (10) 34/6

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Minute of Decision

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**Report of the Cabinet Economic Growth and Infrastructure Committee:
Period Ended 17 September 2010**

On 20 September 2010, Cabinet made the following decisions on the work of the Cabinet Economic Growth and Infrastructure Committee for the period ended 17 September 2010.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

EGI Min (10) 22/8 **Completing Safer Journeys First Actions**
Portfolio: Transport

CONFIRMED

s 9(2)(a)

Reference: CAB (10) 488

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