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NZ Political Party Leaders

Dear Leaders,

Action Required on Road User Rules Review



The above picture comes from the cover of the ANWB (the Dutch “AA”) road map for Utrecht. What is wrong with it?

In the Netherlands; where crash risks for bicyclists are about seven times lower, or ten times for children, than in New Zealand; the answer is absolutely nothing. It is a picture of a healthy family outing. The ANWB Utrecht map is not the only road map in The Netherlands to sport pictures of bicyclists, clearly in that country such activity is seen as good.

However in New Zealand the official stance would have us believe that the picture shows two “knuckleheads” mistreating a child.

Why is New Zealand so different? And why is New Zealand failing to deliver to its people the lower injury rates experienced in other countries?

Bicyclist Road Safety In New Zealand

For a decade now, or longer if the pre-legislation campaign is included, the key element of bicyclist road safety policy has been the Bicycle Helmet Legislation (BHL).

The evidence shows that the BHL has singularly failed in its objectives and actually appears to work against the very cause it aims to support, that of increased health and safety. In such a situation there are two options: fix, if possible, the legislation so the health and safety outcomes are achieved; or abolish it and replace it policies which have been proven to work elsewhere. Strangely however current policy, led by the Land Transport Safety Authority (LTSA), appears to be centred on the denial or ignoring of negative evidence rather than an open examination and review of the BHL

In other countries, such as The Netherlands and Denmark, it is safer to ride a bicycle than in New Zealand. This has nothing to do with a “unique” New Zealand environment, as is sometimes claimed. Gravity, wind resistance, friction, mass of cars, etc. are all pretty much the same, even the geography would be familiar to many New Zealanders, and the accompanying winds! The obvious difference is safety policies.

What is needed in New Zealand is a thorough review of the BHL and its consequences. Such a review is one of the policies of the Cycling Advocates Network, but they have had no success in this area so far. However the proposed “Land Transport (Road User) Rule 2002” (RUR) provides an opportunity for a review of the BHL. The RUR is a consolidation and updating of a number of existing road user rules, and includes the BHL (currently SR 1976/222 r 38a) as clause 11.9. Despite the failure mentioned above it seeks to expand the application of the BHL, unsurprisingly without any convincing justification.

It is not the aim of this letter to present a case against the BHL, or to argue whether it can be fixed or must be abolished. As a researcher I have written a paper and a submission on the RUR and the details of the case may be found in these, copies available on request.

Unfortunately there is a problem that must be addressed.

Being a “Critic and Conscience of Society” and the Road User Rule Review

Academics are called upon to be the “critic and conscience of society.” Today the road safety policies targeted at bicyclists are sadly an area where this role needs to be exercised.

The Land Transport Safety Authority (LTSA) is responsible for supporting the current BHL, for drafting the RUR, and for reviewing the submissions on the RUR. This presents an obvious potential conflict of interest and in my “critic and conscience of society” role I am forced to question the central role of the LTSA in the RUR process. Can the health and safety of New Zealanders be well served by this situation? This is a serious question, and to answer in the negative requires some solid evidence. Regrettably such evidence exists and puts into serious doubt the whole process.

The LTSA and the Bicycle Helmet Legislation

Over the years the LTSA has studiously defended the BHL, often by simply ignoring any research that showed it was failing and ridiculing those who see the abolition of the legislation as a fundamental step towards improving the health and safety of bicyclists in New Zealand. There have been two serious recent events that unfortunately cast into doubt the LTSA’s ability and willingness to assess the submissions on the RUR.

The LTSA's Attack on Dr Keown of Wellington Hospital

Last October Dr Dan Keown of Wellington Hospital was profiled in Dominion Post. Dr Keown is a staunch opponent of the BHL, on health and safety grounds, and went on to help start a group "Cycling Health" with the aim abolishing the BHL. This development was obviously not seen as a positive one by the LTSA. In the Dominion Post on the 7th Feb Mr Knackstedt of the LTSA attacked Dr Keown and defended the BHL in a letter "Research now out of date." The attack was direct and explicit:

"Dr Keown claims to be on a campaign for 'truth and honesty,' yet he continues to ignore evidence that does not support his desire for New Zealand to abandon [*the BHL*]"

Dr Keown had apparently previously referred to a paper by Scuffham¹ published in 1997. The LTSA claimed that this was out now out of date as a result of a paper published in 2000. Though the LTSA's basis for that claim is certainly questionable, and in of itself it does prove their case, the most serious issue is that *the LTSA themselves ignored later research which did not support their case*. In particular research by Perry (2001) and Taylor (2002), the latter concludes the BHL has failed. The LTSA should be well aware of this research, indeed they were present when the research by Perry was first presented, and that paper directly challenged the conclusions of the 2000 paper Mr Knackstedt relied upon.

Did the LTSA intentionally mislead? Had they forgotten about the research by Perry? Did they not know of the Taylor research?

Whatever the answer it certainly brings into doubt whether the LTSA is the appropriate body to be assessing submissions on the future of the BHL.

At that time I sent a letter to the current Minister of Transport, Rt Hon Paul Swain, pointing out the errors in the LTSA's letter. I requested that he, as the Minister responsible for the LTSA, see that the errors were corrected and an apology issued. As Mr Swain has so far chosen not to respond to me on that matter I cannot say what, if anything, was said to the LTSA. However it clearly had little effect as the LTSA were soon to mislead the public again.

The LTSA Mislead Over Helmets for Car Occupants

In the Dominion Post on the 7th March in a letter "Motorists are well protected" Mr Knackstedt for the LTSA misleads over helmets for car occupants. The LTSA stated that arguments comparing the efficacy of helmet wearing by bicyclists and motorists, which had been made by letter writers to the Dominion Post, were wrong as motorists wore seatbelts. However Australian Government research, which the LTSA should again be well aware of, has concluded that they would save A\$500 Million/Year if *seatbelted* car occupants wore bicycle-style helmets. That same research also stated that even if *every* car had *airbags* then helmets would still save A\$350 Million/Year.

Again we must ask did the LTSA intentionally mislead? Or are they not doing their job and are unaware of the content of the research, yet still feel able to dismiss other's reports of it?

¹ The details of references are not included in this letter. Full references can be found in my submission on the RUR, available on request. However in our context it is worth noting that when this research was presented in 1995 at an Australian conference the authors reported that the NZ Government, who funded it, sent the research back "two or three times" as the results were unacceptable. The authors stated they had checked but not changed the results.

Conclusion

Sadly in my role as a critic and conscience of society it is hard to deny the evidence in this case. That evidence strongly suggests the LTSA will treat submissions on the RUR with the same disdain or ignorance they have treated every other pro-safety comment and research paper that has come out against the BHL.

Look at the picture on the front page again.

Would you not be willing to “suffer” injury rates seven times lower as the Dutch do?

Do not New Zealanders deserve better?

As the Leaders of Political Parties in New Zealand I call upon you to be critical defenders of New Zealanders health and safety and ensure that the BHL is openly and fully investigated. Please ensure that the LTSA do not simply dismiss all the evidence and instead expand the BHL even further.

Unfortunately based on the past and recent behaviour of the LTSA a through independent review of the BHL, including the RUR submissions on it, appears to be a minimal necessity. And this must occur before a decision to include the current BHL in the new RUR can be considered. The BHL may even need to be suspended to allow time for such a review.

I look forward to your early reply and hearing of the actions you take to defend the health and safety of New Zealanders.

Yours sincerely,

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