

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Melbourne — 17 October 2011

Members

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Mr T. Languiller

Mr J. Perera

Mr M. Thompson

Mr B. Tilley

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Witness

Mr M. Zammit.

The CHAIR — A member of the public who has come along today was recently involved in a motorbike accident and is currently in a process of rehabilitation. I thought there may be some merit in having his evidence put on the record, as he runs through the circumstances of his accident and rehabilitation. With that brief introduction, I invite Mr Matthew Zammit to come forward and take a seat. Anything you say before the committee today is protected by parliamentary privilege. However, once you leave the hearing anything you say or publish outside this room is not so protected. Hansard is recording today's proceedings and will provide a proof version of the transcript to witnesses for the purpose of correcting typographical errors. That covers all the matters I need to raise at the moment. You can give evidence to us on the record or in camera, and I take it that you are happy to speak on the public record?

Mr ZAMMIT — I am, yes.

The CHAIR — In order to assist Hansard, could you give your name and address?

Mr ZAMMIT — My name is Matthew Justin Zammit. My address is <confidential>.

The CHAIR — Could you briefly outline the circumstances of your collision?

Mr ZAMMIT — Late last year, two days after Christmas, I was riding my motorcycle, which, for the enthusiasts, was a 250 cc Virago motorcycle. Enthusiasts will probably sneer at it, but that is what I rode. I had had my licence for some 10 years, and that was all I needed to get around on and that is what I rode. To typify myself, I had full safety protective gear on, which I probably owe my life to. I had an Italian-made helmet on, the same sort that Valentino Rossi uses, and I probably owe my life to that as well. I also owe my life to the fact that I was not speeding, which has been reinforced by many of the trauma doctors at the Alfred. They have said to me, 'We knew you weren't speeding, because you're here', and, 'You're very lucky you weren't speeding, because you wouldn't be here'.

I was riding down Beach Road, which is a four-lane — two lanes each way — carriageway with a solid line in the middle that indicates no U-turns. I should also mention that I do not recall this from my own memory; I recall it from witness statements and a friend who was riding his motorcycle behind me. I have no memory of a few days prior to the accident, of the accident or of two weeks after the accident, due to the nature of the brain injury I suffered. However, I was riding south on Beach Road when a car pulled out to do an illegal U-turn. I discovered later that the gentleman who drove the car lived 2 kilometres that way and thought that rather than going 500 metres that way to turn up the street, he would hook a quick U-turn.

I have ridden for 10 years. I was a teacher overseas in Asia for a while and during that part of my life, in my early 20s, I rode in many Asian countries over probably some of the most difficult, challenging and beautiful roads in the world. If I never ride a motorcycle again, I will really miss it. I have dodged potholes, Russian trucks with no brakes, kids running up to wave, water buffalo, chickens and dogs — everything. Riding in Melbourne, I have dodged every other road obstacle, including delivery cars, pedestrians, dogs — I am thinking of the postman — and cars pulling out to do illegal U-turns. It took me a long time to believe that I missed one. It took me a really long time.

When my friend who was a witness to the accident visited me in rehab, I brought him into my room and said, 'Shut the door. There are no police, no parents, no friends, no partners and no girlfriends here. What happened? I stuffed up. What did I do wrong?'. He said, 'Matt, you didn't have a chance'. I said, 'No, Paul. Nobody is here, so tell me: what did I do wrong?'. I could not believe that I did not have a chance, but that is what every other witness said, too: I did not have a chance. I say this to you because I take it that you are a new motorcyclist: sometimes you just do not have a chance.

Mr ELSBURY — Maybe. It is getting less likely now, after this.

Mr ZAMMIT — Sorry to scare you, but sometimes you truly just do not have a chance. I see their point, but it is upsetting to see advertising that says it is up to you to reduce the risks. If there was ever a way to reduce risk, I was reducing every risk.

I was on a girl's bike with full safety gear on a clear summer's day riding under the speed limit in formation to the way that my friend and I rode. Keeping in mind here that he had a 1-litre Suzuki GSX-R sports bike, if he wanted to, he could have been to Portsea and back by the time I got to the next traffic lights, but we did not ride

like that. I was the more experienced rider and, even though I was on the smaller bike, I rode out in front because of that. We rode in a formation where, instead of riding two abreast directly, I would be in front but we would still maintain that gap so that we had that double width, I suppose, to oncoming traffic. I would love to know if there was anything else I could have done, but apparently not.

As a result of the accident, I was for 5 seconds the unluckiest person in the world and for the rest of my life the luckiest person in the world. I broke a lot of my skull; there are 14 plates in my face; I broke two vertebrae in my neck; I broke ribs and my sternum; and my pelvis was split in half and it is held together by titanium. This does not bend, but it has got a bit of my hip in it and a metal screw. That eye had 20 stitches in it and I cannot see out of it, but it is lucky that it is still there.

The CHAIR — In defining ‘this does not bend’ for the Hansard record, can you just define more explicitly your wrist injury?

Mr ZAMMIT — My wrist injury is a quite common motorcycle injury, actually. It is a scaphoid break. It is also a common basketball injury. It is often produced by falling. It is your defensive mechanisms that make you stick your arm out. There is a small bone about the size of a cashew behind your thumb in your wrist, called the scaphoid.

Mr LANGUILLER — Very painful.

Mr ZAMMIT — There you go. There is always somebody who has done a scaphoid, sorry. I also apologise to anyone who is affected by road trauma, if anything I say upsets you, because I know that it happens. That bone controls the movement of your wrist to flex and extend, and it complicates easily because the blood flow through that bone is very slow. What often happens is that, for one, it is not picked up early, as mine was not. In the first eight weeks I was getting therapy on this wrist and complaining about it and complaining about it, but I had radial nerve pain as well so the therapist thought that was the problem, not the actual fracture or break, which was essentially just grinding the bone away as I was doing therapy on it. That has meant that it needed surgery to repair it, rather than just standard plaster. The distal part of the bone — I have learnt so much about pathology — which is furthest away from the incoming blood flow, misses out on a lot of the blood flow during that slow, slow healing process because of the gap and the fracture, and that can cause that part of the bone to develop a situation called necrosis, which is essentially dying, and that complication can lead to things like this, which is — —

The CHAIR — What I was mainly interested in was that you just referred to ‘this’, so I was wanting you to locate the injury; it is a wrist injury. You have part of your hip located in that, by way of repair?

Mr ZAMMIT — Yes.

The CHAIR — Perhaps we can move on.

Mr ZAMMIT — Certainly. Sorry. I had a lot of injuries, anyhow, and recovery has been slow this year. It has been one frightful year, really — for not only myself, but for my fiancée, for my parents, for my family, for friends, and especially my friend who witnessed the accident. He thought I was dead on the side of the road. I was not responsive and it was the few jabs of adrenalin from the paramedic that saved the evening. In a way — and I do not know the person — I imagine the person who caused the accident is somewhat distressed as well. I believe the great majority of people are good people, and I trust that the person who caused this accident was also a good person. I have not met him, as I say. Maybe one day I will, but I would think in road prevention that that needs to be taken into account.

The majority of people are good people, yet we keep killing ourselves, seriously injuring ourselves and doing all these things to each other as well. How can good people cause all of this? You hear about all this trauma with police — and health and TAC, no doubt, too, all this trauma. How can all these good people be causing so much damage? It is not a war; it is just people going about their daily thing.

Mr ELSBURY — They may make a poor decision and — —

Mr ZAMMIT — They make a poor decision. What I would really like to see in the road safety message is that ethos that you are not just bloody idiots, hoons, badge, Baz, distance, pushing people away. Nobody wants

to be caught. People see that label and they run away from it. They do not listen to what is following. What about the good people? It is the good people as well who are killing people. I have been in rehab and met all these people affected by accidents. They have been affected by accidents that most often were caused by people doing nothing deliberately dangerous or stupid. They were not drunk or speeding. They were just little mishaps, but these have disastrous effects.

I think there is a hidden element of the road safety message which we are missing, which is: talk to the good people, people like even my mother, who will drive me around now and then. She always lectures me about motorcycles, but she still will, of course, for the rest of my life — and I accept that. We will be talking about that and driving along, and then I will say to her, ‘Hang on, wait a tick. Did you see what you did just then?’. She will say, ‘What? What happened?’. Very well-intentioned people make these little mishaps because perhaps we do not take driving seriously enough.

The CHAIR — Matthew, I want to just narrow it down a fraction. What was the precise location of the accident and also the time of the accident, the time of day?

Mr ZAMMIT — The location of the accident was along Beach Road. I cannot tell you exactly where on Beach Road. In Black Rock is the only reference I have been given, and the time as well. It was maybe 7 or 7.30 in the evening, but that being said, it was two days after.

The CHAIR — Thank you. You have also made a comment about a suggestion by my colleague Mr Elsbury that you thought was of interest.

Mr ZAMMIT — Yes. I caught onto what you said before. It was something that a friend of mine who is a far more experienced motorcyclist than I am said, He said to me once, ‘You know, Matthew, it would be really nice if car drivers, or anyone getting their licence to use the road, had the opportunity to sit on a motorbike for even just six months, just some time, just to see how vulnerable you feel’. It is not only that, but as a motorcyclist you are exposed to the elements. You are very aware of things and you watch everything, because the smallest thing can trip you up. With a little dog running across the road, in a car you might not even hear it scream because your DVD playing in the background will drown it out. On a motorcycle something very small, a tennis ball or a football kicked across the road by a few kids, can trip you up. Therefore you are looking for the kids on the side of the road. Now, that makes you a better car driver as well.

I found myself becoming a better car driver once I got my motorcycle. I got my car licence 15 years ago and my motorcycle licence 10 years ago, and I saw my car driving pick up because I started thinking motorcycle. That was a really good comment that he made. I do not suggest putting everyone on a motorbike, because there are just a million barriers to that.

Mr ELSBURY — Some people should just never touch them!

Mr ZAMMIT — There are a lot of barriers to that, but it would be really nice if somehow people could feel that. I do not suggest any way in particular, but the concept and the idea have a lot of merit.

Mr ELSBURY — The only experience I personally have is 6 hours at a training facility on a piece of bitumen with no other vehicles on it, and I was getting scared of leaves.

Mr ZAMMIT — Could I also suggest one more thing, and this is really sad. I have wanted to fly all of my life. My solo pilot licence came in the mail when I was in Epworth in Camberwell, and I broke down, crying. I could not fly when I was young, because I did not have the money to, so I saved up everything throughout my 20s to fly. I felt so powerless last year and thought that was going to be the summer of flying.

Anyway, I do not want to go into that part of it, except to say that the thing about flying is that cars are just boxes of distraction but when you sit inside a cockpit everything is about safety and flying safely; there is nothing there to distract you from that purpose. The methodology of flying versus the methodology of driving is just so different. Sitting in a pilot seat of an aircraft versus sitting in a seat of a car, there is just such a sad difference. There are just so many differences I cannot explain them other than to say that the driver’s seat of a car is not as safe as it should be due to the information coming at you and the feeling that people take on with them when they sit in that thing — because it is a weapon. We have seen how many increases there have been

in not just motorcyclist but pedestrian fatalities this year — it is huge — and the amount of serious injuries I saw with pedestrians is incredible.

The common element of all of this is that 2 tonnes of metal is being pushed around by someone who may not have the right attitude in their mind at that time as to what they are actually doing. You hear people say, ‘Gee, if they were invented today would cars be legal?’. Some of us may have heard that before. I would probably say that if they had been, it would not be in the way that they are now. I think it is a product of history that we have grown to develop this idea that everyone gets a chance to drive and it is like a ticket that you get when you are 18, but it is a lot more than that. It is not just a rite of passage, it is not just a way of getting around. It is a big, heavy thing that causes a lot of damage. The attitude of the person in that seat holding the controls is I think something that needs to be checked more often. To say that you get your licence at 16, 17 or 18 and then you can carry that throughout your life without a second glance is something that I think, not just from a motorcyclist’s perspective but pedestrian, just for a car driver — in flying, you are always getting rechecked and look at the safety record of flying.

The CHAIR — Matthew, I will just interrupt you as the timing is a bit tight.

Mr ZAMMIT — Yes, sorry, I do go on.

The CHAIR — I want to give my colleagues time to ask questions. We have probably another 6 minutes or so.

Mr ZAMMIT — Certainly. Please.

Mr TILLEY — Matthew, thank you so much for giving your account to the committee today. It is certainly courageous, to say the least. I cannot speak on behalf of everyone, but I really do appreciate the courage you have demonstrated. Some of our experience is similar. I worked in South-East Asia, where operating both vehicles and cycles is, to say the least, is taking your life into your own hands. Life in South-East Asia is particularly cheap. You are a legend to be able to survive your riding experience in South-East Asia.

I have had some significant riding experience and we share a lot of things. With some of the comments you have given us today, I do not want so much to be the devil’s advocate but to seek your views on some people not having the capacity or the capability necessarily to have a rider’s licence. Do you think it is more of a privilege rather than a right to be able to get an operator’s licence to ride on our roads?

Mr ZAMMIT — I had a truck licence, car licence, boat licence and aircraft licence. To have any of those licences is a privilege. I currently do not have any of them; they have all been suspended on medical grounds. Mind you, the person that caused the accident was off driving the next day. I will also say he got a \$239 fine for making an unsafe U-turn. He nearly killed me. I do not want him to go to jail or anything. People have asked. Every cabbie I have had this year has asked, ‘Did he go to jail?’ and I say, ‘No, he didn’t go to jail. I don’t want him to go to jail’. That was the outcome, incidentally. As parliamentarians, I just wanted to let you know that that is the way that legislation apparently works — it moves that way.

When you say it is a privilege, what do you mean?

Mr TILLEY — Without taking away from it, there is the comment, ‘Good people out there use our roads’, and there are a lot of user groups that have really good people. It only takes a small percentage of people to give a group a bad name, for example. Extending from that, in some cases some people just should not be given that privilege to do certain things in our community. You cannot legislate against stupidity.

Mr ZAMMIT — No, you cannot.

Mr TILLEY — In essence what I am saying is instead of having a utopian view of the world, do you have any suggestions for the committee that might be able to extend our experience and give some recommendations for motorcycle safety specifically?

Mr ZAMMIT — There is an expression, ‘Sorry, mate; I didn’t see you’, that applies to motorcyclists. But I say: If you didn’t see the motorcyclist, what else aren’t you seeing? Did you see the kid running out on the road? Did you see that dog? Did you see that car that went through the ‘Give Way’ sign? What else didn’t you see if you didn’t see a motorcyclist, because they are a legitimate road user and they are not the smallest by

physical size thing that you will come across on the road, either. I think there might need to be a relicensing, whether it is every two years or five years. I think that is a legislative thing that could be put in, just to make people aware.

You cannot legislate against stupidity. You could get your licence test every day and then in between times you could still do something stupid, but it is a tap on the shoulder for the majority of good people who just need to bring their skills back into line and to current trends and to have them tested against current road conditions because every five years it gets busier and the roads change.

Mr ELSBURY — And you can knock off the rough edges on people's driving skills and keep them sharp.

Mr ZAMMIT — Absolutely. I know I should not, but I feel really guilty about how much money I cost the community. I do not know whether that is just how the TAC claim manager makes me feel or not, but I do, and I am aware of that. When you hear the TAC talk about motorcyclists one of the key messages is how much we cost the community in damage. If you take my case, I did not cause that. The liability is on the thing that has the name on the bill from the Alfred or the Epworth, but the liability is actually what caused that. TAC are an insurance company and they are a sole provider insurance company and they have had that for a quarter of a century. Every other insurance company in other states — I do not know, exactly, but I imagine — are private but compulsory third-party insurance companies, so in those states if you cause liability to that insurance company they will up your premium. TAC give a lifetime rating 1 to everyone, blatant dangerous drivers included — people just blatantly breaking the law.

The CHAIR — Matthew, we are running down to the closing minutes.

Mr LANGUILLER — Extremely quickly, if I may, what was the date of your injury?

Mr ZAMMIT — 27 December 2010.

Mr LANGUILLER — Are you back at work at all?

Mr ZAMMIT — I have just last week started a return-to-work program, so I am going to be gradually — —

Mr LANGUILLER — Thank you so much for your submission and for much of what you say. You said, 'I owe my life to wearing protective gear'.

Mr ZAMMIT — Yes, I do.

Mr LANGUILLER — You have described a whole range of injuries that you have unfortunately had. I am assuming you were wearing safety boots?

Mr ZAMMIT — Yes.

Mr LANGUILLER — Did you have any injuries around your ankles and feet?

Mr ZAMMIT — No. I will tell you what I was wearing: a helmet, an armoured jacket, Kevlar motorcycle pants, and motorcycle boots. Except for my horrific pelvic injury, which was such a blunt force that really nothing would have protected that — it was not the sort of gashing injury that — —

Mr LANGUILLER — And you were wearing gloves?

Mr ZAMMIT — I was wearing gloves as well, yes. I had no real surface injuries — except for my eye, because motorcycle helmets are designed such that the visors pop up when they are hit. It is so that if you have a typical crash where you slide on the ground it does not catch on something and break your neck.

Mr LANGUILLER — Were you wearing the full protective helmet, the full-face helmet?

Mr ZAMMIT — Full-face helmet. Also, I must say, I used to ride with open-face helmets, which are legal. I used to ride with those but I had a few taps on the shoulders from friends. I am surprised at how many facial injuries I still received, having that full-face helmet.

Mr ELSBURY — So it was not abrasion; it was mostly blunt force trauma?

Mr ZAMMIT — Blunt force trauma, yes, forward thrust.

Mr PERERA — Thank you very much for sharing your story. I was a rider once in south Asia. You mentioned that there are good people out there who make bad decisions. You also referred to the advertisements which are appalling, with words like ‘bloody idiot’ or things like that, so that good people get switched off because they do not follow the total ad because it calls them ‘idiots’. Do you have any recommendations?

Mr ZAMMIT — I think the overall tone of road safety messages needs to shift itself a number of notches towards the positive because there are a lot of people who think, ‘I’m not speeding, I’m not drunk, I’m not being a hoon, therefore I don’t have to think, therefore I’m safe’. No, you are not safe; you could kill someone. That whole area of the message is a bit of a loss because there is a big volume of people who are probably causing a big volume of damage that we are not speaking to, and that is who we need to speak to as well.

The CHAIR — Matthew, thank you very much for your time. If you have any further thoughts, feel free to liaise with the committee staff, and we would be happy to have a chat with you again. If you want to put anything in writing that might complement the matters you have raised today, feel free also to write to us.

Mr ZAMMIT — Thank you very much, Murray. Thank you for inviting me.

Witness withdrew.