

TRANSCRIPT

ROAD SAFETY COMMITTEE

Inquiry into motorcycle safety

Melbourne — 18 October 2011

Members

Mr A. Elsbury

Mr T. Languiller

Mr J. Perera

Mr M. Thompson

Mr B. Tilley

Chair: Mr M. Thompson
Deputy Chair: Mr T. Languiller

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Witnesses

Ms S. Kimpton, and

Ms V. Tsiolis, year 12 students, Overnewton Anglican Community College, Youth Parliament delegates.

The CHAIR — We are privileged today to have two representatives who were at the Youth Parliament who will be giving evidence. We have received 68 submissions for the purposes of the inquiry to date, and we value this opportunity to take on board further commentary and further evidence that might inform our deliberations. I understand that you spoke at the Youth Parliament, and Mr Elsbury thought your comments were germane to our inquiry. Thank you for giving your time to be here today. You will be sent a copy of your remarks by the committee, and if the remarks contain any typographical errors, they can be amended, then returned. Following that the transcript will be placed on the internet. I invite you to speak to your documents and deliver the remarks that you would like to.

Ms KIMPTON — Victoria and I, and four other members, went to the Youth Parliament in July, and we proposed a bill for the introduction of compulsory protective clothing for motorcyclists. We thought it was one of the main issues on Victorian roads, and we decided to study it in greater depth for our bill. As the youth, we believe we also need to be heard on issues. I just got my licence, and seeing how people behave on the road, especially motorcyclists, I think it might be something that really needs to be addressed.

We can go through what we proposed in our bill. These are all proposed ideas. We researched and found a lot of statistics that were quite traumatising to even hear about. Motorcyclists are making up about 13 per cent of our road toll, which is dramatically high, seeing as though they are around 4 per cent of our population. We thought that was a bit ridiculous. We need to really focus in on this because that is 4 per cent of our population, and their families are being affected as well so it is not just them.

Ms TSIOLIS — It is almost like a ripple effect — for example, if I could bring a personal story into this, my uncle many years ago fell victim to one of these incidents that make up these statistics every year. Fortunately, he was okay and he recovered. However, it did have a ripple effect not only on him as the motorcyclist but also on family members and friends.

Ms KIMPTON — We have also just found out that 24 per cent of injuries in the motorcyclist road toll are from motorcyclists failing to wear protective clothing. This is really where our bill comes into place. We compared it to car drivers, who are protected by ABS steering, seatbelts and this and that. We have everything in our cars. I know motorcyclists cannot physically have those things, but we should be able to implement things to enforce measures for greater protective clothing to support motorcyclists because it is exactly the same thing. They are on the roads with us, and we are in massive vehicles. We have proposed that wearing a greater level of protective clothing while driving a motorcycle should be compulsory, and this includes all passengers. It should not just be the person who is riding the motorcycle who has the protective clothing on or a helmet. We believe that they should have other things.

Ms TSIOLIS — When we were in the Youth Parliament proposing this bill we defined protective clothing as leather material with padding in the lower back, shoulder and arm regions. Clothing should also have vents to ensure air circulation. For weather conditions with high temperatures some sort of light mesh material that we have researched could be used, and that could be worn with the same amount of padding that I mentioned before.

Ms KIMPTON — We know with climatic conditions, that it is Melbourne, and the weather often changes four or five times in one day. It could be 40 degrees outside, and people will want to wear their shorts, thongs and this and that when they are riding a motorcycle, but if we implement something that could encourage them to take on board something else — like some other protective clothing that might be suitable for these conditions — then we could enforce that, and that could help as well. We are not going to say it will be easy; it might be expensive, and with regard to our bill it will be very costly. But I think that in the long term it will be worth it, for the benefits for families, for our roads — for everyone as a whole. We propose something else in our bill. It is that motorcyclists shall be compensated for new purchases of protective clothing, and that compensation shall be in the form of a 10 per cent — or somewhere around there — subsidy. Do you want to talk about the MPU?

Ms TSIOLIS — We have decided to put the MPU, which stands for motorcycle protection unit, under the VicRoads category.

Ms KIMPTON — We have all different areas under VicRoads. We have boats, cars, everything like that. We thought we should have a greater focus and have ‘motorcycle unit’ under that.

Ms TSIOLIS — And the MPU should have the authority to check if motorcycle clothing is protective. It should have some sort of a checklist to define it as suitable to be on roads.

Ms KIMPTON — Under that, only MPU-approved clothing should be eligible for the subsidy. So there will be one regulating body that is regulating all of the clothes that motorcyclists are wearing on our roads, because sometimes we do not know what companies could be making; it might not have any effect and it might not help protect people on the roads. We could say, ‘Wear protective clothing’, but really what is protective clothing? We need to be able to regulate this and be in control of not exactly what they are wearing but the type of clothing they need to protect them, the different styles and things like that. This is just all proposed. We mentioned that there will be a form of subsidies. In our bill we have proposed that in the law there be a fining system.

Ms TSIOLIS — The fining system is very similar to what the car sanctioning is. The first offence, if you are caught not wearing the protective clothing that has been approved by the MPU, would incur a \$239 fine. If you offended again it would incur a fine of \$478 and a loss of three demerit points, et cetera. Every time you keep on reoffending, the sanction is obviously going to be bigger.

Ms KIMPTON — This is creating a money pool from the fines being collected. We know that not everyone is always going to follow the law, so we have to be prepared to implement things against this. These fines can go into a money pool, and the 10 per cent subsidy that people will gain for protective clothing will come from that money that has been collected. That was just a proposed idea. We did not know if it would work or anything, but we just thought it would be good to have some kind of fining system implemented so we could take control of our roles on roads. Victoria and I feel that the people on the roads are really controlling us and we are not really in control of what is going on in that area.

The CHAIR — When you say, ‘They are controlling us’, what do you mean by that?

Ms KIMPTON — When I say ‘controlling us’, I mean it in the way that for motorcycle riders it seems so easy to get around different types of things. I know I hear about cars and things like that a lot, but I do not think that we are aware of them as much, and I think that as a whole they can find their way around. Even just driving here today there were motorcyclists weaving in and out and everything like that. I know that is all right, but sometimes they are cutting over things and cutting into intersections and they are not supposed to, and they are wearing things that are inappropriate. I think they would know that but they know they can kind of get around it. I think if we are more in control we are — it sounds wrong saying ‘controlling them’ but I think we have to do something like that.

The CHAIR — Thank you.

Ms KIMPTON — What else was I going to say? The fining system: — the money collected goes back into subsidising the clothing they are getting. It will also be affecting our businesses, so there are going to be negative effects straightaway because there are businesses that are creating clothing that might not be up to the standard that Victoria may put in place. That standard may of course shut a few things down. They may have to improve their standards. Just being the year 12 economists we are, we can see that it will have a dramatic effect, but in the long term once they are all up to standard and up to scratch and everything they will definitely be prospering, and then in the long term more businesses in that area will be prospering as well. Our bill provides that Victorians shall be informed of the changes to various media outlets. We thought that was a great thing that should be introduced.

Ms TSIOLIS — We were hoping to promote the new legislation, if it does become legislation, through the means of billboards, newspapers, television commercials, as the TAC has promoted on accidents that occur through motorcyclist behaviour, and the internet to target the younger audience, because I guess the youth are really more connected online these days, and any other means of advertising.

Ms KIMPTON — On that, I have spoken to a lot of people around our age, about 17, 18 and 19, and the one commercial that has really hit all of us as a whole — as kind of a cross-section — is the TAC commercial with every single family member talking about their experience of one child who has passed away because of a road accident. That really has an effect on us as individuals. If we see something like that — and I know, adults as well — it has an effect on everyone. If there are more things like that implemented, then it would definitely have — —

Ms TSIOLIS — An effective result.

Ms KIMPTON — It would have a very dramatic effect. That is just the ripple effect, once again. We also propose that the creation of the MPU shall occur six months before implementation of the law and shall be regulated by VicRoads. We have already discussed that, but we think a lot of this should be implemented before it actually becomes law. I think we should start out quite small and try to get it all organised. We want it to be successful; we do not want to put something in place for it to fail. We do not want to be back here again in another 5 or 10 years time discussing this and trying to make changes with the same issue again. We want to put something in place that will make changes and be beneficial in the long run.

We also think the cost of protective clothing for people will be kind of an issue. If you have a motorcycle, petrol is expensive; we all know that. We really think that if you are going to own a motorcycle, like with any vehicle, you will be prepared to pay for registration and the cost of this or that. If you are going to have a motorcycle you should be prepared to pay for your protective clothing. I have tried to implement something to support that. We believe it is better to pay another few hundred dollars out of your pocket. I know it may be kind of hard and may be not good for some people already driving motorcycles, but we think that in the long term it will have such an effect on people. A few hundred dollars compared to someone's life — I think everyone is really going to be supportive of having to pay a little bit more than someone's life being on the line like that, especially a passenger's.

In our bill we said that all passengers as well as the driver should have to wear protective clothing. Imagine if you were driving, say, down the road on your motorcycle; you could be just going from one friend's place to another's — 'Just go hop on the back, we'll go there, we'll be fine' — you never know what is going to happen in between. We can never determine it. We can say, 'It'll be fine', but we do not know. If something happens to that person on the back — if the motorcycle falls — you are fine, you have your helmet and protective clothing and everything, but what happens to that person? This is a really hypothetical situation, but personally how would you feel if your friend or someone in your family had fallen off and they are the person who was injured? You would just have guilt over you for the rest of your life. Personally I could not think of anything worse. I know Victoria thinks that as well.

Ms TSIOLIS — Definitely, yes.

The CHAIR — Thank you. Do you have any other thoughts that you would like to present? We have a few questions, then, to ask of you.

Ms TSIOLIS — When we proposed this in Youth Parliament, a lot of the members that were part of the event thought that this was already something compulsory and already legislation. Their attitude was, 'Actually, you are right. It is fair enough to say that the helmet is compulsory, but then why not the rest of the clothing?'.

Ms KIMPTON — Yes, that was a big thing. We were talking about protective clothing for motorcyclists, and people said, 'Are you serious? There already is protective clothing', and we responded, 'No, that is by choice'. We have seen people driving around with shorts on, so I do not think people in our society are aware of what is going on with regard to motorcyclists on our roads. I think that is something that shows how naive people really are about what is going on. I think we need to make people more aware of what is happening.

Ms TSIOLIS — Definitely.

The CHAIR — Just one point of clarification, Ms Tsiolis. You mentioned you had a family member who was injured in an accident. Do you know roughly when and where that was, and the nature of the injuries sustained?

Ms TSIOLIS — It was many years ago, and I was fairly young. What I can remember is that it was in city conditions. I could not tell you exactly where.

The CHAIR — And the nature of the injuries?

Ms TSIOLIS — It is a bit hard to say. He did collide with another vehicle. I cannot say whose fault it was. I am not sure for what reasons he was injured, but I think it was because his protective clothing was not to an acceptable level. He did have the leather jacket and helmet on, but it just was not enough to fully protect him. I

guess that is why we initiated the MPU in our bill, because we thought the clothing should have a standard and there needs to be someone there to approve that, having an acceptable standard of clothing.

The CHAIR — Did your relative recover?

Ms TSIOLIS — He did, but I still think about it today, and I just hope that there eventually will be a change.

Ms KIMPTON — Can I just add to that. In Youth Parliament there were a few other students around our age. There was one boy whose father had been affected and had passed away due to a motorcycle accident. He said that it was his father's error and he would never live that down because he went off with jeans on and just some shoes. He had a helmet, but he was just going from one place to another — like I said, the 'in between'. That has had an effect on him, and to this day it has an effect on everyone. This is his son, and his father does not get to see him grow up. He does not have a father figure in his life, because of a silly mistake that his father made when he was younger.

The CHAIR — This was a parent of a student that you have been at school with?

Ms KIMPTON — It was one of the parents of a student from another school that we were at Youth Parliament with.

Mr ELSBURY — Thank you very much for coming in today, and I am glad to see that you have come from one of the schools in my area, the Western Metropolitan Region. I understand the amount of work that went into your motion at Youth Parliament. I was actually in the upper house chamber when it was passed. I am not quite as grumpy as I was that day, but we will go on from there. Many of the submissions that we have received from motorcyclists and motorcycle groups have actually said that there is no need to mandate a minimum clothing standard; that it is an infringement of personal freedoms; that the costs associated with that will impact on people who can least afford it; and also that there is an element of the nanny state being brought in — that you are trying to tell us yet again what to do and we just do not want to hear it. As we have heard in some of the submissions today, we may actually lose some of the goodwill that is in place at the moment, where motorcyclists do just go off and purchase the gear. As you said, a number of people at Youth Parliament did not know that you did not have to have any leathers, or Kevlar or anything like that. So when you were presenting your motion at the Youth Parliament, were there any arguments against mandating protective clothing, and what were they?

Ms TSIOLIS — We did have an opposition team against us when we were in Youth Parliament, and they were representatives from Bendigo. They did raise some fair points. They did ask how people who are travelling interstate are going to adapt to our ways and our laws.

Ms KIMPTON — They did change the name.

Ms TSIOLIS — If this was to become legislation. We sent a response as a team. We said that obviously if you are travelling interstate you have to abide by the laws that are set in that particular state. If it is to follow the motorcycle safety laws, then I guess you have to just sort of — —

Ms KIMPTON — With regard to the goodwill, I think that people just are not as aware of the effects, and I think that they need to be made a bit more aware, just like I said before, of the effects of what is actually occurring, because I think that the people believe that it is all right. They may seem like they are doing the right thing, but I think they just do not know of the traumatic effects and the impact it actually has because they have not experienced it and they have been lucky enough not to experience it thus far.

Mr ELSBURY — Following your involvement with this bill, have you noticed more motorcycles than you did before? Have your ears pricked up and you went, 'Wow! There's another one'?

Ms TSIOLIS — Definitely. You become a lot more aware about what is going on around you and particularly motorcyclists and what attire they have got on. Also, it is almost like my situation, because I am currently on my Ls and I am picking up on a lot of bad driving skills from other people. When I am not driving I am observing the driver and how I guess they are driving; I am, like, 'Well, that is incorrect'. It is very similar to our bill, how you can see the wrong and how it should be changed and how it should be corrected.

Ms KIMPTON — I think it is just there. Personally — I know Victoria — we did not know much about protective clothing for motorcyclists. We knew that something was implemented before, but we did not know what it was. I am just on my Ps now and, driving on the road with motorcyclists alongside of me, I just look and I am like, ‘You are not wearing what you are meant to’. You notice it more, and I think that is just because we are more aware of it, so I know. If everyone is, then it might happen.

Mr ELSBURY — Considering you are at the age of where you are learning to drive or you are driving and there are lot of friends that you have got around who are in a similar boat to you — or car — are any of you or your friends actually interested in taking up motorcycle riding, either now or into the future? Is that a discussion that you have had with any of your mates?

Ms TSIOLIS — Not with my friends. No, I do not think I have heard of anyone taking up motorcycle driving. It depends on what career they set out to do. Maybe that is going to have to be something that is part of their lives when they get older. But I know a lot of family members do use motorcycles as transportation and, I guess, a really convenient way of getting around.

Ms KIMPTON — One of our teachers — our economics teacher last year — her husband owned a motorcycle. I started asking her, ‘What do you wear when you go on there?’ — she wears the leather and this and that — ‘Do you think that is enough?’. She said, ‘I am still scared a bit, because you do not know what is going to happen’. But you are taking that risk; you are obviously taking a risk by getting on a motorcycle and doing it. Once you get a bit older, I think maybe. Not many people, especially in high school, are really considering it. I think we are all considering more that we can get our licence for a car, and we can start driving here and there. We are not really targeted exactly by the motorcycle area just yet. I think maybe that comes when you are a bit older. That is just from experience and what we have heard. I know a few people who say, ‘When I am older I can get a motorcycle; I can do this’, but they are not really aware.

Mr ELSBURY — I am wondering also, considering you have just gone through the learners and the P-plate permit process, whether or not you think there is enough education of drivers about motorcyclists and keeping aware of motorcyclists on the road, and also tactics to ensure that you are not one day explaining to a police officer, ‘I’m sorry; I just did not see him’.

Ms TSIOLIS — I would have to say that I do not think there is enough for us to be aware. As a learner driver I can most definitely say that I would not be prepared to have a motorcyclist around me when I am driving, because I would not know what to do. I just feel like maybe VicRoads should have that in the test that we have to apply for to get our learners and make us a bit more aware of what to do in that situation when there is a motorcyclist around.

Ms KIMPTON — On that idea, when we go for our licence we do not know anything about motorcyclists. You go for your hazards — it is a little computer test; I do not know if everyone does — where all you do is click a button about when it is safe to drive. That is all you have got to do. A motorcyclist may come out; if a motorcyclist goes past, you have got to click then. It is not educating us about how to drive with them on the road. I think that really could be addressed as well, because it is not at all. Even in your licence test you are just driving on your roads, your residential area; it is not addressing the main hazards like cyclists and everything like that.

Ms TSIOLIS — It needs to be improved.

Mr PERERA — Thank you very much for your presentation. When you were voting on the bill, did anybody bring in any amendments, or did you think of any amendments after the debate?

Ms TSIOLIS — There were amendments made by the opposition, which we accepted.

Mr ELSBURY — That is not normal.

Ms KIMPTON — Yes, I was really quite surprised with that.

Mr TILLEY — You need a new leader.

Ms KIMPTON — They amended clause 5, which was just saying the creation of the MPU shall occur six months before the implementation so we can discuss that before about implementing it and have it implemented slowly and then adjust it to the people. What else was there?

Ms TSIOLIS — And they inserted subclause 6.2 in clause 6. That was that the media shall commence advertising the change in legislation six months prior to the implementation of the bill.

Ms KIMPTON — Just making people aware of things like that. We were very lucky with our bill. I know most bills in Parliament are challenged, but ours was supported by all of the people in Youth Parliament. They were really for what we were doing, and they just wanted to make amendments to further benefit our bill as a whole.

Mr PERERA — Enhance it.

Ms KIMPTON — There were some things, but not too much. We tried to cover all loopholes.

Mr PERERA — So when this becomes law when passed and go through the normal process, so you have got to wear the protective gear, otherwise we will be fined \$839 in the first instance — —

Mr ELSBURY — It is \$239. Bankrupt people, Jude!

Mr PERERA — So that money will go to a pool — MPU fund — and out of that you will subsidise the protective gear 10 per cent?

Ms KIMPTON — So it is kind of giving them something back as well. As you said, it is so expensive. We are trying to support them as well, and we can show through subsidising — 10 per cent is rough; we are not really sure about figures exactly — just to help them out and show that we are supporting them.

Mr PERERA — So what happens when everybody abides by the law and the pool gets exhausted? Have you thought of any other means?

Ms TSIOLIS — No, but we hope you can.

The CHAIR — Thank you.

Mr LANGUILLER — I commend you for your contribution in terms of the Youth Parliament. I sometimes chair at those sessions, and I think they are terrific. It does not necessarily mean that we have agreement. Have you thought about taking up politics as a career option?

Ms KIMPTON — Next year — I am in year 12 now, and my exams are coming up — I am thinking of studying law and commerce. Under the commerce degree there is all your politics, your marketing and your accounting, all that type of thing as well, so it is there.

Mr LANGUILLER — What about you?

Ms TSIOLIS — I may be considering it. I am in year 11 this year, so I have a little bit more time to think about it. I am hoping maybe to study law and media and communication together at university.

Mr LANGUILLER — You see, Andrew is your member, and there may be opportunities in there — —

Mr ELSBURY — If they do join my party, it certainly would be in place, especially if I get a motorcycle licence from the sounds of things, but anyway!

Ms KIMPTON — Our whole team believes that the youth of Australia believe we should be heard a bit more. We are capable of making change and making suggestions and things like that because I know the media specifically has put a lot of negative light on the youth, so we just thought it would be a good opportunity to show you that we are capable and we are looking to see change in the future.

Mr TILLEY — Thank you, ladies, and we wish you all the success in your future studies, and I suppose it is a hectic time for both of you, no doubt, coming to the end of the year, but do well. My colleague Mr Elsbury asked a question as to whether you were riding motorcycles, and I suppose considering that in your contribution

you have said that you are on a learners permit and a probationary licence at this stage and would probably largely be regarded as novice drivers, is there anything that would influence your decision maybe to consider riding a motorcycle, a scooter or a moped? What sort of things would influence that decision making?

Ms KIMPTON — For me personally I do not know. I have never just really been interested in it, but if I could see that people were protected and things like that, if it was just, say, one of my friends and they were saying, ‘Get on the back’, I would want to be fully protected. I would not get on the back — and I know I can say that now but in the situation it could be different, but I think that if there was something just to show that you are protected, maybe that extra 15, or however much more, then I think I would want to.

Ms TSIOLIS — I personally have not considered, I guess, riding a motorcycle or anything that you mentioned, because I am on my learners and I am still trying to get past that. I am a triplet so I have to compete for learning hours, and it has proved to be a difficult task, so until then — —

Mr TILLEY — I am the father of twins. Thanks, Lee; it is appreciated.

The CHAIR — Ms Kimpton and Ms Tsiolis, thank you very much for giving your time this afternoon to hear your thoughts and reflections. There are a number of other people who will be making contributions shortly, and we might ask them for a couple of reflective comments on the submissions that have been made, but to be actively considering proposals for the future and whether you wish to run for politics in Western Metropolitan Region — —

Mr ELSBURY — You are trying to get rid of me, all of you?

The CHAIR — Or in the lower house in Sunshine or Derrimut, which is another seat.

Mr ELSBURY — That is a nice seat, too.

The CHAIR — There are plenty of horizons for you to contemplate once you have completed your studies. Thank you again for your time and your reflective comments on improving motorcyclist safety and wellbeing.

Ms KIMPTON — Thank you so much for the opportunity.

Witnesses withdrew.