

# TRANSCRIPT

## ROAD SAFETY COMMITTEE

### Inquiry into motorcycle safety

Ballarat — 16 November 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

#### Staff

Executive Officer: Ms K. Jenkins  
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#### Witness

Ms E. Krieg, client, Transport Accident Commission.

**The CHAIR** — Thank you very much for joining our committee today. We are conducting a review of motorcycle safety covering a multitude of issues. We are keen to gain evidence from statutory bodies as well as road users across Victoria to gain a firsthand knowledge of their observations, insights and recommendations. Your comments today have the benefit of parliamentary privilege. I do not expect that to be required. We are also able to take evidence in camera. What I suggest as a happy way forward would be if you could speak at large to any thoughts that you might wish to relate to us as a committee and then we have a series of questions that we can put to you, or it can be an interactive dialogue. Is that a comfortable way to proceed?

**Ms KRIEG** — That is absolutely fine.

**The CHAIR** — You have met some of the members of the Ulysses motorcycle club.

**Ms KRIEG** — I am actually a member as well.

**The CHAIR** — Other members are in the corner over there. So if would you like to open the batting and make some general remarks. You are aware of our terms of reference, I take it?

**Ms KRIEG** — Yes. I was originally invited here because I wrote an article for *Your Voice*, which is a newsletter produced by TAC. My biggest message in the article was basically describing my experience as a motorcycle accident statistic, I guess you could call me. One of the strongest themes throughout my article was wearing the gear. I do not think there is enough emphasis actually placed on people wearing the right gear when you are riding. When I had my accident, I did not have any skin injuries. Nothing is going to prevent a broken bone when you have an accident; a motorcycle rider is far more vulnerable than a car driver.

**The CHAIR** — Perhaps you could take us through the circumstances of your accident. I appreciate that it is written in a document, but we have Hansard here.

**Ms KRIEG** — Absolutely. I was travelling on the Monash Freeway city-bound. I hit an area of 80 kilometres an hour because they were doing roadworks. I checked my speed at 80. I was in the lane; I was not lane splitting. I was being a responsible rider. I was in the right-hand lane. The last thing I remember is a car in the centre lane with his indicator on, and that is the last memory I have. The next memory I have is waking up by the side of the road looking up at the sky, wondering why I could see the sky. I was sure I was on my bike. Then I have the next memory, which is I am inside something and somebody is telling me to suck on a stick, which I thought was actually quite a bizarre thing to say. The third memory I have is somebody offering to cut my clothes off, and I do not generally get those kinds of offers. So by that stage I figured, 'Okay, I think something fairly serious has happened here', and it was at that point that I realised that yes, I had come off the bike, and had a memory that it was in fact a red car that hit me. He just did not see me. It would have taken a split second for him to check and he would have seen me, but he relied only on his mirrors and because I was just in his blind spot, that is where he has taken me out. It is fortunate I was in the right-hand lane, because had I been in the centre lane and been hit, I would have been pushed into the traffic in the right lane. So if I was going to have an accident, it was a perfect accident to have. Do you want to know the damage?

**The CHAIR** — Yes, please.

**Ms KRIEG** — My left leg was crushed between the bike and the car, so a broken and dislocated big toe, broken heel bone and broken talus joint, which is the joint inside the ankle. My ankle was crushed. I had a tibial plateau fracture which pushed my kneecap out, eight broken ribs — five at the back and three at the front — and I had a flailed rib section, so the three ribs broken at the front were also broken at the back; and a closed head injury, because I was unconscious at the scene. From that I also had — I cannot remember the name of it — positional vertigo, so every time you lie down, your head starts spinning, and that is because things in the inner ear have been pushed out of place and it is all very uncomfortable. I was in a wheelchair for three months because of the injury to the knee. It took me probably another two months to get out of the wheelchair after that. I was in rehab for five weeks. I had at home my son who was 25, but he is mildly intellectually impaired, so it really affected him quite badly. He was sort of left alone at home, but managed quite well under the circumstances. I had good friends who made my house wheelchair friendly, which was really nice. TAC supported me beautifully. I had home support. I had physio support. All through my accident process they were there and very, very helpful. The rehab was great, and the doctors. People complain bitterly about our hospital system, but it works; when you need it, it is there.

The repercussions have been continuing and ongoing. I am still having physio after four years. I am still having a lot of pain after four years. I have got about, according to TAC, a 24 per cent permanent disability in my left lower limb, but I still ride. I guess you could call motorcycle riding a kind of insanity. I am far more aware now of where I position myself in traffic. When I am riding, if there is a car next to me, I will either make sure I am right behind it or I speed up and they see me in their window. This is not something that is taught when you go through your licence or your learning. They do not tell you about positioning in traffic. It is something you do learn with experience, but I would rather not have learnt it this way.

You hear a lot about the statistics of people dying on the roads. I do not know if they gather statistics about motorcycle injuries on the road. I think that would probably be a really interesting statistic to look at. Like I said, the 2-second or the 1-second head check would have saved me. Again, that is something drivers probably do for the most part, but the one time they do not is when somebody's life is going to change forever. The gear saved me from a lot of grief. Apart from the broken bones, the only bleeding I had was on my elbow, and I do not know how I got that. I still have the leather jacket. You can see where I have skidded along the road. The helmet has bounced on the road three times; you can see three quite distinct impact points. Unfortunately my jeans were cut, but the gear saved me from a lot of grief. Someone told me that the only way they can fix a de-gloving injury is with a wire brush. Ouch! Yes, I am not going there. So that is my story.

**The CHAIR** — Fixing a de-gloving injury with a wire brush, is that to get the bitumen and road dirt out?

**Ms KRIEG** — Yes, and I imagine they have to leave the wound open to make sure there is nothing in it.

**Mr LANGUILLER** — What hospital did you go to?

**Ms KRIEG** — The Alfred hospital.

**Mr LANGUILLER** — You were lucky you were on that side and went to the Alfred.

**Ms KRIEG** — Yes, I have been to the Dandenong Hospital. That place should be burnt down. Seriously, I would never go back there. I have told them I would rather die than go back to the Dandenong Hospital. But no, the Alfred hospital were very, very good, very supportive. The staff were just on the ball. I mean I do not remember much of those first few days. I had the machine where you just press the button for more morphine; that was nice. I found very quickly that normal bodily functions hurt a great deal when you have got broken ribs. You know, coughing, sneezing and breathing hurt. But the Alfred were very, very good. Even for the post-care, I went to their trauma clinic. Their orthopaedic surgeons — I was with Mr Elton Edwards, and he was very good, very thorough. I have been fortunate enough to have him each time I have needed some assistance.

**The CHAIR** — You mentioned Monash Freeway and Dandenong Hospital. We are currently sitting in Ballarat, so do you live in Ballarat?

**Ms KRIEG** — I live in Ballarat now. At the time of my accident I lived in Melbourne.

**Mr LANGUILLER** — Can you continue your journey following the accident. What happened? Did the driver stop?

**Ms KRIEG** — From what I understand, yes, the driver did stop. One of the memories I have is lying by the road. In the only visual memory I have from the accident, I think somebody is leaning over me, but in the distance there is somebody. I am sure he was on his mobile phone and holding his head like that. I am pretty sure that was actually the driver.

**Mr LANGUILLER** — Has there been any litigation, any legal action?

**Ms KRIEG** — I understand he was charged and he did not dispute the charge; I think it might have been unsafe lane changing, or something. I do not know. Privacy prevents me from knowing that information, but I do understand that he was charged and did not dispute the charge.

**Mr LANGUILLER** — You have not taken legal action against him?

**Ms KRIEG** — Not against him, no. I did sue the TAC for injuries, but under common law in Victoria you are not allowed actually to sue people any more, as far as I am aware, are you?

**Mr LANGUILLER** — I am not a lawyer.

**Ms KRIEG** — I would not anyway, but I understood that the last Liberal Premier removed common-law rights for people to be able to sue individuals. I do not know, I could be wrong; but I went through the TAC.

**Mr LANGUILLER** — I am not sure about that.

**The CHAIR** — There is a table of maims, and I think there is an issue relating to the 30 per cent degree of incapacity. That is my hypothesis as to where the law stands.

**Ms KRIEG** — I know it is 10 per cent with TAC. There needs to be a 10 per cent permanent disability with TAC lawsuits.

**Mr LANGUILLER** — There are common-law rights in other jurisdictions.

**Ms KRIEG** — Okay, I was not sure about that.

**Mr LANGUILLER** — I am not 100 per cent sure. I think the Chair indicated along those lines.

**Ms KRIEG** — I could if I wanted to.

**Mr LANGUILLER** — You could potentially do pain and suffering, and all of that.

**Ms KRIEG** — Yes.

**Mr LANGUILLER** — I am interested in the legal aspects of it, just to see what actually arises from that experience and what lessons can be drawn from there. You seem to indicate that the other driver admitted liability, so presumably he or she took responsibility for that.

**Ms KRIEG** — It was a gentleman.

**Mr LANGUILLER** — He was on the phone as I understand.

**Ms KRIEG** — He did stop. Yes. I am pretty sure it was him calling.

**Mr LANGUILLER** — He did stop. You have read the police report?

**Ms KRIEG** — I did end up getting the police report, but at the time — I did not actually read it. I did have some comprehension difficulties with reading for quite a while, and I never took it up again after that.

**Mr LANGUILLER** — Thank you for sharing your story with us. The reason I am asking relates to understanding how these crashes happen, and, for example, given your explanation of that, you were presumably sitting in that blind spot.

**Ms KRIEG** — That one little spot.

**Mr LANGUILLER** — You know, and the driver did not look, so, as I understand it, largely it would be his responsibility to keep an eye out, and that does not always happen. But there are important lessons that can be drawn from understanding the totality of the incident and the injury, and luckily you can tell the story. That is the reason we asked you here, because we think that important lessons can be drawn from this, including what follows in terms of litigation and legal action.

**Ms KRIEG** — I did end up contacting Slater and Gordon and at the time was advised that you sue TAC directly, provided that you have a minimum 10 per cent permanent disability. The process for that is they need to wait until you are medically stable before they can assess whether or not you have got a permanent disability. Then it is multiple doctors' appointments, multiple prods in X-rays and probes and just you know. I went to a psychiatrist, so I can state quite clearly that I am not psychotic. I have that in writing.

**Mr LANGUILLER** — We are members of Parliament, so we do understand.

**Ms KRIEG** — That does not count.

**Mr LANGUILLER** — Those remarks are often made at us, so we know.

**Ms KRIEG** — I also went to orthopaedic surgeons obviously. I went to chiropractors. I went where they sent me, sort of thing. A plastic surgeon, all sorts of places. My doctors were saying I had 34 per cent permanent disability, and TAC disagreed with that. They decided 24 per cent.

**Mr LANGUILLER** — How has that impacted on your work and your capacity to generate income or earnings?

**Ms KRIEG** — I am very fortunate in the job that I have. I work for IBM, and IBM have been so supportive. Again, I have been very, very lucky. I do project management work and so as long as I have a chair, a computer and an internet connection, I am able to work wherever I want. I work with a number of different customers, a couple of government ones, and it has made it a little bit more difficult to get to meetings in terms of public transport and not killing myself on trams. It has not actually prevented me from working. Getting back was a bit slow. With the closed head injury, as I said, I did have a comprehension and concentration issue for quite some time. It took me a while to get that back, and I am actually convinced I still have problems, but it is more intermittent. But yes, I am very lucky with the work that I do. Had my job been more physical, I would have been quite stuffed.

**Mr LANGUILLER** — Thank you for your submission to the committee. You talked about the importance of wearing protective gear. Two things: what would you do to encourage that to be the case amongst the riders or in terms of more awareness of the importance of wearing protective gear? And would you make it mandatory?

**Ms KRIEG** — I think ultimately as adults we need to make choices in life. It would be nice to think that people would make the correct choices. We do not always do that. To make something mandatory is going to encourage people to not do it.

**Mr LANGUILLER** — Please explain.

**Ms KRIEG** — I think the more you force people to do something, the more inclined they are not to do it. If people get fined for not wearing the right gear, then there will be complaints about revenue raising. You are not going to encourage cooperation by forcing something. We are legally required to wear helmets, and that is not a bad idea considering what can happen to a head if it gets smashed on the road. Insofar as wearing all the right gear, one of the things that does make it more difficult to wear the gear is the cost of the gear. I was wearing Draggin Jeans. I do not wear leathers; I do not think I could afford leathers if I tried. I wear Draggin Jeans — they are Kevlar lined and they work.

**Mr LANGUILLER** — They work?

**Ms KRIEG** — They work.

**Mr LANGUILLER** — What speed were you doing at the time?

**Ms KRIEG** — It was 80 kilometres, I know that for a fact because I did check. We went into an area where there was work on a building zone and it was dropped down to 80 on the Monash, so I was doing 80. But the Kevlar jeans, the Draggin Jeans, are \$200 a pop, and of course they cut them off, so they were gone.

It is going to be the cost that is going to cause issues. When you get a car licence, all you have got to do is buy the car. When you buy a motorcycle you have got to get the helmet, the gloves, the pants, the boots and the jacket. You are looking at another \$1000, and that is for the cheap lot.

**Mr LANGUILLER** — What about gloves and boots for an amendment if we can start on those? Would you make that mandatory?

**Ms KRIEG** — Again, it is cost. The gloves are not so much because you can get reasonably-costed gloves that are protective, they have the knuckles which protect your knuckles and all that sort of stuff. Boots, again, you are walking into an area where boots can cost you anything up to \$1000 or more. The cost really makes it quite difficult for somebody starting out on a 250 bike — my first 250 was about \$6000 brand-new on the road, that was a Hyosung, and that was reasonably cheap for a bike.

**Mr LANGUILLER** — But if I may put it to you, given what actually happened to you, would it not be worth it?

**Ms KRIEG** — It would be worth it, but then you are disadvantaging people who cannot afford it. In theory people need to wear the gear. I have seen a girl on a scooter wearing the most beautiful yellow patent leather stilettos. What was she thinking? The reality is you are going to disadvantage a lot of people who cannot afford to go out and spend \$200, \$300 or \$400. A cheap helmet was \$199. Thank God I was not wearing that particular helmet when I had my accident, because I do not know that it would have protected me, but I was wearing a helmet. I was wearing a much better helmet.

With riding, as you spend more time on a bike, it is then that you can start putting together good clothes. I have got jackets with armour, I have got my leather jacket still, I have got safety strips that glow in the dark, and that kit has grown. I have only had my licence since 2006 and I had my accident in 2007, but it has taken me a number of years to actually be able to afford to buy all the right gear. I was just lucky that at the time the leather jacket was given to me. It was a proper riding leather jacket and that was given to me, otherwise I could not have afforded it, and I do not know what I would have been wearing.

**Mr LANGUILLER** — One last question from me, if I may. Have you seen the TAC ads on television? I am very cognisant of how much you appreciate the TAC, and so do we, by the way. We think they do a terrific job. Have you seen them? Do you have a view?

**Ms KRIEG** — Yes, I have. There are a couple of them where I have to turn away, I cannot watch, particularly when a bike goes under another car.

**Mr LANGUILLER** — Why?

**Ms KRIEG** — Because it is just a bit too close.

**Mr LANGUILLER** — Do you think it sends a message? Or what message does that send to you?

**Ms KRIEG** — The message it sends to me is that you have got to be careful, but what happens with a lot of advertising is that you convince your friends and bore your enemies.

**Mr LANGUILLER** — Meaning?

**Ms KRIEG** — Meaning those people who do not care and are not going to care. You need to start brainwashing when they are going through the learners permit, when they are going for the motorbike licence. I went through Honda Australia rider training for both my learners and my licence, and the learners was a three-day event. If they had somebody who had been in a particularly nasty accident to come and show their scars if they were not wearing the gear — and I'll tell you what, if you ever saw a de-gloving injury close-up and the repercussions of a de-gloving injury, surely that would convince you to wear the gear.

**The CHAIR** — What do you mean by the 'repercussions'?

**Ms KRIEG** — The repercussions meaning that you have the scarring, then you have multiple operations for plastic surgery. You are maybe trying to get over broken bones and at the same time you are having to go through multiple surgeries for growing new skin and just the discomfort of having that open wound. If people were made aware, if they could hear somebody tell their story, if there was somebody out there who would be willing to present to them, scars and all, then that might be one way of telling people that, 'Yes, it is your choice, but if you make the wrong choice, this is what could possibly happen'. Or even if a hospital or the patients would be prepared to allow learner drivers to go in and visit them, I think that might be valuable.

**Mr TILLEY** — Thank you for your insight and your experiences. I want to explore a few areas and in particular go a bit further on protective gear. The first thing is: are you back up on the horse?

**Ms KRIEG** — Yes.

**Mr TILLEY** — Great. What sort of bike were you riding?

**Ms KRIEG** — In the accident I was on a Hyosung GV250, which is a classic cruiser. I have now got the Hyosung GV650.

**Mr TILLEY** — I see, so you have gone up, that's the way.

**Ms KRIEG** — The insurance money on the bike and then I paid a bit extra.

**Mr TILLEY** — So you are still enjoying it, that is the thing.

**Ms KRIEG** — Yes.

**Mr TILLEY** — No doubt you probably have those black moments from time to time. I know; I share some of those moments. I have ridden in the past and similarly I am on a disability pension from employment from a motorcycle crash myself — a 20 per cent disability — so I understand. It was probably not the same as the experience that you have gone through. My experience was probably different from yours, but I want to discuss things in relation to your choices and what consumer choices you have made. One of the things that came out of what you were saying to us before was about affordability.

Comparatively, the cost of a motorcycle averages anything whether you buy it second hand or new. It might cost anything from a few thousand dollars to several thousand dollars. But I suppose personally, for yourself, you were wearing Draggin Jeans, and we have had evidence from the distributors of Draggin Jeans, we have seen them and often at some of the public hearings we have seen other riders here who are wearing that type of equipment. I want to discuss with you how you came to make your choices apart from the things that you have already discussed about affordability, when you were picking your safety equipment.

**Ms KRIEG** — The first helmet I bought cost me \$199, and that was a cheap job. Like I said, that was all I could afford to buy at the time. From that point of view, the helmet I bought was more in fulfilling a legal responsibility than a safety one. The main choice with the Draggin Jeans was affordability. I cannot afford leathers; leathers are just beyond me. Also, unfortunately, size-wise I have a bit of difficulty finding the size as well.

**Mr TILLEY** — So that is because of the market?

**Ms KRIEG** — Yes the market is fairly limited in terms of sizing, and when you think about it a lot of riders are actually quite large so I do not get that, but anyway the Draggin Jeans had the sizing. I did a bit of research. I had a look on the website and they had a guy being dragged behind a motorcycle on his butt, and I was thinking, 'That is dedication to marketing'. Apart from a warm backside there was no effect on the jeans whatsoever. I can attest to that. I am living proof. When I came off my bike, I skidded at 80 kilometres per hour with no damage to my legs. However, it was definitely at the time an affordability choice. That is the only thing, and the fact that I did the research and they do seem to work.

**Mr TILLEY** — Are you also a driver of a motor vehicle?

**Ms KRIEG** — Yes, I have a choice.

**Mr TILLEY** — Is your motorcycle experience mainly for leisure or commuting?

**Ms KRIEG** — I was initially riding the bike prior to my accident every day to work. I did not have to pay tolls on the freeway, and I could park on the footpath.

**Mr LANGUILLER** — Why not? Why don't you pay tolls?

**Ms KRIEG** — You do not. On EastLink apparently you do, but not on CityLink. Think about it: where are you going to put the e-tag? How are they going to see your registration? The plates are not always at the back; they are sometimes at the side. EastLink has somehow found a way to do it, but CityLink has not. Plus I used to

lane split on the freeway. When the traffic was at a standstill, I would be continuing. A lot of drivers do not like that, though, and you will actually see them moving into your way so that you cannot get through.

**Mr TILLEY** — In your employment and in your station in life you were reasonably remunerated, the cost of living was there and you were operating a motorcycle and those things, so the bottom line was affordability of your safety equipment. I will just drill down, and it is probably a little difficult, but could you express your view in terms of safety and operating a motorcycle? What price can you put on personal safety when it comes to operating a motorcycle on our highways and the affordability in the market of protective clothing? Do you have a view?

**Ms KRIEG** — I do have a view. Absolutely nothing on this planet is going to prevent a broken bone. If you have an accident on a motorbike, it is very different to having an accident in a car. You will get a ding on your car and need spray painting and body work, but on a motorbike you will come away with some sort of injury. It comes down to this: if you place a mandatory sentence on people that you must have something, you are going to disadvantage people, and at some level people have to make choices. I made the choice to wear the gear; the lady with the beautiful yellow patent leather shoes chose not to. If people really understood what the potential repercussions of their choices are, that might make them think about it more clearly. That message is not only for motorbike users but for scooter users particularly. I think they are far more at risk than riders. It seems just from looking that more riders on motorcycles wear gear than people on scooters, and that message needs to get through to scooter riders. You do see idiots on motorbikes as well — shorts, thongs, T-shirts. It scares me.

**Mr TILLEY** — That is the case for all user groups, whether they be on motorcycles or scooters or in motor vehicles. I enjoy watching people driving and operating motor vehicles, and probably less than 5 per cent of people operating a motor vehicle actually conduct the head check part of ‘mirror, signal, head check’, unless it becomes muscle memory. I certainly do it. As a police officer it is drilled into you; you do not get a licence otherwise.

**Ms KRIEG** — I guarantee you that the gentleman who hit me does head checks now.

**Mr TILLEY** — I am drilling down, and they may be somewhat difficult questions, but I will make a statement and you could help by responding to it. A licence, whether it be a motor vehicle licence or a motorcycle endorsement, is a privilege and not a right.

**Ms KRIEG** — Absolutely.

**Mr TILLEY** — One of the things you said earlier was that there are those people who do not care too much about their own personal safety, let alone anybody else on the road. Do you see that as an issue for Victoria?

**Ms KRIEG** — I see it as an issue in all modes of transport, whether it be motorcycles, cars or trucks. Truck drivers at red lights creep up and get ready to take off without really knowing what will happen in front of them. You see car drivers changing lanes on the freeways, and it is scary stuff. Motorcycle riders weave in and out. Unfortunately there are idiots in all groups, and all you can do is catch them at the beginning and, as you said, teach them the muscle memory so that drivers know to head check. Show motorcycle riders what can happen. Do not hold back; show it in all its glory.

At the same time, unfortunately, it needs to involve choice. I do not think you can mandate things. We mandate seatbelts and helmets, but I think going beyond that with motorcycle gear will disadvantage people, and I will keep saying that. I am a single parent of an intellectually impaired man. Even though I am lucky enough to have a car and a motorcycle, it was my choice to do that. I am still very aware of disadvantaging people and removing choices from people. I do not think you can do that carte blanche. You really need to think before those kinds of decisions are made, because people will fight it and then you will see more stupidity if anything, rather than less. That is unfortunately the nature of people, who tend to be a little stupid sometimes.

**Mr TILLEY** — I am never surprised by human nature. Thank you for being frank about this. I will move on and talk about the separate issue of your personal experience of dealing with the Transport Accident Commission. From your best recollection of the time of your first point of contact with the TAC, how was that?

**Ms KRIEG** — They have always been very open. I guess my biggest criticism of the TAC is that they are constantly changing case managers. I do not even know who my case manager is now, and somebody suggested

that the reason they do that is so that the case managers do not become personally involved with their cases and therefore perhaps make decisions based on friendship rather than procedure and process. From the beginning they were very helpful. They offered to help me get a new car because I was driving a manual and I have now been restricted to an automatic licence because it was my left leg that was crushed, so they helped me to buy a car. They offered, otherwise I would not have asked. As I have said, I had home help and have had regular assessments by occupational therapists.

I am down at the scratchy end at the minute. I have now been a client since 2007, and they are now saying that they are going to cut me off at the end of the year because they are not seeing any long-term benefits. They are saying that what they do is rehabilitate not maintain, which I think is wrong. They have agreed that I have a permanent disability. I will have problems and pain for the rest of my life, and the physio helps. I am in review at the moment with them to say, 'No, I still need help'. They have made that decision without talking to my service providers, because they had some difficulty contacting them. From 2007 until now they have been more than helpful, and I really should not complain, but I will.

**Mr TILLEY** — We need to know what your experience has been, which is why I am asking.

**Ms KRIEG** — Almost all the requests I have sent to them I have got. I had things to help with keeping the leg in place. There are special shorts with one leg that includes a foot in it. They are 500 bucks a pair, and they gave me two pairs — they were bizarre things. All the equipment I have ever needed in the house — wheelchairs, the people, the services — were always there. It was always assessed and, you know, 'Let us keep an eye on it. Do you still need it? No? Okay, we will take that away', and that was reasonable. So no, I have got no complaints whatsoever about the way they handled my case.

**Mr TILLEY** — It would only be a guess, but what sort of money do you think has been expended in your particular circumstances?

**Ms KRIEG** — Not including lawsuits? Good heavens! I have had four operations on my knee, two operations on my ankle, hospitalisation for a week, rehab for five weeks. Surely we are up to \$30 000, \$40 000 or \$50 000 at this stage just for the first five weeks, or first six months.

**Mr LANGUILLER** — Two-and-a-half thousand dollars a bed per night.

**Ms KRIEG** — Yes, just in the first six months with all of the operations and the hospitalisations. The knee surgeries were mainly day surgeries, so they did not involve overnight stays. Then you have got your outpatient appointments with monthly outpatient appointments with the trauma department, X-rays — easily a hundred grand; over a four-year period, easy.

**Mr TILLEY** — And the sorts of works that they have to do on your home so that you can find a reasonable lifestyle — getting your mobility. You mentioned they put some ramps or something into your home.

**Ms KRIEG** — I have put a ramp in the house that I am in now. I do have difficulties with stairs, because both of my knees are pretty much cactus. I have had handrails put in and equipment to help me get in and out of a bath. I had to somehow clean myself without getting the leg wet because it was in plaster and all that sort of fun and games. Personal outlay? I do not know. Not nearly \$100 000, that is for sure. I rely very heavily on the TAC, and they always came to the party — always.

**Mr TILLEY** — So you have contributed out of your own pocket as well?

**Ms KRIEG** — Marginally. I bought half the car obviously, and the ramp at home; my outlay has not been significant. Walking sticks, because I like pretty walking sticks. I figure if I am going to use one, it is going to be pretty. Massage has been fairly important, because I have been limping for four years. It has affected other parts of my body.

On Monday I had to have a steroid injection in my right hip, because when you are walking in an abnormal way other parts of the body are going to be affected. TAC do not get that. That is one of the fights that I am having with them at the minute. Fortunately I had it done at the Ballarat base hospital and they bulk-bill, thank God! The hip has been in a lot of pain. It has affected my quality of life certainly in being able to get out and do things.

Even riding the bike actually hurts, to be honest. I have just had to modify the way I do things. Everything — housework, shopping, driving, where I park, how I park. If I am going somewhere where I have got to park the bike on a hill, I will not take it because I cannot guarantee my knees are going to support me to get off the bike if the bike is at an angle. I have got to think about everything before I do it, which is perhaps not such a bad thing.

**Mr TILLEY** — Thank you, Elizabeth. You certainly sound motivated to want to get back on top of your game.

**Ms KRIEG** — I will not let anything frighten me. I cannot afford to let anything frighten me or beat, and that just comes from being a single parent.

**Mr TILLEY** — I certainly wish you well in everything and getting back on top of it again.

**Ms KRIEG** — Thank you. I will.

**Mr ELSBURY** — Thank you very much for your contribution to this inquiry. Going back again unfortunately to safety equipment, considering there is no Australian standard and no rating system of protective equipment, you have already said that you bought Draggin Jeans because they were cost-effective. The jacket was cost effective and the helmet was cost effective. Do you think any sort of a rating system of protection would assist in people thinking, ‘Okay, I have a jacket here that is \$250 and it has got a 1-star rating, but then there is this other jacket that looks the same but is \$370 and has got a 4-star rating’? Do you think that would be something that would assist a rider in looking at it and weighing up their options a bit better than just looking at the jacket and going completely off guesswork?

**Ms KRIEG** — Let me go back a little bit. When I got my learners permit for my motorbike I had never been on a bike in my life. I had actually never even thought to ride a motorbike. I knew nothing about the motorbike world, and I still do not know a great deal about the motorbike world. If equipment had some sort of rating information on it that told me what it was capable of doing, that would help me make my choices, because I do not know. A lot of people will ride a motorbike or a scooter because it is cost-effective, particularly if you go under 500cc when your rego is cheaper. To fill it up, I got a bit of a shock. It cost me \$12 to fill up the bike the other day, and that was a bit of a rude shock. That is how expensive petrol is getting. All of those things you take into account when you think about riding a motorbike, but if the gear had ratings on it, that would be very valuable. It would help someone like me. I have only been riding since 2006, and in those years really I have only been on the bike for three because I have been out of commission the other two.

**Mr ELSBURY** — In relation to your accident you said that you were in the right-hand lane of a three-lane road. What part of that right-hand lane were you riding in?

**Ms KRIEG** — One of the wheel ruts.

**Mr ELSBURY** — A left-hand or right-hand wheel rut?

**Ms KRIEG** — It would have been the right-hand wheel rut.

**Mr ELSBURY** — So the right?

**Ms KRIEG** — Yes.

**Mr ELSBURY** — A bit like myself. Okay, I have got you. What specific outcomes would you like to see from this committee’s inquiry.

**Ms KRIEG** — That is a good question. What outcomes? A greater understanding of motorcycle riders, and greater education for drivers and motorcycle riders. I think there are faults on both sides of the fence. When things go wrong you cannot always blame one group. It is a two-way street. There are foolish people in every category.

Again, I do not know a great deal about the motorcycle world, but from what I hear about from people talking, more sensible safety issues for motorcycles. The roadside barriers with the wires, I understand, are very dangerous for motorcycle riders. If you come off, you can slide on it and lose your head.

**The CHAIR** — From the wire or from the post?

**Ms KRIEG** — From the wires.

**The CHAIR** — Are you aware of any examples, so to speak?

**Ms KRIEG** — No. Again, this is not a thing I know a great deal about. This is just things I hear people talking about.

**The CHAIR** — Understood. I just add that there is an academic view that there are very few examples in the nation where that has actually happened.

**Mr ELSBURY** — I was going to explore where that was heard.

**Ms KRIEG** — Again, just talking amongst — —

**Mr ELSBURY** — Colloquially.

**Ms KRIEG** — Not any evidence that I have heard. Again, because I am a very inexperienced rider I can only go by what I hear other riders talking about. I think awareness is probably the biggest thing, and TAC does try with its advertising campaigns to make people aware of motorbikes. They have had the Look Bike awareness campaign. At the time that I wrote my article they actually had a campaign about wearing the gear. They actually showed the gloving injuries. You do have to make people aware. As I pointed out earlier, unfortunately quite often campaigns fall short and end up convincing your friends and boring your enemies.

It goes back to the very beginning. I think it needs to be included in rider and driver training — awareness of each other. I was going from the airport to the city in France, and it was wall-to-wall cars, as most freeways are all over the world. There were motorcycle riders and scooter riders lane splitting and tooting cars, and the cars would move out of the way. That would not happen in Australia. There is no respect for motorcycle riders at all. If anything, they will move into your way.

**Mr ELSBURY** — I would argue there is no respect for other drivers technically.

**Ms KRIEG** — There is no respect for anyone. Okay, I take your point. I have seen cars actually move into the way of a motorcycle rider who is lane splitting. Strictly speaking, lane splitting is not illegal. I understand — and I could be wrong — that if the traffic is at a standstill and the rider is slipping between lanes and indicating, it is not illegal. There are no laws on the books that say that is illegal; I am fairly certain that is the case. The issue with motorcycle riders lane splitting is when they are moving between lanes without indicating, and that is when they are sort of zipping in and out, which is dangerous in moving traffic. It is almost foolhardy to do that in a lot of cases.

I think if you can get to drivers and riders in the learning space and try to teach respect, or at least try to teach an understanding that it is not a competition. We are all trying to survive in one piece. It was a real eye-opener when I saw those drivers moving for the bikes. Respect for two-wheelers, oh my God! I do not know what it is. Surely there are enough motorcycle riders and two-wheel riders on the roads for drivers to be aware that they are around, but that just does not seem to be the case in Australia. In most other countries there are a lot of riders and the cars seem to know they are there and take note that they are there. Drivers do not do that in Australia, and I do not know why.

**Mr ELSBURY** — You said that when you took up your licence you went on a three-day course. I did not. I did a non-mandatory half-day course and then I did the licence course. With a full 6 hours in the saddle, suddenly I have a bit of plastic that says I can ride in amongst the traffic doing 110 kilometres an hour when I was going at the cracking pace of about 30 kilometres out on the test track. What kind of minimum training do you think a rider should have? You also mentioned that drivers also need to be made aware of motorcyclists. Can you think of any sort of education that could be provided to drivers, whether that be current licence-holders or even people going through the training regime now?

**Ms KRIEG** — My course was actually a two-day course; it was a weekend course on a Saturday and Sunday. In my circumstances I could not have done it in less than two days. I think it was excellent. I failed the first time because I stalled the bike. But I had never been on a bike before; I could not have done it in half a day.

It took me six months to understand why riders love cornering. I must have been the only rider on the planet who hated going around corners. I did not get it until I did the Great Ocean Road, and then I got it. Again, if you are making things mandatory, I think you are going to walk into a bit of a difficult area. I think a minimum two-day course should be encouraged for learner riders on a bike.

But then again you have a lot of people who have been riding on farms and doing bush bashing, and who have been riding since they were 6 or 10 years, or whatever. To insist that they do a two-day course might be a little bit unreasonable because they already have the basics down, but they need to understand the road rules; and they need to understand how to translate driving in and out of trees into driving in and out of traffic. So they need to understand that transition. But I do not know that it is reasonable to expect them to do a two-day course. I guess it has to be something that is looked at on its merits, from case to case, which would be fairly difficult to administer.

In regard to cars, I think an aspect of it should be introduced into learner drivers training, not just for motorbikes, but, as much as I hate them, push bikes as well. Everyone loves to hate push bikes. If you know it is there, if you expect it, you need to expect it to come out at you. One of the things I was told by an ex-police officer when I first got my licence as a motorcycle rider was, 'The only thing you need to understand as a motorcycle rider is that everything on the road wants to kill you, including the road'. That has been very true for me. If I had been aware of even half of what I am aware of now, I think it would have helped and perhaps I could have avoided my less-than-brilliant moments. Aspects of this stuff need to be introduced into the training manuals. You cannot simply rely on common sense, because it does not apply.

**Mr LANGUILLER** — I am cognisant of time, but if I may quickly go through a few questions. Do you belong to a club.

**Ms KRIEG** — Yes, the Ulysses Club.

**Mr LANGUILLER** — Why do you belong to that club?

**Ms KRIEG** — It is more of a social thing, but I have also come to respect a lot of the information I am able to get from more experienced riders.

**Mr LANGUILLER** — If you were to name three benefits, if you like, from belonging to a club, which ones would they be?

**Ms KRIEG** — They would be the social aspect, definitely the benefits from learning from more experienced riders about how to handle a bike on the road, and the physical going out on rides with the group, which I have not done recently but I have gone out with Ulysses groups. Going out on rides builds up your experience on the road. You have a ride leader and you have a tail-end Charlie, and they make sure that everyone stays safe, so you are riding in a controlled environment. For a learner rider, which I was at the time I did the rides, it was very good experience.

**Mr LANGUILLER** — In summary, do you think you got good tips from the club?

**Ms KRIEG** — Yes, absolutely.

**The CHAIR** — You mentioned earlier that you had no background experience of riding. Why did you decide to ride? What were the motivators or motivating factors for that?

**Mr LANGUILLER** — You can tell the truth.

**Ms KRIEG** — I will. Girls never do anything alone; they always have to do things together. I had a friend who wanted to get her licence. She said, 'Wouldn't it be a good idea?'. I said, 'I don't know, would it? Okay, I'll try it'. I was up for it, and as it turns out it is something I have enjoyed very much.

**The CHAIR** — The issue, just to clarify for my understanding, of lane splitting and filtering, do you have a view on those items?

**Ms KRIEG** — Lane splitting and — —

**The CHAIR** — Lane splitting and filtering.

**Ms KRIEG** — What is filtering?

**The CHAIR** — Filtering is where you make your way between traffic that is basically still at lights.

**Ms KRIEG** — And going up to the front?

**The CHAIR** — Going up to the front. Lane splitting might be doing that in moving traffic.

**Ms KRIEG** — Lane splitting is an extraordinarily dangerous pastime on a freeway.

**The CHAIR** — That was not what you were doing at the time of your accident, was it?

**Ms KRIEG** — No, I was actually sitting in the lane and properly going along with the traffic.

**The CHAIR** — In relation to that accident, too, I understood that you said you were lucky in terms of your positioning. If the car had been moving at you from your left, was there not a risk of you hitting the barrier in the middle of the highway?

**Ms KRIEG** — No. Where the accident actually happened there was a very wide space between the side of the road and the barrier. Again, if it was going to happen, it happened in a very good way. I have done lane splitting. I think most riders at some point have done it. It is a very dangerous game to play. In terms of going up to the front of the line — —

**Mr LANGUILLER** — Is that always the case, or would you say that if you did about 20 kilometres an hour on the Nepean Highway in peak hour — —

**Ms KRIEG** — I have never lane split at speed, ever. If ever I have lane split, it has always been below 20 kilometres an hour and that is because either the traffic is going that slow or it is at a stop. But I have never lane split at speed. I have never weaved in and out of traffic when the traffic is going at 60, 65 or 70 kilometres an hour. I would never even think to do that. Filtering, did you call it?

**The CHAIR** — Yes.

**Ms KRIEG** — I have done that as well. I had a second minor accident because I did that; I do not do that any more. I placed myself in front of a truck and the truck did not see me. So when he crept forward, my bike got wedged under the front of the Mack truck. The bike landed on my bad leg and snapped my kneecap in half. That really hurt.

**The CHAIR** — Was that another accident?

**Ms KRIEG** — Yes. That one hurt. That was a Dandenong Hospital one.

**The CHAIR** — I was curious as to why you thought it should be burnt down.

**Ms KRIEG** — Yes, it was just appalling. They were just horrible.

**The CHAIR** — Was that view complicated by the pain you were experiencing, or was there something in the medical department to upset you?

**Ms KRIEG** — No, it was just the way the whole thing was handled. I was in the emergency department overnight, in fairly difficult circumstances that do not bear discussing here, that made things a lot worse. I had surgery on my knee and the nursing staff at the hospital expected me to leave the same day. I am thinking no. I also had bruised ribs, which they did not take into account. No, they were just horrible. I went back for one check-up with them and was sent for a second one, waited for 2 hours, then left. I then made an appointment at the Alfred hospital to be reviewed there.

**The CHAIR** — In relation to your first accident, you noted that you were not aware of what the other driver was charged with, for reasons of privacy.

**Ms KRIEG** — I do not know what he was charged with. I have no idea what he was charged with. The police did not contact me; they never contacted me about that accident.

**The CHAIR** — Thank you; I will follow that up. It would be my view that it is not unreasonable for someone who is injured to know what the negligent driver was charged with. I think that would be par for the course.

**Ms KRIEG** — I would like to have known.

**The CHAIR** — We will review that, so to speak, and would be happy to discuss that further. There was a query in relation to accident compensation. I would like to put on the record a note from research staff that changes to personal injury occurred in 2006, among other changes in recent decades. These changes, which were legislative, introduced a 10 per cent injury threshold for injury-based litigation. There are no common-law actions against individuals in Victoria; that was superseded by the scheme and its earlier predecessor. A person sues the TAC for common-law damages in lieu of the negligent party.

**Ms KRIEG** — Yes, that was what I thought.

**The CHAIR** — I thank John for his commentary there. So the record stands broadly intact from our commentary. We are overtaken a little bit by time. Elizabeth, thank you for your commentary.

**Ms KRIEG** — I really hope it was helpful.

**The CHAIR** — You have given fluent and insightful advice based upon your immediate experiences. We as a committee are very grateful for people defining their firsthand experiences. It will help give colour based upon the real-life experiences of individuals. So ride carefully into the future.

**Ms KRIEG** — Thank you, I will. Thank you very much for hearing me.

**Witness withdrew.**