



HOUSE OF ASSEMBLY

THURSDAY 03RD AUGUST 2017

ROAD TRAFFIC (HELMETS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 June 2017.)

Mr PEDERICK (Hammond) (10:52): I rise to support the Road Traffic (Helmets) Amendment Bill 2017. I commend the member for Schubert for thinking of this road safety initiative, and I note some of the issues happening interstate. The member for Schubert is trying to clarify that, as long as the structure of a helmet is not compromised by using screws to attach a camera via a sticker or a mount, it is acceptable to the Road Rules.

I am certainly not a motorcycle purist. I own a few motorbikes with my children. We have a vast range of them (about five or six) sitting out in the backyard, and obviously there is a range of helmets that go with them. Technically, for the purists in the motorcycle game, if you drop a helmet then its life is done. You would have to throw a lot of helmets out, and it would get a bit expensive. I have what is called a 'peanut' helmet, which I have had for many years. It has a few scars on its lid, but they are not from falling off a motorbike: they are probably from the helmet being put down on the ground, or occasionally it might have fallen off a bench.

When you talk to the purists, they say that the lifespan of a helmet ends when it falls from a height and hits the ground. In my mind, you could do a structural integrity check and that sort of thing, but I guess that shows the technicalities that some people employ in assessing whether helmets are fit for use. Certainly in regard to the legislation, whether it is fitting a GoPro camera or another cheaper model—GoPro is certainly the most well-known brand and they come in a range of styles; I should know because my boys—

An honourable member interjecting:

Mr PEDERICK: Yes. No, my boys, being keen motorcyclists, have them. The eldest lad, Mack, had one that was not a GoPro but a cheaper model, and then he got a GoPro. You do see some interesting motorbike footage over time. There is some confusion in both the motorcycle and the bicycle communities with regard to the legality of the wearing of cameras on motorcycle and bicycle helmets. There has been quite a lot of discussion amongst motorcycle forums and a lot of angst generated regarding the legal status of these types of mounts.

There was a situation in Victoria (and I note that the court case was eventually dropped on appeal) that raised the prospect that the attachment of a camera to the helmet rendered the helmet noncompliant. I noted that to motorcycle purists, even if you drop a helmet from, say, waist height

onto the ground, that means that is the end of its life. I would challenge that, but it probably would need a structural integrity check. However, that may cost more than a helmet, although the best motorcycle helmets now would run into several hundred dollars.

With regard to the statement about the legislation involved in attaching cameras, there is nothing in any of the legislation stating that any such modifications render a helmet not being an approved bicycle helmet under the rules. What this all means is that in South Australia, for a helmet to be approved under the law, it needs to comply with the Australian Standard at the time of sale, and affixing a light or camera following that time does not render it outside the definition of an approved bicycle helmet.

As the member for Flinders stated, there are a lot of cameras fixed, especially to bike helmets. People are using footage, whether they are in a near miss or unfortunate enough to be in an accident. I note that the Road Rules that we must comply with now state that, if you are going past a pushbike on a road, you have to give them a one-metre clearance in a 60 km/h an hour zone and I think it is 1½ metres on a highway. One thing that still troubles me with that legislation is that it is the only time that a car driver can cross a double white line.

Sadly, I think we might have some issues with that down the track. In my travels, I head across to Goolwa in my electorate and travel through some winding roads. I occasionally drive up through Belair and Blackwood, and some of those roads are favourites for people on pushbikes—and there are a lot of winding roads with double white lines. You see some interesting things at times when people take a heck of a chance because they are not prepared to sit behind a bike. I take the safe option and figure that if I have to wait for five minutes I will just sit back.

However, I can foresee that there might be a challenge in court one day if someone is severely hurt or killed when a driver has flicked out over the double white lines. As the legislation stands, it is legal but, if you are coming from the other way and you are faced with a car on the wrong side of the road, that might be a matter for the courts. It certainly is a concern. I am not saying that pushbike riders should not be given clearance; it is just a matter of people perhaps needing to have a bit more patience and waiting until they get the opportunity to go past. What the member for Schubert is trying to work out with this bill is how to avoid the confusion that will reign without explicit instruction until there is at least a test case brought before the courts in South Australia.

What happened in Victoria in what was shaping up to be a test case was that police alleged that Mr Max Lichtenbaum breached the Australian Standard by fixing one GoPro camera on the top of his helmet and another protruding to the left. He was well organised with cameras. The gentleman was fined \$289 and lost three demerit points. I am sure that plenty of people in this place have lost demerit points; I know the Treasurer has had 68 fines. I will not say that I am a complete saint, but it does happen, when you occasionally accidentally go over the limit. However, this person was fined for failing to wear an approved helmet. In March 2014, he was pulled over by the police in Frankston in Melbourne's south-east.

During the appeal, it was argued that standards apply only to manufacturers and not to customers. When riders are injured in road accidents, videos from helmet cameras are some of the best evidence you can have, especially if you are involved in a collision. Footage from cameras will not only provide evidence of an accident but it should also encourage compliance with the road rules by both riders and drivers. This type of evidence will also help to reduce spurious or vexatious claims of road rule offending. It is a way that pushbike users can verify claims made against them by other people using the road.

I note that our police force is beginning to roll out body-worn cameras and helmet-mounted cameras for a similar purpose. A lot of people are using dash cameras, even in vehicles. Sometimes, police put out a call for any dash camera footage of an incident because, unless it has not been filmed very well, it is conclusive footage of what really happened, if someone is giving a conflicting account of the story.

Going back to the bike-riding days, as the member for Flinders espoused, I think we have all grown up on pushbikes at various stages. I think it was in the early seventies that I got my first dragster. I cannot remember what brand it was, but it was very flash, being a dragster. We had 28-inch bikes, and I am deeply saddened to know that you can no longer get 28-inch tyres and tubes. It reminds me of more recent times, when I bought a bike several years ago, thinking I was going to start a fitness regime.

Mr Treloar: How did that go?

Mr PEDERICK: Yes; it went very well, thank you, member for Flinders. It was a 27-inch bike. I certainly commend the bill from the member for Schubert.