

Additional Comments

Senator David Leyonhjelm – Liberal Democratic Party

1.1 While I endorse the committee view that a consistent and comprehensive national data set should be established and this data would inform any evaluation of the outcomes of cycling safety programs and enable a cost-benefit assessment of MHL to be undertaken, I wish to make some further comments and some concrete recommendations.

1.2 During the course of the hearing, and based on available data, it became clear MHL have undermined cycling participation rates. Attempts to argue to the contrary, especially given evidence from around the world, were not at all persuasive.

1.3 It was also impossible to ignore both the more relaxed approach to MHL taken in the Northern Territory and the recommendations of Queensland's Transport, Housing and Local Government Committee (discussed in the committee's interim report).

1.4 I anticipate a cost benefit study would show the impact of MHL to be negative, given the low prevalence of cyclist head injury (notwithstanding the seriousness of individual TBI cases) and the negative effects of the policy.

1.5 I also maintain, in the absence of compelling evidence demonstrating a substantial social benefit, there should be a bias in favour of individual choice and responsibility. It is especially not the role of government to protect individuals against the consequences of their own choices when the risks are small, foreseeable and borne personally.

1.6 In terms of recommendations, I endorse those from the Queensland inquiry, with minor modifications, as follows:

1. Cyclists aged 16 years and over should be exempted from the mandatory helmet road rule when riding in parks, on footpaths and shared/cycle paths and on roads with a speed limit of 50 km/hr or less.
2. As part of this recommendation (and tied to the collection of a comprehensive data set), this should be accompanied by a 24 month evaluation process that includes baseline measurements and data collection so that a reliable assessment can be made which measures the effect and notes any benefits.
3. At the conclusion of this evaluation, and subject to its findings, I recommend also exempting cyclists under 16 years from an obligation to wear helmets, while making clear to parents that their responsibility to their children should include serious consideration of wearing one.

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