

For the attention of the

Committee Secretary

Senate Standing Committees on Rural and Regional Affairs and Transport

PO Box 6100

Parliament House

Canberra ACT 2600

11th February 2015

Dear Committee Secretary

Re: Aspects of road safety in Australia & mandatory helmet laws

I would like to address the issue of safety on Australian roads in regard to cycling and mandatory helmet laws for cyclists (MHLs). While I believe that proper, well designed infrastructure, with related changes to road design and use, is the number one priority for increasing the safety of cyclists and other road users, there is one small, almost costless change which will have dramatic and positive effects of relevance to cyclists and the Senate Inquiry.

This is to repeal or relax the state-based MHLs derived from the Australian Road Rules. These laws was forced onto the states in the early 90s (on threat of withholding federal traffic infrastructure funding) without proper scientific study. The immediate effect was reduction in cycling rates and increase in pro rata injury rates.¹ The federal government since abandoned the policy position, but Australia nonetheless became one of only three countries worldwide with nationally implemented MHLs. Even for countries that have very similar road rules and culture as our own, have not, and will not, implement MHLs. Last year the UK's Department of Transport reiterated they have no plans to implement an MHL in response to a petition. Their response gives a concise summary of the problems and disadvantages caused by MHL.²

1 D. L. Robinson (1996) "Head Injuries and Bicycle Helmet Laws" Accident Analysis and Prevention Vol.28, No 4. Accessed from:

<http://www.cycle-helmets.com/robinson-head-injuries.pdf>

2 "Response to e-petition: Please make cycling helmets a legal requirement", Department for Transport, HM Government. Accessed from:

<http://epetitions.direct.gov.uk/petitions/48526>

The main problems with MHLs are at the social level. Negative relationships between MHLs and cycling safety have been studied by social scientists and are compelling: MHLs reduce cycling uptake,³ make cycling look dangerous,⁴ cause bicycle share schemes to fail⁵ and may even increase risky behavior around cyclists from motorists.⁶ The reduction in cycling uptake is a critical issue, as studies from the Netherlands and elsewhere show that as cycling rates increase, the roads become safer for all users.⁷

But we don't need to look overseas to see what benefits a relaxation of MHLs will have – the Northern Territory relaxed their MHLs in 1994, two years after implementation, to allow helmetless riding on footpaths and other non-road areas. Currently, the NT has the highest cycling modal share of any state (beaten only by a few Melbourne inner suburbs) *and* the lowest pro rata cycling injury rates Australia-wide.⁸ This is impressive, given that many conditions in the NT are otherwise similar to other states, but in some ways worse for cyclists (such as weather and infrastructure) and worse for other road users too, with high motor-vehicle related fatalities and injuries.

For Australia to relax their MHL country-wide in the same way as the NT would, however, require footpath riding to be legal country-wide. Currently, Queensland, the NT, the ACT, Tasmania, and soon SA,⁹ allow footpath cycling, but NSW, WA and Victoria do not. I also

- 3 Bloomfield, A., (2000) "Cycling: your health, the public's health and the planet's health" Presentation for Making Cycling Viable, New Zealand Cycling Symposium, Palmerston North 14-15 July 2000. Accessed from:
<http://www.cycle-helmets.com/bloomfield.pdf>
- 4 C Rissel, LM Wen. The possible effect on the frequency of cycling if mandatory bicycle helmet legislation was repealed in Sydney, Australia: a cross-sectional survey. *Health Promot J Austr.* 2011;22:178–183. Accessed from:
http://sydney.edu.au/medicine/public-health/prevention-research/pdf/HPJA_2011_Rissel.pdf
- 5 O'Reilly, M., (2012) "Share bike schemes need to lose the lids", *Sydney Morning Herald*, September 20, 2012, Source:
<http://www.smh.com.au/executive-style/fitness/blogs/on-your-bike/share-bike-schemes-need-to-lose-the-lids-20120920-267wg.html>
- 6 Walker, I. (2007). "Drivers overtaking bicyclists: Objective data on the effects of riding position, helmet use, vehicle type and apparent gender". *Accident Analysis and Prevention*, 39, 417-425. (Overview published by Bath University accessed from:
<http://www.drianwalker.com/overtaking/overtakingprobrief.pdf>
- 7 J. Garrard (2008) *Safe Speed: promoting safe walking and cycling by reducing traffic speed.* Commissioned by the Safe Speed Interest Group, comprising the Heart Foundation, City of Port Phillip and City of Yarra, (p. 20). Accessed from:
<http://www.heartfoundation.org.au/active-living/Documents/Safe-Speed-Evidence-Report.pdf>
- 8 *Helmet laws: Northern Territory*?. Accessed from:
<http://www.cyclehelmets.org/1114.html>
- 9 South Australian Government Response to the Citizens' Jury Report released by the Premier, Jay Weatherill on 22 January 2015. [See linked PDF regarding rule changes to allow footpath cycling]. Accessed from: <http://yoursay.sa.gov.au/government-response>

recommend that footpath cycling become legal Australia-wide. The experience of those states where it is legal indicate it does not cause an increase in pedestrian-cyclist conflict,¹⁰ but that it does create a space for older school children, the aged and new or inexperienced bike riders to commute safely away from motor traffic. The relaxing of the MHL to allow helmet-free riding on footpaths and shared paths for adults was also a recommendation from Queensland's Inquiry into Cycling Issues expert committee in 2013.¹¹ This committee assessed the broad scientific research that supports this recommendation, and I encourage the Senate Committee to read that section of their report (section 4.3: pp 37-47)

It is important to understand that repealing the MHL will not make helmets illegal nor affect the relevant helmet standards. Rather, cyclists will be free to choose to wear helmets and many will continue to do so. Helmets will likewise continue to be used for sporting events, as required by the rules of those sport's governing bodies. Helmet will also continue to be popular or required for many organised recreational rides for reasons of insurance and liability. Yet, for everyday and commuting cycling, very safe forms of cycling, the value of helmets is questionable and many will cycle more given the freedom to ride helmetless, even if they still do actually wear helmets. Allowing helmet-choice will remove the false perception that utility and commuting cycling is dangerous, motivate the unfit and risk averse to cycle, and subsequently reduce traffic congestion, increase public health and, by mode-shifting road users away from private motor-vehicles, reduce pollution and motor-vehicles related injuries.

In conclusion, the relaxation of the mandatory helmet laws has many advantages and will bring the rest of Australia in line with the Northern Territory. The complete removal of the mandatory helmet laws will bring Australia in line with the rest of the world with even greater advantages for road safety and public health.

sincerely

Guy Keulemans

Adelaide, Australia.

10 "Teens in traffic: Should teenagers ride on the road? Simon Vincett takes a look at why those 12 years and older should be able to ride on the footpath." Posted on April 2, 2014 by Rideonmag. Accessed from: <https://rideonmagazine.com.au/teens-in-traffic/>

11 Transport, Housing and Local Government Committee (2013) "A new direction for cycling in Queensland", Report No. 39 - Inquiry into Cycling Issues, November 2013. Accessed from: <http://www.parliament.qld.gov.au/documents/committees/THLGC/2013/INQ-CYC/rp-39-29Nov13.pdf>