

To the committee: Personal choice and community impacts

Mandatory bicycle helmet laws are and have been hotly debated with both sides of the argument proving their point by quoting various studies and observations. This issue has been comprehensively reviewed in a Queensland Parliamentary Committee Inquiry (number 39) in November 2013.

<http://www.parliament.qld.gov.au/documents/committees/thlgc/2013/inq-cyc/rp-39-29nov13.pdf>

That review finds:

#### **4.3.4 Committee comment and recommendation**

The Committee is appreciative of the fact that bicycle helmets, that meet national standards and are correctly fitted, provide some protection against head, brain, and facial injuries and is therefore of the view that the use of helmets should be encouraged. However the Committee is not convinced there is sufficient evidence of the safety outcomes of compulsory helmet wearing to justify the mandating of helmet wearing for all cyclists of all ages regardless of the situational risk.

The Committee is concerned that the introduction of mandatory helmet laws may have had an unintended, adverse impact on cycling participation rates in Queensland and therefore the overall health of the state. It also believes there is sufficient evidence provided by the Northern Territory example that a relaxation of mandatory helmet laws in lower risk situations (such as cycling on footpaths and on dedicated cycle paths), does not inevitably reduce the safety of cycling. The Committee is therefore of the view that relaxing mandatory helmet laws in specific circumstances is likely to increase cycling participation rates with a range of associated health benefits and economic benefits in tourism areas. The Committee also believes that a relaxation of mandatory helmet laws may assist in normalising the perception of cyclists by motorists.

The Committee is therefore making a number of recommendations regarding relaxation of the mandatory helmet laws in specific circumstances.

The Committee is aware that police enforcement of helmet wearing by children is hampered by the fact that the children are not able to pay the fine and their parents have no legal responsibility to pay the fine on their behalf. The Committee believes parents should be responsible for ensuring their children wear helmets and should therefore be responsible for paying any fine their child incurs.

The Committee notes that a similar provision is currently contained in Schedule 9 of the Transport Operations (Road Use Management – Driver Licensing) Regulation 2010 Part 4-14 which states that a driver of a vehicle failing to ensure a passenger at least 16 years wears a seat belt (without an excuse) is subject to a demerit point penalty and fine.

#### **Recommendation 15**

The Committee recommends that the Minister for Transport and Main Roads:

- introduce a 24 month trial which exempts cyclists aged 16 years and over from the mandatory helmet road rule when riding in parks, on footpaths and shared/cycle paths and on roads with a speed limit of 60 km/hr or less and
- develop an evaluation strategy for the trial which includes baseline measurements and data collection (for example through the CityCycle

Scheme) so that an assessment can be made which measures the effect and proves any benefits.

**Recommendation 16**

The Committee recommends that the Minister for Transport and Main Roads introduce an exemption from Queensland road rule 256 for all cyclists age 16 years and over using a bicycle from a public or commercial bicycle hire scheme.

**Recommendation 17**

The Committee recommends that the Minister for Transport and Main Roads introduce amendments to current regulations to ensure that parents of children (15 years and under) are liable to pay the penalty where their child is found to be riding without a helmet.

The information from this inquiry should be heeded by the committee looking into personal choice and community impacts.

Dr Andrew Parker  
Sydney