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Submission to the Select Committee on Personal Choice and Safety

This submission outlines certain constraints on personal choice contained within the Road Traffic Code and proposes that these constraints be lessened as they have not been shown, via evidence, to successfully address a genuine safety issue however these constraints significantly reduce transport other than the private motor vehicle.

Pedestrians

Problem of crossing lights.



This is a common sight: pedestrians (and in this case also bicycles) stopped despite road vehicles travelling in the same direction having a green light. Note also that other pedestrians are stopped despite there being no vehicles. This is common across Australia (see Levinson)

Many people ignore these signs because they are, frankly, unnecessary. The light signals act as advisory notices but it is ultimately the pedestrians who are taking all the risks: it is the vehicles that need to be stopped to allow pedestrians to move safely.

General issue of restrictions on pedestrians in the Rules. With the basic premise that, "if only pedestrians would stay off the road they'd be safe". This is unfortunately untrue (see Reese)

Rules constraining the behaviour of pedestrians could safely be reduced to three, paraphrased below.

- When travelling along the road and there's a foot path, use it
- Give way to on-road vehicles if the little man is red
- Stay off the freeways

It is important to note that all public transport users are also pedestrians over some part of their journey.

Cyclists

1. General problem with the regulations

In general the vast majority of regulations in the rules are not based on evidence of cyclist misbehaviour resulting accidents: cyclists rarely injure or kill pedestrians and are, according to all (statistically reliable) studies, rarely at fault in two vehicle accidents (less than 20%).

However, there are a large number of regulations which can quickly add up to a dozen penalty units (PU) without even moving (see Annex 1). The following photo also has double figures of PU, despite being used as an example of idyllic cycling.



Photo from <https://www.vox.com/science-and-health/2018/8/28/17789510/bike-cycling-netherlands-dutch-infrastructure>

Fortunately (and unlike NSW's Operation Pedro) the WA Police Minister and Commissioner have concentrated on other more important matters.

The first step that could and should be taken is to limit the total PU in any single instance to one.

Secondly, we should remove those items which have little or no safety value yet discourage the use of bicycles. While there are a range of items which are both mostly unused and ignored, there are two particular items deserving of specific consideration.

2. Anti-dink regulations (Regulation 212)

While "dinking" is not without risk, it significantly enhances the usefulness of cycling. There is and has never been any evidence that "dinking" represents a significant risk to anyone other than the two (presumably consenting) people on the bicycle.

3. Mandatory helmet laws (MHLs) Section 222

With the introduction in the seventies and eighties (last century) of practical bicycle helmets they became rather popular with those most likely to benefit from their use: BMX kids; down hill mountain bike riders and long-distance riders.

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However, they were generally ignored by utility cyclists: those riding round the corner to the shops; to the local pub or to the train station. These cyclists correctly judged that their trips did not warrant a helmet. This is self-evident from the most casual observation of cycle use in countries such as Japan or the Netherlands. It was also outlined in the evidence presented in the Commonwealth House of Representatives standing committee report on Motorcycle and Bicycle Helmet Safety Inquiry in 1985.

Effectiveness of Mandatory helmet laws.

Despite more than two decades of trying, the proponents of MHLs have failed to uncover statistically supportable evidence of an effect on injury rates.

The best summary I can find on this topic is by Goldacre and Spiegelhalter (epidemiologists, not surgeons), who ended their editorial on the topic in the British Medical Journal with the following:

In any case, the current uncertainty about any benefit from helmet wearing or promotion is unlikely to be substantially reduced by further research. Equally, we can be certain that helmets will continue to be debated, and at length. The enduring popularity of helmets as a proposed major intervention for increased road safety may therefore lie not with their direct benefits—which seem too modest to capture compared with other strategies—but more with the cultural, psychological, and political aspects of popular debate around risk.

The problem is that, while doing nothing to cycling injury rates, MHLs present a substantial barrier to bicycle use. See surveys by Australian Heart foundation 2011; RAC WA 2016 and Bicycle Network Australia 2017, all of which showed the impact of MHLs on participation in statistically meaningful sample size. The AHF survey implies the cost of MHLs is a million cycling trips a month.

What seems to have happened is that the cyclists using helmets kept riding; those who did not use helmets stopped riding.

In short, while helmets are good; mandatory helmet laws are bad

Given the political imperative to have a MHL, may I suggest mandating helmets for those who benefit. These might be described as those “using footwear with retention devices or protective armour, including wrist, elbow, knee or chest guards” or some such

In summary, the Road Traffic Code contains a range of regulations which constrain freedoms and discourage active transport without providing a commensurate safety outcome. The code should be reviewed to remove or minimise these provisions

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References

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Peter Chambers, Tom Andrews. "Rising cyclist death toll is mainly due to drivers, so change the road laws and culture" *The Conversation*, September 18, 2018 6.11am AEST

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David Levinson, "How traffic signals favour cars and discourage walking" *The Conversation*, Jun 11, 2018

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<https://www.news.com.au/technology/innovation/motoring/well-that-blitz-on-innercity-cyclists-and-pedestrians-sure-seems-like-a-waste-of-tax-payer-money/news-story/f63dfccda687d0f4075bd124d3d82285>

The National Heart Foundation and the Cycling Promotion Fund "Riding a Bike for Transport 2011 Survey Findings" 2013

Bicycle Network Australia "Mandatory helmet law public survey summary" November 2017

Senate Economics References Committee Monday, 16 November 2015 Members in attendance: Senators Canavan & Leyonhjelm.

House of Representatives Standing Committee on Transport Safety "Bicycle Helmets" 1985 ISBN 0 644 04508 6

Annex 1



In WA there's about a dozen "penalty units" in that photo. It's all for our own protection, you know.

Some bureaucratic gnome wrote:

212. Carrying people on bicycle

(1) A person shall not use a bicycle to carry, at any one time, more persons than the number for which it is designed and equipped.

Modified penalty: 1 PU

(3) A passenger on a bicycle that is moving, or is stationary but not parked, shall sit on a fitted seat designed for a passenger.

Modified penalty: 1 PU

(4) The rider of a bicycle shall not ride with a passenger unless the passenger complies with subregulation (3).

Modified penalty: 1 PU

222. Protective helmets to be worn

(2) Except as provided in this regulation, a person shall not ride a bicycle on a road or any path unless —

(a) that person is wearing a protective helmet securely fastened on his or her head; and

(b) where any other person is being carried on that bicycle, that other person is wearing a protective helmet securely fastened on his or her head.

Modified penalty: 1 PU

223A. Passengers to wear protective helmets

(1) In this regulation — protective helmet has the meaning given in regulation 222(1).

(2) A person must wear a protective helmet securely fastened on his or her head when being carried as a passenger on a bicycle.

Modified penalty: 1 PU

224. Lights and other equipment on bicycles

(1) A person shall not ride a bicycle during the hours of darkness, or in hazardous weather conditions causing reduced visibility, unless the bicycle, or the rider, displays —

(a) a flashing or steady white light that is clearly visible for at least 200 m from the front of the bicycle; and

(b) a flashing or steady red light that is clearly visible for at least 200 m from the rear of the bicycle; and

(c) a red reflector that is clearly visible for at least 50 m from the rear of the bicycle when light is projected onto it by a vehicle's headlight on low-beam.

Modified penalty: 2 PU

(2A) A person shall not ride a bicycle during the hours of darkness, or in hazardous weather conditions causing reduced visibility, unless the bicycle has affixed, to each wheel, 2 yellow side

reflectors complying with the requirements for reflectors in Australian Standard AS 1927-1998 (Pedal Bicycle-Safety Requirements) and Australian Standard AS 2142-1978 (Specification for Reflectors for Pedal Bicycles).

Modified penalty: 1 PU

(2B) A person shall not ride a bicycle during the hours of darkness, or in hazardous weather conditions causing reduced visibility, unless the bicycle has affixed, to both sides of each pedal,

yellow pedal reflectors complying with the requirements for reflectors in Australian Standard AS 2142-1978 (Specification for Reflectors for Pedal Bicycles).

Modified penalty: 1 PU

(2C) A person shall not ride a bicycle that has affixed a reflector capable of reflecting red light in the forward direction.

Modified penalty: 1 PU

225

(2) A person shall not ride a bicycle that does not have —

(a) at least one effective brake; and

(b) a bell, horn, or similar warning device, in working order.

Modified penalty: 2 PU

Annex 2

