



3rd October 2018

The Honourable Aaron Stonehouse MLC
Chairman
Select Committee on Personal Choice and Community Safety
Parliament House
4 Harvest Terrace
WEST PERTH WA 6000

Dear Mr Stonehouse,

Re: Mandatory Helmet Legislation

I note and thank you for your correspondence dated 7th September 2018 (reference A710639) seeking submissions to the Select Committee on Personal Choice and Community Safety. WestCycle is the peak body for cycling in Western Australia, representing more than 35 individual cycling organisations along with the close to 500,000 people that ride a bike each and every week in the State.

The topic of mandatory helmet legislation is one that has been flagged as an item of interest for the Select Committee and I write within this context. In fact, the debate surrounding whether wearing a helmet should be legislated is one that has been going on for close to thirty years in Australia with strong opinions and arguments on both sides. As the peak body for cycling WestCycle aims to bring a balanced view to such conversations and I trust that the below information is of use for the Select Committee.

In discussing mandatory helmet legislation, it is important to note that there is an array of cyclist types. To highlight this, consider the differing risks for someone riding a bike on the road at speeds up to 60km/hr versus a cyclist riding on a footpath at 10km/hr to get to the shops. Or a rider reaching speeds of 70km/hr down a mountain with large rocks, trees and obstacles versus a parent in a park riding on grass with their children. Each rider type comes with a dramatically different risk profile. It's not dissimilar to the differing risks a Formula 1 driver faces compared to a driver on residential streets of Western Australia with a 50km/hr limit.

Whilst the benefits of wearing a helmet will differ between the risk profiles, trying to create a law that makes an allowance for different segments of riding present numerous challenges and will be subjective and as such our consideration is based on helmet legislation universally across cycling with a position on either supporting the legislation in totality or not.

Australia was the first country to make wearing helmets while cycling mandatory. Laws were introduced between 1990 and 1992 by Australian States and Territories following campaigning by various groups, including the Royal Australasian College of

Surgeons. The majority of overseas jurisdictions, particularly the countries with the highest utility cycling participation rates, do not mandate the use of bicycle helmets for non-competitive cyclists. To date, Australia (excl. Northern Territory), New Zealand and the United Arab Emirates are the only countries in the world to have enforced, all-ages, all-areas mandatory helmet laws. Similar laws have since been introduced in some jurisdictions around the world, and then later repealed including in Mexico City in 2010, Israel in 2011 for adult cyclists and most recently Bosnia and Herzegovina in 2017.

One of the major positions of those arguing to repeal helmet laws is focused on the macro benefits of more people cycling with the assumption that by removing the helmet legalisation more people will cycle. One example is the overall health benefits to the community of more people riding. The below summarises the general arguments for repealing mandatory helmet laws:

- Repealing mandatory helmet laws is argued as a means of removing barriers to using the bicycle and to grow cycling participation
- The resulting increase in cycling participation will have a “safety in numbers” impact
- The reduction of head injuries since mandatory helmets laws were introduced are the result of the significant reduction in cycling participation, that there has been no reduction in rates of head injury relative to bicycle use and any reduction of head injuries may be a result of other road safety initiatives and not helmets
- The public health benefit of more people riding for physical exercise outweigh the additional head injuries
- Evidence has suggested that there is risk compensation effect for both bicycle riders who wear a helmet and for motorists who drive near riders with helmets. It has been suggested that there is an elevated perception of safety whilst wearing a helmet that may encourage bicycle riders and motorists to attempt riskier manoeuvres
- Evidence has suggested that bicycle share programs in cities with mandatory helmet laws are not as successful than those without these laws
- Some evidence suggests that helmets provide protection only in low impact crashes and only under favourable circumstances
- One in five survey respondents suggested that they would ride a bike more if helmet laws were repealed.

On the counter argument side the basis for maintaining the legislation is largely focused on the micro or individual impacts rather than the overall community benefits. The key arguments against repealing the law are:

- Systematic reviews and meta-analyses found that bicycle helmet use was associated with reduced odds of head injury, serious head injury, facial injury and fatal head injury, and provide protection for crashes that do not involve a motor vehicle
- Whilst respondents from helmet surveys suggest that repealing the laws will encourage them to ride a bike more often, research has also suggested that there is a gap between statement and action. Repealing these laws may not result in significant cycling participation increases that it is predicted
- Much of the measures of cycling participation used to demonstrate the decline in cycling participation as a result of the introduction to mandatory helmet laws used cycling to work data, however there are many other trip purposes for cycling for transport and the impact of cycling participation for all purposes is unknown
- Helmets are much lighter and comfortable than those introduced decades ago
- There is no clear evidence that repealing the law once in place will result in an increase in cycling participation or improve cycling safety

After careful consideration of all the available facts and arguments, WestCycle, has formed the view that the repealing of helmet legislation is **not supported** until there is clear

evidence that an increase in cycling participation will result in health and safety benefits that outweigh any potential increase in cyclist's head injuries.

I wish you and the Select Committee my best wishes as you embark on your review and I am happy to make myself available for any further information that may be required throughout the process.

Yours sincerely,

Matt Fulton
Chief Executive Officer
WestCycle Incorporated