

## **Submission for the Inquiry into personal choice and community safety**

Submission by: Arwen Birch

This submission addresses only Terms of Reference :

(2) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users;

My submission is specifically about the mandatory helmet law for cyclists. This law, while it had good intentions when introduced, has proven to do more harm than good to our health and wellbeing as well as our safety. It is counter-intuitive that making a safety-device compulsory could make us less safe, but in the case of a helmet law, the evidence for this is overwhelming.

A person riding a bicycle, whether wearing a helmet or not, is decreasing their likelihood of early death. This is because physical activity reduces the risk of common diseases such as cancer, heart disease and diabetes and these benefits outweigh the much lower risk of head injury. Unhelmeted cyclists are choosing a transport that is cleaner and safer than car driving. They are not producing poisonous fumes that lower the life expectancies and increase the lung problems of those on or near roads. They are not in large, heavy, fast moving vehicles that could easily kill other road users. A bike rider with no helmet should not be made to feel like a criminal for choosing one of the cleanest, healthiest and safest forms of transport. When you fine them, you discourage them from choosing this transport and therefore negatively impact on their health.

Many people faced with a choice between riding without a helmet and being fined and not riding, will choose not to ride. The helmet law therefore removes vehicles that are a health and safety benefit to the community and forces them onto less beneficial modes of transport. I know people who, after being fined for riding without a helmet, have been put off riding. I am not personally bothered by wearing a helmet and, in fact, wore one when I lived in Toronto where they are not compulsory. This does not stop me believing the law should be removed. Sometimes, on a hot day, I find my head is uncomfortable and I want to take the helmet off for a bit and cool my head. I'm on a safe back street, I'm hurting no one, in a very low risk situation and yet I face a large fine if I do so.

Car drivers also have a risk of head injury, but are not required to wear a helmet. There are far more head injuries in cars than on bikes. When helmets in cars were considered, it was decided that people would drive more recklessly if they were wearing helmets. It has been shown that the same can apply to cyclists. Believing themselves to be safer than they actually are, because they have a helmet on, they ride with slightly less caution. This is a concern because a helmet offers the rest of your vital organs no protection and even offers limited protection to your head faced with a vehicle such as a truck. Interestingly, head injuries went up for cricketers after they started to wear helmets because they began to play differently – attempting shots they would have previously left. Helmets do not always lead to safer outcomes.

Compulsory helmets give people the impression that cycling is a dangerous activity. As a bike rider I am often told, as I head off, “ride safely!”, as if I am about to engage in a risky activity. I am often hearing from others that their reason for not riding is they feel unsafe. Bike riding is, however, statistically a relatively safe activity. Safer than many other activities where no safety equipment is legislated for. For people in countries without helmet laws and where riding a bike is common, cycling does not have this same “risky” stigma. I estimate that I have made approximately 13,000 trips on a bike, and on only four of these I have come off my bike and hurt myself, mild injuries like a bruised knee or scraped knuckle, and I have never hit my head. Removing the bicycle helmet law would help to reflect the true nature of cycling as a relatively safe activity.

This being said, it would be fantastic if cyclists were made even safer in Australia. They are vulnerable road users that deserve protection. The most effective and proven method of improving safety for cyclists, however, is not helmets but improved infrastructure such as separate bike lanes away from car doors and fast moving traffic.

The usefulness of bicycle helmets depends on your cycling style. If you are racing at high speeds with your head down, it may be sensible to wear a helmet. If you are going for a casual ride along a creek path, you are very unlikely to need head protection. Yet helmets are compulsory for all trips and someone engaged in very low risk cycling is fined for their healthy, harmless choice. If the law were removed, those wanting to continue wearing them, and I assume many would, would be most welcome to. It should be a matter of choice.

Advocates for the helmet law often point to a drop in head injuries post mandation to justify the law. However, cycling participation also dropped after the law came in, and it is the head injury rate per participant that is the more relevant statistic. We do not lead the world for head injury cycling statistics and in fact rate very poorly. They also often point to individual cases and mantras such as “if it saves one life”. In practice, however, if you try to prevent every death or injury, you can end up with a less healthy society. People may start ignoring important safety advice because there is so much of it. They may struggle to differentiate between the important warnings and the ones where the risk is incredibly low. Where does it end? Helmets for pedestrians? Life jackets for anyone within 2 metres of water? Compulsory padding around beds in case one falls out (I only mention this as more people die from bed falling than from cycling)?

After 20 years of the bicycle helmet law, there is no clear evidence it has improved the overall safety of road users and there is evidence that it has done harm to the uptake of cycling. If shown to be an effective law, it would have spread to the rest of the world, like seatbelt wearing. It has not. Only two other countries have followed us and retained the law. Some have adopted it and then repealed it when it was shown to have adverse effects and many have used Australia as an example of what not to do to cycling.

We want more people on bikes. We want healthier, safer communities. The bicycle helmet law stands in the way of this.