

I am writing to provide my input to the following parliamentary inquiry.

pccs@parliament.wa.gov.au

Inquiry Name: Inquiry on Personal Choice and Community Safety

Date Commenced: 29 Aug 2018

Committee Name: Select Committee on Personal Choice and Community Safety

House: Legislative Council

About me

Stephen Humble

Although I live in SA I previously lived in WA and visit WA regularly.

Terms of inquiry.

(1) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;

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

(3) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.

On Committee point (1) e-cigarettes and e-liquids.

A friend of mine who was a regular smoker found nicotine e-cigarettes to be very helpful to stop smoking normal cigarettes he said it had improved his health greatly by being able to switch to use them instead - he purchased his refills and e-cigarette online from overseas but many people may not have the patience or a secure address to buy online so the present laws are very probably leaving many people with no option but to continue smoking normal cigarettes with all the consequent harm from the smoke.

Nicotine patches or gum which are available do not give the same effect that closely mimics smoking an actual cigarette like an e-cigarette provides - e-cigarettes are behaviorally and in smell and taste and nicotine delivery are nearly like for like replacement yet allow the user to avoid most harmful effects of smoking.

Because gums or patches do not provide the same ritual routine, taste, effect or flavor and appeal as e-cigarettes they don't provide the same enjoyment they users seek and so these products may leave the user unsatisfied and resulting in users going back to smoking more often compared to someone who had access to nicotine e-cigarettes which are relatively harmless.

On Committee point (2) Outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users:

My main focus is on bicycle helmet laws.

I lived in WA during the 1990's when bicycle helmet laws were introduced and noticed a large decline in bike use that has continued to the present time.

I have run a facebook page "repeal mandatory bicycle helmet laws" for about 7 years and frequently comment on the issue and answer queries and try to resolve misconception on the issue of which there are many. I have read a lot about the issue and been involved in supporting protest rides, started a petition, done talks and other advocacy activity around this issue. very familiar with many of the fallacies and misunderstandings that people have on the issue of helmet laws and other victimless crimes and hope I can help this inquiry.

Short History of WA's helmet laws.

In terms of the WA State government there is actually no existing reason that WA or any state cannot repeal helmet laws or alter them in any way such as allowing exemptions for 60 and under zones or off road exemptions.

The original reason the laws were introduced was under pressure of federal government withholding road funding grants unless states complied by the terms of a once off funding package which included bicycle helmet laws among other things.

So the WA helmet laws were forced in by compliant state government bowing to federal government without referendum or consultation to anyone i was aware of at the time instead State government at the time went about bullying and scaremongered the population and bike riders to make them comply with mandatory helmet laws.

It was done in a rather hurried manner without monitoring effect or concerns about any possible harm or reduction in bike use or other unintended consequences like depriving children of exercise as their parents unsettled by scare campaigns used to justify the law or the threat of fines from police were soon preventing their kids riding bikes in every state that bought in the laws - In SA a UNISA report i read found that in the in the 1980's about 40% of children rode to school (this matches my own experience - many students rode to school on bikes in the 1980's) the rate in recent times is 7% so about one child in a class of 20 rides post helmet laws this is a reduction of 6 times- a fairly substantial change of behavior. !

After the initial warning period people then caught riding in WA without a helmet were given the option of paying fines or attending propaganda / re-education sessions run by the police force and since many people could not afford the fines they had to endure sitting thru propaganda video sessions. This is the type of thing you expect from a totalitarian regime not a democracy. !

Presently there exists no reason to retain bicycle helmet laws there is no ongoing payment from federal government to keep the law or any cost to repeal them other than some paperwork and issuing updated road rules. There are however many benefits to repealing the law I shall explain further on. Repealing the law is far more appealing than continuing to subject people to robbery and bullying by their own state police force without reason.

Recent Bicycle user observations

SA and WA both have helmet laws but in WA the fine is about \$50 in SA it is \$162 there is certainly a relation between the fine and the amount of compliance and rate of bike usage.

From comparing observation on a recent trip to WA in 2017 with SA - in WA there is a lower compliance with helmet laws and more people using bikes.

In WA about 50% of people I observed were not wearing helmets especially on suburban streets and bike paths - the road bike users seemed to more often be wearing helmets. Recent ABS data collected show WA has much higher rates of bike use than SA. There appears to be an inverse relationship between the cost of a helmet fine in each state and the % of people actually riding bikes - in NSW a state with low bike use the fine is over \$300. ! This suggests that removal of the law or reduction in scope would increase bike use similar to what is seen in the NT where even more people ride than WA - the NT has exemptions from helmet laws for off road paths and law enforcement is very low.

Further arguments against helmet laws regarding the economy and health.

Due to the discomfort and inconvenience and overall unpopularity of mandatory helmet laws they have discouraged bike use. Bicycle helmet laws are a standout case of unwanted government intrusion and violent paternalism adversely affecting people's behavior in WA. This law in Australia is reminiscent to some extremist Islamic countries where women are bullied to wear head coverings in public. I have spoken with people in person and also run a Facebook page and group and found many people who say they stopped riding when the law was introduced the law certainly discourages my own bike use.

Changing the law would benefit most retail business and restaurants the mobility offered by repealing the helmet law and enabling casual step on step off style bike use would bring extra customers and tourists to most every business it would also be conducive to the operation and patronage and use rates of any public bicycle hire scheme - these schemes operate very successfully around the world in places without helmet laws and not very successfully in places with helmet law.

Consider in a car people can't easily window shop or stop and on foot they tend to not go far while on a bike they can cruise around almost effortlessly for considerable distances.

Recent changes to bicycle laws in WA now allow bicycles to be ridden on footpaths so the helmet laws should at the very least not apply when on footpaths and off road paths since people on foot or other mobility aids like wheelchairs or mobility scooters are not wearing helmets - why continue to force bicycle riders to wear them in the same situations. ?

Effect of Discouraging Physical Activity.

Repeal of the bicycle helmet law could lead to significantly increased bike use - I have a view that the first state to fully repeal bicycle helmet laws will see large benefits from tourism and for local businesses, less traffic congestion and pollution, save people money on fuel and parking and most important increase people's level of enjoyment of life as enjoyable physical activities tend to be uplifting and have health benefits.

Physical exercise can improve strength of bones and muscles and circulation and so on. People often don't get much physical activity especially with desk bound jobs growing and those requiring physical effort often being replaced by machinery and so the work and life demands mean many people don't get the minimum recommended physical activity. Bicycle helmet laws by discouraging the incidental exercise of casual bike use to get around have made this problem worse. Diabetes, heart disease, cancer etc are harming people's health even more because the government have discouraged one of the few healthy and enjoyable activities that could help people to get more incidental exercise - the cost of these health

problems is believed to be many times higher than dealing with the rare injuries related to riding a bike and in comparison to many other sports even walking riding is actually safer and causes less injury and would be far more accessible if helmet use is not mandated.

Unknown effect on Self Harm rates

The www.blackdoginstitute.org.au website states the rate of self harm leading to death in australia is over 3000 people in 2017 so it's not a large cause of mortality but this is about 3 times the rate of deaths from traffic accidents. They also say there are over 65000 attempted suicides a year in australia many of these lead to hospitalization or disability - so the imposition of helmet laws by reducing people's life enjoyment or physical condition could probably be increasing the number of cases of self harm every year - this has never been considered or measured in relation to the effect of bicycle helmet laws - it would be negligent to not consider such possible negative consequences of helmet laws yet that is the case.

Government Mismanagement.

The only criterion used to measure the success of helmet laws was the ratio of people not wearing a helmet to those wearing them probably part of the federal government funding conditions - using this measure it was near certain that the politicians and bureaucrats who introduced helmet laws would be able to claim a glorious success for their violently paternalistic mandatory helmet policy. This intentionally dishonest and shortsighted approach ignored any unintended consequences of the law even cases where helmets actually caused the deaths of several children in australia. This Sydney morning herald article "Three deaths by bike helmet" By Amy Corderoy 3 January 2011 — 3:00am - see link to article.

<https://www.smh.com.au/national/three-deaths-by-bike-helmet-20110102-19d2x.html>

The child deaths eventually prompted a updated Standard Bicycle helmets AS/NZS 2063:2008 released in 2008 adding a strangulation warning to the helmet instructions being the only change to the standard the actual design of the helmets did not change so the risk of injury remains it's just that a warning is included about strangulation.

There are probably many non fatal but permanent debilitating injuries due to helmets but that is not reported as there is no requirement to report them to anyone - the only reason the 3 child deaths became noticed is that death's get investigated by a Coroner to determine cause so are difficult to ignore and repeated occurrence patterns are discovered.

Would a manager increase the price of groceries and claim a benefit because they had increased the markup while not monitoring the actual number of sales and loss of business and profit as customers switched brands or abstained from spending - a really crap manager who would send the business backwards may do that. I have a view that the implementation of bicycle helmet laws is one of the worst cases of mismanagement by government in australia there was no consideration of any possible negative consequence - and even after over 25 years no re-evaluation or reconsideration of the policy has been performed.

Confirmation bias in support of helmet law and Risk Compensation effects.

Many articles reporting where a bike rider is injured IF the rider is not wearing a helmet that particular point becomes the news headlines - "someone not wearing bicycle helmet injured/dead" They may have been crushed to a pulp under the wheels of a truck driven by a terrorist and suffered injuries where a helmet could not have made any difference yet the

police and authorities the purveyors of helmet laws will blame the lack of a helmet for everything. And in nearly every case where the rider is wearing a helmet and is killed no point is made about the fact it failed to prevent their death. The highly opinionated nature of the issue also leads some reporters to intentional confirmation bias towards helmet laws in reporting on accidents.

A recent article by ABC tasmania. "ABC Tasmania newsreader Peter Gee credits bike helmet with saving him from life-changing injury" By Gregor Salmon Updated 16 Nov 2017, 6:31pm - Here what would normally be a be an unreported incident of someone riding too fast and getting minor injuries not normally worthy of any news article became a propaganda piece on the ABC glorifying the wonders of mandatory helmet laws - the only reason this got reported was the person injured was an ABC news anchor and supporter of the mandatory helmet religion - the original article was so blatantly biased the ABC seem to have updated it to try to provide some balance so as to not look like a pure pro helmet law propaganda piece.

<http://www.abc.net.au/news/2017-11-16/peter-gee-survives-bike-crash-thanks-to-his-helmet/9144286>

For a reality check consider that helmet use among motorbike riders is very high but in fact the rate of deaths is much higher than other motor vehicles since helmets don't offer the protection people believe they do and encourage high risk riding as result of behavioral risk compensation effects - similar effects happen with bicycle riders wearing helmets who tend to ride faster or with less caution such as the aforementioned ABC news anchor.

The effect of risk compensation under helmet laws seems to lead to people taking risks and ignoring other aspects of safety and this probably goes some way to explain the increased injury rates among the remaining bike users post helmet laws - helmet laws have failed to provide the claimed reductions in injuries or deaths, people have been lied to and sold short while having their freedom infringed.

Recommendation

It's time to end the failed experiment of mandatory helmet laws and restore free choice. I would recommend a 3 year trial repeal of bicycle helmet laws - if WA can do a daylight savings trial for 3 years why not a helmet law repeal trial. ?

Presently all Australian states see bike usage and population health stagnating here is an opportunity to leverage the large investments WA has made in bike paths which last time it was in WA appeared to be greatly underutilized - a trial repeal of helmet laws could lead to many people who have been put off riding by helmet laws rekindle their interest in healthy transport.

I would be delighted to discuss my thoughts and ideas about this with the members of the committee either by phone or in person if the opportunity arises.