

# **SELECT COMMITTEE ON PERSONAL CHOICE AND COMMUNITY SAFETY**



**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
FRIDAY, 23 NOVEMBER 2018**

**SESSION 2**

**Members**

**Hon Aaron Stonehouse (Chair)  
Hon Dr Sally Talbot (Deputy Chair)  
Hon Dr Steve Thomas  
Hon Pierre Yang  
Hon Rick Mazza**

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**Hearing commenced at 10.41 am****Mr MATT FULTON****Chief Executive Officer, Westcycle, sworn and examined:**

**The CHAIRMAN:** On behalf of the committee, I would like to welcome you to the meeting. Before we begin, I must ask you to take the oath or affirmation.

[Witness took the oath.]

**The CHAIRMAN:** You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mr Fulton:** Yes, I have.

**The CHAIRMAN:** These proceedings are being recorded by Hansard and broadcast on the internet. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to speak into them. Ensure that you do not cover them with papers or make noise near them. I remind you that your transcript will become a matter of public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to the committee?

**Mr Fulton:** Yes, I would. Thank you for the opportunity. I might just start to clarify and give forward Westcycle’s position when it comes to helmets. Westcycle is firmly in favour of the current legislation as it stands at the moment that cyclists should wear a helmet. I understand that this committee will largely probably look at the freedom of choice side of that. I firmly believe that freedom of choice is not something that I am not qualified to discuss or make judgement on, but I do have the evidence, in my capacity as CEO of Westcycle, in terms of the likelihood of death or serious injury, and then the other statistics involved. I will obviously be open to discussing those further. The issue that I see with the debate around helmets is that helmets are the last line of defence when there is a crash involving either a cyclist themselves or with a motor vehicle. I still believe that in Western Australia and across Australia we have a lot of work to do to make sure that we prevent those crashes happening in the first place, and investing in infrastructure, education and the like to make sure that these crashes do not happen.

**The CHAIRMAN:** Thank you, Mr Fulton, and thank you for the submission that Westcycle provided; it was a very balanced submission, I thought—it gave arguments for and against mandatory bike helmet laws. In your submission you refer to different cyclists having different risk profiles. Can you expand on this concept for us and how it relates to mandatory helmet laws?

**Mr Fulton:** Yes, absolutely. It think it is probably one of the misconceptions in the public that all cyclists are the same. They ride in different conditions and they have different risk profiles. I think, from memory, my submission referred to mountain biking as an example, where you could have someone going down a hill at 60 or 70 kilometres an hour with trees and rocks and other obstacles in the way, which represents a different risk profile to someone who may be riding on a footpath or

in a grassed park-type environment. I certainly acknowledge that there are risk profiles involved here, and that needs to be taken into consideration. I also add to that that if you are to be involved in a crash at, say, 60 kilometres an hour, it is likely the helmet will not save you anyway. It is more the lower speed crashes that helmets become more important, or if you fall off the bike and hit your head on the footpath, that is where a helmet can actually provide the most benefit to a cyclist. It is a very complex debate. As per my submission, I acknowledge that there are arguments on both sides and that we need to look at all the evidence in place, but take into consideration the different risk profiles involved in cycling.

**The CHAIRMAN:** Thank you. You mention in your submission utility cycling. Can you define for us “utility cycling”, please?

**Mr Fulton:** Yes. Utility cycling, sometimes referred to as transport cycling or everyday cycling, are the small trips that people often take from home to the shops to buy a newspaper. It is the everyday activities that they undertake as opposed to sport or recreation or even, to a certain degree, commuting cycling. It is more shorter trips that people tend to take in utility cycling.

**The CHAIRMAN:** When talking about those different risk profiles, where would you place things like utility cycling in a hierarchy of risk?

**Mr Fulton:** Obviously they are less likely to be on the roads or at higher speeds. We know that the type of bikes they ride are often not conducive to high speeds. A lot of the time they are in everyday clothes and they are just getting around, so they are not involved in that sport side of cycling. The risk profile, I would suggest, is far lower than the mountain biking example that I gave before in the context of being involved in a crash, but I will reference my earlier comment that helmets can often be most valuable in those situations where it is a low-impact or low-speed crash as well. The likelihood of an incident is a lower risk, but the consequence of that incident could be just as severe.

**Hon PIERRE YANG:** Why is it for a low-speed situation that a helmet provides a more beneficial outcome?

**Mr Fulton:** I will explain that in a little more detail. The research statistics show that if you are hit—this is pedestrians as well as cyclists—by a motor vehicle travelling 40 kilometres an hour or greater, your likelihood of death is far greater. It is likely that that could be a number of different circumstances of why you become a fatality. Head injury is only one of those, but there are numerous other ways that you could potentially pass away in that circumstance. When you are below that speed limit is when the helmet becomes a protective measure and is probably far more relevant because it will prevent a head injury. The research certainly shows that helmets prevent head injuries. It is looking at the method of the fatality or serious injury. In the higher speed crashes, the helmet may not be as relevant.

**Hon PIERRE YANG:** Thank you.

**The CHAIRMAN:** Just on your submission again, you point out that 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. Comparing Australia’s hospitalisation and fatality rates of cyclists to those other jurisdictions, is there a disparity there in the rates of injury and rates of fatality for cyclists?

**Mr Fulton:** It is a really good question. Obviously, a lot of work and research already has been done, but it needs to continue to be done on the reasons for that. I would strongly suggest that that is not directly related to the helmet legislation and the fact of whether people wear helmets or not. If we look at other overseas examples, such as the Netherlands, their infrastructure is vastly different—there is far more of it and it is protected away from vehicles. They certainly have a stronger culture

of cycling than we do here in Australia. There are numerous factors that I think need to be taken into consideration. Helmets is obviously one of those, but it is not the be-all and end-all. I think you can also look at the Northern Territory as an example, where their participation rates in cycling are the highest in the country, yet their helmet laws are more relaxed than they are in any other state. Is their participation higher because of helmet laws being relaxed in that jurisdiction or not? I would suggest there are other factors involved in there that we would need to understand, such as public transport and whether the options to commuters are as readily available as they are here in Western Australia through other means.

[10.50 am]

**The CHAIRMAN:** Do you know if there is any data available that shows cyclist injury statistics broken down by the location or the circumstance in which they were cycling; for instance, utility cycling—cycling on bike paths, cycling off-road—compared to cycling in traffic and competitive cycling, with people in lycra racing each other? Do you know if any data such as that exists, in Australia or in any other jurisdiction?

**Mr Fulton:** I cannot comment on overseas, but I certainly can provide some insight into the Western Australian circumstance. Probably one of the biggest opportunities we have got is to consolidate data, because there is no clear reporting mechanism for serious injuries, deaths and minor injuries for that matter as well here in Western Australia. A lot of the information we see quoted through the Road Safety Commission is related to deaths on our roads and our shared paths; it does not extend to car parks. If children are riding through a car park and a car reverses and hits them, it is likely that that will not be captured within that information as well. A similar example is mountain biking; it is not a road, so it is not under the jurisdiction of the Road Safety Commission. Therefore, a death whilst mountain biking may not necessarily be captured within that data. There is a big job we need to do to get a holistic view on deaths, serious injuries and even minor injuries when it comes to cycling to get a full understanding of where the opportunities lie and the type of environments they happen.

**The CHAIRMAN:** On that lack of data that is available, I note that Westcycle's position is to maintain the current regime. Would you concede, though, that there is scope for some kind of trial, even if at a small, local scale, to see what the results would be around the injury rates of utility cycling and things like that?

**Mr Fulton:** The Bicycle Network paper that was released a couple of weeks ago, entitled "Australia's mandatory helmet laws", of October 2018 certainly recommends that position—a five-year trial for I think 17-year-olds and above in those low-risk environments. A lot of research has been done. I think the important point is that most of that research and the rationale behind it refers to an increase in participation being the result of relaxing helmet laws. So the justification for relaxing the helmet law is more around if we can increase participation, the burden on our health system through the reduction in other diseases will have cost savings far greater than any potential increase in immediate trauma to cyclists. In their document as well, they also reference that there have been 2 500 studies done internationally looking at that fact as well as the impact of reduction of serious injury and fatalities. There is no conclusion around whether removing a helmet law actually increases or changes that participation rate—it is still very blurry. What is in there is the fact that helmets prevent 65 per cent of serious injuries when they are worn. Our place that we come from—Westcycle's position—is on that basis that there is strong evidence to suggest that helmets do reduce serious injury. The evidence to suggest that it increases participation is still unknown. Whilst we do not have that information, we would not support a trial and believe it blurs the lines in terms

of having a consistent policy. It becomes increasingly hard to police and hard to communicate about what environments you should or should not wear a helmet in.

The other component is that our bike network that we have got at the moment, whilst WA is very fortunate to have the bike paths that we do, there are still significant gaps in those bike paths. If we were to conduct a trial on, say, bike paths or footpaths as suggested by the paper by the Bicycle Network, it is likely that a cyclist would have to change environments multiple times—go on roads, go in different circumstances. A trial, in certain situations, therefore would become incredibly complex in that if a rider goes from a shared path onto a road that is a 60-kilometre environment, they will be in a position of having to not wear a helmet then wear a helmet then not wear a helmet again, depending on the route they are taking. I think it is too complex to do a trial as suggested.

**The CHAIRMAN:** I hear what you are saying there, and the inconsistency of trying to apply a trial with the access to bike paths across the state. Recently—not too long ago—Dr Brad Pettitt, the Mayor of the City of Fremantle, had called for a trial specifically in the City of Fremantle where there is, to my knowledge, pretty decent access to paths and it is pretty slow-going traffic in the most part, as long as you stay away from High Street and the hill there. Do you have a different view on a more localised, very specifically confined trial perhaps in a city like Fremantle? Would you have a view, then, on that?

**Mr Fulton:** That is a challenging one and probably deserves more thought. I still think it comes with its complications, because we would be suggesting a trial based on the risk profiles that we spoke about before, and suggesting that the risk is far lower in some environments and that is perhaps where you should not wear a helmet. By doing a trial and constricting it to a particular area, you cannot define whether a cyclist will remain in a low-risk profile situation or a high one. Two schools of thought obviously there—from Dr Pettitt as you suggest, and then there is the school of thought from Bicycle Network which suggests that the environment or the risk profile should be the determining factor on whether a trial should take place or not. Once again, I think it is very challenging and will require some serious thought and looking at the research evidence.

**Hon RICK MAZZA:** I think there is little disputing that wearing a cycle helmet is a good choice in reducing head trauma, but over the years, since the bicycle helmet laws have been in, I have seen helmets go from being on the handlebars when people are riding their bike to not wearing them at all, and it does not seem that police bother too much in enforcing it these days. The participation rates of people wearing helmets seem to have gone down; percentage-wise, it seems to have dropped off since the law was introduced. Is it a case of better education for people to wear helmets rather than have a regulation or law? It seems to me that some people kind of resent the fact that it is mandatory to wear a bicycle helmet, so they object by not wearing one.

**Mr Fulton:** Sure. Just to pick up your point in terms of participation rates, there is certainly evidence that suggests that participation rates did decline from the early 1990s to where we are today. I do not know of any information that exists around the helmet legislation being the only specific cause for that. A number of changes were made at the same time. From the information I have got, I believe the Prime Minister at the time of introducing the helmets and providing states a recommendation to do it at a state level also tied a number of other road safety initiatives to that and made it contingent on increasing funding. I cannot comment on whether that is the sole purpose.

To your question around the education component of getting more people to wear helmets, once again I cannot comment or pass judgement on the freedom of choice aspect of this; I can only talk around the statistics and the evidence. You are right—there are a lot of cyclists out there who choose not to wear a helmet. That is what they choose to do. They are obviously breaking the law

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whilst they do it. I do believe that more information needs to be out in the public domain to educate people around the benefits of helmets and that they do save lives and prevent serious injuries. At the same time, it is a tricky situation in that by publicly communicating that information, by educating people to wear helmets, you are making the assumption and people will jump to the conclusion that riding a bike is unsafe. That is not the case. Bike riding is a relatively safe activity. It is only a slightly higher risk situation than driving a car, if you look at the statistics. As soon as we start going out there with broad public education campaigns, my concern is that we will scare parents and parents will start going, "I don't want little Johnny riding a bike because X, Y or Z and the chance of a head injury." It is a balancing act between education to achieve that outcome, but not wanting to impact the public perception around safety of cycling generally.

**Hon RICK MAZZA:** Just picking up on that, what I am gathering from your response is that you are worried that an education program might deter cycling participation because people may see that as a dangerous activity, yet the seatbelt campaign, which I do remember well, did not deter people from driving a car, and driving a car is a pretty dangerous activity at times too. People do now wear a seatbelt. You get in and you kind of feel naked without the seatbelt being on. I struggle to sort of agree with you on the point that an education program might deter participation because it is seen as a dangerous activity. It is just a statement.

[11.00 am]

**Mr Fulton:** It is a fair comment. I think that would come down to how that education campaign is positioned to make sure that we are doing it in the right way. But I do take on board your point. Seatbelts are often cited as one of the examples in this debate around the campaigns and the introduction of that change. As I said at the start, this is a really complex debate with lots of arguments. Our submission certainly looked at all those different arguments and the different sides and we can appreciate and respect where people are coming from. The end point of our submission was that, based on the evidence, we needed to put forward a position, and that is strongly in favour of helmets.

**Hon RICK MAZZA:** Thank you.

**Hon PIERRE YANG:** Mr Fulton, how strong is a human head, and skull and brain? What kind of impact can they endure?

**Mr Fulton:** I am not qualified to be able to answer that question, I am sorry.

**Hon PIERRE YANG:** Thank you for that; I appreciate that you are not a medical practitioner. You mentioned a situation where it is below 40 kilometres an hour. For a bike rider on a path who is travelling, say, at five or 10 kilometres an hour, I wonder what kind of injury can that person sustain if he or she falls on the footpath and how a helmet can provide safety and protection. Do you have any data on that?

**Mr Fulton:** I do not have access to data in that specific example. It probably comes back to that point around that we need a really strong set of information to be able to accurately respond to those questions, because we just do not know the specifics. I think we can look at comparable examples and make conclusions. The coward punch is probably a really good one to consider in that situation, where someone, from standing, falling on their head can either have a serious injury or potentially a fatality. We could make judgements, but once again it is not evidence. We are firmly in the position of looking at evidence with these types of decisions to form a view, and that is what we have done.

**The CHAIRMAN:** Just on that, it is hard to draw a conclusion from something like a coward's punch, though, I suppose, in that often the fatality is caused there because someone is unconscious as they fall and they are not able to protect themselves as they fall, whereas a cyclist would presumably put

their hands out or their arms and they would fall and graze themselves as such. When you spoke about concerns about education campaigns acting as a deterrent to people riding because they see it as a more dangerous activity—relatively speaking, it is not a particularly dangerous activity—do you have a concern then, or do you concede, that to some extent mandatory helmets may have an impact in deterring cycling in that it may reinforce that idea that cycling is somewhat dangerous if the government sees fit to mandate helmets for any kind of cycling? Do you think that there may be at least some impact there?

**Mr Fulton:** Absolutely. That is one of the arguments often put up—that by mandating you have to wear a helmet, you are sending a very clear message that this is a dangerous activity. I appreciate that comment and that position, and believe it was probably something we referred to in our submission as well. If not, it is something we are very conscious and aware of. The number one reason that people cite for not riding a bike, though, is fear for their safety. It is not the fact that they have to wear a helmet or it is too hot or anything like that; they are concerned about their safety. To stand up and say we support something that reduces your safety is not a position that we would be willing to take.

**The CHAIRMAN:** Just on concerns of safety, do you have any feedback from your members or cyclists about what their main safety concerns are—if they are real or imagined? Do you have any idea of what those are?

**Mr Fulton:** Certainly the most common feedback is around traffic and motor vehicles. That is the environment we see the most serious injuries and deaths. The minimum passing distance that was implemented last year has certainly made a big impact to the space that cyclists are given. A lot of the correspondence we get is related to those types of environments and that safety concern. It is also probably important to note that the rate of children riding to school has significantly dropped off over the last 10, 20 years. I do not have those statistics in front of me, but there is strong evidence to show that most parents will put their children in cars to get to school to protect them from other cars, which is just against all logic. It is that fear of safety in that environment—which may not even be around cars or roads; it could be footpaths—that is having an impact on participation. I do not believe it is necessarily simply helmets; it is a range of different issues.

**The CHAIRMAN:** Has Westcycle conducted any survey of its members to get a sounding of their view of mandatory helmet laws?

**Mr Fulton:** Not specifically on helmets. In 2015, we conducted a safety survey to understand from our members and the cycling public what they viewed as the safety concerns and how we could make cycling a safer activity. But within that, there was no specific question to ascertain the position on helmets. Bicycle Network in their paper did, and I believe the respondents were marginally in favour of relaxing the helmet legislation. From memory, it was about 55 per cent in favour of relaxing it and 45 per cent supported maintaining it.

**The CHAIRMAN:** You mentioned in your submission bicycle-share programs. I was just in Christchurch a few weeks ago and they have Lime with the electric scooters—it was fantastic. You use an app on your phone. There is no mandatory helmets for Lime; you can ride a scooter around town without a helmet—it is great. I wonder, first off, before I get onto the helmet aspect of it, does Westcycle have a view on cycle-share programs and how they might grow cycling culture in a city or a state?

**Mr Fulton:** Yes, absolutely. We have seen other jurisdictions across Australia where they have implemented them. We are strong supporters of such a scheme. I think the challenge we have got at the moment is around our distance of travel. That is probably a bit unique versus Melbourne or Sydney, where there are more commonly shorter trips where a bike-share scheme would be in

place. We have certainly met with a number of providers. We have had conversations with government departments around doing a trial for this type of thing. There is one in place at the moment operating up in the Joondalup area where they are doing bike share at ECU and the hospital area around there. It is an organisation called urbi. We watch that with keen interest. We certainly are a fan of getting more people on bikes, particularly for those short trips. Another great example is being able to hire a bike to get from your end point on a train to your place of work and then vice versa at the other end. We would certainly love to see more of that type of opportunity in place here in WA.

**The CHAIRMAN:** You just mentioned urbi, the trial being run in Joondalup. I assume that they have to wear helmets when using that program. Is that correct?

**Mr Fulton:** That is correct, yes. Helmets are provided as part of the bike hire.

**The CHAIRMAN:** Does Westcycle have a view on if helmets should be mandatory for cycle-share or scooter-share programs, or whatever else it might be?

**Mr Fulton:** Our position at the moment is across all of cycling. We certainly have not broken that down to particular situations or things such as bike share. I think it probably comes back to the point in the submission around inconsistencies around the law and how do you actually police those or communicate them in the first place. Although we have not got a specific position on bike share, it would fall into being consistent in our approach and not having any confusion around where you do or do not have to wear a helmet.

**The CHAIRMAN:** If mandatory helmets did have an impact on the take-up of cycle sharing, it would run counter to your view that cycle sharing would help grow cycling culture in the state, I suppose.

**Mr Fulton:** Yes, we would probably have to look at that—look at the evidence and those types of things. As per our submission, we are certainly open to information and want to understand how we get more people riding bikes and create those cycle-friendly cities. That is our end goal as an organisation. We are open to hearing information, seeing evidence and making decisions based on that evidence. At this point in time, the evidence we have has led us to our position at the moment.

**The CHAIRMAN:** Thank you for attending today. A transcript of this hearing will be forwarded to you for correction. If you believe that any corrections should be made because of typographical or transcription errors, please indicate these corrections on the transcript. If you want to provide additional information or elaborate on particular points, you may provide supplementary evidence for the committee's consideration when you return your corrected transcript of evidence. Thank you.

**Hearing concluded at 11.11 am**

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