

**From:** Colin Delane  
**To:** [Select Committee on Personal Choice and Community Safety](#)  
**Subject:** Submission: Inquiry on Personal Choice and Community Safety  
**Date:** Tuesday, 2 October 2018 11:11:17 AM

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Ms Lauren Wells  
Parliamentary Officer (Committees)  
Select Committee on Personal Choice and Community Safety  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Ms Wells

Set out below is my submission to the Inquiry on Personal Choice and Community Safety.

### **Wearing a helmet whilst cycling**

Given the introduction to the Inquiry's terms of reference (i.e. "... to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good'..."), there is a great danger that many of the submissions to this Inquiry, and the deliberations by the Select Committee conducting the Inquiry, will be considered solely from the perspective of an individual member of our community rather than from the community as a whole. The former perspective is both superficial and far too simplistic! The specious arguments put forward by those opposed to cyclists being required to wear a helmet when riding their bike is a classic case of the abovementioned approach. And in the interests of transparency, I declare that I am a cyclist (when working I generally ride 1km each way to/from the train station 3 days/week, 15km each way to/from Perth CBD 2 days/week, plus the occasional 30-50km weekend trip) and have no objection whatsoever to wearing a helmet whilst I ride!

Whilst the current law requiring a cyclist to wear a helmet is ostensibly to prevent head injury to the rider (i.e. 'for the individual's own good'), the underlying and far more important reason/benefit is to prevent and/or reduce the financial and other imposts on the entire community (i.e. our tax-payer funded health system) of treating any such injury, which can be significant. The perceived 'restriction of personal choice' or inconvenience to the individual cyclist required to wear a helmet should not outweigh the potential imposition on the community of the likely head injury which the individual might suffer as a result of a crash whilst riding unprotected! The simple intellectual challenge to any opponent of the current law is to ask whether they also object to wearing a seat-belt when driving or riding in a motor vehicle, for the issues are almost identical. Pardon the pun, but it's a no-brainer! If the Committee were to recommend that the law regarding the wearing of helmets whilst cycling be repealed then they also ought to recommend that the laws relating to seatbelts also be repealed (I appreciate that the latter is beyond this Inquiry's terms of reference, but I hope you get my drift).

In addition, I contend that those who object to the mandatory wearing of a helmet are at best ambivalent (even apathetic) about cycling in the first place and so use the perceived inconvenience as an excuse to justify their inertia. A rider may suffer a head injury upon falling whilst travelling at any speed so it is not just the "MAMILs" or professional riders who would be wise to wear a helmet. I'd suggest that if the Committee were to conduct a statistically valid survey of professional and regular amateur cyclists (these two groups being high level users)

rather than the wider community, they'd find little resistance or reluctance to the wearing of a helmet.

### **Wearing a life jacket when recreational boating**

Whilst wearing of a life jacket when participating in recreational boating is not yet compulsory, WA's Department of Transport has been advocating for this for some time (even if using specious data and arguments to support their case). As such, without a law or regulation to repeal, this issue may not fall within the Inquiry's terms of reference. Nevertheless, I think it is appropriate for the matter to be contemplated. (Transparency declaration: I am a regular participant in competitive keelboat sailing events on the Swan River.)

It would be quite wrong and naive to conclude that the issues relating to the wearing of a life jacket when participating in recreational boating are very similar to that regarding the wearing of a helmet whilst cycling. This may seem hypocritical of me given my comments above about cycling and helmets, but that conclusion would also be wrong, for the environments and activities of recreational boating are far more varied than cycling. For example, cycling is generally conducted on fixed routes/infrastructure (i.e. roads and paths) with very similar equipment, whereas the waters of Western Australia on which recreational boating is undertaken are significantly varied, as are the types of vessels used, and where movement is mostly unrestricted. In addition, there can be a significant time difference between ending up in the water without a lifejacket and suffering injury or death, whereas it takes just a split second to crack one's scone on the pavement after a bike fall – and in the latter case, no-one can do anything about it!

As a result of the great variation in recreational boating environment, activity, and equipment (as mentioned above), a "blanket rule" requiring all water-users to wear a lifejacket whenever on the water is inappropriate – the use must suit the circumstances and the need should be assessed at the time by the person in charge (vessel skipper). Furthermore, one must also consider any existing "regulatory" framework under which recreational boating takes place. In this regard, any sailing event conducted by a yacht club affiliated with the national body for the sport (Australian Sailing) is already subject to a well established and comprehensive risk management and mitigation system, in which all events are assigned a category from 1 (high risk) to 7 (low risk) with different safety requirements applicable to each. In addition, individual event Race Control Committees have authority to require all participants to wear buoyancy vests in any race should the Committee consider the conditions warrant this additional safety measure.

### **Summary**

Whilst I'm a strong believer in individuals accepting responsibility for their own decisions and actions, often there are unforeseeable events and actions outside their control which have wider-reaching consequences. Accordingly, I respectfully urge the Committee to carefully and objectively consider all aspects of the issues covered by the Inquiry's terms of reference rather than just those that have a relatively minor impact on the individual's "personal liberty". Sometimes, restrictions on personal choice which are for the greater good must override the individual's own good.

Thank you for the opportunity to contribute to this Inquiry.

Yours sincerely

Colin Delane