

Western Australian Inquiry on Personal Choice and Community Safety

Submission by Kathy Francis

This submission addresses only Terms of Reference :

(2) outdoor recreation – cycling

and refers to legislation requiring the wearing of a bicycle helmet. This legislation is contained in the regulation 222 of the Western Australian Road Traffic Code.

Time for a rethink on mandatory bicycle helmet laws

When Western Australia embarked on an experiment in forcing cyclists to wear protective helmets, they inadvertently changed many aspects of cycling safety and public health.

Mandatory helmet legislation was designed to reduce cycling head injuries and has been in place in Western Australia for 27 years. Within a few years of bicycle helmet mandation, it became apparent that the legislation had had a number of unintended consequences, while research failed to demonstrate the promised reduction in trauma at the population level.

The negative effects of the legislation include the following :

- Reduction in cycling with a resulting decline in public health
- Increased risk of accident per cyclist
- Loss of civil liberty
- Loss of enjoyment of cycling because of discomfort, inconvenience, overheating and perspiration, ruined hairstyles and loss of ventilation
- Increased risk taking among helmet wearing populations
- Drivers take less care near cyclists with helmets believing them to be protected
- Failure of all Australian bikeshare schemes
- Creates a dangerous image of cycling which puts people off using the bicycle
- Police resources are diverted to punishing cyclists
- The real safety issues for cyclists are ignored because 'helmets' are the answer
- Decreased demand for safe cycling infrastructure
- Cost of helmet purchase, landfill waste when disposed of
- Decrease in safety because there are relatively fewer cyclists – the 'safety in numbers effect'
- Loss of autonomy and independence in children and teenagers - may include a decline in their mental health.

These unintended consequences have been well documented and are accepted throughout the world. They are considered to outweigh the limited benefits of helmets in the event of an accident. The rest of the world has had 27 years to assess the Australian experiment and have almost universally judged it a failure.

While there is currently disagreement about the degree of protection offered by a helmet in the event of an accident, there is near universal agreement that there are no benefits at the population level of mandatory helmet legislation.

Why does the small protective effect of a helmet in the event of an accident fail to translate to improved safety when legislated in mandatory helmet legislation ?

Current research suggests the following explanations:

- Helmets do nothing to prevent accidents which are the real cause of head injury
- Helmets offer less protection in an accident than was originally believed
- Wearing a helmet has, over time, lead to the development of more dangerous cycling behaviours characterised by speed, less attention, impatience and aggression
- Helmet laws caused the safest cyclists, who did not wear helmets, to give up riding
- Drivers give cyclists wearing a helmet less space when overtaking
- Relatively fewer cyclists mean more dangerous conditions on the roads
- Helmets can cause an increase in neck injury

While Western Australia's helmet laws have failed to deliver real safety benefits, in some parts of the world cycling safety has improved through a focus on accident prevention. The strategies for delivering true safety benefits to cyclists by accident prevention include a combination of the following:

- Well designed transport networks
- A combination of separated infrastructure and reduced motor vehicle speeds in built up areas
- A return to well designed, sturdy, upright bicycles
- Alert cycling styles
- Cyclist and driver education
- Minimum passing distance for overtaking a cyclist
- Stricter liability laws in the event of an accident
- More cyclists on the road
- Cycling speeds appropriate to conditions

Recommendations

1. Removal of traffic regulation 222 (bike helmet law) from the Western Australian Traffic Code
2. The safest countries to ride a bike do not require or encourage bike helmets but focus on proven methods of reducing cyclist death and injury. Western Australia should make a study of international road safety practices and adopt those most effective in reducing cyclist trauma.

My Personal Story

I include this information to illustrate how this law has affected my life.

I am now 62 years old, a disability support worker with 4 children and 5 grandchildren.

Like many of my generation, I grew up at a time when everyone rode a bicycle as a child and bike helmets were unknown. We rode sturdy upright bikes and almost never fell once we had learned to balance. I never heard of brain damage resulting from a bicycle accident in my generation.

As an adult I began riding a bicycle for transport at 18 years of age and continued without incident until the helmet law came in when I was 34. I used the bicycle to get to University, to work, to shop or to get to the train station. I lived in a rural town in Central Victoria with wide, quiet streets. I rode slowly on an upright bike, usually at no more than 15kph. I observed what traffic was doing by looking around me. I couldn't imagine falling from a bike and collisions with motor vehicles were very unlikely.

When I heard the helmet law was coming I didn't take it seriously as I could not imagine the Police enforcing something so silly. Here I was wrong. In my quiet country town this brand new law suddenly gave the local Police, who were very numerous, something to do. I saw the ordinary local people who rode bikes give up shortly after their first encounters with the Police. I was not prepared to do this, nor was I prepared to comply with legislation that was clearly misguided. Over the next few years I accumulated a number of fines, I became nervous cycling, watching out for Police and lost my enjoyment of using the bike for transport.

During this period, I wrote to politicians, to Bicycle Network and joined the Cyclists Rights Action Group. Political intransigence surprised and later disillusioned me. Where was the evidence that this legislation was beneficial? Government Departments began the 27 year tradition of defending the legislation by quoting from carefully selected and highly questionable research.

I became a conscientious objector to the law. I was refused an exemption on those grounds. I refused to pay my fines. While there are many who would disagree with this approach, my refusal was strategic and well thought out. If we were to be rid of this law and similar laws that Government might have been contemplating, then providing a revenue stream for Government was not a good approach. I was visited on a number of occasions by the local Sheriff and we reached an understanding about my situation. The agreement was that I would complete some Community Service to pay off my debt.

This never happened. One day, without warning, Police Officers arrived at my door and demanded immediate payment of my debt or I was to be arrested and imprisoned. They knew nothing of the Sheriff or of the Community Service option. Their instructions were to get rid of my case by collecting the money or gaoling me for 3 days. I refused to pay the debt and was arrested. I was six months pregnant with my 4th child and was caring for my 3 year old son who was visibly distressed when I was taken away by two policemen.

I was driven to the local lock-up. I was not wanted there as they could not provide for the safety of a pregnant woman. I was then transferred to a gaol in the Western suburbs of Melbourne. Following the intervention of a well-informed friend, I was released after 24 hours to finish my sentence with Community Service work.

I could not continue with my cycling after this experience and gave up riding a bike in Australia. Over the next 15 years, while raising my children, I was fortunate to be able to enjoy 3 overseas trips. In all the countries we visited we took the opportunity to experience the positive helmetless cycling cultures these places afforded. It was simply ridiculous to think that what we were doing would have been illegal back home and that we would have been punished for this healthy form of transport.

The research evidence concerning the failure of the helmet laws accumulated but was ignored in Australia. The rest of the world rejected the Australian experiment and many countries developed more successful methods of achieving safe cycling without helmet laws.

Within Australia a growth in opposition to the laws began in 2010 and I was keen to participate in this movement. With a group of like-minded friends I formed the Freestyle Cyclists, a group dedicated to making the bicycle a normal mode of transport in Australia. I am currently the Secretary of this group that became Incorporated last year.

Kathy Francis