

SELECT COMMITTEE ON PERSONAL CHOICE AND COMMUNITY SAFETY

INQUIRY ON PERSONAL CHOICE AND COMMUNITY SAFETY



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 27 MARCH 2019**

SESSION THREE

Members

Hon Aaron Stonehouse (Chairman)

Hon Dr Sally Talbot (Deputy Chair)

Hon Dr Steve Thomas

Hon Pierre Yang

Hon Rick Mazza

Hearing commenced at 1.52 pm

Mr ALAN TODD

President, Freestyle Cyclists Inc, sworn and examined:

Mr CHRISTOPHER GILLHAM

Journalist and owner of www.cycle-helmets.com, affirmed and examined:

The CHAIRMAN: On behalf of the committee, I would like to welcome you to the hearing. Today's hearing will be broadcast. Before I go live, I would just like to remind all parties that if you have any private documents with you, keep them flat on the desk to avoid them being captured by the cameras. Please begin the broadcast.

I now require you to take either the oath or affirmation.

[Witnesses took the oath and affirmation.]

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

The WITNESSES: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard and broadcast on the internet. Please note that this broadcast will be available for viewing online after this hearing. Please advise the committee if you object to the broadcast being made available in this way. The 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. Please try to speak in turn. I remind you that your transcript will be made public. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in private session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. 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 Todd: Yes, I would, thank you. Thank you for the opportunity to appear before you. You have the submission I made last year. I hope you have read that one. I will not repeat the whole submission, but I would like to just emphasise some of the key points that I made at that time.

Firstly, I think we must always be very clear that we are talking about helmet laws, not about helmets. It is these laws which deter people from cycling, not the helmets themselves. Riding a bicycle is an extremely healthy activity, one that we should be taking all efforts we can to encourage. The *British Medical Journal* recently published a study known now as the Glasgow study, in March 2017. It is a study based on over 250 000 subjects in the UK, and that showed that regular cycling reduced the risk of all major causes of mortality—all of them: stroke, heart disease, type 2 diabetes and all cancers, by 41 per cent. Yes, 41 per cent. All this was done with a population that are not required to wear helmets.

Our own federal government has monetarised the benefit in a report of 2013, finding that cycling to and from work saved the economy \$21 per cyclist per day. That is about \$5 000 per cyclist per year saved. Despite this obvious health benefit, Australia has, for the last almost 30 years, punished this activity, an activity that keeps people out of hospital and makes them live longer. Australia has done this perverse thing, we believe, because the cycling narrative has been hijacked by an extremely narrow vision of one aspect of safety at the expense of health and sustainable personal mobility. As a result of this, we now have one of the lowest cycling rates in the OECD.

You are fortunate in WA in that a fairly relaxed regime of enforcement of the helmet law, coupled with a relatively small fine, has allowed people here to have the confidence to make their own choice to some extent. This has resulted in WA actually having the highest cycling participation rate of all the states in Australia. The Northern Territory has a higher rate, but the Northern Territory actually wound back their helmet law in 1994 and allowed adults the choice on footpaths, bike tracks and shared paths. But apart from the Territory, WA is actually leading the country at this stage.

This is only the third time a legislature in Australia has actually looked into the helmet laws. We have had them for 29 years since Victoria introduced them, and this is only the third time they have been assessed at all. Queensland, in 2014, recommended adults' choice in most circumstances and the federal Senate, which abandoned its inquiry following the double dissolution of 2016, asked for more data. One does wonder after 26 years what new data they hope to find.

You have a great opportunity to reform these laws in WA and remove a significant barrier to cycling. By doing this, you will improve public health, improve the transport mix and show the way forward for the rest of Australia. If these laws are not reformed in WA, you do run the very real risk that at some time in the future, the fines will be jacked up, enforcement increased and what happened in New South Wales recently will happen here with the further drop in cycling participation as a result. Thank you.

The CHAIRMAN: Mr Gillham, would you like to make a statement?

[2.00 pm]

Mr Gillham: If I could. If I could just summarise some of the basic statistics that I am going to outline just to establish the framework of my position. Just a couple of short, sharp stats—from 1986, prior to the helmet law, to 2017, daily bike trips among Western Australians aged nine years—plus decreased by 27 per cent. From 1986 to 2017, WA's population increased by 82.7 per cent. If you compare the four years before the law, 1988 to 1991, with the four years 2013 to 2016, which is the most recent data, all age total injuries, which is measured by hospital admissions, increased 81.1 per cent; all age head injuries increased by 99.4 per cent.

The helmet law has been a demonstrable failure in terms of participation, total injury reduction, head injury reduction, congestion and safety for all road users, and even air pollution and CO₂ emissions. The evidence since the early 1990s consistently shows that bicycle helmets, at least in a mandatory context, increase the risk of accidents and thus, of course, injuries.

If committee members doubt the statistics that I just provided—or will provide—the helmet law results are obvious simply by going out and looking at the streets of Perth, particularly in the middle to outer suburbs. I live in Balga, by the way. In my territory—I have kept a close eye on them since I moved there five years ago—I estimate 60 to 70 per cent do not wear helmets. These people, obviously, clearly do not agree with the law. They have the courage to go out and get some healthy, fun exercise without a helmet on. Put the statistics behind you; look at them. They are the survey figures. They represent the opposition to the law. If they were convinced through higher penalties

or more enforcement to stop cycling, our already very low participation rates would plunge even further. That is a summary.

The CHAIRMAN: Thank you very much. Mr Todd, in your opening remarks you mentioned that the Northern Territory repealed its mandatory helmet laws in 1994. Correct me if I am wrong, but you described them as having what we understand as a segmented approach, where adults do not need to wear a helmet if they are riding on bike paths. You also mentioned that the Northern Territory has the highest rate of cycling of any jurisdiction in Australia; is that correct?

Mr Todd: That is correct.

The CHAIRMAN: Do you claim, then, that the repeal of mandatory helmet laws in 1994 in the Northern Territory contributed to their higher cycling rate? Is there evidence to show that?

Mr Todd: I think that the evidence that shows it is that that is the one thing that was different between the Territory and other states and jurisdictions, and its cycling rate increased and it maintained a higher cycling rate following the reform of helmet laws while the rest of the country's cycling participation declined. I think the actual data to back this up is possibly contained in Professor Rissel's submission, which you would have.

The CHAIRMAN: I do not have that in front of me, but we did receive a submission from Professor Rissel.

Mr Gillham: Could I make a quick point?

The CHAIRMAN: Go ahead.

Mr Gillham: There was an Australian Bureau of Statistics survey in March 2006 that showed the average proportion of people among all Australian states using a bicycle as their day-to-day recreational transport was 4.8 per cent. In the Northern Territory, in that survey, where there is partial adult repeal of course, it was 16 per cent. That is four times the rate. That is according to the ABS figures—just a small stat.

The CHAIRMAN: Is there anything else unique about the Northern Territory that might contribute to those higher cycling rates? Is there different cycling infrastructure perhaps or a different culture or attitude toward cycling that might contribute to that higher rate rather than mandatory helmet laws alone?

Mr Todd: Not that I am aware of. I mean the weather could be cited, but the weather in Melbourne is pretty nice for riding a bike and the weather in Perth is pretty nice for riding a bike.

Mr Gillham: A flat landscape, but that is the same with most Australian cities and territories.

The CHAIRMAN: You mentioned that Western Australia has the second highest rate of cycling of all jurisdictions in Australia —

Mr Todd: Not yet. It is actually the third highest, when I said the territories—the ACT and the Territory have kind of pegged each other a bit in recent years.

The CHAIRMAN: Okay. So Western Australia would have the highest cycling rate of any state at least in the commonwealth.

Mr Todd: That is correct.

The CHAIRMAN: To what do you attribute that? Do you have any inkling why Western Australia has the highest rate amongst the states for cycling participation?

Mr Todd: My view is that it is because you are much more relaxed about your helmet law. This is actually only my second visit to the west. I came for an extended holiday a couple of years ago. The

personal observation was that there were a lot more people riding around Perth without helmets. These are people who in Melbourne or Sydney would possibly not be riding because the police are fairly fierce over in the east and they will be stopped and fined quite predictably. The principal effect that has is to put people off riding. I saw it happen so obviously in the early 1990s that the effect of enforcing helmet laws was not so much to make people go out and get helmets; it was to a huge extent to make them stop riding. I think you have this cycling population in the west that is delicate, it would be easy to wipe it out if you went the wrong way, but I think that is a reason you have higher participation.

Hon RICK MAZZA: With having to wear a helmet, what you are saying is that where you have helmet laws the participation goes down, which is your greatest concern. What is the barrier to people wearing a helmet? What seems to be trouble with somebody wearing a helmet—what is their barrier to wearing a helmet when cycling?

Mr Todd: I am not sure that one person can give an answer to that. It is just something that very, very many people do not want to do. We do not require people to wear helmets in cars, even though the vast majority of hospitalisations for head injuries happen in cars, not on bikes. If you do an exercise in imagination and say, “You have to wear a helmet every time you get in a car”, I think a lot of people who now do not have a big issue with bike helmet laws would suddenly have an issue with car helmet laws. It is an image; it is a self-perception thing. You or I may or may not care if we wear a helmet, but the fact is that a significant percentage of the population do care. In good public health planning, you do not deal with what you think people should be like; you deal with what they are like.

Mr Gillham: You also have inconvenience. They are uncomfortable for women in particular. Bikewest, several years ago, on its own website advised that if women wished to participate in cycling, they should cut their hair. I mean that sort of sums it up. I do not know if that line is still on the Bikewest website, but Australia has one of the lowest rates of female cycling participation in the world. The reason is, for whichever reason, if women have well-looked-after hair and putting a helmet on does not come in handy.

If I could also expand on the question you asked earlier, those figures are for the highest proportion. That is based on the national cycling participation surveys, which you have probably heard of. It is the only national participation survey in the country; there is only one survey. The series started in 2011 and the most recent survey was 2017. In 2011, WA’s proportion of the population that cycled at least once a week was 23.1 per cent. In 2017, it was 18.5 per cent—down of course. But that 18.5 per cent is the best in the country. That, incidentally, equates to 114 490 fewer cyclists in 2017 versus 2011. Nationally, it was 18.2 per cent in 2011 down to 15.5 per cent in 2017—that is 636 000 fewer cyclists.

Hon RICK MAZZA: That reduction in participating cyclists, are you able to precisely put that down to helmet laws—the participation rate has gone down—or are there other factors why cycling has reduced?

Mr Gillham: There are other factors, but the point made by the authors of that survey agree with the point that I have made for 10 years or so that when the legislation was introduced in 1992, what has carried the figures is the baby boomers—the pregnant bulge of demographics. Many gave up, but they have maintained the cycling proportions and numbers since then, combined with the fact that in WA, certainly since 2000, more and more cyclists have gone without a helmet—that is when police enforcement was relaxed. I did mention that earlier. Those baby boomers—they are now about 60, 65 or 70 years old—are starting to retire their bikes. The authors, by the way, of the National Cycling Participation Survey say exactly the same thing: that Australia’s rate of participation

is forecast to continue to decline because of the demographics; that is, the baby boomers are getting too old, with too many ailments and giving up on the bicycle, which is not surprising when you are pushing 70, but they are not being replaced by the younger generations. All of the survey figures have shown that back in those days children in particular and teenagers were heavily discouraged, more so than adults.

Hon RICK MAZZA: As we have an ageing population, that demographic is beginning to reduce the amount of time they are using a bicycle.

Mr Gillham: Correct.

Hon RICK MAZZA: The next generation coming through, is that more a new cultural generation or do you think a helmet is actually the barrier to their participation?

[2.10 pm]

Mr Gillham: Well, if it is a new cultural generation, that culture began in the year 1992, in WA. The figures clearly show the decline. You have notes from myself, I believe, which would show the cyclist number surveys on the Causeway and the Narrows Bridge. They began in October 1991, which was nine months before enforcement here, so we do have that brief nine-month pre-gauge. They all show, in the following three years, there was roughly a 30 to 40 per cent decline in cycling on both bridges.

With children—again, you have a copy of this—in 1996, Bikewest issued a media release advising in the previous five years, back to 1991, the number of children cycling to schools in WA declined by more than 50 per cent. This has increased the danger of increased traffic around schools et cetera. More than 50 per cent—1991. The number of children riding to school in 1988 was roughly 65 000; the most recent figures show 23 000. Bikewest, five years, half of 65—it is pretty easy to figure out; you know what I mean. Half of 65 000, you are down to 30 000, and it has further declined since to 23 000. The big hit happened in the early 1990s. All of the statistics show it with children and with adults—if you refer to the Causeway and the Narrows cycling surveys that are done. In fact, all surveys—the ABS surveys, everywhere you look, all you can find is a reduction in participation. Hopefully, you do have my submission. Quite a few of those points are made and can be tracked back, of course, to source. The Australian Bureau of Statistics figures basically show a disaster in terms of participation. Participation, of course, is probably the most serious thing. For example, for those cycling only a minimum of once per year, the national cycling participation figures show that nationally it was 42.2 per cent in 2011; in 2017, it was down to 34.2 per cent. That is 1.4 million fewer cyclists. It is quite obvious to see anecdotally. Go and look at a local primary school and count the number of kids coming in and out—good luck.

Around Perth you will see a moderate number of cyclists. Head out to the middle to outer suburbs, you could sit there all day and you might count 12 throughout the day. That, as I keep saying, is more important than the statistics. They back each other up. Half of those people out there will not have a helmet on. If they had to wear a helmet, they would not be there.

The CHAIRMAN: I might just go to Hon Dr Steve Thomas. You have a follow-up question?

Hon Dr STEVE THOMAS: Just really along the same lines. I am interested to see how you differentiate, I guess, and prove causal links in some of the data that you have got.

In my view, there has been a significant change in a number of society's view of how we cycle. The first is, of course, just the increased number of cars and traffic on the road. I think that has made a difference. The second, probably, will be an increased perception of safety, that helicopter parent-type process where less kids are encouraged to cycle. So, I am intrigued to see where you build that causal link. The third one—I am sorry; I will let you answer all three at once—is in most of the stuff

that is presented in relation to the overall health outcomes, there is an assumption that those that stop cycling do not do any other form of exercise. So there is a component here that says if they are not cycling, obesity will rise et cetera. So how do we measure whether there is an alternative exercise component? I acknowledge—I have got four daughters, all of whom do not take much exercise and spend far too much time on their electronic devices—there is a cultural trend away, probably, from younger people being active, and I wish had the solution to that; I would be rich! But all of those things have to have an impact on how you measure and how you attribute causality to the process. I am just interested to see how you might accommodate all those things. Sorry, there is a lot in one question.

Mr Todd: If I could deal with the third one: are people doing another kind of exercise? The unique thing about bike riding is that it is not just exercise. The sort of bike riding we are particularly interested in is what I call utility riding. That is where the purpose of riding is to go somewhere, not the ride itself. This gives you incidental exercise. So if instead of taking the car, you get on a bike to go to your destination, you are doing something that you have to do anyway; you have to go there. So unlike other forms of exercise that you might take up as a program, you do not have the opportunity to backslide. I mean, the biggest reason people give up on, say, diets or aerobics or any number of specific exercise things is backsliding. It is easy to say no today. But with bike riding, you have a pattern of behaviour, which is going to work, going to school, going to the shops, going to visit friends. If you do these things habitually on a bicycle, you do not have that same opportunity to backslide. This is why bicycle riding is so good for health, because it is something you have to do anyway; it is not something you do as well as the rest of your life.

So the kind of cycling I am really concerned has been lost is not the going for exercise. Of course, if you are an exercise cyclist, you can replace that with tennis, if you like, and there is no difference. But if you are using a bike to go somewhere and you have to wear a helmet and you do not want to, for various reasons, if it just makes it that bit more difficult and it makes that percentage of people give it away, there is a net loss of public health, because for those people who are giving up incidental exercise, there is nothing to replace it. You do not replace one incidental exercise with another one. It is a little bit like when you put a lift into a building, nobody uses the stairs. If you stop riding a bike to go places, you do not jog instead. You get in the car. So that, I think, is where the great damage is being done. To some extent, I think we have moved cycling into a much more niche sort of sport and exercise thing. That is the change I have seen since 1990. I just see an awful lot less people going around on bikes doing their day-to-day business. The cyclists I see left are much more people gearing up on a Saturday morning maybe to go for a ride with friends. Now, that is fun. That is good. It is a healthy thing to do, but it is not important in terms of transport mix and the general health of the community in terms of congestion, mobility and, for children, mobility too, because children's mobility has been hugely restricted. I mean, parents drive their kids everywhere nowadays. To my mind, a little bit crazy, but —

Hon Dr STEVE THOMAS: A lot of that is by choice, though.

Mr Todd: — I do recognise there are other factors happening there.

Mr Gillham: On that point, of that 1 414 000 fewer cyclists nationally in 2017 versus 2011, quite often, a fairly decent proportion of those people drove a car instead—it might be 50 per cent, which is 700 000 people—to the local deli, to the local shops or whatever. They are now driving one to two tonnes of metal instead of riding their bike. Bike helmets do not just endanger cyclists; they endanger all road users. In WA, from 2011 to 2017, 79 000 fewer—I mean, the freeway only takes a bit over 100 000 motor cars a day, from recollection. Much of the freeway has stopped cycling—many of those people are driving cars. They increase traffic density. They increase traffic congestion.

They increase the risk of collision—not just for cyclists, but for pedestrians and for all road users. It sounds like logic, and the figures back that up. The lowest point in WA and national road crash numbers happened to be in 1992, the same year that bicycle helmets were introduced. Why? I will invent a figure if you want: 200 000 Western Australian cyclists drove their car instead—double the freeways started happening. What do we expect? Of course, more car collisions, more pedestrian collisions et cetera. It is logical and the statistics back it up.

Also, of course, on the question that you did ask: did other forms of exercise replace it? Well, you mentioned tennis. When you are going to your weekly tennis practice, maybe twice a week, you have a choice: you can drive a car to the tennis court or you can ride a bike. You can get one hour of exercise playing tennis or you can get two hours by riding a bike and playing tennis, or, for an hour, you can drive a car and maybe crash into another car. As I say, every aspect of the helmets has failed—participation, total injuries, head injuries and road safety for all road users, including non-cyclists.

Hon PIERRE YANG: Gentlemen, what would your response be to the argument that if someone is injured while cycling and not having a helmet on, and then they suffered a head injury and the taxpayer will have to pick up the bill—what is your response to that?

[2.20 pm]

Mr Todd: My response is that by riding a bike in the first place, you are saving the tax system \$21 a day. You are building up an enormous amount of credit because of the positive contribution you make to the nation's health and the way you are not a burden on the health system. As I said in my opening statement, the bicycle is such a fantastic form of preventive medicine. If it was a pill, we would bottle it and we would be giving it away; we would not be saying, "Take this pill, but you need to take two a day, and if you only take one, we will fine you", but that is what is happening with cycling. It has become taken over by this myth, almost, that it is a highly risky activity and we are all going to fall off and hit our heads. It is just not what happens. There is a tiny percentage of people who ride bikes who suffer head injuries. You could ride a bike every day of your life for several lifetimes without suffering a head injury; that is what the safety data tells us about the risks of cycling. We focus far too much on the cost to the community of head injuries, which are horrible, but they cannot all be eliminated, and bike helmets are not that effective against them. There is significant evidence that helmet wearing encourages more risky cycling, leading to a higher rate of injury in the first place. The cornerstone of cycling safety is avoiding accidents. The human body is soft and vulnerable. The way you protect it is by not crashing. It is not like a car. If you are in a car, you have got a metal frame protecting you, you are restrained in the car and you have got airbags that allow the vehicle itself to be part of your protection system. If you are on a bicycle, you do not have that. Just protecting the top of the head, to my mind, is really going the wrong way around to making cycling safe. I do think the argument about cost to the community, when cycling is such a benefit, is very weak.

Mr Gillham: If I could add to that, in the four years prior to 1992—helmet law enforcement—the average number of WA cyclist hospital admissions was 655. In the last four years, it has been 1 209. The number of head injuries—I cannot recall the exact specs—but it is about 165 to 325; it is up 99.9 per cent. To put that in other terms, I will quote some direct data. From 1988 to 1991, head injuries averaged 26.6 per cent of all WA cyclist hospital admissions. From 2013 to 2016, the most recent data, head injuries averaged 29.2 per cent—that is 26.6 per cent to 29.2 per cent now. Iain Cameron from the Road Safety Council was here a few weeks ago. He told the committee that in 2017 the head and neck, so it is not direct, proportion of road-related hospitalisations was 31.8 per cent. The proportion of head injuries has increased, and when you hear the academics

telling you that it reduces the risk of head injury by 60, 80 per cent or 85 per cent, that does not correlate with the real world. You cannot go from 26 per cent to 29 per cent with a reduced risk of head injury. These are the hard facts. These are government figures. Everything I quote is from government and can be sourced as such, so that answers the question, I would think.

The CHAIRMAN: In your submission, Mr Todd, on page 2, and you mentioned it in your last answer I think, you referred to mandatory bike helmet laws making cycling per unit distance travelled slightly less safe overall. Can you explain that? That sounds like a rather counterintuitive idea to us, but can you help explain that for us?

Mr Todd: It does, and it is a hard concept to get across. I am basing this largely on the research findings of Dr Dorothy Robinson, who I think also made a submission to this committee under the name Cycle-Safe. The amount of cycling decreased. I will put it in plain language: the amount of cycling decreased following the helmet law introduction; the amount of head injuries decreased following the introduction of mandatory helmet laws—this is across the whole country; the reduction in head injuries was almost exactly the same as the reduction in the amount of cycling done. So, our view is that it did not really make your head any safer. All other injuries reduced as well, but they did not reduce quite as much; they reduced a bit less than the amount of cycling done. The rate of cycling dropped, let us say, 40 per cent; the rate of all injuries dropped around 30 per cent. If you drop your rate of cycling by 40 per cent, you would expect if safety remained the same, all injuries would drop 40 per cent, but they did not drop that much; they dropped less. This tells us that for people crashing, a helmet can be of some limited benefit, and I think it would be silly to deny that there are situations in which a helmet could be of benefit. That is why I produced this little picture, because as well as having a picture to look at, it sometimes takes us away from the complication of data and we get a simple picture of what is happening. If you are in a racing car, you wear a helmet, and if you are doing high-risk cycling in a peloton, racing, you wear a helmet, because these are situations in which there is significant chance that you might crash and hit your head. But if you are driving in a normal urban situation, you do not wear a helmet. If you are cycling in a normal urban situation, in most of the world, you do not wear a helmet, because they are an overreaction to a low risk.

This business that if you have a crash helmet, it helps a little might seem compelling, but it seems that when we moved to a helmet-wearing cycling culture, we actually made all cycling less safe. The helmet law really did not make cycling safer. We often say that a helmet might make crashing a little safer, but it does not at the population level make cycling safer. That was teased out very clearly in research by Professor Kay Teschke from British Columbia. Canada is a very interesting situation. You have got a bit of a laboratory there. You have got a number of provinces that have helmet laws and a number of provinces that do not, and a broadly similar culture across the whole country, so you can run comparisons on risk to cyclists in helmet legislation, children-only helmet legislation and no-helmet legislation; they have these ranges. Professor Teschke found that there was no difference in the hospitalisation rates for any type of injury that could be attributed to the existence of a helmet law. She found that the only significant factors in hospitalisation rates in Canada were the number of people riding a bike—in other words, the more people ride bikes, the safer each cyclist is in general; it is known as safety in numbers—and the gender of the cyclists. In most accidents, if you are female, you are a lot safer than if you are male, in general.

The CHAIRMAN: Those last two bits of information you gave us—the safety in numbers aspect, can you explain that in a little more detail, just briefly.

Mr Todd: It is the idea that if you have only got a handful of cyclists, nobody expects them; there is more likelihood of accidental collision because they are not expected on the road.

The CHAIRMAN: So more cyclists means more visibility.

Mr Todd: There is a certain level of risk to each cyclist. If you double, triple or quadruple the number of cyclists, they are more present on the road, in public space, so people are more alert for them and it means that the risk factor to each cyclist goes down. It is known as safety in numbers.

The CHAIRMAN: And the rate of injury being higher amongst men than amongst women, is that due to exposure—more men cycle—or is there a behavioural thing?

Mr Todd: No, this is corrected for exposure. I think that is not unique to cycling; I think you can really plot accident risk, and, unfortunately, men do appear to put themselves at more risk than women in general—young men, in particular.

The CHAIRMAN: That is widely observed, yes.

Mr Gillham: Then, of course, there is risk compensation. When you put a helmet on, you feel safer and instinctively you take a few risks. Everybody denies that, but, as I compare it, if you were driving along the Nullarbor in the old days, when I was younger, many people did about 150 or 160 kilometres an hour across there—this was decades ago—but they all wore a seatbelt. Take the seatbelt off, and guess what speed they do across the Nullarbor, so to speak. It is a poor example. Also, of course, you increase the diameter of the circumference of the head, which could make contact with the ground, so there are many factors that go into it.

But in regard to those earlier figures, to give it a WA context, in the last several weeks in WA, we have had on air telecast these advertisements, probably funded by the Road Safety Council, stating that 46 per cent of WA cyclists killed were not wearing helmets. I calculated it at 44 per cent, but irrelevant. That is probably correct. As I said earlier, roughly 50 per cent of cyclists do not. Sudhakar Rao, the head of the state's trauma unit at Royal Perth Hospital, repeatedly has said in recent years that 20 per cent of his patients were not wearing helmets. There were probably 50 per cent out there on average not wearing helmets and 20 per cent who end up in major trauma were not wearing helmets. To make the link between that, that means that if you were wearing a helmet, you had a greater risk of ending up in the major trauma unit. You cannot escape those figures. It adds to the evidence that there is more risk of accident and injury when wearing a helmet.

[2.30 pm]

The CHAIRMAN: Your contention is that with the introduction of mandatory helmet laws, riding participation shrank by a percentage. Head injuries also shrank but not proportionate to the reduction in cycling, making those people who continue to cycle slightly less safe as a result. If there was a reduction in cycling by 40 per cent, the reduction in head injuries was only 30 per cent, making the remaining people cycling more prone to head injuries.

Mr Todd: I think we acknowledge the reduction in head injuries—I am not sure of the WA figures—nationally, are probably fairly commensurate with the reduction in cycling, but the reduction in all injuries was less. I really recommend having a close look at the submission by Cycle-Safe. Dr Robinson has published, I think, six papers in prestigious journals like the *British Medical Journal*. Her work, starting in 1996, is the source to follow to see what the data tells us actually happened in Australia following helmet laws. Until her work, there was this sort of casual attitude: we brought in the law, head injuries were down, job done. But that is not good enough if you do not correct for exposure; it is a bit of a nonsense.

Mr Gillham: I repeat: 26 per cent to 29 per cent nowadays is the proportion. That is fairly important. Also, even if it was the other way round, and the smaller proportion of head injuries amongst total, 20 per cent of 200 is less than 10 per cent of 500, if you know what I mean; that is, the pool of crashes and injuries did increase substantially, thus even if there was a smaller proportion, the

number of head injuries also did increase in line with the greater increase in crashes and injuries. Again, the stats back it up—650 hospitalisations back then, 1 200 on average over recent years, nowadays, with fewer cyclists and an 82 per cent increase in population.

The CHAIRMAN: The committee recently heard evidence from the Department of Transport that changing mandatory helmet legislation would not result in an increase in cycling participation. Their argument was, if I can categorise it, that a lot of people will answer a survey saying that if they do not have to wear a helmet, they will start riding but whether or not they actually will is another matter. They may say this in a survey but they may not actually follow through with it. What do you have to say to that? What are your views on how to increase cycling participation?

Mr Todd: Can I say two things to that: one is you will not know unless you try it, and the other is, look at the jurisdictions that have repealed or modified their helmet laws. We have already had a look at the Northern Territory; you have that evidence next door, so to speak. Israel radically reformed its helmet laws in 2011. There was participation data from 2011 and 2013 from Tel Aviv that showed a 52 per cent increase in cycling in that two-year period during which their helmet laws were reformed. We have cases that demonstrate that it will lead to an increase in participation. I think it is untenable to say that if we take the helmet law away, participation will not go up. It is a bald statement of faith, based on no reality. It is certainly not based on the surveys of attitudes. I know safety is the thing that people always say is the number one thing. I question, if you are trying to encourage people to ride bikes—I keep coming back to this point—it is so good for you, we should be doing everything we can to encourage it. If you try to encourage someone who does not ride or does not ride much, but the first thing you say is, “Oh, but cycling is so risky, you have to wear a crash helmet all the time”, it is not really going to make them think this is a risk-free, safe activity. You are kind of nobbling your argument before you have started.

The other thing that I have to mention is, yes, surveys of what people will do. We cannot pay no attention to them. When the TAC surveyed cyclists in Melbourne in 2013, this data was put before the Senate committee looking into bike helmets back in 2015, the TAC found that between 20 and 30 per cent of respondents—this is not just cyclists; this is respondents across the range—said they would cycle more or would cycle if they did not have to wear a helmet. I do not really think Main Roads Western Australia can say that is nonsense, it is not going to happen. At least trial it. Since we all made our submissions, Bicycle Network, the peak cycling body in the country, finally released its report. It has been looking into its view on bicycle helmets over a 14-month period. They had been supporters of the legislation but they said that you always have to revise your policies if need be, bring them up to date. Their overall feeling was that we have gone down the wrong track; eventually, you have to say that we have been following the wrong way, it is time to go back and recommended a partial repeal; a trial for five years on footpaths, bike tracks and shared tracks. That is a really good way to test the message in a safe cycling environment. It also will help spread the message that cycling of itself is not something that is so risky that you should not do it.

Mr Gillham: Since you mentioned Israel, in the last decade Israel has repealed helmet laws; Bosnia and Herzegovina has repealed helmet laws for adults; Malta has; and the city of Dallas in the United States. More jurisdictions in the world have repealed adult helmet laws than have enacted helmet laws for adults over the last 10 years. Regarding the disincentive, that Bicycle Network 14-month inquiry that reversed their longstanding policy and, as Alan said, they now recommend a partial repeal, more than 58 per cent supported a change to helmet laws. Bikewest did a survey in 2011, and 11 per cent of respondents in Perth had not cycled in the previous six months, and 30.3 per cent of surveyed respondents said their dislike of helmets contributed to whether they would or would not cycle in the next six months. In 2014, in another survey—by the media, from recollection—61 per cent said helmet issues were their main barrier to bike-share participation in Australia. We do

not have bike-share here in Perth and Freo, as we know, because of helmets. In a Perth newspaper opinion poll in 2015, 61.7 per cent of respondents wanted helmet laws either scrapped entirely or repealed at least on cyclepaths. In the RAC e-newsletter poll of members in April 2016, 31 per cent of respondents considered mandatory helmet laws a barrier to their cycling or cycling more often. If you do not like opinion polls, as I say, come to Balga and have a look at the 70 per cent not wearing a helmet and then see a survey in practice. They do not want helmet laws.

The CHAIRMAN: I have not been to Balga recently.

Mr Gillham: In your own electorate of Rockingham, I would suspect you have a similar percentage.

The CHAIRMAN: In South Metro, but I just spent some time on Rottneest and everybody cycles there, of course, and maybe I saw two or three people wearing their helmets.

Mr Gillham: Exactly; it is probably quite heavily policed there as well—“policed”, so to speak.

Mr Todd: I will jump in there and say there was a police action on Rottneest in the early 90s to try and get everyone on Rottneest to wear helmets. I read the report of it at the time and thought: Oh, no; they are even going to destroy tourism to Rottneest; what’s going on? I have alluded to this before. I think your police here have taken a fairly pragmatic approach and been light-handed rather than heavy-handed. Rottneest is now fairly free of the helmet mania and a very pleasant place to visit. People love going there and getting on bikes; you see them smiling and happy and we would like to see that happen on the mainland as well.

The CHAIRMAN: The committee has heard of, what I mentioned before, a segmented approach to mandatory helmet laws where the legislation would apply only to particular groups or situations, such as children or only for bike riding on roads of 50 kilometres or more. This is what the Bicycle Network, I think, mentioned in its change of policy. What is your view on that segmented approach, applying one rule to adults in certain scenarios while enforcing mandatory helmet laws for children, or, presumably, high-risk scenarios?

[2.40 pm]

Mr Todd: My preference would be full repeal, obviously, because that is what happened in the countries of the world that have the highest participation rates and the safest cycling. They do not have helmet laws but I understand that, after almost 30 years, that might be a bit too far to go for a first shot at it, so the segmented approach makes quite a lot of sense, politically. The Queensland parliamentary inquiry, I think, was probably the most practical segmented approach, which was for 17 and above and on footpaths, bike paths, shared paths, off-road and urban roads with a posted speed limit of 60 or less.

That was the parliamentary recommendation. It was not taken up by the government of the day for various reasons, but that seemed to be a fairly sensible segmented approach. We have the example in the Northern Territory where footpaths and bike tracks only are exempt and only for adults. That seems to work pretty well. It does not seem to lead to any confusion. In relation to having a law for adults that is different from children, we have absolutely no trouble allowing adults to drive cars and not letting children. We have no trouble allowing adults to drink and not allowing children to. The argument that is often put about how will we make children wear helmets if adults do not is a little bit irrelevant because the purpose of the law is not to set a good example. We do not ban the consumption of alcohol by adults because it might set a bad example to children. We know that these segmented approaches to adults and children work.

The CHAIRMAN: Mr Gillham, do you have something to add to that?

Mr Gillham: I essentially agree with Alan. I would also prefer to see all ages, because we are condemning future generations in already one of the most overweight and obese countries in the world. The physiology and metabolism of people—the early years is when you develop the most. You were correct earlier on; we have television, we have internet and we have mobile phones, and never has it been more important to appeal to youngsters to go and have some fun, to get away from that screen and get outside and have fun. If you happen to be getting some exercise at the same time, bad luck. But is it not great fun riding down to your mate's place, hitting the local park, going fishing with your gear or on your bicycle—free transport, if mum and dad will let you, of course? You are wiping a huge amount of weight from those children in their later years. However, yes, I do recognise the difficulty in doing that because of the political environment. Although there is, as I believe transport mentioned, difficulty in that if you can ride without a helmet on cycle paths, you still have to cross the road to get to the next cycle path.

The CHAIRMAN: My follow up question was the difficulties of enforcement. It has been put to this committee that a segmented approach might sound nice, but enforcement would be almost impossible as you would have to cross roads—cross these high-risk areas—to get to the low-risk areas where you can get away with riding without a helmet. Do you have any response to that?

Mr Gillham: Simply that if we have to go adult only, then just total adult repeal. I agree that, again, it is difficult politically and that would be hard to get through.

The CHAIRMAN: Speaking again about hypotheticals, you may or may not be aware that there has been a proposal passed by the Mayor of the City of Fremantle to have Fremantle be exempt from mandatory helmet laws just in their local government area. What do you think about that proposal?

Mr Todd: I am not sure if the state is able to do that, but if it is a possibility, obviously Fremantle would be the place to start because it is doing it already. You also have an incredible supportive mayor there who understands the issues around bicycles and active transport, and I think a mayor who is well-respected in his constituency too. I think that could work quite well. Of course, the difficulty would be that if you did Fremantle only, everybody else would be clamouring to have the same thing.

Mr Gillham: I discussed this issue with Brad Pettitt about 20 years ago and he supported compulsory helmet laws. He changed his mind when he looked into it. He is a researcher. He works in universities. On my recommendation, he looked into it and that is why his attitude has changed. Of course, we are talking about bike share in Fremantle. To my knowledge, they still have not been able to go through with that, the one reason being helmet laws, of course.

The CHAIRMAN: We are almost out of time, gentlemen. Unless anyone has any final questions, I might ask one last before we end. I assume that both of you are avid cyclists. Do you wear helmets when you cycle?

Mr Todd: I am interested in your use of the words “avid cyclist”. The word “avid” is not used for anything other than cycling—how strange we have become. The second picture I showed you was from a couple of the protest rides we organised in Melbourne. We do these annually to demonstrate what we consider safe, normal cycling. That is the way I ride. I do not ride a lot. I live a bit out of town. It is not a particularly convenient form of transport. I use the bike when I can and when I ride, I do not wear a helmet. The reasoning is quite simple: I believe that my risk profile is better served by not wearing a helmet and being careful about the way I ride. I also do not want to be part of this image that riding a bike is a high-risk activity requiring special protective clothing, because in my view, it is not. I would be being dishonest with myself if I was to wear a helmet. It does mean that I am breaking the law, which you may have a different view on, but we all have to make our stands where we have to make them.

Mr Gillham: When I was a kid, I grew up on a bicycle, basically, and then from the ages of 20 to 30, I rode probably twice a week. The legislation was introduced here when I was 30 and that was the last day that I rode a bicycle. It is too inconvenient and it is too uncomfortable. I hold in high esteem those many thousands out there right now riding without a helmet, but I am not willing to go out and join them because you just cannot relax and enjoy yourself—I also have a bit of arthritis, I must admit. When you are not looking for safety, you are just checking for police, because there is that hovering risk. That is not enjoyment. That is just having the state hovering on your top shoulder. I do not see any incentive there at all. Repeal? Despite the arthritis, I might go out there and hop on a bike again.

The CHAIRMAN: That is all the time we have. 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. Errors of fact or substance must be corrected in a formal letter to the committee. 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 2.46 pm
