



Bicycle Network Mandatory Helmet Review

Opinion of

Mr. Alan Todd

MA (Logic and Moral Philosophy, University of Aberdeen)

Occupation – Town Planner

President Freestyle Cyclists Inc.

1. *Do you believe it should be mandatory to wear a helmet when riding a bicycle? (If you believe it should be mandatory at some times but not others please describe when.)*

It should not be mandatory to wear a helmet when riding a bicycle under any circumstances. This is the case in most of the world, including those countries with the highest participation rates and lowest injury and fatality rates.

This view is entirely compatible with the view that there may be high risk circumstances (I am thinking of sports and racing) where a helmet could be seen as a sensible voluntary precaution.

2. *What's your reasons for your answer to question one?*

Misplaced fear and penalties - disincentives to cycling:

I do not share the view – a view actively encouraged by helmet promotion and mandation - that cycling in all its forms is a high risk activity requiring special safety equipment. The widely promoted belief that cycling is such a high risk activity is fundamentally detrimental to the development of a robust and inclusive cycling culture.

I am strongly opposed to mandatory helmet laws (MHLs), with their necessary corollary of sanctions (most commonly fines) for non-compliance.

Removal of this two-fold barrier would lead to an immediate and sustained increase in cycling numbers.

Safety claims based on crash data at odds with actual risk when cycling:

While there is evidence that a helmet may reduce the extent and severity of a range of injuries to the head *in the event of an accident* (the emphasis here is

Making bike riding easy for everyone

Level 4, 246 Bourke Street
Melbourne VIC 3000

234 Crown Street
Darlinghurst NSW 2010

210 Collins Street
Hobart TAS 7000

Suite 5, 18-20 Cavenagh
Street Darwin NT 0800



crucial), this does not translate to an improvement in cyclists' safety outcomes at a population level as a result of widespread helmet wearing.

Claims made for helmets as mitigating crash outcomes are no basis for a helmet law:

To make a case for helmet efficacy does not of itself make the case for helmet laws. Unfortunately Australia has shown an unwillingness to disentangle these issues, leading to poor policy and legislation, with enforcement practices out of all proportion to actual risk. My concerns here fall under three main headings.

- The effect of MHLs when introduced in Australia was primarily to reduce the amount of cycling done. The laws were and remain a barrier to cycling in Australia to this day. When we talk of cycling, I'd also like to be quite clear that my interest is utility cycling - i.e. cycling for transport rather than sport or recreation.
- The net effect of MHLs, once account was taken of the decline in participation, and in conjunction with other road safety initiatives impacting vulnerable road users that were introduced at the same time, was not one of improved safety for cyclists. Indeed, a concentration on personal protection following a crash has diverted attention from the measures needed to really make cycling safer. Measures which would make crashes less likely.
- It is simply wrong to fine anyone for riding a bicycle, based on the lack of a helmet. Bicycle use for transport - with or without a helmet - is both healthy for the individual and, if done in preference to driving, healthy for the whole community. A fine for this is ridiculous.

The Australian experience vs the rest of the world:

It is now twenty seven years since Victoria became the first place in the world to require all cyclists to wear a helmet. Since then only two countries, Australia and New Zealand, have followed with nationally enforced all ages helmet laws for cyclists. A handful of jurisdictions have laws in place for children, and occasionally for adults at a state or provincial level.

Unlike Australia, enforcement is generally minimal, with low fines if any. Indeed three jurisdictions (Mexico, Israel and Bosnia-Hertzegovina) have wound back or repealed their laws in response to a desire to increase cycling participation. Even within Australia, the Northern Territory wound back

Making bike riding easy for everyone

Level 4, 246 Bourke Street
Melbourne VIC 3000

234 Crown Street
Darlinghurst NSW 2010

210 Collins Street
Hobart TAS 7000

Suite 5, 18-20 Cavenagh
Street Darwin NT 0800



its laws, with no measurable negative impact on cycling safety. It is untenable to hold the view that Australia got this right, and the rest of the world just hasn't seen the light. Rather, we are seen as the test case which failed, both in failing to make cycling safer and failing by actively suppressing a more widespread acceptance and use of the bicycle for transport.

The early legislators were doubtless well intentioned. However good intentions do not necessarily make good legislation. The unintended, though quite predictable, side effects of MHLs have resulted in a net disbenefit for the community.

Helmet laws, road rules and policing:

Supporters of MHLs frequently make the move from “we think it is a good idea to wear a helmet when cycling” to “we think a law requiring a helmet is appropriate”. What this never takes into account is that a law necessarily carries a sanction for non-compliance.

In the case of MHLs, police forces in Australia have shown an enormous enthusiasm for enforcement, with legislatures giving ongoing support to this by ramping up the level of fines to a degree out of all proportion to any “offence”. Policing of cycle safety is unreasonably focussed on cyclists' behaviour, with an overwhelming bias towards handing out fines for helmet non-compliance.

Mandatory helmet legislation led immediately to an increase of over 90% in traffic infringement notices issued to cyclists. Twenty-seven years on, failure to wear a helmet still accounts for over two thirds of infringement notices issued to cyclists. It has been estimated that per unit distance travelled, failure to wear a bicycle helmet is the most heavily enforced of any traffic regulation in Australia.

With this focus on one minor behavioural issue, police are failing to focus on the matters that really put cyclists' lives at risk - driver behaviour. It also represents a ludicrous over policing of a choice which is left to individual adult discretion everywhere in the world except Australia and New Zealand. This has created a toxic culture where cyclists are all too easily blamed for their own vulnerability, and where cycling is seen as a safety “problem” rather than as a solution to an urgent health and transport crisis.

Making bike riding easy for everyone

Level 4, 246 Bourke Street
Melbourne VIC 3000

234 Crown Street
Darlinghurst NSW 2010

210 Collins Street
Hobart TAS 7000

Suite 5, 18-20 Cavenagh
Street Darwin NT 0800



BICYCLE
NETWORK®

3. *Do you provide consent for your opinion to be made public?*

Yes

4. *If no, are you happy if we say you provided an opinion but didn't want it made publicly available?*

NA

Signed: Alan Todd

Date: 7/10/2017

Please send completed form to craigr@bicyclenetwork.com.au before 5pm, Friday 13 October, 2017.

Making bike riding easy for everyone

Level 4, 246 Bourke Street
Melbourne VIC 3000

234 Crown Street
Darlinghurst NSW 2010

210 Collins Street
Hobart TAS 7000

Suite 5, 18-20 Cavenagh
Street Darwin NT 0800

Freecall: 1800 639 634
bicyclenetwork.com.au