

**Submission
No 1**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

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Date Received: 6 October 2024

Introduction

This submission is in response to the self-referred inquiry, initiated on 26 August 2024, by the Joint Standing Committee on Road Safety into religious exemptions for the wearing of helmets, with a particular focus on the Sikh community. The inquiry seeks to explore the road safety implications, practical challenges, and potential alternatives to mandatory helmet laws for religious groups, such as Sikhs, whose faith-based practices involve wearing a turban that precludes helmet use. This submission addresses each of the terms of reference in detail, considering relevant research, societal impacts, and the international experience of helmet exemptions.

a) Road Safety and Crash Research Relevant to Different Road Users, Including Bicycle Riders, Motorcycle Riders, and Electric Scooter Riders

The primary purpose of helmet legislation is to reduce the risk of head injuries in the event of a crash. Research consistently shows that helmets provide critical protection, particularly in high-speed collisions, such as those involving motorcycles, where head trauma is a leading cause of death and injury. For bicycles and electric scooters, helmets mitigate the risk of serious head injury, even though speeds are generally lower.

However, studies suggest that cultural and religious practices, such as wearing a turban, can significantly reduce helmet usage among affected communities. Internationally, research indicates that while helmet exemptions may slightly increase the risk of head injuries for the individuals exempted, the overall rate of accidents may not increase substantially. Additionally, there may be compensatory safety behaviours adopted by riders who are aware of their vulnerability, such as reduced speeds and heightened awareness.

Thus, it is critical that the Committee carefully balance the proven benefits of helmets in reducing injury against the deeply held religious convictions of Sikh individuals.

b) Opportunities for, and Obstacles to, the Uptake of Active Transport by Members of the Sikh Community and/or Other Religious Groups That Customarily Wear a Headdress

The Sikh community in NSW and globally faces significant obstacles in participating in active transport—such as cycling, motorcycling, and electric scooter use—due to mandatory helmet laws. Sikhs, who wear a turban as part of their religious observance, find it impractical or impossible to wear helmets over their turbans. Consequently, many members of this community are either forced to violate religious customs or abstain from using active transport entirely.

The imposition of helmet laws without exemption provisions creates a barrier to transport equity, as it discourages participation in eco-friendly and affordable transportation options. Providing a helmet exemption could significantly enhance the mobility of Sikh individuals, enabling their full participation in transport options that align with NSW's sustainability and public health goals. However, any such policy change must be supported by robust safety alternatives and public education campaigns to mitigate risk.

c) Exemption Approaches in Other Australian Jurisdictions and Internationally, Including Scope and Conditions of Any Exemptions

Exemptions for Sikh individuals from mandatory helmet laws have been implemented in several jurisdictions worldwide, including parts of Canada, the UK, and Australia (Queensland and Victoria). Each of these regions has taken steps to accommodate the religious practices of Sikhs while maintaining overall road safety standards.

For example, in Canada, exemptions apply to motorcycle riders who wear turbans, recognising their cultural and religious practices. In the UK, Sikhs are exempt from wearing motorcycle helmets but are still encouraged to practise safe riding behaviours. In Australia, Victoria and Queensland have granted similar exemptions to turban-wearing Sikhs.

International experience shows that these exemptions have not led to a significant increase in accident-related fatalities or injuries, as other road safety measures and public awareness campaigns were strengthened in parallel. These jurisdictions also place conditions on the exemptions, such as restricting their application in high-risk scenarios or mandating the use of alternative protective measures.

NSW could consider adopting a similar approach, creating specific conditions around helmet exemptions while ensuring that road safety remains a priority.

d) Helmet Technology and Alternative Helmet Design

There have been ongoing developments in helmet technology that could provide alternative safety solutions for individuals who wear religious headdresses. Innovations in soft-shell helmets, collapsible helmets, or modular designs that accommodate turbans without compromising safety could provide a balanced solution.

However, as of now, such technologies are in early stages of development, and no widely available helmet design has been shown to provide the same level of protection as traditional helmets while being compatible with turbans. Therefore, further research and investment into these alternatives should be encouraged. NSW could lead this innovation by supporting studies into helmet alternatives for religious groups.

e) Perspectives of First Responders and Health Services That Provide Post-Crash Care to Riders

First responders and healthcare professionals play a critical role in the aftermath of road accidents. Their perspectives on the impact of helmet exemptions are crucial, as they witness firsthand the effects of traumatic brain injuries that could have been mitigated by helmets. While it is clear that helmets provide significant protection, first responders in jurisdictions with exemptions may also provide insights into whether there is a discernible increase in injuries among exempted individuals and whether alternative measures have been effective.

Consultation with these professionals will offer valuable information about the practicality of helmet exemptions and the kinds of safety programmes that might be needed to support an exemption policy.

f) Work Health and Safety and Insurance Implications, Including for Food Delivery Riders of Sikh Faith

Helmet exemptions may pose specific challenges for industries that involve high-risk activities, such as food delivery services where riders are frequently exposed to heavy traffic. Without adequate protection, Sikh riders may face greater risk of injury, which could have significant work health and safety implications.

In particular, insurance companies may see helmet exemptions as increasing liability, potentially raising premiums for exempt riders or their employers. However, if exemptions are combined with alternative safety measures, this risk could be mitigated. For example, work health and safety guidelines could be updated to reflect the needs of religious communities, and employers could be required to provide additional training or protective equipment for exempt riders.

The Committee must carefully consider the financial and safety impacts on both the riders and the businesses that employ them.

g) Any Other Related Matters

Finally, it is important to consider the broader implications of religious exemptions in a multicultural society like NSW. Granting exemptions in this case may set a precedent for accommodating other religious or cultural practices in transport law. This could raise issues of equity, enforcement, and consistency. Nonetheless, the precedent set by other jurisdictions shows that religious exemptions can coexist with road safety laws when handled with careful consideration and supported by public education campaigns.

Conclusion

The Sikh community in NSW faces unique challenges due to mandatory helmet laws that conflict with religious customs. Exemptions should be considered as a means of promoting inclusivity and ensuring transport equity. However, the Committee must also prioritise road safety, work health and safety, and the practical implications of implementing such an exemption. By considering international precedents, encouraging technological innovations, and consulting with road safety experts, first responders, and health professionals, NSW can strike an appropriate balance between safety and cultural accommodation.

This submission recommends that any helmet exemption be accompanied by:

Conditions that promote safe riding behaviour.

Investment in alternative helmet designs.

Public education campaigns.

Provisions for industries such as food delivery to maintain safety and insurance standards.

Thank you for considering this submission.