

**Submission
No 7**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

Name: Mr Bhupinder Singh Khera

Date Received: 25 October 2024

Submission to Parliament Inquiry: Helmet Exemption for Sikhs

Subject: Request for exemption to allow Sikhs to ride motorcycles while wearing a turban.

Submitted by: Bhupinder Singh Khera

Date: 25/10/2024

Introduction

As a proud Sikh and a member of the Sikh community in Australia, I respectfully submit this request for the allowance of Sikhs to ride motorcycles while wearing turbans, without the requirement of a helmet. The turban, or Dastaar, is not merely a head covering but an intrinsic symbol of our faith, identity, and commitment to our religious principles. The mandatory helmet law, while designed for safety, unintentionally places an undue burden on Sikhs by forcing them to choose between adhering to their religious obligations and complying with the law.

Religious Significance of the Turban

The turban is an essential aspect of Sikh identity and holds deep spiritual and cultural significance. It represents equality, honor, self-respect, and responsibility. For Sikhs, the turban is not optional—it is a sacred commitment to uphold the values of the faith, including the practice of keeping unshorn hair (Kesh). Forcing a Sikh to remove their turban in favor of a helmet effectively compromises their ability to express their religious beliefs.

International Precedents: A Personal Experience

In several countries, governments have recognised the importance of the turban to Sikhs and have allowed exemptions from mandatory helmet laws. Here is the list of few countries out of many other countries.

- Canada: British Columbia, Alberta, and Manitoba have all made legal exemptions allowing Sikhs to ride motorcycles without helmets while wearing their turbans. During a recent trip to British Columbia, I had the privilege of riding with my turban alongside members of the Sikh Motorcycle Club celebrating 25 years anniversary of helmet exemption, a truly proud moment for me. British Columbia has maintained this exemption since 1999, showing that the balance between religious freedom and public safety is achievable.
- United Kingdom: Sikhs in the UK have been exempt from wearing helmets on motorcycles since 1976, under the Motor-Cycle Crash Helmets (Religious Exemption) Act. This exemption acknowledges the importance of respecting religious practices in a modern, multicultural society.
- India: Sikhs are not required to wear helmets due to the cultural and religious significance of the turban.

- Pakistan: Similar to India, Sikhs in Pakistan are not required to wear helmets while riding motorcycles.
- Malaysia: In areas with significant Sikh populations, local authorities provide exemptions for Sikh riders to wear their turbans instead of helmets.

My experience in British Columbia, Canada, was a profound reminder of how governments in these countries have accommodated Sikh religious practices without compromising public safety. The exemptions in Canada, for example, have not resulted in disproportionate increases in accidents or fatalities among Sikh riders, demonstrating that personal responsibility and respect for religious freedom can coexist.

As a proud member of the Sovereign Sikh Riders in Sydney, I strongly advocate for similar respect and accommodation in Australia. Our group, which promotes Sikh values and riders' rights, believes that Australia can follow these international precedents in recognizing our right to ride while maintaining our religious identity.

Religious Freedom and Legal Considerations

Australia is a nation that values and upholds the principles of freedom and equality, including religious freedoms. The Racial Discrimination Act and Religious Discrimination Act protect individuals from discrimination based on religion, and the mandatory helmet law inadvertently discriminates against Sikhs by disregarding the importance of the turban.

Sikhs, as law-abiding citizens, should not have to choose between their faith and the law. Just as exemptions are made in other jurisdictions, I believe the Australian government can strike a similar balance that respects the rights of its citizens to practice their religion freely while maintaining public safety.

Safety and Personal Responsibility

While helmets are designed to protect riders, many Sikhs feel that wearing a turban provides spiritual and emotional protection. Additionally, Sikhs riding without helmets in countries with exemptions have done so without significant impact on public safety. Sikh riders are aware of the risks associated with motorcycle riding and make a conscious, informed decision to ride with a turban, understanding the potential consequences.

I encourage the inquiry to examine data from jurisdictions such as British Columbia, where helmet exemptions have been successfully implemented, to assess whether similar accommodations can be made in Australia without compromising safety.

Contributions of the Sikh Community

Sikhs have been a part of Australia for over a century, contributing to the social, economic, and cultural fabric of this nation. We are proud to serve the community, and many of us, including myself, are active in volunteer roles such as the NSW State Emergency Service, where we demonstrate our commitment to public service. The Sikh values of equality, social justice, public service, defence and service to humanity are core to who we are, and allowing

us the freedom to wear our turbans while riding would be an acknowledgment of our positive contributions to Australian society.

Conclusion

In closing, I respectfully request that the parliament consider an exemption for Sikhs from the mandatory helmet laws. This exemption would reflect Australia's values of diversity, inclusion, and respect for religious freedoms. It would allow Sikh riders to practice their faith with pride, as I was able to do in British Columbia with the Sikh Motorcycle Club and as I continue to do with the Sovereign Sikh Riders in Sydney, without compromising their ability to enjoy motorcycling. I believe that with the successful precedent set by other countries, Australia can similarly accommodate this request while maintaining a commitment to public safety.

Thank you for considering this submission. I am available for any further discussions or clarifications on this matter.

Sincerely,

Bhupinder Singh Khera

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