

**Submission
No 12**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

Organisation: Bicycle NSW

Date Received: 30 October 2024

Mr Greg Warren MP
Chair - Joint Standing Committee on Road Safety
Inquiry into religious exemptions for the wearing of helmets
NSW Parliament House
6 Macquarie Street
SYDNEY
NSW 2000

30th October 2024

Submitted via email

Re: Joint Standing Committee on Road Safety Submission

Dear Mr Warren and Committee members,

Thank you for raising this inquiry with Bicycle NSW. Under the terms of reference for the Joint Standing Committee on Road Safety Inquiry into Religious Exemptions for the Wearing of Helmets, Bicycle NSW wishes to make a submission.

Bicycle NSW is the peak body in NSW for recreational and commuter bicycle riders representing over 14,000 members across NSW. We have been advocating for almost 50 years to create a better bicycle riding environment for all bicycle riders. Bicycle riding is the 5th most popular physical activity in Australia and further growth is projected due to enhanced infrastructure and improved safety. Bicycle riding is healthy, social, beneficial to the environment and can be taken up by almost every age group and demographic. Bicycle riding is also proven around the world to be an outstanding social equity equaliser which is even more important with growing cost of living pressures.

This submission is in relation to all term of reference points as follows:

a) Road safety and crash research relevant to different road users, including bicycle riders, motorcycle riders and electric scooter riders.

It is a long-established fact that helmets save lives and there is documented evidence over many years from the Centre for Road safety which supports this. The Centre for Road Safety can comment on this in more detail and provide specific data collected over multiple years. This data is very clear that motorbike, bicycle and scooter riders who are involved in crashes and are not wearing a helmet are at a much greater risk of injury or death. Bicycle NSW is regularly made aware of specific bicycle accidents and helmets continue to be a major control factor in reducing injury and preventing fatalities.

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 that prevents effective use of a helmet.

Bicycle NSW is very much aware and has received feedback on this issue over many years as it prevents participation of the Sikh community and some other religious communities. There are a

number of agreed reasons why a helmet can't be applied over the headdress except in circumstances like children.

c) Exemption approaches in other Australian jurisdictions and internationally, including scope and conditions of any exemptions.

Currently Queensland, Victoria, ACT, Tasmania, South Australia and Western Australia all have exemptions for wearing bicycle helmets on religious grounds leaving just NSW and the Northern Territory without exemptions. In Australia, these above exemptions are specifically in relation to religious headdress which makes it impractical for the person to wear an approved bicycle helmet.

Bicycle NSW is aware of one facility on the Sunshine Coast QLD which occurred in 2024 where the bicycle rider was not wearing a helmet on religious grounds. Equally it should be noted that 1266 road fatalities occurred in the 2023 calendar year.

Overseas, most countries do not mandate the use of bicycle helmets, so these exemptions aren't relevant. However, Bicycle NSW points out that these exemptions do exist in Canada for motorcycle helmets and bicycle helmets in the provinces which they are mandated.

d) Helmet technology and alternative helmet design.

New helmet designs have been developed for Sikh children (photo from Bold Helmets)



Sikh military helmets have been designed from Kavro (bottom left) and currently Tough Turbans are being brought to market in North America (pictured to the bottom centre) and Hovding Helmets from Sweden which is based on technology used in vehicle racing and aerospace industries (bottom right).



Helmet technology is continually evolving and innovating, therefore it will be very likely that technology will largely address this issue cost effectively into the future.

e) Perspectives of first responders and health services that provide post-crash care to riders.

Bicycle NSW is not a first responder and does not provide post-crash care so cannot provide expert advice and information on this topic.

f) Work health and safety and insurance implications, including for food delivery riders of Sikh faith.

Insurance implications do exist in both the existing circumstances and a potential helmet exemption circumstance.

Existing circumstances

Currently a rider who is not wearing a helmet may have some of the liability apportioned to them personally in the case of a crash even if they aren't at fault. For example, if a rider was not wearing a helmet and someone else was at fault then compensation may be provided to the injured rider. However, if part or all of that injury is head trauma related then they might only receive a portion of the compensation because it might be proven that a mandated helmet was not worn and would have minimised the injury or in other words, the act materially contributed to the loss (in addition to a likely fine being issued).

Helmet exemption circumstance

In this circumstance, there is a small and immaterial possibility of insurers reassessing risks and increasing insurance premiums and excesses, however Bicycle NSW has not seen this occur and in states and countries where helmet exemptions have occurred, this has not been the case to our knowledge nor has it every been raised.

Matters of Work health and safety are a matter for all employers to prioritise and assess based on their specific circumstances. There should be alternatives provided for employees with religious

headdress and allowances made should an exemption exist. Employers will need to redefine and update their processes and policies and legal frameworks to accommodate any exemption which is implemented.

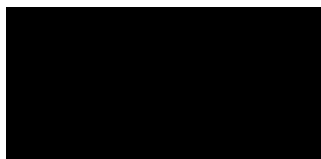
g) Any other related matters.

Bicycle NSW makes this submission guided by our values and in this case it relates to our value of inclusion and community mindedness. We embrace diversity and inclusion and welcome all riders to our organisation and all types of bicycle riding. We work collaboratively and support all community organisations and charity organisations for the benefit of the bike riding community, and we expect all of stakeholders to do the same.

Our information, guidance, feedback and sourced information suggests that the inclusion benefits outweigh the risks and hazards despite our strong support for widespread helmet mandates to continue. **Bicycle NSW therefore believe that NSW should align to the current exemptions in other jurisdictions around Australia.**

Thank you for your consideration of these matters. Bicycle NSW would be pleased to provide any further information or discuss these matters directly with the committee.

Yours sincerely,



Peter McLean
Chief Executive Officer