

**Submission
No 13**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

Organisation: WA Road Safety Commission

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Staysafe Committee
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Dear Mr Warren

Religious exemptions for the wearing of helmets

Thank you for inviting me to make a submission to the Joint Standing Committee on Road Safety's inquiry into religious exemptions for the wearing of helmets. In Western Australia, regulation 222(3)(a) of the Road Traffic Code 2000 exempts Sikhs and members of other religious and cultural groups from the requirement to wear a helmet while riding a bicycle if their customary headdress is incompatible with the helmet.

This exemption has been in effect since 1992, when the requirement to wear bicycle helmets first came into force in Western Australia. The same exemption applies to bicycle passengers and eRideable users (including riders of electric scooters, electric skateboards and the like).

In contrast, the Road Traffic Code does not exempt Sikhs from the requirement to wear helmets when riding motorcycles.

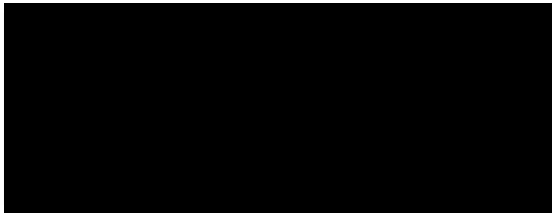
Prior to 1 December 2000, the CEO of the Department of Transport was able to exempt a motorcycle rider or passenger from the requirement to wear a helmet "for reasons relating to the person's medical condition or for any other reason which the CEO considers sufficient." However, this provision was removed and currently, the only avenue available for a person to obtain a new exemption from the requirement to wear a motorcycle helmet is through regulation 4A of the Road Traffic Code. That regulation empowers the Minister for Road Safety to make a declaration that a specified requirement of the Code does not apply to a specified person or specified vehicle.

The power has been available since 2003 but, to the best of my knowledge, no Road Safety Minister has used it to exempt a person from the requirement to wear a

motorcycle helmet on any grounds. Applications are typically rejected on the basis that motorcycle riding is inherently more dangerous than most other transport even when a helmet is worn. Research shows that the use of a helmet is the most effective way of reducing head injuries resulting from motorcycle crashes and the most effective means available to minimise death or catastrophic injury for motorcycle users.

I trust this information is of assistance to you and look forward to the results of your inquiry.

Yours sincerely



Adrian Warner
ROAD SAFETY COMMISSIONER