

**Submission
No 15**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

Organisation: Singhs Social Motorcycle Club Australia

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Submission from Singhs Social Motorcycle Club Australia on Religious Exemptions for the Wearing of Helmets by Members of the Sikh Community

Date - 31/10/2024

To: The Joint Standing Committee on Road Safety

Re: Inquiry into Religious Exemptions for the Wearing of Helmets by Members of the Sikh Community

A. Introduction

Singhs Social Motorcycle Club Australia (SSMCA) submits this response to the Joint Standing Committee on Road Safety's inquiry into religious exemptions from mandatory helmet requirements for Sikh community members. This submission underscores the intricate balance between road safety regulations, cultural respect, and religious freedom. Given the foundational tenets of the Sikh faith and the practical challenges posed by helmet laws, SSMCA contends that a tailored exemption would foster inclusivity and honour religious obligations without compromising road safety.

B. The Sikh Religion

The Sikh religion, founded over 500 years ago in the Punjab region of India, emphasises equality, service to humanity, and devotion to God. Sikhs believe in a singular, universal creator and uphold values of justice, compassion, and tolerance. The core tenets of Sikhism include the importance of integrity, service, and standing up for one's principles, as exemplified by the adherence to the "Five Ks," or sacred articles of faith that observant Sikhs are required to wear at all times. These include:

1. **Kesh (uncut hair)** – Signifying devotion to God and maintaining the body in its natural form, Sikhs refrain from cutting their hair. This practice is intrinsically linked to the identity and spirituality of Sikh individuals.
2. **Kanga (wooden comb)** – Representing cleanliness and discipline, Sikhs use this comb to maintain their uncut hair.
3. **Kara (steel bracelet)** – This bangle serves as a reminder of God's presence and commitment to ethical conduct.
4. **Kachera (cotton undergarment)** – Symbolising modesty and self-restraint.
5. **Kirpan (small ceremonial sword)** – Representing the Sikh commitment to justice, honour, and protection of others.



For Sikhs, adherence to the Five Ks, especially the uncut hair (Kesh) and turban, is not only a personal religious observance but a public declaration of faith. The turban itself is of profound importance as it serves as a visible identity marker and symbolises equality, spirituality, and honour. Consequently, wearing a helmet over or in place of the turban contravenes these fundamental tenets.

C. Religious and Cultural Importance of the Sikh Turban

1. Spiritual and Symbolic Meaning

The turban is not simply headwear; it is a religious symbol embodying a Sikh's commitment to truth, justice, and equality. A Sikh's turban is worn as a mark of dedication to the faith and the teachings of the ten Sikh Gurus, with uncut hair (Kesh) symbolising respect for divine creation. Requiring Sikhs to wear helmets that necessitate the removal of the turban is, therefore, a direct affront to religious observance and self-identity.

2. Five Articles of Faith

The turban is directly connected to Kesh, one of the five Ks (articles of faith) that are mandatory for Sikhs. It serves to honour and protect the uncut hair, a symbol of spirituality and discipline in Sikhism. In accordance with the Sikh Rehat Maryada (Code of Conduct), the turban is to remain undisturbed in public. Forcing Sikhs to don alternative headgear infringes upon their ability to adhere to their faith openly and fully.

D. Historical Presence and Contributions of Sikhs in Australia

Sikhs have a long-standing presence in Australia, with historical records indicating Sikh migration as early as the 19th century. Early Sikh settlers were instrumental in various sectors, including agriculture, transportation, and the development of railways in regional Australia. Despite the challenges posed by the restrictive immigration policies of the White Australia Policy, Sikh Australians have persevered, making significant contributions to Australian society.

In contemporary Australia, Sikhs are a thriving, productive community engaged in various sectors, including law, education, medicine, defence, and business. As one of the fastest-growing religious minorities, Sikhs enrich Australia's multicultural landscape. Organisations such as Singh's Social Motorcycle Club Australia promote social cohesion and inclusivity, fostering understanding and respect for cultural diversity. Exempting turbaned Sikh riders from helmet requirements would honour this tradition of respect, reflecting Australia's commitment to religious freedom and multiculturalism.

E. Responses to Terms of Reference



Our submission addresses the inquiry's Terms of Reference, including empirical safety concerns, socio-cultural implications, and practical approaches observed in other jurisdictions.

a. Road Safety and Crash Research Relevant to Different Road Users

While empirical studies support helmet use for reducing head injuries, it is essential to contextualise these findings when considering cultural and religious exemptions. Data from jurisdictions where Sikh riders are exempt from helmet requirements—such as Victoria (for bicycles), Canada, and the United Kingdom—indicates that there has been no significant increase in accident rates or fatalities among turbaned riders. This evidence supports the argument for a comprehensive exemption from helmet laws for Sikh riders on both bicycles and motorcycles, affirming that such accommodations do not compromise safety while allowing individuals to practice their faith freely. SSMCA submits that an analysis of existing international data should inform the development of policies that accommodate religious practices without compromising road safety.

b. Opportunities for and Obstacles to the Uptake of Active Transport by Members of the Sikh Community

The existing helmet mandate inadvertently creates a barrier for Sikh Australians, limiting their ability to fully engage in active transportation. By implementing a comprehensive exemption from helmet laws, turbaned Sikhs would be afforded the legal right to operate motorcycles, bicycles, and other vehicles that require helmets, without compromising their religious beliefs. Such an exemption would not only facilitate greater participation in active transport among Sikh Australians but also promote diversity within this vital aspect of public life. Furthermore, it would enable Sikh individuals to reap the myriad environmental, health, and social benefits associated with active transportation, thereby contributing positively to the broader Australian community. This inclusive approach would reflect Australia's commitment to cultural diversity and religious freedom while fostering healthier, more sustainable transportation choices for all.

c. Exemption Approaches in Other Australian Jurisdictions and Internationally

In Victoria and Queensland, existing religious exemptions allow turbaned Sikhs to ride bicycles without the requirement of wearing helmets. Similar provisions have been successfully implemented internationally in countries such as Canada, the United Kingdom, and various states in the United States, where Sikhs are exempt from helmet laws while riding bicycles, motorcycles, and other motorised forms of transportation. These frameworks are founded on principles of public safety and cultural respect, demonstrating that such exemptions do not lead to adverse public health outcomes.



SSMCA strongly encourages the Committee to examine these successful models of exemption integration as valuable references. By balancing safety with inclusivity, these frameworks exemplify how accommodating religious practices can coexist with public health considerations, ultimately fostering a more diverse and engaged society.

d. Helmet Technology and Alternative Helmet Design

Presently, helmet technology does not provide viable options for Sikhs, as standard designs cannot accommodate the turban. While research into adaptable helmets could yield inclusive solutions in the future, current alternatives remain inadequate. SSMCA supports continued research in alternative helmet designs that could address these religious considerations while upholding protective standards.

e. Perspectives of First Responders and Health Services

The input of first responders and health services is invaluable to this inquiry, particularly in jurisdictions with exemptions for turbaned riders. In these areas, health services and first responders report minimal operational challenges related to exempted Sikh riders. SSMCA urges the Committee to consider testimonials from these professionals, particularly where helmet exemptions have proven feasible without significantly increasing risk or compromising safety.

f. Work Health and Safety and Insurance Implications

Granting an exemption from helmet requirements for Sikh motorcyclists would significantly enhance employment opportunities for Sikh individuals in industries that heavily rely on motorcycle use, such as food delivery and courier services. Currently, the helmet mandate poses barriers to their participation in these essential roles, which are vital for economic mobility. By implementing such exemptions in New South Wales, the government would foster equitable access to employment opportunities, ensuring that Sikh individuals can pursue careers without compromising their religious beliefs or facing undue barriers.

In addition to food delivery and courier services, other sectors that could benefit from this exemption include:

- **Rideshare Services:** Sikhs could participate in rideshare platforms, providing transportation services while upholding their cultural and religious practices.
- **Logistics and Distribution:** Employment in logistics companies often requires motorbike use for local deliveries, making it crucial for Sikhs to have the ability to operate motorcycles without helmet restrictions.



- **Emergency Services:** In certain contexts, Sikhs may engage in volunteer roles within emergency services, such as providing first aid or support during community events.
- **Tourism and Recreation:** Opportunities in guided motorcycle tours or recreational rental services could allow Sikhs to engage in the tourism industry while adhering to their religious practices.

Moreover, the introduction of these exemptions would necessitate collaboration with insurance providers to develop tailored policies that recognise and accommodate this religious exemption while ensuring the protection of workers' rights. Insurers can create frameworks that not only comply with regulatory standards but also support the safety and well-being of Sikh motorcyclists in the workforce. It is crucial to establish a structured insurance framework that balances the acknowledgment of religious rights with robust safety measures. This framework should incorporate guidelines for risk assessment and management, ensuring that Sikh motorcyclists are afforded the same protections as their counterparts while respecting their cultural and religious practices. Ultimately, such an approach would not only enhance the employability of Sikh individuals but also contribute to a more inclusive and diverse workforce in New South Wales.

g. **Additional Considerations**

1. **Human Rights and Religious Freedom:** Australia's commitment to human rights mandates that religious freedoms be respected. Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia is a signatory, protects the right to religious practice. Requiring Sikhs to choose between compliance with helmet laws and adherence to their faith imposes an unreasonable burden on their religious rights. A tailored helmet exemption for Sikh motorcyclists would demonstrate Australia's dedication to religious liberty and multicultural respect.
2. **Social Cohesion and Cultural Sensitivity:** Recognising and accommodating the distinct needs of religious minorities fosters social inclusion and community harmony. A helmet exemption for turbaned Sikhs would uphold Australia's values of tolerance and multiculturalism, encouraging other faith communities to engage freely in society.

F. **Domestic Inconsistencies and Discrimination Concerns**

Several Australian jurisdictions, such as Victoria and Queensland, have already enacted exemptions from helmet requirements for Sikhs, acknowledging the importance of religious freedom. However, New South Wales continues to require helmet compliance without religious exemptions, creating inconsistencies that effectively discriminate against Sikhs residing in the state. These differences in



helmet laws result in disparate treatment of Sikh individuals based solely on their place of residence, infringing upon their fundamental freedoms.

G. International Precedents Favouring Exemptions

Comparable jurisdictions have adopted religious accommodations that respect the rights of Sikh motorcyclists to wear turbans instead of helmets:

- a) **Canada:** Most Canadian provinces, including British Columbia and Ontario, have recognised religious exemptions for Sikhs in helmet laws. Canada's Motor Vehicle Act acknowledges that Sikhs cannot remove their turban without violating their religious beliefs, ensuring they are not excluded from public life.
- b) **United Kingdom:** The UK's Motorcycle Crash Helmets (Religious Exemption) Act 1976 allows Sikh motorcyclists to ride without helmets. This legislative exemption reflects the UK's commitment to uphold religious freedoms, balancing public safety with cultural and religious sensitivities.
- c) **New Zealand:** New Zealand's approach similarly exempts Sikhs from helmet requirements, demonstrating respect for diversity and religious beliefs without compromising public safety.

These jurisdictions exemplify a balanced approach to public safety and religious accommodation, proving that exemptions can be provided without adverse impacts on the community at large. The approach taken by these jurisdictions demonstrates that an exemption for Sikh riders is both practical and respectful of religious freedoms. By drawing on these models, NSW has the opportunity to foster an inclusive framework that prioritises road safety while recognising religious diversity.

H. Recommendations for Legislative Reform

The Singhs Social Motorcycle Club respectfully submits the following recommendations to advocate for a uniform, fair, and religiously inclusive approach to helmet laws across Australian states:

1. Comprehensive Nationwide Exemption for Sikhs

We strongly advocate for the amendment of helmet legislation to grant a comprehensive religious exemption for all Sikh individuals, specifically while riding bicycles and motorcycles across all states and territories. Currently, Sikhs face inconsistent regulations that not only create confusion but also pose barriers to their full participation in Australian society. Such an amendment would align with existing provisions in Victoria and Queensland, where Sikhs can ride bicycles without helmets, and extend this important accommodation to motorcycle riders as well. By establishing a uniform exemption, we can ensure that Sikhs are not forced to choose between adhering to their religious beliefs and exercising their right to ride motorised vehicles.



2. Inclusion of Religious Exemptions in Anti-Discrimination Legislation

To further protect Sikh individuals from discrimination related to helmet laws, it is crucial that federal and state anti-discrimination laws explicitly recognise the right of Sikhs to wear their turbans while riding. By embedding this protection into legislation, we can guarantee that Sikhs maintain their religious practices without facing undue barriers or penalties. This legal safeguard not only upholds religious freedoms but also affirms the commitment of Australian society to inclusivity and respect for diverse cultural identities.

3. Establishment of a Consultative Body for Sikh Religious Matters

We propose the creation of a consultative body comprising Sikh religious leaders and community representatives. This advisory group would facilitate dialogue between the Sikh community and government authorities to develop policies that respect Sikh religious practices, including helmet exemptions. Such a body would provide critical insights into the unique cultural and religious needs of Sikh Australians, promoting collaboration and understanding. Additionally, it would ensure that policies impacting Sikhs, such as helmet laws, are informed by the lived experiences and values of the community.

Conclusion

Singh's Social Motorcycle Club Australia urges the Joint Standing Committee on Road Safety to recommend a religious exemption for turban-wearing Sikh motorcyclists in NSW. Such an exemption would align NSW with other jurisdictions that prioritise both road safety and religious freedoms. This policy adjustment represents a balanced approach, affirming the place of Sikh Australians within a diverse and inclusive society while upholding the principles of public safety and individual rights.

We extend our gratitude to the Committee for considering this submission. Singh's Social Motorcycle Club Australia remains available for further discussion and will support the Committee in any additional review or consultation required.

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