

**Submission
No 16**

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

Organisation: Australian Sikh Association

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Request for Helmet Exemption for Sikh's in NSW



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Request for Helmet Exemption for Sikh Motorcyclists in NSW

I am writing on behalf of the Australian Sikh Association to respectfully request the introduction of a helmet exemption for Sikh motorcyclists in New South Wales. This exemption would reflect the religious freedoms of the Sikh community, which is an integral part of Australia's multicultural society. This request is backed by successful precedents in other countries such as the UK and Canada, where similar exemptions have been granted without negative impacts on public safety.

The Religious Significance of the Turban

For Sikhs, wearing a turban (Dastar) is a deeply rooted religious obligation. Removing it to wear a helmet violates our religious freedoms, as the turban must be worn at all times as a symbol of faith. This issue has been recognized in other countries where laws have adapted to protect the religious rights of Sikhs, consistent with Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Australia endorses.

Global Precedents Supporting Helmet Exemptions

Several global jurisdictions have already implemented successful helmet exemptions for Sikhs:

United Kingdom

Since 1976, Sikh motorcyclists have been exempting from wearing helmets under **Motor-Cycle Crash Helmets (Religious Exemption) Act 1976**

Link https://www.legislation.gov.uk/ukpga/1976/62/pdfs/ukpga_19760062_en.pdf

This exemption has been in place for nearly 50 years without significant public safety concerns, demonstrating that religious freedom can coexist with safety regulations.

Under Highway Code, Rule 83 – On all journeys, the rider and pillion passenger on a motorcycle, scooter or moped **MUST** wear a protective helmet. ***This does not apply to a follower of the Sikh religion while wearing a turban.*** Helmets **MUST** comply with the Regulations, and they **MUST** be fastened securely. Riders and passengers of motor tricycles and quadricycles, also called quadbikes, should also wear a protective helmet. Before each journey check that your helmet visor is clean and in good condition.

This route to the amendment in the Road Traffic Act for the Sikh exemption the parliamentary procedure was introduced by Labour MP Sydney James Bidwell (Ealing – Southall) – (14 January 1976 – 25 May 1976) a backbencher in the then Labour Government which saw the Motor-Cycle Crash Helmets (Religious Exemption) Act passed by the UK Parliament.

One can read the full parliamentary procedures in the online book – [The Turban Victory](#) by Sydney James with forewords – acknowledgements – messages of support – Hansard text of the debates etc.

While writing this letter I am amused reading the history of UK helmet exemption and seeing it was a labour Govt and the MP named Sydney, and here in NSW while we are working to get this happen once again, we have a Labour Govt, and we are in Sydney City. Maybe this is a sign.

Northen Ireland

Rules for motorcyclists (83 to 88)

The Highway Code for Northern Ireland's rules for motorcyclists. These rules are in addition to rules 89-307 in the following sections, which apply to all vehicles. Also see Motorcycle licence requirements.

Section 83

On all journeys, the rider and pillion passenger on a motorcycle, scooter, moped or motor quadricycle, also called quadbike, must wear a protective helmet. This does not apply to a follower of the Sikh religion while wearing a turban. Helmets must comply with the regulations, and they must be fastened securely. Riders and passengers of motor tricycles should also wear a protective helmet. Before each journey check that your helmet visor is clean and in good condition.

Canada

In provinces like British Columbia, Alberta, and Ontario, Sikh motorcyclists have been granted exemptions similar to those in the UK. The Government of Ontario passed legislation in 2018 that formally recognized the exemption for Sikhs, citing respect for religious expression and acknowledging that such exemptions have not led to safety issues Government of Ontario News Release on Helmet Exemptions for Sikhs <https://news.ontario.ca/en/release/50302/ontario-will-exempt-sikh-motorcyclists-from-wearing-helmets>.

In British Colombia,

Motorcycle Safety Helmet Exemption Regulation

includes amendments up to B.C. Reg. 62/2017, March 1, 2017

The following persons are exempt from the requirements of section 194 (3) of the [Motor Vehicle Act](#):

(a) a person who

(i) practises the Sikh religion, and

(ii) has unshorn hair and habitually wears a turban composed of 5 or more square metres of cloth.

[am. B.C. Reg. 62/2017.] [Provisions relevant to the enactment of this regulation: [Motor Vehicle Act](#), R.S.B.C. 1996, c. 318, section 194 (6) (c)]

In Manitoba,

Under THE HIGHWAY TRAFFIC ACT (C.C.S.M. c. H60) Motorcycle Helmets Regulation

Exemptions 2 The provisions of subsection 187(1) of The Highway Traffic Act do not apply to

- (a) a person riding a motorcycle in a lawfully permitted and authorized parade;
- (b) a bona fide member of the Sikh religion; or
- (c) a person who holds a certificate signed by a qualified medical practitioner certifying that the person is, during the period stated in the certificate, unable for medical reasons to wear a safety helmet and who on request made by a peace officer produces the certificate.

<https://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=167/2000>

In Ontario,

Bill 41 2018

Currently, section 104 of the *Highway Traffic Act* requires persons riding or operating a motorcycle or motor assisted bicycle on a highway to wear a helmet. The Bill exempts members of the Sikh religion who have unshorn hair and who habitually wear turbans from the requirement to wear a helmet.

In Alberta,

Sikhs who wear turbans are exempt from:

- the Vehicle Equipment Regulation helmet requirement in the [Traffic Safety Act](#)
- the Off-highway Vehicle Regulation helmet requirement in the [Traffic Safety Act](#)

This means:

- drivers and passengers who are over 18 and are bona fide members of the Sikh religion who wear a turban can ride a motorcycle without using a helmet
- drivers and passengers who are bona fide members of the Sikh religion who wear a turban can ride an off-highway vehicle without using a helmet

Turbans are an integral part of the Sikh identity. This decision allows them to ride without having to remove their turban.

Alberta is the fourth jurisdiction in Canada to allow this exemption, alongside British Columbia and Manitoba.

Alberta has the third-highest Sikh population in Canada – 52,335 people, according to the 2011 census.

Hong Kong.

Legislative Council Bills Committee on Race Discrimination Bill Consequential amendments to other ordinances LC Paper No. CB(2)1019/06-07(03)

<https://www.legco.gov.hk/yr06-07/english/bc/bc52/papers/bc520205cb2-1019-3-e.pdf>

Under the Legislation amendment a Sikh person can request for exemption and is granted on an individual basis by the Commissioner for Transport

United States of America

[California Vehicle Code Section 27803](#) states, “a driver and any passenger shall wear a safety helmet meeting requirements established pursuant to Section 27802 when riding on a [motorcycle](#), motor-driven cycle, or motorized bicycle.” The new law seeks to add an amendment that says, “This section does not apply to a driver or passenger who wears a turban or patka as an expression of the person’s religious belief and practice when riding on a motorcycle, motor-driven cycle, or motorized bicycle.”

On May 31, 2023, this bill passed the Senate with overwhelming support

New Zealand

At Sub-clause 7 of “Land Transport (Road User) Rule 2004 section 11.8 Safety Helmets for Cyclists”, it is possible to seek an exemption from wearing a cycle helmet. Applications may be on the grounds of religious belief, physical disability or other reasonable grounds. The relevant regulation is at: [Safety Helmets for Cyclists](#)

Under the rule: Sikh riders are automatically exempt from wearing a helmet as long as they do not exceed 50km/h and can provide proof of their religion to an enforcement officer.

India

The Motor Vehicles Act 1988 has undergone many amendments to keep up with the changing traffic scenario to make it more comprehensive and relevant. The latest amendment made in 2019 added 63 clauses. These clauses raised penalties against many traffic violations, including riding a two-wheeler without a helmet.

Provisions of the Act

- According to Section 129(a), all riders above the age of four should use "protective gear" when riding a motorcycle; this includes both the rider and the pillion rider.
- The Act also specifies the nature of the headgear to be used. The helmet must be made of such material and be in such shape to offer maximum protection in an accident.
- The helmet should be firmly secured to the driver's head with attached straps to ensure that the headgear does not fall off in the event of an accident.
- The followers of Sikhism who wear a turban are exempt from wearing a helmet if they wear a turban while riding a bike.
- RTO rules for helmets for many states are derived from Section 138 (4) (f) of the Central Motor Vehicles Rule (CMVR). Per this rule, two-wheeler manufacturers must supply two-wheeler buyers with a minimum of 2 BIS-compliant protective headgear each for the driver and the pillion rider.

Singapore

Road Traffic Act (Chapter 276)

Road Traffic (Helmet Exemption) Order 2005

In exercise of the powers conferred by section 142 of the Road Traffic Act, the Minister for Home Affairs hereby makes the following Order:

Citation and commencement

This Order may be cited as the Road Traffic (Helmet Exemption) Order 2005 and shall come into operation on 27th June 2005.

Exemption:

2.—(1) Section 74(1) of the Act and rule 14 of the Road Traffic (Bicycles, Three-wheeled Pedal Cycles, Trishaws and Recumbent Devices — Road Conduct) Rules (R 3) shall not apply to any male Sikh wearing a turban when driving or being carried on a motor cycle, and when riding or being carried on a bicycle, three-wheeled pedal cycle, recumbent device or a power-assisted bicycle on a road, respectively.

Pakistan

Sikh community members in Pakistan has been exempted from wearing helmets while riding motorcycles in Peshawar.

Peshawar police allowed the exemption after the issue was raised in the Khyber Pakhtunkhwa assembly by a member of the minority community, the Express Tribune reported.

The exemption applies to members of the minority community who are wearing turbans while riding motorcycles.

Public Safety and Statistics

Contrary to concerns that helmet exemptions might lead to more accidents or injuries; both the UK and Canada have found no measurable increase in motorcycle fatalities related to these exemptions. In fact, Sikh riders often adopt more cautious driving habits, such as riding at lower speeds. Public safety data from these regions shows that exemptions for Sikh riders have not resulted in any significant strain on healthcare systems or increased accident rates.

In Conclusion

We respectfully request that the New South Wales Government follow the example set by the UK and Canadian provinces by granting Sikh motorcyclists the right to ride without helmets while wearing their turbans. Doing so would reflect NSW's commitment to protecting religious freedoms and promoting inclusivity. Furthermore, the experiences of these jurisdictions demonstrate that such an exemption can be implemented without compromising public safety.

We are open to further discussions with lawmakers, road safety experts, and community leaders to craft a solution that balances public safety with the religious rights of Sikh Australians.

Thank you for your consideration. We look forward to a positive response on this important issue.