

REPORT ON PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ROAD SAFETY

RELIGIOUS EXEMPTIONS FOR THE WEARING OF HELMETS

At Macquarie Room, Parliament House, Sydney, on Monday 9 December 2024

The Committee met at 9:50.

PRESENT

Mr Greg Warren (Chair)

Legislative Council

The Hon. Natalie Ward

Legislative Assembly

Mr Warren Kirby (Deputy Chair)
Mr Roy Butler

PRESENT VIA VIDEOCONFERENCE

The Hon. Anthony D'Adam

Mr Edmond Atalla
Ms Kylie Wilkinson

The CHAIR: Good morning, everyone. Before we start I'd like to acknowledge the Gadigal people, who are the traditional custodians of this land. I pay my respects to the Elders of the Eora nation, past and present, and extend that respect to other Aboriginal and Torres Strait Islander people who are present or are viewing the proceedings online. Welcome, everyone, to the public hearing for the Joint Standing Committee on Road Safety, otherwise known as the Staysafe Committee. I'm Greg Warren, the Chair of the Committee. I'm joined by Deputy Chair Warren Kirby, member for Riverstone; Mr Roy Butler, member for Barwon; and the Hon. Natalie Ward.

Joining us online are Mr Edmond Atalla, member for Mount Druitt; Ms Kylie Wilkinson, member for East Hills; and the Hon. Anthony D'Adam. The member for Davidson, Mr Matt Cross, has some parliamentary commitments in his electorate that he needs to attend and will join us during the course of the day. Thank you, colleagues, for making the time during what I know is a very busy time of the year. I am sure my colleagues all join me in thanking the witnesses who are appearing before the Committee today and the stakeholders who have made written submissions. We appreciate your input into this inquiry.

Dr INGRID JOHNSTON, Chief Executive Officer, Australasian College of Road Safety, affirmed and examined
Mr MICHAEL TIMMS, Chair, New South Wales Chapter, Australasian College of Road Safety, sworn and examined

The CHAIR: I welcome our first witnesses. Thank you so much for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for all media purposes, particularly on the New South Wales Legislative Assembly social media pages. Please inform Committee staff if you object to having photos or videos taken. Can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

INGRID JOHNSTON: Yes.

MICHAEL TIMMS: Yes.

The CHAIR: Do you have any questions about this information?

INGRID JOHNSTON: No.

MICHAEL TIMMS: No.

The CHAIR: I presume that you would like to make a short opening statement?

MICHAEL TIMMS: Yes. The Australasian College of Road Safety is focused on saving lives and preventing serious injuries on our roads. The road traffic system is a complex interaction of many interrelated components. The design and operation of a safe road traffic system must respond to the capabilities as well as the limitations and vulnerabilities of people. The World Health Organization has highlighted the elevated risks faced by motorcyclists and pedal cyclists, particularly regarding head injury. Currently in New South Wales motorcyclist deaths and injuries are trending upwards. As of 1 December 2024, motorcyclist deaths are up 33 per cent on the same period last year. Also, 2,900 motorcyclists were hospitalised from a road crash in the 12 months ending March 2024, an increase of 15 per cent on the previous period.

The New South Wales Government is so concerned about motorcycle road safety that Ministers Graham and Aitchison issued a joint media release with the Motorcycle Council of NSW on 21 October. The good news is that the quality of helmets and other items of protective clothing available to riders continues to improve. For example, bicycle helmets for young people of the Sikh faith are now approved for use in New South Wales. As with lifesaving technology in our cars, innovation, not exemptions, is where the future of road safety lies. Finally, we note the appearance this morning of members of the Sovereign Sikh Riders. ACRS has become aware from social media of the recent death of one of their members in a motorcycle crash on the New South Wales North Coast. ACRS extends our sympathies to family and friends of Mr Supreet Singh at this time.

The CHAIR: Thank you, Mr Timms. Dr Johnston, did you also want to make an opening statement?

INGRID JOHNSTON: No.

The CHAIR: Colleagues, we might move to questions, which I note that witnesses may want to take on notice.

The Hon. NATALIE WARD: Thank you both very much for the important work that you do in road safety. It's no surprise to you that I've been a strong advocate and appreciate the work that you've done. It's tragic to hear that those rates are on the rise. It is pleasing that you talked about innovation as a solution. Can I ask you to expand on that and what you think the way forward might be? Given that there are approved helmets for bicycle riders, do you support an exemption being extended on the basis of the use of those helmets? Are they to standards? Do you endorse them as much as possible? Are there concerns with them? Then, could you talk about motorbike helmets, where there's the option to do the same?

MICHAEL TIMMS: Certainly there's been a lot of work done in the last 10 years or so around protective equipment for both motorcyclists and pushbike riders. For pushbike riders, there's a new star rating system available. They are looking at helmets and providing ratings for helmets, and encouraging parents to look at the most suitable protective piece of equipment for their children, in particular. Motorcyclists and pedal cyclists, we do refer to them as vulnerable road users in the road safety space—and also motorcycle clothing, which I'm sure Mr Wood will talk about later.

MotoCAP has done a lot of work in looking at equipment—boots, gloves, jackets, pants and also helmets—in terms of offering the best possible protection to riders. It's not always a panacea, but it does reduce injuries. The difficulty that ACRS has with the proposed exemption is that we don't believe you can mitigate the

effects, particularly from speed and that head impact. The World Health Organization, they are looking particularly at low- and middle-income countries where they're having terrible troubles with head injuries. That's the difficulty that we have.

INGRID JOHNSTON: Yes, I would agree with that. The movement across the world, particularly in low- and middle-income countries, where motorcycles are such a high proportion of the vehicle mix, is towards mandating helmets for everyone, wherever possible. Where we've got that already working in Australia, I think that's something that we should be protecting fiercely because it is something that is really helping the safety of our people. It would be a retrograde move to be moving away from that when the rest of the world is moving towards it.

The Hon. NATALIE WARD: Can I just clarify your views on that? Obviously the Committee has to grapple with submissions from the road safety experts, such as yourselves, together with the community wanting some exemptions. Is there an ideal way forward or a standard of safety that you would recommend, or some way in which we could try to grapple with that dilemma, not being road safety experts ourselves but needing to hear from you about where that might land?

INGRID JOHNSTON: I think the way forward, as Michael was saying, is in innovation around the design of the helmets. There is a lot of work that is being done to continue to improve the design and safety of the helmets, so let's look at how we can bring the helmets to meet the challenge. That is the way forward.

The Hon. NATALIE WARD: And you say they're not there just yet?

INGRID JOHNSTON: Not as far as we know.

The CHAIR: Just by extension to Ms Ward's question, what's going on in other jurisdictions, like the UK and Canada? Where are they at in this space, do you know?

MICHAEL TIMMS: The UK introduced their helmet laws in 1973, based on some research that I've conducted recently, and they have introduced that exemption. When they introduced helmet laws, they introduced the exemption for members of the Sikh community. But I would say that in 1973 there were 7½ thousand road deaths in the UK and last year there were less than 2,000. What we know about road safety over the 50 years has evolved. I do wonder, if they had their time over again, whether they would have been so freely able to concede that type of thing. It's not a hypothetical. We've managed to find a couple of cases in the UK where members of the Sikh community have been killed in road crashes. It's not a hypothetical that there are likely to be injuries.

Of course, in jurisdictions such as the US, some states don't even require helmets for anyone. In Hawaii, in the last two weeks, there has been one motorcyclist killed not wearing a helmet and another one seriously injured not wearing a helmet. Those two crashes were in relatively low-speed environments, with 35 mile per hour speed limits. That just shows how difficult it is to mitigate speed and impact when crashes occur. New Zealand has a 50 kilometre per hour speed limit. That's their exemption. It was reported in the Herald a few months ago as 60, but that's incorrect. It is 50. That's their attempt at trying to mitigate the speed. We really think there are difficulties in trying to do that.

Mr EDMOND ATALLA: Can you run through those stats for motorcycle accidents again that you mentioned in your opening statement?

MICHAEL TIMMS: To recap, we call them crashes in road safety. Motorcyclist deaths and injuries are trending upward. Motorcyclists deaths are up 33 per cent on the same period last year, and injuries and hospitalisations for motorcyclists are up 15 per cent. The latest 12-month period is up to March 2024. There's always a lag with injury data because it's a lot harder to crunch the numbers and get reports from hospitals. That's why injury data does lag behind. It's a bit of a lag indicator. But the fact is that both deaths and injuries are elevated. Deaths and injuries are elevated in general across road safety. We have something like 11,000 hospitalisations a year. That's up dramatically on what it was couple of years ago. As you're well aware, road deaths are also increasing. We're at a pretty critical time with road safety at the moment, which I hope explains our hesitancy as the lead organisation for road safety in Australasia. That explains our reluctance to support any exemptions or anything that we believe will wind back the vision of zero road deaths.

Mr EDMOND ATALLA: Do you have the percentage of road deaths resulting from non-wearing of helmets?

MICHAEL TIMMS: I couldn't produce that type of data. As a volunteer, community-driven organisation, we don't have access to that type of qualitative data. But we can rely on the experience in other jurisdictions. I talked about Hawaii a moment ago. The state of Hawaii had 33 motorcycle fatalities in 2022. Only nine of those people killed were wearing helmets. So only 27 per cent were wearing helmets amongst those who

have died. We think we can take that from other jurisdictions. Again, a lot of those were in low-speed environments.

Mr WARREN KIRBY: You raised New Zealand's 50 kilometres per hour. Are you aware of any deaths and injuries of people without wearing helmets in New Zealand as a result of that?

MICHAEL TIMMS: I think the media report that was associated with it in the Herald said that they hadn't had any deaths at that stage, but I really hate to say that there are people alive today who are going to be victims based on the experience globally. Not wearing a helmet, it's—

Mr WARREN KIRBY: That is an experience, globally, of a specific exemption. I note that you say there has been a 33 per cent increase in Australia. I would assume that none of those have been with people not wearing a helmet.

MICHAEL TIMMS: I dare say there would be some. In fairness, motorcycling is a very complex thing in terms of road safety, because there are various categories of motorcyclists. There are motorcyclists like Mr Wood, who you'll talk to later, who wears all the good gear. He's switched on. He's fully licensed. He knows the limitations and he rides to the conditions. There are other riders who disregard that, who will drink alcohol and who will ride at excessive speeds. Others, again, will get on trail bikes. I've had this experience as a former police officer. People will get on trail bikes, they're intoxicated, they'll drive fast and they won't wear any protective equipment, so it's dangerous to make generalisations about the motorcycling community.

Mr WARREN KIRBY: In the submission you raise the risk of a slippery slope for other organisations. Are you aware of any others who have sought these exemptions?

MICHAEL TIMMS: The college gave evidence a few weeks ago in the e-mobility inquiry. There's moves afoot to legalise private e-mobility. That will have a flow-on effect to this space because the legislation, or the proposed draft, will flow on. If you were to allow an exemption for helmets for motorcycles and for pushbike riders, that will then flow on to e-mobility. We see with e-mobility the difficulty with face plantings. That's the injury, because they're hitting gutters or hitting objects and they're falling forward and hitting their face.

Mr WARREN KIRBY: Most of those helmets are open faced, so that's not going to prevent that.

MICHAEL TIMMS: That's what makes it even more complex.

Mr WARREN KIRBY: But are you aware of any other groups that are seeking exemption from helmet laws?

MICHAEL TIMMS: No, not from helmet laws.

Mr ROY BUTLER: If I may, full disclosure: Forty-three years a motorcyclist. Still intact.

The CHAIR: I should have made that point myself. I'm a rider myself.

Mr ROY BUTLER: When I look at what's being proposed here in terms of an exemption, some of the submissions talk about the turban actually providing some protection. I think that's really difficult to assure that amount of protection that's provided when you've got Australian standards for helmets. In terms of the development of products, as in helmets that actually would accommodate a turban and still provide that crash safety or that additional protection—again, I've read in the submission there are some products out there—is that something that industry is working towards? Is it providing helmets that meet Australian standards that can still accommodate the turban?

MICHAEL TIMMS: There are products around the world, which I'm sure some of the witnesses will talk about, using high-strength modern materials. We encourage the development that is the type of innovation that we talked about. We encourage that development. Whether it would ever equip the rider with the same level of protection as a helmet, that's the challenge. And even retention: Will the turban stay on in the event of a crash? What's the impact of sliding on the road?

Mr ROY BUTLER: I'm talking about a helmet that actually could go over.

MICHAEL TIMMS: I'm not aware of anything that would go over a turban. There would be things that they could probably adapt to fit over the patka, which is worn underneath the turban.

The Hon. NATALIE WARD: Mr Timms, with your prior experience as a police officer and I think highway patrol, could you talk to the Committee about the role of education? You talked about quality gear and driving to conditions. Could you speak to what role the Committee might consider we could be taking into account to recommend further education programs, or what role that might have to play in this space?

MICHAEL TIMMS: Certainly, as a college, we do support education for all members of the community. It's very important with protective equipment. When we talk about star ratings for bicycle helmets and MotoCAP, it is raising awareness amongst the cycling community and also the motorcycling community that these things actually exist. I remember back in the late 2010s, when I was managing work health and safety for the highway patrol, we were looking at a project regarding improving the quality of police motorcycle jackets, and the manufacturers didn't even know about MotoCAP. That's some of the challenges that we face among clothing manufacturers and amongst the riding community. Yes, we certainly support education and raising awareness. That's something that can happen in schools.

I was very heartened by Northern Beaches Council when they gave evidence at the e-mobility forum and also presented at our e-mobility forum that we had in August, and by the efforts of Northern Beaches Council to raise awareness amongst school students of the legislation. They were encouraging 16-year-old high school students to do their learner driver knowledge test as a way of introducing them to the road transport legislation. So there are certainly things that we would support in those steps.

The Hon. NATALIE WARD: You just mentioned MotoCAP. For the non-motorcyclists amongst us, could you elaborate for the Committee on what that is?

MICHAEL TIMMS: MotoCAP is run under the auspices of all the transport agencies throughout Australia. Transport for NSW is one of the leaders in MotoCAP. MotoCAP looks at equipment. It does a range of tests. It looks at abrasion—for example, how long clothing will stay up when it's sliding along the road and what protection it offers to riders. It's very interesting that price doesn't always equate to safety with motorcycle clothing. Sometimes the most expensive clothing doesn't necessarily provide the most protection.

The CHAIR: Thank you, Dr Johnston and Mr Timms, for appearing before the Committee today. You'll each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return those answers by 4.00 p.m. on Friday 31 January 2025.

(The witnesses withdrew.)

Mr BRIAN WOOD, Committee Member, Motorcycle Council of NSW, affirmed and examined

Mr PETER McLEAN, Chief Executive Officer, Bicycle NSW, sworn and examined

The CHAIR: I'm delighted to welcome our next witnesses, Peter McLean and Brian Wood. Thank you very much for coming in today. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the Legislative Assembly's social media pages. Please inform the Committee staff if you have any objection to having photos and videos taken, and that won't be any problem at all. Can you please confirm that you've been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

PETER McLEAN: Yes.

BRIAN WOOD: Yes, I have.

The CHAIR: Do you have any questions about the information?

BRIAN WOOD: No.

PETER McLEAN: No.

The CHAIR: Would either or both of you like to make a short opening statement?

BRIAN WOOD: Yes, I would like to do so. I'd like to thank you for the opportunity to appear before you this morning. As I'm representing the Motorcycle Council of NSW, I will be confining my comments to matters relating to exemptions for the wearing of motorcycle helmets. Up until 1 January 1992, exemptions for wearing motorcycle helmets were available for both medical and religious reasons. These exemptions were withdrawn as the process of issuing exemptions for medical reasons was rorted, with many exemptions being given for frivolous reasons. At the time, reports were prepared on the extent of the rorting, and these were presented to the Minister responsible for issuing those exemptions.

A journal article by the Road Accident Research Unit of the University of Adelaide in 1989 examined the reasons given for issuing exemptions on medical reasons. They concluded that it was wrong to give any exemptions on medical grounds, and this view was accepted by the Minister for Roads in New South Wales. The

Motorcycle Council submitted a Government Information (Public Access) request asking for reports and information that the Minister relied on to justify the removal of exemptions issued for religious reasons. No reports or information was able to be found. I believe that exemptions given for religious reasons were withdrawn without due consideration and were only withdrawn as it was expedient to do so to address the issue of the rorting of exemptions for medical reasons. A copy of an exemption from that period doesn't state why the exemption was given, whether it was for medical or whether it was for religious reasons.

The scheme was able to be rorted as insufficient audits were conducted to ensure medical exemptions were being issued only for legitimate reasons. It was well known among the motorcycle community which doctors to approach for an exemption where few questions would be asked. Had the scheme for exemptions been properly managed, it is likely that those with a religious exemption and legitimate medical reasons could have continued to hold those exemptions. If exemptions for religious reasons are to be reinstated, then the scheme needs to be managed to ensure they are only issued for legitimate reasons.

The scheme needs to be designed so riders with an exemption aren't continually being pulled over by police to check their exemptions. Riders are usually riding a motorcycle that they own. By recording that the owner of that motorcycle has an exemption, then police using automatic numberplate recognition could be informed that the owner of that motorcycle had an exemption, and, therefore, the police officer could be fairly well reassured that the rider that they had observed did have an exemption without having to do a traffic stop.

The Motorcycle Council recognises that helmets are very important in reducing injury. A helmet called a Tough Turban has been developed and reduces the likelihood of injury to the wearer; though it is unclear to the council how much protection is afforded and whether the Tough Turban is actually commercially available. There is also a product called D3O used in motorcycle protective clothing to provide impact protection to knees and elbows. This material is flexible in the normal state but becomes energy-absorbing when subjected to a sudden impact. Other similar materials are becoming available. This type of material could be incorporated into a turban to provide some reasonable level of protection.

It should also be recognised that the most important feature of a helmet is the foam lining, as this provides the energy absorption. It has been said by experts that the foam lining only needs to be about 20 millimetres thick to be able to give good protection. These ways of reducing the likelihood of injury to someone wearing one of these need to be further investigated. I would also like to note that MotoCAP and CRASH, the helmet scheme, have already been raised this morning. As a member of the Australian Motorcycle Council, I'm on the working groups both for MotoCAP and for CRASH, so I have a good working understanding of how those schemes work. Again, I thank the Committee for the opportunity to appear before you this morning.

The CHAIR: Mr McLean, would you like to make a brief opening statement?

PETER McLEAN: Thank you, Chair, just a couple of very quick comments. We provided a very brief submission to the inquiry, addressing a number of the reference points. In essence, our position at Bicycle NSW is to certainly consider an exemption. When I refer to exemptions, I am always referring to bicycle helmets, not motorbike helmets—just a point of clarification. The reason we landed on that conclusion was fundamentally on two key points, the first being the exemption is certainly in place in other jurisdictions around the country, excluding the Northern Territory. A very small correction to my submission: In Tasmania it has to be applied for, that exemption; it's not automatically provided. A small technicality there, and a point of clarification. The second point, is that from a diversity and inclusion point of view as well, that's one of the strong values that Bicycle NSW has. For those reasons and inclusivity purposes, we certainly believe that allowing this would be adhering to those values of the organisation.

In our submission we also pointed out that there are some design areas and some innovation areas that are being worked at, and we really look forward to seeing how that comes to fruition in years to come. There is already an Australian Standard certified youth helmet which is able to be used under the new helmet standards. That was brought in place only a few months ago in New South Wales. So that's another area of consideration if any potential bicycle helmet exemption was to be used. Broadly, as an organisation we fully support the existing mandatory bicycle helmet requirements that are in place Australia-wide for the purposes of risk reduction and, obviously, injury prevention.

The CHAIR: Just before I open up to the Committee, Mr Wood, you made some very interesting points which I think are very relevant. How many members do you have in your organisation?

BRIAN WOOD: We're a council of affiliated clubs. We would have, I think, about 76 affiliated clubs. We also have associate members, which are individuals, but only a small number. So through those 76 affiliated clubs, we would estimate we probably represent about 40,000 riders in New South Wales.

The CHAIR: Wow, that's enormous. Does that include the Ulysses Club, veteran riders?

BRIAN WOOD: Yes, Ulysses is a member. Ulysses is a national organisation, but it has branches throughout Australia and, actually, internationally as well. But, yes, those ones that would have branches in New South Wales, we would represent those.

The CHAIR: Out of those 40,000 members and the affiliates and associates of your organisation, how many of them have raised or requested that you advocate for exemptions?

BRIAN WOOD: One of our members is the Singhs Social Motorcycle Club of Australia. I have had regular contact with their chair, Mav, who is appearing before you later this morning. I have had some contact with the Sovereign Sikh Riders, but that was only an initial inquiry. I haven't had any contact with them regarding this inquiry.

The CHAIR: Outside of those affiliate organisations that are looking for reform, what is the overarching and broad view or consensus amongst your membership? Have any other concerns been raised with you?

BRIAN WOOD: I think opinions are probably divided. Some see helmets as a vital piece of safety equipment and therefore probably lean towards having no exemptions. There are others who are saying they previously had exemptions for religious reasons and there's no evidence as to why those were withdrawn. Yes, I think it's divided on what the opinion is.

The CHAIR: Mr McLean, you mention insurance premiums in your submission. Can you briefly elaborate a bit further on that for the Committee's purposes, please?

PETER McLEAN: Certainly. It is a consideration that if there were more severe cases of injury, that certainly might affect insurance premiums. However, we certainly don't see that as a big risk in New South Wales, purely for the purposes of what I've seen in other States with those exemptions in place for bicycle helmets. I haven't seen that as a direct cause, and I was talking to Bicycle Queensland about it the other day, for example. We certainly don't see that as a major challenge from an injury compensation point of view. From a WHS point of view, there could be some small implications for companies that have riders associated with their companies, but it's a challenging one to understand. I'm not aware of any instances in other States of that occurring.

The CHAIR: Yes, you don't need too much evidence to know that more impacts and more matters that arise will increase costs to insurance, and premiums are going to be consistently rising with that as well. Presumably that's the basis of that element of your submission?

PETER McLEAN: Correct.

The Hon. NATALIE WARD: Thank you both for your submissions and for assisting the Committee with this inquiry today. Mr McLean, can I ask you about other jurisdictions? Tasmania and New South Wales are the only States that don't allow Sikhs to ride a bicycle while wearing a turban. Do you have any information about other jurisdictions and how that has worked? What are the statistics in terms of injuries and other impacts as a comparison with this State?

PETER McLEAN: The only ones that don't have an exemption are New South Wales and Northern Territory. Tasmania's got an exemption, but you have to apply for it, whilst the other States and the ACT have a provision for an exemption that is afforded to riders with headdress. There is one example, in more recent times, of a youth who was a member of the Sikh community who was riding without a helmet and was killed on the Sunshine Coast. That has occurred in recent times. There certainly and undoubtedly is a risk associated with not wearing a helmet. Certainly, even though we have seen a very, very small decline in bicycle deaths in New South Wales, we fundamentally know that there is a small proportion of rider deaths that is still attributed to not wearing a helmet or not wearing a helmet properly in New South Wales. No doubt that would be similar in other States. I don't have those—I follow the statistics far more closely in New South Wales. There are risks associated, obviously, undoubtedly, which I think everyone would agree with, if you're not wearing a bicycle helmet.

The Hon. NATALIE WARD: Just to elaborate on that and to clarify your position, do you have concerns about potential risk to your members if they were to ride without helmets?

PETER McLEAN: We do. We believe that there undoubtedly are risks, but we also believe that, for those reasons of consistency, diversity and inclusion—sprinkled in, of course, with strong education—those risks would certainly be limited.

The Hon. NATALIE WARD: I understand there has been a helmet developed to go on top of the turban. Are you aware of that and how that works?

PETER McLEAN: Yes. There is a helmet for youth, essentially. That doesn't go on top of the turban; it goes on top of—it's when young men or boys haven't cut their hair, and they are able to put a helmet over the

top of that. But my understanding—again, I'm not a Sikh expert but, for spiritual connectivity purposes, you can't put a cover over the top of the helmet is my understanding. But that's certainly something you might want to directly ask the Sikh community.

The Hon. NATALIE WARD: Over the top of the turban?

PETER McLEAN: Once they have a turban, yes. I understand that is the case.

Mr WARREN KIRBY: My question is for Mr Wood. You spoke about the repeal of exemptions and made the point that it was done purely through rorting. Was there any evidence of an increase in injuries or deaths after those exemptions were repealed for people riding?

BRIAN WOOD: No. That's not something that I've looked at so, no, I can't make comment on that.

Mr WARREN KIRBY: You were quite strident on it being rorting and not because of road safety. Can you just unpack that a little bit for me?

BRIAN WOOD: As I say, I think it was well known in the motorcycle community which GPs would issue an exemption without too much vigorous questioning, so yes. I have seen a report some years ago. Unfortunately, I can't find another copy of it, but I think there were something like about half-a-dozen GPs who were issuing the majority of those exemptions so, obviously, riders were going to them and seeking to get an exemption.

Mr WARREN KIRBY: To be a bit more focused on the question, we're hearing quite a bit about safety, safety, safety as the reason for being against exemptions. But it seems as though, when the exemptions were repealed, that was not part of the consideration. That's what I'm trying to get to.

BRIAN WOOD: Well, the reports that I've seen, yes, were arguing that there shouldn't be exemptions because of the safety benefit of people being able to wear a helmet.

Mr WARREN KIRBY: So it was mentioned that it was safety.

BRIAN WOOD: The majority of those who had an exemption were not really for a valid medical reason. As I say, I haven't found any reports or information as to why the exemptions on religious reasons were withdrawn. I do have a copy of an exemption that was for someone who was a Sikh, but it doesn't state on the exemption the reason given as to whether it was medical or whether it was religious, for the reason for it.

The CHAIR: Who issued that exemption, Mr Wood?

BRIAN WOOD: Department of Motor Transport.

The CHAIR: What year was that?

BRIAN WOOD: I can't find a date on it. No, there's no date given.

Mr WARREN KIRBY: That was 1992 that you say it was repealed, or 1982?

BRIAN WOOD: The exemptions were withdrawn in 1992.

The Hon. NATALIE WARD: If I may, Chair—I don't want to take up everyone's time—I'm just interested in Tough Turban, which I had a look at online. Mr Wood, can you elaborate on that? Are there any statistics on that or safety testing? I can see it's in place in other jurisdictions. Can you talk us through it?

BRIAN WOOD: I believe it was either in North America or Canada, where it was developed.

The Hon. NATALIE WARD: I think that's Harley-Davidson.

BRIAN WOOD: Other than seeing some reports and actually seeing photographs of some, I don't have any other further information on that.

The Hon. NATALIE WARD: It says here it's impact resistant materials, which is all a good step but maybe not the whole way of crash protection.

BRIAN WOOD: As I say, I'm not aware of any testing that might have been carried out to see its properties as compared to, if it was tested as a helmet, what level of protection it would give. The CRASH program, which is a five-star rating—because, under a standard, it's a pass or fail. In many cases you don't know did it just pass or did it really pass substantially. The CRASH program does give you information about how well it actually performed in a particular test. You could use those protocols to determine what is the level. That's the same approach taken in MotoCAP, with a five-star rating.

You can actually go online and see just what level of protection that you are being given. And, of course, with clothing, one of the main reasons why riders don't wear them is that it just gets too hot. In MotoCAP, there are two ratings. There is one for what we call breathability and the other for five stars. I've got gear which I would call summer gear because I know that it's ventilated and that I just won't end up sweating with it. But I know that the level of abrasion protection I'm given is not the same or as good as what I would call my winter gear, which is a lot heavier. But really I just can't wear it on a hot day.

Mr EDMOND ATALLA: I have a question first to Mr McLean in terms of bicycles. You're aware that food deliveries, particularly in the CBD, use bicycles everywhere. Do you have any data of any of those types of bicycles involved in motor vehicle accidents where injury has occurred?

PETER McLEAN: Yes. There certainly have been numerous documented injuries and some deaths associated with that. Those injuries and deaths have certainly declined in the last two years. The New South Wales Government, as a result of the escalated statistics there, did bring in a lot of WHS mandatory requirements for delivery riders, such as training orientation as well as safety devices and high-vis. That has certainly resulted in a definite decline, which is very positive to see. Obviously, mandatory helmet wearing is in place and quite strongly addressed and followed up by the employers themselves as well. There are different technical and device-related checks and balances in place with a lot of the providers, which improves that safety. But I'm not sure what sort of percentage that might be captured in such an exemption would be put in place with these employees.

Mr EDMOND ATALLA: You have mentioned the Queensland case where a Sikh was killed for not wearing a helmet. I presume that's not through exemptions and that's just a Sikh not wearing a helmet. Do they have exemptions in Queensland?

PETER McLEAN: Yes, they do have exemptions in Queensland. That bicycle user was exempt from not having to wear a helmet.

Mr EDMOND ATALLA: And there has been a dramatic accident there. In your opinion, do you believe that, if an exemption was given in New South Wales—and we know one death is one death too many—this may cause serious injuries to bicycle riders? That question goes to Mr Wood as well, in relation to motorcycles.

PETER McLEAN: To answer your question directly, any amendment or exemption absolutely could result in a serious injury or death. We do note that, of course, last year we saw 1,266 motor vehicle related deaths across Australia. There is a risk with the amendment of any legislation or exemption. We believe that there were two key points for considering that, but we do recognise that there are very, very strong risks associated with all road environments.

Mr EDMOND ATALLA: You believe there's more risk for motorcycles than there are for bicycles, given bicycles, particularly around the CBD, manoeuvre around live traffic? Do you feel that the risk for bicycles is the same as motorcycles? Less? Or more? What's your opinion on that?

PETER McLEAN: Without commenting too much on the motorcycle environment, which I will allow Mr Wood to talk about, basing a decision on existing exemptions across those other State jurisdictions, the vast majority of them in Australia, of course, would give you that answer in saying that the risk is very low in terms of the broader risk environment on our entire road environment as a whole. But I'd certainly let Mr Wood answer the remainder of that question.

BRIAN WOOD: Yes, we're always concerned about motorcycle trauma. It has been already commented this morning that the number of fatal motorcycles is well up this year. I guess, over the previous 10 years, it has varied between probably about 55 and 65, and it does move around within that sort of band. This year, at the moment, I think we're somewhere more like about 15 more at this time of the year than compared to perhaps a three-year average. It's certainly very concerning that the number of deaths has increased significantly. It's not clear at this stage to the Motorcycle Council as to the reasons for that.

But, again, giving exemptions for wearing of a turban becomes a risk assessment-type exercise. Whether some of these Tough Turbans or other sorts of protection can give a reasonable level of protection, given the circumstances—I guess something like MotoCAP, we advocate that. We need to provide the riders with the information that they need so they can make an informed choice on what it is that they wear. As I say, I've got summer gear, winter gear. I make that informed choice as to what I wear, and then I'm cognisant, while I'm riding, that that's what I'm wearing. This morning, I came in with more of a fashion-type jacket. I know that that doesn't give me the same level of protection, but I know I'm riding in city traffic at relatively low speeds. Again, I'm aware that it won't give me the same level of protection as other jackets that I have.

I think, if exemptions are going to be given, then the rider needs to be aware of what the risk is. I think, through that CRASH-type program, that's where the sort of information could be compared—this is what you can

get in a motorcycle helmet and this is what you can with a Tough Turban, or something like that. If that information was available, then those holding the exemption can be aware of "I'm not getting the same level of protection as I would had I been wearing a five-star motorcycle helmet."

PETER McLEAN: If I can further add to that risk point I made earlier as well, I know states in America, for example, and other countries, require youth specifically to wear a bicycle helmet while they won't have mandate for adults. So it might be under the age of 16 or 14, or whatever the age might be. That could be an area that the inquiry considers as well, in New South Wales specifically, because, as of today, with the new standards that were brought in place in New South Wales, one of those helmets I've mentioned in my submission is a prescribed standards regulated helmet in New South Wales, or device, I think, it's referred to as. That's the Sikh helmet for youth that boys can wear with the additional way that they wear their hair within the helmet. That currently meets some of the American standards, which now are recognised in New South Wales. That could be a solution to addressing part of that risk for young boys, for example, up to a certain age, just as a point of consideration as well.

Mr ROY BUTLER: Gents, thanks for coming today and the information you've provided. Where I'm coming at this from is that, as humans, we're probably designed to crash at about as fast as we can run and survive that, which is probably 15 km an hour, 20 km an hour or thereabouts, unless you're really fast. I'm not! In relation to any exemption that's offered, is part of the answer looking at speed, looking at what point we say that if you're going to travel over this speed, you need to have some sort of certified or Australian standard protection for your head, but under a certain speed, you don't? This may be something you're aware of, Peter. I note that the prosecutions for not wearing a helmet on active transport—a scooter, an e-bike or a bike—seems to have dropped away. There's a lot of people riding without helmets, but you don't see a lot of prosecutions anymore.

PETER McLEAN: Absolutely. The draft guidelines that the previous speakers mentioned around e-mobility devices has tried to consider some of those points. The problem does come around the enforcement side of things. So certainly, the lower the speed, the lower the impact. In saying that, the human head is extremely vulnerable. There are cases of people falling on hard surfaces at much lower speeds—walking speeds—and passing away. Obviously the higher the speed, the higher the risk; there's a direct relationship with that. Certainly that could be a consideration but then comes the enforceability side of things, which becomes very tricky. When it's black and white, it's easier to educate, it's easier to make people aware and it's easier to enforce.

BRIAN WOOD: I think for motorcycles, yes, limiting speed should be a factor that's considered in that risk assessment. If the turban, the Tough Turban—call it what you may—offers a certain level of protection, but only up to a certain speed, then the two could be used in combination to give a reasonable level of protection.

The CHAIR: Colleagues, are there any further questions? Thank you, Mr McLean and Mr Wood. Your contribution is invaluable for this important inquiry. As you know, we are a road safety committee. Our remit is fundamentally overarched by road safety, so I appreciate you taking the time to appear before the Committee today. You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice today and any supplementary questions from the Committee. We kindly ask that you return these answers by 4.00 p.m. Friday 31 January 2025. Mr McLean, you mentioned that you had some amendments to your submission. When convenient, if you wouldn't mind sending those through so we can ensure clarity, that would be appreciated.

(The witnesses withdrew.)

(Short adjournment)

Mr MAVLEEN DHIR, Chairman and Founder, Singhs Social Motorcycle Club Australia, affirmed and examined

Mr TARANDEEP SINGH, Legal Advisor, Singhs Social Motorcycle Club Australia, affirmed and examined

Mr AMAR SINGH, President and Founder, Turbans 4 Australia, sworn and examined

Mr BHUPINDER SINGH, Committee Member, Sovereign Sikh Riders, affirmed and examined

Mr ESHBEEN SINGH, Committee Member, Sovereign Sikh Riders, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you all for appearing before the Committee today. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. Please inform the Committee staff if you object to having photos and videos taken, which will not be an issue at all. Can

you all confirm verbally that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

TARANDEEP SINGH: Yes.

MAVLEEN DHIR: Yes.

AMAR SINGH: Yes.

ESHBEEN SINGH: Yes.

BHUPINDER SINGH: Yes.

The CHAIR: Do you have any questions about the information that you've been given?

TARANDEEP SINGH: Not at this stage, thank you.

The CHAIR: Would one of you like to make a short opening statement before we go into questions from the Committee?

MAVLEEN DHIR: Honourable Chair, distinguished members of the Committee, first I would like to seek your permission to start with the Sikh greeting. Do I have your permission?

The CHAIR: Yes.

MAVLEEN DHIR: Waheguru ji ka khalsa, Waheguru ji ki fateh. Thank you for granting us the opportunity to address this inquiry. Today we advocate for a vital and principled adjustment to road safety laws: a religious exemption for turban-wearing members of the Sikh community from mandatory helmet requirements. This exemption is not merely a procedural request but a matter of safeguarding religious freedom, cultural identity and equality. For Sikhs, the turban is far more than headwear; it is a sacred article of faith deeply tied to our religious practice and personal identity. Wearing the turban, which covers uncut hair as required by the Sikh faith, is an essential expression of devotion and spirituality. Requiring its removal to wear a helmet conflicts directly with these tenets, forcing observant Sikhs to make an unacceptable choice between obeying the law and adhering to their faith.

We recognise the critical role helmets play in road safety. However, evidence from jurisdictions that have implemented religious exemptions such as Canada, the United Kingdom and parts of the United States et cetera demonstrates that such accommodations need not compromise public safety. These regions have shown that respecting religious practices and ensuring safety can coexist without adverse outcomes, as no significant increase in accidents involving exempted Sikh riders has been observed. This is statistical data. Within Australia, similar exemptions already exist in Victoria and Queensland for turban-wearing Sikhs riding bicycles. Extending this consideration to motorcyclists in New South Wales would harmonise the laws across States and eliminate existing disparities, fostering a more equitable legal framework.

Additionally, while advancements in helmet technology may one day reconcile safety standards with the turban structure, no viable solutions exist today. In the interim, a legal exemption is both a practical and compassionate response. Honourable Chair, the Sikh community have been an integral part of Australia for over a century, contributing significantly across diverse sectors. By granting this exemption, New South Wales would demonstrate its commitment to upholding religious freedoms, respecting cultural diversity and ensuring inclusivity for all its residents. We urge this Committee to recommend this exemption, which will affirm New South Wales' dedication to fairness, tolerance and unity while maintaining the principles of public safety.

AMAR SINGH: Chair, I would also like to add a few words to that. The bike exemption is not just for social and recreational riding; it's also a matter of concern in employment. For example, in the transport industry, we have been dealing with a lot of issues where truck drivers are forced to wear a hard hat in some cases where they're just unloading a truck. They can safely do so without having to put on a hard hat as well. Companies like Nestlé have for years now regulated a site ban across their sites in Australia where members of the Sikh faith who are truck drivers cannot legally be on that site. Their specific requirements go as far as saying that there should be not even a material or cloth between your hair and the hard hat.

That means a lot of businesses have suffered—they've lost the work—but also the hard hat rule means many truck drivers who have gone there unknowingly are made to take their turbans off, which causes a lot of religious offence and also makes the person feel uncomfortable. Our turban is part of our body. It's an extension of who we are, not just a hat or a cap that we put on occasionally. So there's all those other employable issues as well that we want to concern, not just the social and riding. I do understand that, in Australia, driving and riding are a privilege; they're not really your right. That's one thing that we want to add to this as well.

ESHBEEN SINGH: I just wanted to add that this issue which we all have gathered here to talk about today has been recognised in other countries where laws have been adapted to protect the religious rights of Sikhs, consistent with article 18 of the International Covenant on Civil and Political Rights, the ICCPR, which Australia endorses as well. That's the point where we are standing here as well.

The CHAIR: Before I open questions up, what is article 18?

ESHBEEN SINGH: It is the International Covenant on Civil and Political Rights, the ICCPR.

BHUPINDER SINGH: Can I add something?

The CHAIR: Of course.

BHUPINDER SINGH: First of all, Waheguru ji ka khalsa, Waheguru ji ki fatch. I come from Sovereign Sikh Riders New South Wales. We have been riding for a while now. As stated in our Sikh holy book, *Shri Guru Granth Sahib*, on page 1,084:

Let living in His presence,
With mind rid of impurities,
Be your discipline.
Keep the God-given form intact,
With a turban donned on your head.

This is not a mere practice but a fundamental part of our identity and religious observance. I am a proud member of NSW SES, and I have served in State Emergency Service natural disasters, storms, floods and other major emergencies with my turban on my head. I work both as a truck driver and field worker. Many Sikhs serve in police and the defence force with their turbans intact in Australia. During my past visits overseas—New Zealand, the UK, Canada, the USA—I have been able to ride my motorcycle proudly with my turban, feeling respected and recognised for my faith. However, in Australia I feel discriminated against. It is deeply disheartening to be unable to honour my religion obligations while riding my motorcycle. This is why I urge this Parliament to change local laws to accommodate the turban, as it is an integral part of our identity and it is an article of faith.

Soldiers during World War I and World War II famously refused to wear helmets, choosing instead to fight with their turbans on their heads. A Sikh khalsa is supposed to be fearless, and wearing a helmet would be seen as an admission of fear of death. Many of these brave soldiers were awarded the Victoria Cross, the highest military honour in the British army, often posthumously, for their bravery. This history demonstrates the resilience and commitment of Sikhs to their faith, even in the face of adversity.

I have got a reference book, *The Turban Victory*, as well; I would like to note it later on if it's required by the Committee. This is written by Sydney Bidwell. I'll take you back to 1976 in the UK. As Earl Grey says in the book, "Let us live, work and ride with turbans". This statement captures the essence of our request: the right to live, work and ride without compromising our faith. In November 1976, Her Majesty the Queen gave royal assent to the bill to exempt turban Sikhs from the requirement to wear crash helmets while riding motorcycles. This Act, which took three years to achieve, was a measure of human kindness and religious and philosophical tolerance in Britain. This exemption recognised the importance of religious freedom and the right of Sikhs to participate in their faith without compromise. This legal precedent in the UK serves as a significant reference for us in New South Wales. As our legal system is based on the British model, it is entirely reasonable to request the same exemption here in Australia, given the shared legal and government framework.

In closing, I urge the members of this Committee to consider the profound significance of the turban in Sikh religion and cultural identity. By granting Sikhs an exemption from the helmet law, you will not only respect our right to religious expression but also uphold the inclusive values that Australia prides itself on. I thank you for your time and consideration, and I hope for a fair and positive resolution to this important matter in the near future.

The CHAIR: Before I open up to questions from my colleagues, I say at the outset that, whilst a fundamental role and responsibility in the remit of this Committee is ultimately to keep people safe on roads, I'm sure I share the views of all my colleagues that we have the deepest respect for your faith and the practices within your faith. As a road safety committee, the fundamental, primary thing that we do is make sure we have inquiries that are surrounded by the safety of those who use our roads. But I reiterate: Thank you so much for coming, and we have the deepest respect for your faith. You mentioned the SES, and Amar does a lot of philanthropy. As Australians, your contribution to community through philanthropy and volunteer organisations does not go unrecognised, and I want to thank you for that.

The Hon. NATALIE WARD: Thank you all for coming in today. It's great to see your members here as well. We very much appreciate your submissions and the time you've taken to put forward those suggestions. Could I echo the Chair's words, Mr Amar Singh, in thanking you for your work in the community, which is

critically important and well recognised in this place. Thank you. My question initially is to Sovereign Sikh Riders. I want to ask what the options are for safety at the moment. What sort of developments can we have in terms of your options available for helmets or for other safety improvisations? Before I do that, though, I want to acknowledge and extend our condolences on the passing of a member recently. I'm sure all the Committee join me, through you, Chair, in extending that recognition. My question is more towards what options there might be or what innovations there could be. We've heard about the Tough Turban helmet. What might there be in terms of innovation that you could see, as a group, that we could look to, to try to find a way that does recognise our important role for safety but perhaps might meet some standards or is being developed? Would any of you like to comment?

ESHBEEN SINGH: To add to that, for example, for a person like me who wears a turban like this, to put on a helmet is very hard. Obviously the helmet won't fit. I've tried to get as big a size as possible, especially from the US. I tried. Apparently, they have big heads, but not as much as mine. That is just an aside. It's really hard for me to put on a helmet. I have been riding for a long time now, but for me to ride, I have to make lots and lots of changes to the way I take off my turban and to fiddle around with my hair, which does pinch me a lot on that part. I have to fiddle around with the way I keep my hair. On that particular part about the safety and the other alterations we can make towards that, we try to do as much research as possible throughout the whole world where exemptions are there. I would like to quote something, if that's fine by you guys. This is from Ontario in Canada:

Concerns about safety are most commonly cited in discussions about helmet exemptions, but 22 years of riding with turbans have yielded precisely zero fatalities among Canadian Sikh motorcyclists.

I will just elaborate a little bit more on that. Statistics over there showcase that motorcycle fatalities in Canada between 2016 to 2020 show that alcohol or other drugs, loss of control, speeding, lack of experience, and weather or road conditions, were all more attributed as a factor than helmet wearing. So trying to come into some middle ground is very hard for us where we are seeing other countries which are backed by Commonwealth countries, like the UK, where they have made exemptions for us to ride over there. We've just not been able to find or pinpoint the particular changes we can make towards our turban to ride in a safely manner.

I was talking to someone the other day. This is just a general conversation I had with someone. Not saying that everyone is like this, but a person who makes a commitment towards their religion, their faith, to help and serve the community, to help and serve humanity, those persons—I'm not saying they all do, but we try to do right by the rules and regulations of this country. My dad has been doing it since 1995, since we've been here. I've been a part of the DCJ, Communities and Justice, for a long time now, for nine years, and I have tried to keep my head held high to make sure that I do not do anything wrong. That could be me individually, but coming back to the point, it's very hard for us to make alterations or any kind of changes to our turban while riding where we can see that other countries in the world which have adapted to helmet exemptions are doing well according to their statistics.

Obviously, we will have to do some kind of research on our own basis, and I would like to request the Government as well to do their research, due diligence, and move forward with that. Please do take into consideration that it is very hard for us to make changes to our turban on the basis of riding. For me to put a helmet on top of my turban, if you have to think about safety, would be harder and would be more unsafe to ride because it could whiplash with the air and wind, whereas this one is more tactical based. The way I have tied my turban over here is more tactical. This I have been using in my DCJ services when I was serving as a senior correctional officer. I have been involved in a lot of incidents where I was wearing this turban. Some of those incidents can go very violent, and until today—touch wood—my turban hasn't come off. So I do take this point into my statements here today to showcase how we would like to proceed further with this whole situation.

The CHAIR: Just before we go on to further questions, I'd like to advise the witnesses that you may wish to take questions on notice if you don't know the answers at the time. What it means is you'll have the opportunity to put them in writing back to the Committee members.

ESHBEEN SINGH: Yes, sure.

AMAR SINGH: Also if can I add something to that question further. It's impractical. For example, I've been in the transport industry for over 20 years. It's impossible for a Sikh truck driver to take his turban on and off, say, if you've got 10 deliveries in the day. It's totally impractical, so those sort of exemptions are actually restricting people from employment. In many cases people were let go from their employment because they couldn't satisfy the client's requirement or other requirements.

In the past I've been out to mining sites in regional New South Wales, regional Victoria, South Australia and many other States where they have been advised that, "Look, we will not operate the machinery until you unload the straps." As you can see there, the loads are restrained. Then they move in while the truck driver waits in his cab. They invite the truck driver back to either wrap up the truck or the curtains after they have moved away

the machinery. So there can be improvisations done but, in some cases, it is totally impractical to take your turban off and tie it and then you don't have a space. The harder you get from the truck to a place, they might say, "Hey, go to the XYZ toilet, take your turban off, come back." That, again, is a hideous task and many have lost employment over it. So it's not just the social aspect; it's also employment and the ability of people to be able to provide for their families.

BHUPINDER SINGH: In addition to that, I would like to say that a turban or dastar is not simply a piece of cloth; it is an article of faith, as I mentioned earlier, that symbolises our commitment to equality, justice, spirituality and our deep connection with God. It represents our identity, discipline and the collective history of the Sikh community. Wearing a turban is not an option for Sikhs; it is a sacred, religious obligation. It is one of the five articles of faith that every Sikh must uphold. Also, it is in our code of conduct, which we must follow all the time. We cannot go against it. Putting a hard hat on our turban is not possible. I have been reading for a while from our research. I have done a lot of research and spent a lot of time in other countries—for example, India and Pakistan. There is a long list of countries. There are about 30 countries now that have exemptions.

I will come back to the UK again. As we all live in Australia, most of our rules that apply come from there. In 1976 that's what they came down to after three hearings and three sittings. They have spent a lot of time and money on it. The end result was they have given Sikhs a full exemption from wearing a hard hat or helmet. We were exempt. If I talk about World War I, Gallipoli—you name it—and the 14th Battalion, Sikhs fought side by side in the armed forces with their turbans on. I would like to quote again from *The Turban Victory*. Sir Reginald Savory also gives instances of having known Sikhs picking bullets out of their turbans during and after the war. Under no circumstances, not even to save his life in fever, will a Sikh allow his hair to be cut. It is very clear: Sikhs are not allowed to cut their hair, take the turban off, just to mend things. We are not allowed. We must wear a turban; we have no choice. That's why we came here today, to give you our viewpoint about what we are fighting against.

The Hon. NATALIE WARD: That's very helpful. Perhaps I'd invite you to take it on notice to provide the Committee with those other 30 places that you mentioned, or a number of them.

BHUPINDER SINGH: Sure.

The Hon. NATALIE WARD: Those examples might be helpful for us to understand those other jurisdictions.

BHUPINDER SINGH: The initial submission done by Sovereign Sikh Riders in the past has all the details listed. However, if it's required, we have all the documentation, which can be submitted later on if required by the Committee.

The Hon. NATALIE WARD: Do you have any comment on the Tough Turban that has been brought in in Canada? It's Harley-Davidson. I just looked it up briefly. Is that something that the community might be able to—

TARANDEEP SINGH: The first point is that that's not a turban. That's a new material that's being discovered by them. I guarantee there is no technology that's going to replace a helmet. A turban is not a cap or a hat which could be replaced; it's an article of faith. Even if the technology does advance, it won't advance to that level. We can't see the future. In the foreseeable future, we do not see advancement in technology that will help us tie a turban or wear a turban that would be as safe as a helmet. That's why we're asking for an exemption, because an exemption is the only way forward that we see right now. It's not a replacement. It is an article of faith which cannot be replaced, even if the technology is advanced in the foreseeable future.

The Hon. NATALIE WARD: I think it's interesting that you quote the UK and Canada—this is to Sovereign Sikh Riders—and that there was no measurable increase in motorcycle fatalities related to those exemptions. Are you able to talk to that and any data or studies—you can take it on notice, if you like—that support that position? Can you talk through how you would see the enforcement of that?

BHUPINDER SINGH: Sure. I would like to answer that question. I have recently been to the USA and Canada. I had the opportunity to ride there with my turban on. You can see the photos. I can provide the photos later. It was a privilege and it was a very proud moment riding with the Sikh Motorcycle Club in Surrey. They had their exemption done in 1999, so they celebrated their twenty-fifth anniversary. 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 recognised the exemption for Sikhs, citing respect for religious expression and acknowledging that such exemptions have not led to safety issues, in a Government of Ontario news release on the helmet exemption for Sikhs. Basically, from what they have told me or what the data says, there have been zero claims or no claims at all since they have given exemption to the Sikhs to ride with their turbans. I would like to quote the Motorcycle Safety Helmet Exemption Regulation:

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

Exemption

- 1 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.

They have got an exemption to wear that turban and ride with it, and that's a similar turban like this or that Eshbeen has on. It gives us protection, and I think there was a little research done by Harley-Davidson as well. They created a bulletproof turban which they deemed is 36 per cent more safe than a helmet, and they have done their research on that. But, at the end of the day, anything above more than five square metres or 10 square metres or more, we wrap it around. It takes 15 to 20 minutes to wrap it. It is our crown, it is our pride and it is sticking to our head quite solidly, so it doesn't come off. It is very safe to ride with a turban, and there are no safety issues with that.

The Hon. NATALIE WARD: Mr Singh, if you're able to provide any statistical data or studies that can provide the Committee with some information about how there has been no measurable increase, as you say, to fatalities related to those exemptions, that would be helpful.

BHUPINDER SINGH: Yes. I think, as is mentioned in—

The Hon. NATALIE WARD: You can take it on notice and provide it to the Committee.

The CHAIR: We're just on time, and we've got a number of members.

ESHBEEN SINGH: I think it's mostly hearsay at this stage because, with those kinds of statistics, obviously insurance companies need to be contacted. The way we are trying to contact them is totally different because they're based in Canada. Those countries—to contact them is quite hard. But in going with the hearsay, we have been receiving from—Bhupinder has been visiting the US and Canada. It has been that mostly there have been no claims. As I quoted, again, from Ontario, for the last 22 years there have been no claims on the basis of a Sikh rider who fell off and made a claim on the basis that they weren't wearing a helmet and that's why it happened. So I'm just talking on the points of that. Initially, it's hearsay at this stage, because we have not been able to—I'm talking as the Sovereign Sikh Riders; I'm not sure about the rest. If they have these statistics, I'm more than happy to share. But at this stage, we haven't been able to get any.

The CHAIR: Mr Singh, just so you're aware, we are an evidence-based Committee for the consideration of submissions. I will notify you at the end, at 12.15 p.m., but you'll have till 31 January to make further information and submissions and things like that, which would be really handy for our consideration.

AMAR SINGH: I'm going to say one thing. I will volunteer to collect data on that and come back to the Committee in our capacity.

TARANDEEP SINGH: We would also like to inform the Committee that Singhs Social Motorcycle Club did reach out to the Human Rights Commission in Ontario, but they were not able to provide that information because it's confidential information, and that could not be provided to an organisation. The Committee does have the power to get that information through diplomatic channels or other means. But as an organisation based in New South Wales, we were not able to get that information.

The CHAIR: All Committee members are in attendance, but there are many that are online. Mr Edmond Atalla, the member for Mount Druitt, is a Committee member and has some questions. Edmond, over to you, if you can hear me.

Mr EDMOND ATALLA: Thank you to the witnesses coming before us. You have all my respect for the Sikh community. I have a very good relationship with the Sikh community in my electorate. I'm interested in the comment made by Mr Bhupinder Singh that wearing a helmet could be seen as against the faith because it indicates fear of death. If there was a turban designed for safety, would that still be against your faith because wearing something that's going to provide the same safety as a helmet could be seen as fearing death—or other clothing that you might wear that might protect your body? Would that be seen as being in fear of death as well, which is maybe against your faith?

BHUPINDER SINGH: Thank you for the question. I believe the quote I mentioned earlier was "Under no circumstances, not even to save his life in fever, will a Sikh allow his hair to be cut." So, basically, it didn't say there is a fear of death or anything like that. As our Sikh code of conduct says, we are not allowed to put anything over the turban, whether it's a hard hat or anything else. It is against our religion. As Eshbeen mentioned earlier,

articulating, it gives us freedom, so we cannot put anything on top of the turban. And the offer you said, is that a helmet or tin or is it metal? Are you offering the option for Sikhs?

Mr EDMOND ATALLA: We've heard from witnesses that it still hasn't been designed, but they're looking for turban designs that could give the safety perspective instead of a helmet so that Sikhs could wear the new turban design to give the same safety or more safety than a helmet. I'm not sure whether there is yet or there is going to be, but would that be something—

The CHAIR: I think Mr Atalla is seeking clarification as to what would be acceptable to you, within the faith.

Mr EDMOND ATALLA: Yes.

BHUPINDER SINGH: A piece of cloth about five metres—you can see the designs or turbans on top of our heads. The round one is a dumalla, and this one is a modern turban. Both are acceptable, as long as it is a piece of cloth and we can respectfully tie it on our head. That would be respectful—not a piece of metal.

TARANDEEP SINGH: If I may, I think there is a miscommunication here. We are accepting of and open to technology, but the turban is a part of our body. We consider it as a part of the body. Anything that is material, as cloth, is considered as a turban, which is tied by a Sikh person of the Sikh faith. Even if the technology advances to a level where the material would be strong enough, that would be considered as cloth. We are happy to wear it if it is similar to the beliefs and it is within the bounds of the code of conduct of Sikh religion. We are not scared to take off our turban. We tie it every day. We don't sleep in it. So I think there is just a miscommunication in how the interpretation of Mr Singh has been articulated to the Committee.

AMAR SINGH: I'm sorry, there is another explanation of this. As a baptised Sikh, there is a different requirement. As you might see, there are members here who are not baptised. By that, I mean they have trimmed their beard or might have a trimmed head. As a baptised Sikh you have to wear a two-layer turban. Right? The principle, what we are asking for, is the exemption based on religion, not the style nor the size of it. If a person does not practise any faith, be it they are born in Christianity, Muslim or Judaism, they don't have to follow the protocols. For a Sikh who is baptised, following the protocol is a different scenario. As you see, many members here are not baptised Sikhs, so they don't really, technically, even have to wear the helmet. They might live their life in a different way which, religiously, is forbidden. So I want to make it clear that, on principle, there are no exemptions we can take on this, because a turban has to be tied in a way that it cannot be like a cap or a hat. We must tie our whole turban from scratch. This, when I undo it as well, I can't just take it off like a hat; it has to be unwound. That is the key principle. Thank you.

Mr EDMOND ATALLA: That leads me to my next question, Amar. I've noticed that you and Mr Eshbeen have a different turban design. It is not the same as worn by the other witnesses. Can you educate me? Is the principle just the head being covered or is it the type of turban that you need to wear? Can you just have a head cover that might be light or does it have to be tied the same as your colleagues sitting next to you?

AMAR SINGH: Thank you, Edmond. The type of turban I tie and many others in the room have tied is the religious turban type. It is also referred to as the Nihang type, the dumalla. Whereas the modern turban, which started pretty much during the Sikh Raj, is what Eshbeen and some of the members are wearing, with the pointy front. Both turbans are religiously allowed to be worn, but it has to be in a way that it's a piece of cloth that is not formed in any way, shape or form but is a long piece of cloth that's tied individually every time. That is the main difference. Both of these turbans are acceptable. In fact, you might have seen people wearing a different type of material that might even have a check pattern on it. That's allowed for some of the farmers, as Sikhs predominantly come from farming backgrounds. When they're farming or working with machinery, they might tie a turban that's more sustainable to marks and scratches or getting dirt on it and whatnot. That's the difference.

Mr EDMOND ATALLA: I understand from some of the witnesses that even if there was a turban that was light and just covering the head, you can't put something on top of it. Does your religious faith mean that you can't cover the turban with anything else?

AMAR SINGH: It's also a matter of principle. For example, I have owned a bike for the last four years, give or take, and it's parked in my garage. I have not principally ridden it because I don't see that I need to improvise with my turban until the exemption is done. Many others will choose to take off their turban to ride a bike. It's all about principle and how much you follow your faith. That's what this comes down to. I know technology has changed. We can see that bikes are going faster or slower or many other things. But, like I said previously, it's also about employability. Many of our members of the community are losing employment over having to wear a hard hat. There are those restrictions as well; it's not just recreational riding.

Mr EDMOND ATALLA: My daughter is under 25 years, and when she renews her car registration and CTP there is a question, "Are you under 25?" If you tick that box, her premium goes up to \$750, but if you don't tick that box, it's \$400—if she's not under 25. If there was an exemption for turbans but there was a question "Do you have an exemption for a turban?" and your premiums suddenly skyrocket to double what the normal premiums would be, how would you feel about that?

MAVLEEN DHIR: I would like to answer that. I come from the insurance industry as well. In a world where there are so many insurance companies, there are three underwriters. We have these exemptions in Canada, the US, parts of the UK and most of the Commonwealth countries. Having said that, I'll ask you a question. There are Medicare facilities for people who smoke. Statistically, there are 20,000 deaths by smoking every year in Australia. When it comes to motorcycle riding, there were only 2,000 deaths from 2011 until 2020—in the last 10 years. I don't see insurance premiums rising for those people, so why would our insurance premium rise? I call it discrimination. If it is not happening in other countries, why would it happen here? There is an assumption that you're taking wherein insurance companies may hike the premium but, if I may ask, did you do the research or check with the insurance company about whether they would hike the premium if a turban exemption would come into existence?

Mr EDMOND ATALLA: Later on we will have witnesses from the insurance industry, and that's a question that I'll ask them. But talking about discrimination—yes, there is discrimination. There is discrimination against someone who is under 25 by doubling their premiums. That is a sort of discrimination. But they look at their risk factors. If the Sikhs were exempted to wear turbans, I can see the risk factor there increasing. I can assure you that premiums will go up. There's no doubt about it.

MAVLEEN DHIR: I've got some insurance certificates of currency from Canada and the UK for riders who ride in turbans. I can share those with the Committee, if required, wherein the premiums have not increased. This is something that I've researched because I come from the insurance industry, so I wanted to check it as well. I'm happy to share that.

AMAR SINGH: That's also applicable to the transport industry as well. Currently, if you have a licence under two years and you're under 25, your premium is doubled.

Mr EDMOND ATALLA: Exactly.

AMAR SINGH: That's fine. If there is an exemption with a full turban, paying the extra premium will not be an issue for many Sikhs I have spoken to in my personal capacity, because not everyone can be here.

Mr EDMOND ATALLA: We don't know that. Insurance companies will take every last dollar off you if they can. That's just a fact of life. I'm just interested in your views. If an exemption was given and insurance premiums went up, what would the Sikh community be doing? Would we be doing another inquiry? Where would we be taking this?

AMAR SINGH: Sikh riders within the minority Sikh community are a minority. Not everyone wants to ride; not everyone has to ride. Again, this is a recreational thing, but it is also for employment. Again, the onus will be on the person, like any other person taking out an insurance policy. You have to declare if you have a criminal past or outstanding fines or if you've been charged with drink driving and others. Again, this will form part of that. So if somebody chooses not to inform, then they will be in grief themselves. But, again, I think if the premium was to go up and we had the opportunity, many Sikhs who ride may choose to do that or they might just go—even with an exemption in place for the helmet, many Sikhs might still choose to wear a helmet. Again, it comes down to if you are baptised or not or what your personal preferences are.

Mr EDMOND ATALLA: I just want to reiterate my full respect to the Sikh community. As was said in the past and as the Chair has indicated, this is a road safety committee and we are looking at facts so that we can make recommendations to the Government on a factual basis. I want to thank all of you for being here today and putting up your case. We still have a long way to go in terms of all the different witnesses to come before us and, at the end of it, I am sure that there will be some recommendations made. Once again, I reiterate my thanks to you all.

Mr WARREN KIRBY: My first question is for Sovereign Sikh Riders. In the submission, you mentioned New Zealand's exemption applies at speeds below 50 kilometres per hour. Would you support an exemption at low speeds only?

BHUPINDER SINGH: No. As I mentioned earlier, with my experience in riding overseas in the US, Canada and New Zealand—specifically I will come back to Canada because in Surrey, British Columbia, there are no restrictions like that. Any Sikh rider can ride anywhere on the road or motorway or local streets or suburbs or province, so there is no speed restriction. And Edmond's question—as I spoke to the members of the Sikh

Motorcycle Club, there was no statistical data which shows there has been an increase in the claims and all of that. There are no claims being made and no, injuries have not increased since they have given permission for the turban.

Mr WARREN KIRBY: I appreciate that feedback from Canada. It would be good to have numbers from the UK as well, if there were numbers.

BHUPINDER SINGH: Sure.

Mr WARREN KIRBY: But, in particular, in New Zealand because road conditions, driving conditions and all that sort of stuff are much more analogous to Australia than jurisdictions like Canada. I am just curious: Do you have any from New Zealand?

BHUPINDER SINGH: Yes, I have ridden in New Zealand as well.

Mr WARREN KIRBY: No, is there data?

BHUPINDER SINGH: I don't think, as I mentioned earlier—

AMAR SINGH: We will volunteer to get the data later on.

BHUPINDER SINGH: Only a small number of riders ride, so there is not a big number of Sikh riders who ride motorcycles. So there is very low data available, but we will try to put that on notice and submit it later on, once we come with more details.

Mr WARREN KIRBY: To that end—probably more to the panel—do we have any estimates on the amount of Sikh riders in New South Wales that this exemption would apply to?

BHUPINDER SINGH: We have 50,000 Sikh people living in New South Wales. I believe there would be more than 500 Sikh riders in New South Wales or more, and some don't ride due to restrictions. As one of our members said, the motorbike is parked in the garage due to some restrictions or they can't ride with a turban on or they don't want to wear a helmet. I believe I have spoken to a lot of rider mates and they said, "Until you get us an exemption, we're not riding." I believe they have been discriminated against. We need to look into it and give them a full exemption so they can ride and be like normal citizens of New South Wales and Australia.

Mr WARREN KIRBY: We are talking about a very small proportion of motorcycle riders broadly—

BHUPINDER SINGH: Correct.

Mr WARREN KIRBY: —in comparison with the amount of people who ride in New South Wales. When we talk about road safety and increased risk on New South Wales roads, we are not talking about tens of thousands of people.

TARANDEEP SINGH: Being a minority does not give any power to anyone to oppress our rights. We have religious rights. The Committee is focused on safety. I think the safety concerns should be of the rider, and the rider is making an informed decision when he decides to wear a helmet or wear a turban when he rides a bike. It wouldn't affect the safety of other road users because, even if he wears the helmet, the safety concern would be similar. If a person is making a conscious decision to exercise his religious right by wearing a turban, it wouldn't affect the community member.

AMAR SINGH: Also, I think the numbers of people in the workforce would be a lot higher than what was previously stated, which is an unofficial figure anyway. People in the workforce that are affected, currently in the transport industry or with the postal service and others, that could be riding as a job will be a lot higher.

MAVLEEN DHIR: I would also like to request the Committee—the data given here, as Amar rightly said, is unofficial. Let us work through it. Let us get you the data, whatever you need, and let us come back with the correct figures.

Mr WARREN KIRBY: Speaking of data, in your submission you say that health services and first responders report minimal operational challenges related to exempted Sikh riders. What is the engagement that the club has had with first responders?

TARANDEEP SINGH: We have spoken to Ambulance Victoria, and that was an informal conversation we had with them. There were not many changes in relation to Sikhs riding bicycles in Victoria in terms of accidents for responders, considering that they can ride on the footpath there as well. We do not have the numbers; they are confidential information. We can try to get it, but I think the Committee would have more resources to get those numbers. At the end of day, it's not about numbers; it is about our religious freedom to wear our turban and exercise the right to ride motorcycles.

Mr WARREN KIRBY: You talk about the balanced approach within the three jurisdictions we have spoken about—Canada, the UK and New Zealand. Can you elaborate a bit more on what you mean by a "balanced approach"?

TARANDEEP SINGH: In the UK, the Sikhs have been exempted from wearing a helmet from 1976. The numbers they would have would accurately depict what the number of Sikh riders are there and how many accidents or fatalities have been there. There hasn't been a premium increase in terms of motorcycle riders riding without the helmet. And, similarly, it could be copied in Australia. New Zealand is on the path of doing it. They haven't put a blanket exemption, but they put the speed limit. New South Wales has the opportunity to now provide a blanket exemption to Sikhs. Why not New South Wales be the first State in Australia to give Sikh riders that exemption?

There is data from 1976 in the UK. We, as an organisation and as members of the Sikh community, do not have access to that data. But that should not hinder our riders. The Committee does have the power to get those numbers, so I request the Committee to get those numbers and look at the data. I understand there would be submissions made by the Australian Medical Association and other paramedic associations as well in terms of what the outcomes could be. But when there is data which could be relied on—and decades of data—I think numbers talk better than humans.

The CHAIR: We can send correspondence to attempt to obtain that data. If you could, with your indulgence, send through the specific data and where from that you would like, then we can make those representations.

TARANDEEP SINGH: We will. Thank you. Much appreciated.

Mr WARREN KIRBY: Are any of the current witnesses aware of a repeal of a religious exemption in New South Wales in 1992?

ESHBEEN SINGH: Yes.

Mr WARREN KIRBY: If you're aware of that, do you have any information on whether there was an increase in safety after that was repealed? Was there an increase? Was there a decrease in accidents? Was there a decrease in fatalities? Do you happen to have that information?

BHUPINDER SINGH: I will answer to that. Instead of looking at the data into the safety point of view, the Sikh Rehat Maryada is the Sikh code of conduct, as I mentioned earlier. It provides that the Sikh is to wear a turban and not any other headwear. It is endorsed by the Akal Takhat Sahib, which is a 400-year-old temporal seat for Sikhs that was set up by the sixth guru and spiritual temporal leader. So a Sikh person is now to wear a turban on the head and is not permitted to wear a helmet under or over their turban. These five Ks must be worn by a baptised Sikh at all times. We have no choice.

Mr WARREN KIRBY: I fully understand the religious significance and don't for a moment think that—

AMAR SINGH: We will take that question on notice, thank you.

Mr WARREN KIRBY: We just received a representation from the Motorcycle Council that made the point that there were religious exemptions in 1992 that were repealed, mostly on rorting. This is where I was going to with the question. What sort of system do you think would be appropriate to implement? Should the Committee find that there can be exemptions, who determines who can be exempt? Would that be done through a gurdwara? Amar, you mentioned a couple of times about being a baptised Sikh. Who would it be that would make the recommendation that a person could ride without a helmet?

AMAR SINGH: I would suggest an independent body apart from the Gurudwaras and the motorcycle clubs to be in charge of that. Again, a baptised Sikh should be only exempt from riding without a helmet. Previously, what you said, in 1992, there were instances where people could get a letter from the doctor to say, "I don't have to wear a seatbelt or a helmet." Those times have all been and gone. But we will take that question on notice and come back to it. I do feel the need for an organisation to be able to verify who is a baptised Sikh and then they are not pulled over by the police. It's also wasting their resources and also policing resources in pulling up every person they see without a helmet, going, "What's going on?"

For example, in Victoria, they have an identity card issued by the Victoria Police with the logo on it about the kirpan exemption. There are members of our community who have English as a second language, as the majority of us do, who cannot explain themselves at times and also under pressure when being pulled over by the police. Those sorts of cards being issued by a credible organisation will be a solution to that, and also verifying on our end that this person is actually a practising Sikh, not just wearing the turban for the sake of riding, because

that is a big no-no in the community. Of all the members I have personally consulted through our channels, they will not feel comfortable with people who choose to wear a turban on a day to ride rather than actually people who wear a turban full time.

Mr WARREN KIRBY: Bearing in mind that the police who would potentially issue this card wouldn't have any understanding of who is eligible and who isn't, do you think they would need a letter of reference or something from a religious practitioner of the Sikh faith in order to be able to make that application?

AMAR SINGH: That's right. That's why I said we will need an independent body to be able to verify a person before they go apply for a motorcycle licence. They will have to go to this body and say, "Look, I'm a practising member of the Sikh faith." They can verify if you are Amritdhari or if you are baptised or not, and then give them the letter of approval so they can go and get a licence and then apply for that exemption. I guess it will be not be a blanket exemption for anybody getting a bike licence. After they get the licence or before they get the learners, they will have to apply for the exemption to be exempt, right, if we were to go to that stage.

BHUPINDER SINGH: In addition to that, I believe Service NSW can, as Amar Singh said, verify that when they issue the licence. Any rider above the age of 18, they can check and verify that the person is of believed Sikh faith and he is baptised before he has the right to wear a turban, not a hard hat. Also, for your information, you can also refer back to the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, which was, I think, submitted by the Australian Sikh Association. There is a lot of stuff which can be taken into account when it comes down to make that decision for the helmet exemption for the Sikhs.

MAVLEEN DHIR: In addition to that, Warren, to your question, a GIPA was filed by the Motorcycle Council of NSW and by the Singhs Social Motorcycle Club. I have got an email on the exemption on medical grounds and religious grounds. I will share that as well.

ESHBEEN SINGH: Also, just with the stats you were talking about, we were able to get 1984 data from the Joint Select Committee on Road Safety. It showed that 2,272 helmet exemptions were in effect, with just three of those being on religious grounds, including being of the Sikh faith. If we're talking about stats at that time, I don't think there were a very high number of Sikhs at that time in 1984. Obviously, the numbers have increased in today's time. We have done some petitions recently, and we got a lot of numbers, which was more than 1,000, that they do wish to ride with a turban.

BHUPINDER SINGH: Since the Sikh people came to Australia, since 1830s, as has been mentioned there has been some exemptions on an individual basis in 1970s. So now, as the majority of riders ride in New South Wales, we are seeking for a full exemption.

Mr ROY BUTLER: I know we're running short on time, Chair, but for the sake of absolute clarity—thank you very much to all for appearing here today. Amar, thank you for all the good things you do in my electorate. For the sake of clarity, there are two things. One is if there was a product that did go over the top of the turban—and I've heard you say, Bhupinder, that's not something that you could come at—would that be part of an answer? The second thing was in terms of the actual material that you use in the turban, if there was an option for a material that was gel impregnated or anything like that to provide more cushioning or provide some shock absorption, would that be something that would be considered?

MAVLEEN DHIR: Let me answer that question. Now we are referring again and again to the same Pfaff design—not even design concept, Tough Turban. That was something that was designed by Pfaff Harley--Davidson. It never came into existence because it wasn't as safe as helmets, as Taran rightly said. However, see, it is an article of faith. It is not a product, as you currently mentioned, if there was ever a product. With Sikhs there are sentiments involved. Let me give you a small statement. When you ask a Sikh to remove turban in public, it is like asking a woman to remove her clothes in public, you know what I mean? That's how sacred it is for us. It is not a ceremonial thing that we wear. That is why, again and again, what we are trying to tell you is that there's no other product that can replace a turban. Gel infused into a cotton cloth—if that time comes, but we don't know when. We can't wait till then. Let's say it takes 10, 15 years down the line. Nobody know what is going to happen in the future, right? We don't know a deadline. The Tough Turban has been in talks for the past five or six years, but never came into existence. What we are trying to do here is, in the time you do not get that, the only alternative is exemption.

The CHAIR: Again, thank you all for appearing today. It's been invaluable to get the information you have passed on, in terms of my colleagues and the Committee getting a better understanding as to the very relevant position you have and the reasons why. That's important as part of the consideration of this inquiry. You will each be provided with a copy of the transcript of today's proceedings for corrections. The Committee staff will also email any questions taken on notice from today and supplementary questions from the Committee. Can we kindly

ask that you return these answers by 4.00 p.m. Friday 31 January 2025. Thank you very much to all of you again. I know many of you have travelled far, and I really appreciate it.

TARANDEEP SINGH: In conclusion we would like to say that we are thankful for the opportunity given to us. In terms of our turban, in term of being a Sikh—baptised or not, we're recognisable. You can recognise us from a mile away. The exemptions that were given earlier were granted because of the medical system; it wasn't because of the turban. It was because on other grounds. I haven't done my research on it. It's just based on the conversation I had with the gentleman who was—from the Motorcycle Council's submission. That was a different Australia in different times where things could have been rorted out of the system, but we are in present, advanced twenty-first century in Australia.

AMAR SINGH: I have a last question, sorry, to the Chair. How many Sikh organisations were invited to put a submission for this exemption? Because we've seen a low number. Is it a lapse on the community side or was there an oversight from the Committee part of not involving wider Sikh consultation about this issue?

The CHAIR: I understand there was thorough consultation. In terms of the number, the secretariat may be able to advise?

AMAR SINGH: I understand the time is curtailed as well, so you can maybe come back to us later about this.

The CHAIR: Yes, we'll get that to you.

AMAR SINGH: Thank you all for your time today.

(The witnesses withdrew.)

Dr PETRINA CASEY, Executive Director, Strategic and Corporate Services, SafeWork NSW, affirmed and examined

Ms MANDY YOUNG, Chief Executive, State Insurance Regulatory Authority, affirmed and examined

Ms LAUREN SAYER, Acting Executive Director, Motor Accident Insurance Regulation, State Insurance Regulatory Authority, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you for coming in today to appear and give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. Those photos and videos will be used for social media purposes on the New South Wales Legislative Assembly social media pages. Please inform the Committee staff if you object to having your photos or videos taken. Can you all please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

PETRINA CASEY: Yes.

MANDY YOUNG: Yes.

LAUREN SAYER: Yes.

The CHAIR: Do you have any questions about the information that you've been given?

PETRINA CASEY: No.

MANDY YOUNG: No.

LAUREN SAYER: No.

The CHAIR: Would any of you like to make a short opening statement before we begin questions.

PETRINA CASEY: Good afternoon, everyone, and thank you for the opportunity to appear before the Committee. As you know, SafeWork NSW is the State's work health and safety regulator and, while SafeWork NSW does not have responsibility for enforcing compliance with the road rules and personal usage of helmets, we play an important role in ensuring safety in the workplace. Consistent with the objectives of the work health and safety legislation, SafeWork NSW is committed to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work as is reasonably practicable.

From a work health and safety perspective, the primary work health and safety duty under the New South Wales legislation sits with an employer—a person conducting a business or undertaking. There's no specific provision in the work health and safety legislation that requires the use of helmets as personal protective equipment. However, if a helmet is to be used as PPE to minimise a risk to health and safety in relation to work at a workplace, in consultation with its workers, the person conducting a business or undertaking must provide the PPE to workers and ensure the equipment is worn or used by the worker. The worker must, so far as they are reasonably able, use or wear the equipment in accordance with any information, training or reasonable instruction by the person conducting the business or undertaking. This information may also include rules found in other legislation.

Specifically in relation to work health and safety implications for food delivery riders, if they use either bicycles or motorcycles for work they're required to comply with helmet laws. From July 2022 it became law for food delivery booking providers to supply the riders with PPE. From 1 January 2023 it became law for riders to wear supplied PPE, which is a high-visibility vest, a food bag, and carrying a training verification record. SafeWork NSW, with support from Transport for NSW, has delivered a range of communication materials to support both delivery riders and food delivery platforms that includes clear messaging around safety equipment and the requirement to use approved helmets. Key messages have also been provided in community languages. Thank you. I'm happy to take any questions that the Committee may have.

MANDY YOUNG: Thank you for inviting the State Insurance Regulatory Authority to speak with you today. We have responsibility for the compulsory third-party green slip scheme. We're committed to working with Transport for NSW and all stakeholders to reduce road trauma. That's consistent with a long-term goal of eliminating deaths and serious injuries on the road network by 2050. Injuries and deaths from road trauma have immense impacts on not only those involved in any crash but their families, communities and the extended networks. We all see it and we all feel it. We need to do what we can for our roads to be as safe as they can be and, when a crash happens, make sure that people can get the support and the care that they need.

Transport for NSW, on behalf of the New South Wales Government, has prepared the submission that the Committee has already received today into the inquiry into the wearing of helmets in relation to the Sikh community. We contributed to that submission. Item (f) within that submission relates to work health and safety and insurance implications for food delivery riders of Sikh faith. However, our primary input focuses on the insurance implications and the CTP scheme. We remain committed to that and to reducing road trauma in any way that we can. We hope that the conversations today can help you to form your recommendations.

The CHAIR: Before I open up to my colleagues for questions, I advise witnesses that you can take questions on notice. If there is a more thorough answer you can give or something like that, that's probably even preferred as part of the inquiry as well.

Mr ROY BUTLER: My question is probably more to Dr Casey, who sort of touched on this. Let's imagine that the Committee resolves to say that there would be exemptions; then we'd run afoul of the WHS Act in terms of a PCBU or an officer doing everything reasonably practicable to ensure the safety of an employee. I don't know how that actually works out in practice, because if you were to allow the exemption, whether it's wearing a hard hat on a worksite that requires it or whether it's wearing a helmet on a motorcycle for delivery or anything like that, you're not going to necessarily get around the WHS side of it just by creating an exemption.

PETRINA CASEY: Yes, that's correct. There are several pieces of legislation. Any PCBU would have to do its own risk assessment, whether that's on a construction site or whether that's food delivery riders. Part of that risk assessment is the hierarchy of controls that the PCBU would need to work through, and part of that would be providing personal protective equipment, which in this case, of course, could be a helmet. If we use the case of food delivery riders, the reason why that's not specified in the WHS regulation is that it's already law. In the event that there was a recommendation or that the laws changed in relation to helmet use on the roads, it may be a consideration under work health and safety legislation as to whether, particularly in the cases of food delivery riders, that might become part of the PPE, just like we've done with the high-visibility vests and the visibility bags. I don't know that you'd run foul of it, but certainly it would be a consideration that the WHS legislation would need to look at.

Mr ROY BUTLER: It's that idea of doing everything reasonably practicable.

PETRINA CASEY: Absolutely.

Mr ROY BUTLER: As you say, it's in road law that you have to wear a helmet, but even if there was an exemption, it would be tough for a PCBU or an officer to say that they were doing everything reasonably practicable to keep someone safe.

PETRINA CASEY: Absolutely. That's correct.

Mr EDMOND ATALLA: I have a question, first to SafeWork. Did you say that people working on construction sites—say, Sikhs with religious coverings or any other religious coverings—are exempt on worksites? How do you go about that?

PETRINA CASEY: No, sorry.

Mr EDMOND ATALLA: People with head coverings are not exempt if they're working on worksites?

PETRINA CASEY: No. Sorry, that's not what I said, and sorry if that's the way it came across. I was just using that as an example.

Mr EDMOND ATALLA: So they're not exempt? I just want to be clear.

PETRINA CASEY: They're not exempt.

Mr EDMOND ATALLA: Are Sikh communities not able to work on worksites at the moment?

PETRINA CASEY: Individual construction organisations or the PCBU does a risk assessment, and part of that risk assessment is that the PCBU has a duty to provide personal protective equipment. Particularly on construction sites, that would be a hard hat to reduce risks from falls and also objects falling on people's heads, to reduce the risk of injury. A worker has a duty to comply with the PCBU's request to wear that personal protective equipment. If, for example, a Sikh or another member of the workforce wanted to seek an exemption to that, the PCBU would then have to work around with the worker in relation to potentially finding a lower risk type of employment for the worker to conduct on that worksite.

Mr EDMOND ATALLA: It's more than just bicycle ridings. Now we're talking about construction sites, which is outside the scope of leave of this inquiry. But it was an interesting point that, from a SafeWork perspective, people with head coverings have to go through a risk assessment and decisions are made based on that risk assessment about type of work that they do.

PETRINA CASEY: Yes.

Mr EDMOND ATALLA: That's fine. I just wanted to clarify that in my mind. My other question is to the State Insurance Regulatory Authority. I've said this to the previous witness. When my daughter, who is under 25 years, renews her CTP, she ticks a box that she is under 25 and the premium is double what the normal premium would be. If Sikhs were to get an exemption, would you foresee a similar type of question on insurances or CTPs, where they tick whether they have an exemption and that puts them in a higher risk category? And, therefore, do you see premiums increasing for those people with those exemptions? What are your views on that?

MANDY YOUNG: I might hand to Lauren to answer that one.

LAUREN SAYER: Sure. Under the CTP scheme, the premium framework recognises that the scheme is compulsory and privately underwritten. It is a blend of community rated and a risk-based premium approach. What you're referring to is a risk factor that an insurer would apply that helps derive the premium on the basis of a risk of a certain cohort, being a young driver. Currently, there's not a risk factor in relation to the wearing of a helmet or not because it's not a current consideration under the current scheme. An insurer files with the authority what risk factors it's going to take into account for its premium filing each year. SIRA does exclude some risk factors that can be included in an insurer's risk pricing, which includes race and postcode and a few other things. At the moment, the wearing of helmets is not included in that, but the insurer needs to file that premium with the authority, and the authority does an assessment of that before it being introduced into market.

Now, in the circumstances that there is increased risk to the scheme because of the increase in the severity of injury, the insurer may respond to that in relation to increasing the premium payable for motorcycles. Whether they would do so on the basis that someone was wearing a helmet or not is a different matter. If they didn't, there's a potentially underfunded position, because the scheme isn't pulling in the premium to cover the risk of those injuries.

The CHAIR: Would it be fair to anticipate that an insurance company would also give due consideration in terms of premiums, or even eligibility for insurance, for private health insurance as well as life insurance? Would it be fair to anticipate that would be a consideration in other facets of insurance?

LAUREN SAYER: I probably can't talk to other lines of insurance in the market. SIRA's remit is the compulsory third party scheme. That is statutory insurance, so the insurers must write policies and all registerable vehicles in New South Wales must purchase a CTP premium. Currently, motorcycles, given their risk profile, are already cross-subsidised by other policies within the scheme, or other classes of vehicles. Given the inherent risk that motorcycle riders are subject to, that may be increased on the basis of more severe injuries coming through

the scheme because of the exemption to helmet riders. But insurers would monitor the experience of what that looks like in terms of the injuries coming into the scheme and look to respond on that basis.

Mr EDMOND ATALLA: Currently, that's not a risk assessment factor because the law prohibits the not wearing of helmets. If that came through, and there was an exemption for the non-wearing of helmets, you foresee that the risk factor could be reassessed.

LAUREN SAYER: That's correct, yes.

Mr ROY BUTLER: This is probably a bit left field. Section 28 of the WHS Act in terms of the obligations of other workers for the safety of their colleagues, could that potentially be triggered with an exemption?

PETRINA CASEY: Can you elaborate your thinking?

Mr ROY BUTLER: Say we're colleagues. I've got an obligation to look out for your safety as part of being in the same workplace. Could that potentially be triggered for, say, delivery drivers if there was an exemption? You could have a fellow employee essentially fall foul of the WHS Act because they saw you ride off without a helmet or without safety gear?

PETRINA CASEY: Yes, potentially. Again, if that was part of that PCBU's consultation with its workers, and part of that consultation suggested that PPE was part of the safe system of work within that particular environment, the obligation is on each person in that workplace. If they were not following the safe systems of work as per that PCBU—but then again, if helmets were exempt, then that would be part of it.

Mr ROY BUTLER: I don't know how that works.

PETRINA CASEY: There's probably a bit of drawing that together, but there certainly is that obligation, as you said, for other persons to watch out for their colleagues' safety in the workplace.

The Hon. NATALIE WARD: Thank you very much for your submissions and for coming along today. We very much appreciate it. I just wanted to ask about the potential for delivery drivers. SafeWork's submission has some information about education campaigns. Could I ask both SIRA and SafeWork to consider what possibilities there might be outside of or in addition to this education piece, where that could look to go and what you would be expecting to see if this exemption were to come forward in any form?

MANDY YOUNG: We could probably answer somewhat in the first instance. I don't think it's necessarily clear in this space. We do fund a range of research and programs for safety through the road safety and injury prevention research programs. We fund Transport for NSW to deliver those, essentially on our behalf and with them. We've committed \$2.5 million to the Centre for Road Safety. That funding is relatively ongoing. The funding commitment supports 10 projects. One of those projects is specifically around a motorcycle safety campaign. That's improving understanding of risk factors and influencing key riding and driving behaviours to improve that safety. There's another one around providing ratings for protective wear for motorcyclists. They're the two that we've got at the moment.

If we think more broadly about what would this mean and what could this mean, that's something that SIRA would need to take. If there's a change in the road rules, we need to think about what we can do to help educate. We would do that with Transport. We'd also do that with SafeWork, particularly for the gig economy or delivery riders and such. There's a piece of work in that. Currently, as the rules stand, we feel comfortable with what's in place. We could always do more but, with what we've got, I think we do quite well. However, if the rules were to change, we would have to think about how do we increase that safety aspect in any programs.

PETRINA CASEY: I think the considerations from a SafeWork perspective would be that if an exemption was granted, we would need to look at something that provides at least the same or a higher level of safety. That's certainly a consideration that SafeWork would then need to look at, either within the legislation that we're responsible for administering or thinking about that more broadly in terms of the safety requirements. All of the things that Mandy said, of course, are really important. The Government's submission went very clearly to the need to keep investing in helmet technology—so where we can work in that space to ensure that we facilitate for all diverse people in New South Wales. The main consideration that we would have to work through is really if we're removing that element from a safety perspective, what is the consideration or what else needs to be put in place? Obviously, you'd go back and look at all of the training material that's already there. What gaps might exist within that?

The Hon. NATALIE WARD: It'd be quite a bit of work. I'm just trying to game it out to every possibility and look at what steps you'd have to take, what kind of implementation period, what obligations would

arise out of that and how much work would be required from you. That's more of a commentary than a question, sorry.

Mr WARREN KIRBY: I just wanted to touch on something with SIRA. Would the granting of exemptions for Sikh riders affect their eligibility for claims of CTP or workers compensation? There was a bit of talk about what it would do to premiums, but would it actually affect eligibility?

LAUREN SAYER: It wouldn't affect eligibility. They would still be able to make a claim in the scheme. What it might impact is a finding of contributory negligence. There are some really complex interactions between the transport legislation and the CTP scheme legislation. Were the exemptions to be brought forward, we'd need to work really closely to understand what that looks like. But currently under the scheme, if someone was injured and wasn't wearing a helmet, there may be found to be a degree of contributory negligence towards that injury, and that may reduce their benefits payable after a certain period of time within the scheme. It wouldn't affect the eligibility to enter the scheme and to access benefits, but it may reduce their benefits over time.

The CHAIR: Thank you very much for coming and taking the time, and for your submission and contribution. The information that you provide is invaluable as we try to find the best outcome we can to this inquiry. You will each get a copy of the transcript of today's proceedings for any corrections. The Committee staff will also email you any questions taken on notice from today and any supplementary questions from the Committee. If you don't mind, can you return those answers by 4.00 p.m. Friday 31 January 2025.

(The witnesses withdrew.)

(Luncheon adjournment)

Dr VALERIE MALKA, Clinical Director, NSW Institute of Trauma and Injury Management, Agency for Clinical Innovation, sworn and examined

Dr TOM EVENS, Acting Executive Director, Medical Services and Research, NSW Ambulance, affirmed and examined

The CHAIR: I thank our next witnesses for coming in to give evidence to this inquiry today. Be aware that Committee staff will be taking photos and videos during the hearing and that the photos and videos will be used for social media purposes on the New South Wales Legislative Assembly's social media pages. If you are not comfortable with that, just let us know and we will not publish them anywhere. That is fine. Could you confirm that you have been issued with the Committee's terms of reference and the information about the standing orders that relate to the examination of witnesses?

TOM EVENS: Yes.

VALERIE MALKA: Yes.

The CHAIR: Do you have any questions about the information?

TOM EVENS: No.

VALERIE MALKA: No.

The CHAIR: Would one of you like to make a short opening statement before we move to questions?

VALERIE MALKA: Yes. Thank you for the opportunity to speak regarding the religious exemptions for the wearing of helmets. Firstly, I will start by acknowledging that we understand the importance of the turban to the people of the Sikh faith as a fundamental part of their religious observance and that the currently approved helmets cannot be worn with traditional Sikh turbans. However, having said that, as a trauma surgeon of over 25 years and the current clinical director of the Institute of Trauma and Injury Management, I cannot emphasise enough the critical importance of wearing an approved helmet in order to prevent severe facial and head injuries. Motorcycle, bicycle and e-scooter riders are particularly vulnerable to the risk of death or serious injury while using the road when compared with other road users. Those riders travel at speed with less protection than the vehicles they are interacting with, significantly increasing their risk of crashes, severe injury and death. Helmets are critically important to prevent serious head and facial injury as a result of a crash, and there is extensive and conclusive research showing their effectiveness.

I have spent more than two decades dealing with the consequences of road-related injuries, as well as working with the Royal Australasian College of Surgeons in advocacy for road safety and preventative measures. Research from across Australia and internationally has consistently identified that not using a helmet is a

significant factor in the severity of rider injuries, and research and testing has also found that turbans provide no significant protection in the event of a crash. I welcome innovations in helmet technologies which may present opportunities to develop helmets that are comparable with the wearing of religious headdress, but I'll conclude my opening statement by expressing my grave concern regarding changing laws which have been put in place to protect the public from death and serious injuries and, particularly, what precedent that may set.

TOM EVENS: I thank the Committee for the opportunity to attend and answer questions. NSW Ambulance is one of the largest emergency service organisations in the world. It provides integrated and statewide out-of-hospital care, rescue and retrieval services, working in tandem with the broader NSW Health network and other emergency service organisations. NSW Ambulance clinicians include paramedics, nurses and doctors. All are registered health practitioners through the Australian Health Practitioner Regulation Agency. NSW Ambulance clinicians respond to a range of accidents and incidents involving motor vehicles, motorcycles, bicycle riders and e-scooter riders, and NSW Ambulance is committed to providing safe and patient-centred care to all patients.

NSW Ambulance acknowledges the impact of road trauma on individuals, families and the broader community. As a senior specialist in pre-hospital care, emergency medicine and trauma since 2010, I have personally cared for many people who have been injured as a result of motorcycle and pushbike crashes, including cases where the patient was not wearing an approved helmet. I can attest to both the immediate and long-term consequences of high-energy trauma to the face and head in terms of injury and disruption to the skull, brain, airway and facial structures. Sadly, these injuries may result in significant and permanent injuries or, in some cases, the death of the person. I welcome any questions from the Committee.

The CHAIR: Before we go to questions, please be aware that you can take questions on notice and respond to the Committee in writing if you so choose. Dr Evens, obviously there are certain challenges that responders face when treating unhelmeted riders at those incidents. Could you elaborate on that and provide how these challenges would potentially increase if there were exemptions?

TOM EVENS: Any head injury that is the result of a transport accident involves, in most cases, a significant amount of energy relative to the energy that our bodies are exposed to in normal life. Some of that relates to the speed that the person is travelling, and that is something that is often in their own control; it also relates to the speed that the vehicle they impact with is travelling, which is something that they really have little control over; and there is a third component, which is the angle of the force they impact after being unseated. That, in my experience, feels almost just like luck, and something over which they have no control—by which I mean that the amount of energy that is involved in a collision for a motorcycle or a bicycle is sufficient, if it occurs in the incorrect direction, to fracture the skull or significantly impact the brain. That can occur in any direction, but most commonly it is the frontal and temporal direction—the front and the side.

That can result in primary injury to the brain—a disruption of the neurons within the brain. It can cause significant bleeding around the brain, which can then cause pressure on the already injured brain, and it can affect consciousness which, in turn, affects how the person breathes and their oxygen level, and that, in turn, worsens the injury to the brain. Where there's an injury to the face and the facial structures, there can be bleeding into the airway or into the mouth, and these are the immediate effects. What first responders find in these circumstances can be a person who is deeply unconscious, whose oxygen level is very low, whose breathing is altered or whose airway contains either blood or vomit. In some circumstances, where the skull itself has been disrupted, the brain is exposed and injured.

The Hon. NATALIE WARD: Thank you for your submissions and for coming along to assist the Committee today. We very much appreciate the difficult work that you do for the community. I think you referred, in your submission, to having dealt with patients or victims who have worn helmets and those who have not. For us laypeople, could you perhaps just outline the differences and the difference it makes to your work and to first responders—both of you—in that sense? Then I might have a couple of follow-on questions from there about whether there is any midway from helmets.

TOM EVENS: I think the starting point is to appreciate the amount of force that is involved. An example of that—just an example—would be that it is not uncommon, where there has been an injury between a bicycle or a motorcycle and a car, for there to be damage to the windscreen of the car. Often at the point of impact there is a spreading out of cracks across the windscreen that have been caused by the impact to the person's head. I think that's a useful example because we can all conceive of the amount of force that it would take for one of us to cause that damage to the windscreen of a car with our own heads. Therefore, the protection that a helmet affords in that circumstance is a substantial difference. I would say, in the course of my career, I have even seen progression in efficacy of helmets as well—the ability of the helmet to absorb and to defray the force—and it is not the case that

that prevents all injury. That's very important. I'm a motorcyclist, and whenever anyone makes a decision to ride, they are adjudging the risk, but it is an order of magnitude, in terms of the difference.

VALERIE MALKA: Helmets versus non-helmets—if you're not wearing a helmet, you've got an eightfold increased chance of a severe traumatic brain injury, which is obviously extremely significant. Overall, helmets will reduce traumatic brain injuries by about 70 per cent and deaths by about 40 per cent, and the literature is quite conclusive on that. When we're seeing people without helmets, they have catastrophic head injuries. They have really bad facial injuries as well, but catastrophic head injuries. If they do make it, they almost invariably end up in our brain injury units for months on end, and they're never the same again. The evidence is absolutely there; there's no question. Turbans have been looked at—all sorts of different turbans in terms of thickness and any other padding that can be done. There was a study done—I think back in 2016—by the Centre for Road Safety that showed conclusively they did not offer the protection that helmets do. I understand that in youth and children they have managed to, with innovations, look at helmets that can be worn by the youth, but not in adults at the moment. What we're seeing in the hospitals, when they're not helmeted, is catastrophic. There's no middle way there.

The Hon. NATALIE WARD: We have heard some evidence that other jurisdictions have allowed the exemption and have not seen an increase in injury, in deaths or—I think in one case it was stated—in insurance claims. Do you have—I invite you to take it on notice if you'd prefer—any evidence about that or your understanding of that in other jurisdictions? I think the United Kingdom and Canada perhaps were quoted, and some states in America.

VALERIE MALKA: I don't know if Tom wants to talk to the UK.

TOM EVENS: We don't have any evidence to that, and I think it would be hard to do that research in a way that gave useful information.

The CHAIR: Just on that point, is that because it is difficult to draw comparative evidence as a parallel to something that you don't know formally existed, or you can't substantiate the actual that is the cause and effect of that?

TOM EVENS: I think that's the most difficult thing to do, particularly also because, where people are involved in a motor vehicle accident and they die, we do not have the ability to say why that happened and the degree to which the head injury contributed to that.

The CHAIR: Sorry, Ms Ward, but it just prompted me because this was brought up in previous evidence and it is something the Committee has been continually deliberating over. It would be fair to suggest, would you say, that someone wearing a helmet versus someone who is not wearing a helmet—is there a percentage? I know, Doctor, that you mentioned eightfold or something.

VALERIE MALKA: Yes.

The CHAIR: Obviously the potential risk of an accident is probably not going to increase. But, in the case where there is an accident, serious brain trauma or death would increase by eightfold or is there any other data or statistic you could put to that?

TOM EVENS: Indulge me a second.

VALERIE MALKA: Can I just say that, in road safety and in any work that we do, we don't use the word "accident". We use the word "crash" because "accident" has a meaning that sounds like it's not your fault in any way, and all of them are preventable.

The CHAIR: Understood. I appreciate you pointing that out. I didn't know that.

TOM EVENS: I think it's worth saying that, in any crash, there is a degree to which the rider has some control over their risk but there are significant other areas where they do not have control. It's hard to factor that into changes in behaviour that people might make as a result of knowing whether or not they are wearing a helmet. There is some other evidence which is not our work but which we can reference. There was a meta analysis, which is kind of a study of studies where the data is pulled, of 43 studies that looked at data from 64,000 injured cyclists, reporting the effect of helmet use on various types of injuries. Helmet use was associated with a 69 per cent reduction in serious head injuries and a 65 per cent reduction in fatal head injuries. That's a study from 2017. There was a review in 2019, which looked at the effect of bicycle helmet legislation in Australia. The rate of bicycle fatalities in a million population reduced by 46 per cent relative to the pre-legislation trend. We can provide those references.

VALERIE MALKA: Is that something you would like for us to provide, just a list of references?

The Hon. NATALIE WARD: Through you, Chair, if I may, it might be helpful for us, if there are studies out there, to obtain that information, given that we have been given some information but it wasn't substantiated. We are curious to understand what data is out there. While it might seem obvious to wear a helmet, we have been given this information and it behoves us to find out what actually is the data out there.

Mr ROY BUTLER: We have heard some evidence—and I have heard what both of you have said as well—that the turban doesn't provide a lot of protection. We have heard some evidence today that the turban can provide some protection. In addition to that, all hadelmets aren't created equal. Full face is obviously ideal or the best. With open face, I have seen people lose their mandible and that sort of thing. And then skid lids, which are like a bicycle helmet, are compliant for motorcycles but offer no protection other than the top of your skull. What sort of injuries would you expect to see and how would that manifest if people were riding motorcycles at speed limits of 60, 80, 100, 110 kilometres per hour without any helmet? What would that look like in an emergency department?

VALERIE MALKA: Firstly, in terms of turbans offering protection, those studies are compared with nothing at all, so just your bare head. That's my reaction as well. They are comparing to a bare head. They are not comparing to a helmet. There are certain areas where the turban is thinner in areas than others, which doesn't provide any protection whatsoever. Again, there is the issue of speed. I know in India, in those jurisdictions there, they have to travel at certain speeds below 60 to offer a little bit of what they call decreased risk of injuries. With pedestrians, you've got a 10 per cent chance of serious injuries or death when you're going at 30 kilometres per hour and you get hit by a car, which becomes an 80 per cent chance of death or serious injury if the car is going at 50 kilometres per hour.

Anything over 30 kilometres per hour can lead to serious injury. For motorcycles, it's anything over 40 to 50 kilometres per hour. It doesn't sound like they are going particularly fast, but you're still at risk of significant injury. For every 10 kilometres over the limit that you go, you've got a four times increased risk of severe injuries, and the things that we're seeing are catastrophic. I mean, catastrophic facial injuries, intracranial bleeds—all sorts of what we call diffuse axonal injuries, which is where the whole fabric of the brain is disrupted irreparably. They are the things we are seeing.

To be honest, for clinicians like us, the idea of relaxing laws to allow people not to wear a helmet is horrifying. We know that we will see increased numbers of patients, number one, but we will also see increased numbers of patients with injuries that we can do nothing about. People often think that once you get to hospital everything is going to be okay. Unfortunately, no matter how credentialed or qualified or experienced we are, that's just simply not the truth and people are never the same again, if they even get through. If they even get off an operating table or out of Tom's emergency room, they are never the same again, and that's if they make it at all.

Mr ROY BUTLER: Can I throw a follow-up question to you? You talked about some speeds earlier in terms of the risk at 30, the risk at 50 et cetera. I said earlier in the hearing that I think we're designed to crash at running speed—that's sort of what our skeletal integrity is all about. We can normally crash at running speed and get up and walk away from it without too much damage. Is there a speed at which people could, with minimal risk, ride a motorcycle, not on a public roadway, but in some other forum? Is there a speed at which they could do that—say, 15 kilometres an hour or something like that—where the risk would be not that different to running and falling over?

VALERIE MALKA: I can say from the outset that I would not support any "legislation", in inverted commas, saying that at 15 kilometres an hour you are fine to ride without a helmet.

Mr ROY BUTLER: There's always risk.

VALERIE MALKA: Yes, there's always going to be risk. From standing, you can fall off your bike and have a catastrophic spinal injury. Given everything that I've seen over the last 25 years, I would not support any relaxing of any laws.

Mr ROY BUTLER: That's very clear, thank you.

VALERIE MALKA: I think the reason Australia has done so well in terms of road safety is because we've had these laws in place. One of the greatest advocacy bodies has been the Royal Australasian College of Surgeons. It has worked so hard for decades, from the early '70s, to get helmet laws in place, drink driving, seatbelts and now mobile phones. We didn't do that for no reason at all; we did it because it reduces risk and reduces the catastrophic effects of injury, which is not just for the patients, but for their families, for the entire community and, on a different note, which people don't like to talk about, financially as well—the financial burdens on society. I would not in any way, shape or form support anything like that.

TOM EVENS: An addition to the answer to your previous question relates to the degree to which the helmet is secured. That is an important component of understanding the degree of protection that something offers. There are certainly circumstances where clinicians attend a person who was not wearing a secured helmet and the helmet has either not remained in place at the point of impact or has come off before the point of impact. At that point, the level of protection being offered is uncertain at best. There is a perspective that says that an approved helmet that has been tested is also standardised and, therefore, there is a clear understanding of the level of protection that that helmet would offer in the circumstances where it is intended to be used, and that should be considered.

Mr WARREN KIRBY: Back in 1992 there were laws repealed for religious and medical exemptions on motorcycles. By your admission, relaxing them would increase. Did we see the reverse of that in 1992 where there was a noticeable reduction in deaths or serious injury when those laws were repealed?

VALERIE MALKA: What I've seen from the literature is that every time helmet laws have been introduced, there's been a reduction in traumatic brain injury severity. Whenever those laws have been repealed, we've seen an increase in injury and death. Again, I would have to forward you the—

Mr WARREN KIRBY: If we could, because we've heard about this change in 1992. By logical extension, that should have seen a noticeable difference. But we've also heard conflicting evidence that when it happened in the UK, there were no changes. We've heard that in Canada there had been no deaths since they've introduced it in jurisdictions like Ontario. So we're really struggling for somebody to provide us with actual evidence—so if you are able to provide that.

TOM EVENS: Certainly in our previous work we were not aware of publications from those jurisdictions.

VALERIE MALKA: Yes.

TOM EVENS: I suppose there's a question of where the onus of proof sits after a change. We can certainly undertake to review the literature again to see if there were publications from the jurisdictions that changed, and provide that.

Mr WARREN KIRBY: It seems to me it would have to be there through insurance, through government bodies saying, "This is what it was before and this is what is it after." We have examples of places where it has been changed. What we don't have is anybody saying to us, "This is before and this is after", one way or the other. That would be helpful, if we could get that.

The CHAIR: Ms Wilkinson, did you have a question? Kylie?

VALERIE MALKA: If I may, the most concrete evidence we have are the studies that have been done looking at helmets versus non-helmets, particularly the one from the Centre for Road Safety. That's very black-and-white evidence.

The CHAIR: That was 2017, did you say?

VALERIE MALKA: I think it was 2016.

Mr WARREN KIRBY: I don't think anyone's disputing the value of helmets and that they reduce brain injury. I think the greater question is: Have these changes actually affected the rate at which these things are occurring?

VALERIE MALKA: I understand.

TOM EVENS: To determine that, I think you'd need to know what the incident rate was amongst people who have chosen to exercise that exemption. That, to my knowledge, is unknown.

The CHAIR: I think it's clear that, in both your expert opinions, there is no adequate protection for someone's head and face, other than a helmet, on a motorbike.

VALERIE MALKA: Not currently, no. Again, innovations—I know they have done it with children's helmets, but it hasn't been done with adults. I was recently, only a few weeks ago, at the crash labs in Huntingwood looking at what they were doing there. There's nothing that's current at the moment.

The CHAIR: Colleagues, are there any other questions?

The Hon. NATALIE WARD: I want to follow up on that. Sorry if you've covered this, but the Tough Turban—did you have a view about that?

VALERIE MALKA: Again, this issue of turbans is whenever they've looked at these it's been, like I said, in comparison with just the bare head. Again, it depends on which sections of the head we're looking at, whether it's thicker sections to thinner parts that are more exposed.

Mr ROY BUTLER: Do either of you have any experience or have you seen the protective gear that instantly inflates? Basically, as soon as an accelerometer or you become detached from the vehicle or whatever, you instantly have—not slowly but very quickly, it rapidly inflates to provide protection. Is that potentially an answer?

VALERIE MALKA: I haven't seen that and haven't got experience with that. Tom?

TOM EVENS: From what I've seen, I don't think that's a solution to this problem. It's a solution to a different problem.

Mr ROY BUTLER: I know that there are ones for falls, for people's backs and that sort of thing, but they've also got the collars and the upper end of the head as well. I just didn't know if that was a way of moving forward with it.

TOM EVENS: I think perhaps the question comes back to: Where does the onus of demonstrating effectiveness sit? The helmet standards describe a level of protection and securing, and anything that meets those standards could be deemed to provide an equivalent level of protection.

VALERIE MALKA: The helmets have a uniform area that gives you that protection. There's not different thicknesses or densities.

The CHAIR: If there are no further questions, I thank you both for taking the time to come in today. I have said a number of times today that we are a road safety committee so our pivotal and most primary role is to hold inquiries, investigate and make recommendations based on the safe use of the road by users. That's our basic yet priority remit of everything that we do. All my colleagues are focused on that. I know you guys are experts in this. Not only have you lived with providing advice on precautionary measures; you have seen before and after. I have no doubt that the after-effects are something that would be absolutely horrific. I thank you for everything you do and for your evidence. A transcript of the proceedings will be sent to you for any corrections or additions you may have, and the Committee staff will also email any questions taken on notice today and any supplementary questions. If those could be returned by 4.00 p.m. Friday 31 January 2025, it would be appreciated.

(The witnesses withdrew.)

Dr TOM MORRISON, Neurosurgery Registrar, St Vincent's Hospital Sydney, and Councillor, Australian Medical Association (NSW), affirmed and examined

The CHAIR: I welcome our next witness, Dr Tom Morrison. The Committee staff are going to be taking photos and videos for social media purposes. If that's not something you'd like to be in, just let us know.

TOM MORRISON: Not a problem.

The CHAIR: You've been sent the information on the standing orders?

TOM MORRISON: I have.

The CHAIR: You've read them? You don't have any questions about them?

TOM MORRISON: No.

The CHAIR: Would you like to give a brief opening statement?

TOM MORRISON: I've got an opening statement, then I'll take some questions if you like. The Australian Medical Association would like to thank the Joint Standing Committee for the opportunity to provide a submission to this inquiry and for the chance to appear before you today. I'd also like to acknowledge the traditional owners of the land on which we meet today and pay my respects to their Elders past and present. My name is Tom Morrison. I'm an AMA (NSW) councillor and an AMA (NSW) Doctors-in-Training Committee executive member. I'm a neurosurgery registrar, essentially a trainee neurosurgeon working at St Vincent's Hospital—very close, just up the road here. Prior to working there, I worked at Royal Prince Alfred Hospital between 2020 and 2022. I'm joining the Neurosurgical Society of Australasia's training program next year and I'll be based at Liverpool Hospital.

Head injuries are a major cause of hospitalisation. I know this myself. I saw it again this morning. They're a cause of disability and death in Australia and they really can be quite profound, often extending far beyond just the initial impact. The most recent Australian Institute of Health and Welfare data demonstrates that head injuries result in nearly 400,000 emergency department visits, 142,000 hospitalisations and 24,000 deaths in Australia. The lifetime cost of a traumatic brain injury is estimated to be \$2½ million for a moderate injury and up to \$4 million over a lifetime for a severe injury. The impact often extends significantly beyond the individual. When you have a traumatic brain injury, it doesn't just affect you; it affects your colleagues, your co-workers, your family and friends. It really is, in the truest sense, a life-changing event.

As the rates of active transport—especially e-scooters, Lime bikes and cycling—go up around the world, I've certainly seen in my practice a significant increase in the proportion of people with head injuries, especially in a hospital like St Vincent's, which is quite close in proximity to these methods of transport. In my role as a registrar, it's quite often myself who'll be doing the operation on an individual who has had a severe head injury as a result of that. Indeed, there have been several over the last few weeks. Anecdotally, without a doubt, if you wear a helmet you're much less likely to have a severe head injury. I would take pains to note that it's not just the initial injury that might require you to need to see a neurosurgeon. Quite often there is an extended period of hospitalisation in ICU for a severe injury. Quite often there are complications that might require part of your skull removed, part of that skull replaced with a synthetic piece of skull. Often you may also require further surgeries to improve the drainage circulation system in your brain—something called cerebrospinal fluid.

There is support in the literature that shows that helmets reduce the chance of you having a serious injury by 60 per cent and reduce your chance of death by 74 per cent. Anecdotally, they're certainly figures that I think ring true. Helmet wearers admitted to hospital represent a national health burden that's about half of that of non-helmet wearers, despite significantly more people wearing helmets. The position of the AMA is that we support the use of helmets mandatorily as a critical public health measure, especially for motorcyclists, e-scooter users and cyclists. The laws protect road users, alleviate healthcare costs and improve community health outcomes. I'm very happy to take your questions on these matters.

The CHAIR: Thank you, Dr Morrison. Congratulations on your impressive professional studies and where that's going to lead you. We need wonderful people like you in our system.

TOM MORRISON: Too kind. Appreciate it.

The CHAIR: Before we begin questions, you can take questions on notice and respond in writing to the Committee at your convenience. I have a couple of very quick questions to start with. In your professional opinion, is there any adequate form of face and head protection other than a helmet? Secondly, is there any safe speed for a motorcycle user to ride a motorcycle without a helmet? Thirdly, is there any safe environment where a motorcycle rider can ride a motorcycle without a helmet?

TOM MORRISON: As a doctor, I can tell you my experience in treating these injuries and what happens as a result if you do and don't wear a helmet. I don't think there's a safe alternative to a helmet. The brain can only tolerate so much external force. Especially when you're riding a motorcycle, for example, if you fall off at really any kind of speed, you're going to put a lot of force through your skull, and that's directly transmitted to your brain. Is there a safe alternative to helmets? No, I don't believe there is. It's simply a part of the body that's extremely vulnerable to injury. If you don't cushion it, you're likely to have a poor outcome. Could you repeat your second question?

The CHAIR: Is there any safe speed for a motorcycle user not to use a helmet?

TOM MORRISON: In my opinion, if you're using a motorcycle and you're riding it, no, there is no safe speed where an exemption to wearing a helmet would be in the interests of the individual or good for the health system. Even at low speeds—especially with your hands constrained, especially if you're distracted—you can fall from standing height and have a severe head injury. If you're on a motorcycle, the chance is much greater.

The CHAIR: The third one was the environment. Is there any safe environment where a motorcycle user could use a motorcycle safely without a helmet?

TOM MORRISON: Speaking as a doctor, I don't believe there is a safe place where you could be using a motorcycle without a helmet and be assured that you're doing everything you can to prevent your chance of having a serious head injury.

The CHAIR: Colleagues?

Mr ROY BUTLER: I think you've asked the questions, Chair, that I was thinking of too.

The CHAIR: That's why I thought I'd ask them first, because I think that's what we are basically looking for from our clinicians and physicians.

Mr WARREN KIRBY: I would go back to the data question again. Are you aware of any changes in the rates of death or serious injury since the repeal of the exemptions in 1992 in New South Wales?

TOM MORRISON: I would get back to you on the specific data. I can certainly tell you my anecdotal experience as an individual in the system. As e-scooters, especially around the Sydney CBD, have become more prevalent, we see significantly more people who present with injuries as a result of that. Food delivery services as well—while the majority of them do wear helmets, we certainly see a significant portion of those who are not in cars having dreadful accidents. I can probably think of 10 or 15 patients I have seen, at admittedly a relatively small hospital in the scheme of New South Wales, who have had a spectrum of injuries from mild, requiring hospitalisation for a few days, to severe, requiring lifetime care. Unfortunately, some of these patients have also died as a result. So, yes, I think there's definitely been a change—an increase, anecdotally—in the severity of the trauma we're seeing.

Mr WARREN KIRBY: But that's without any exemptions. That's just purely based on the mode of transportation.

TOM MORRISON: Yes, that's correct. That's the anecdotal experience that I'm seeing now. I do fear that if you have less people wearing helmets, you will have more severe injuries. It's just the fact of it, unfortunately.

Mr WARREN KIRBY: Out of curiosity—a little bit to the side of what we're talking about here—what about spinal injuries with the helmet? Full disclosure: I'm somebody who rides a bike and wears all the gear all the time. Is there an argument to be made for neck braces as part of—if we were to do the exact opposite and tighten, would a neck brace be something that should be considered? I sometimes worry about having something this big.

TOM MORRISON: It's a fair and an interesting question. I think cervical spine injuries would be the main kind of injury that you could potentially prevent, as opposed to injuries throughout the rest of your body. You have to balance the need, when you're in a bike or in a motorcycle, to be able to rotate your head in order to adequately look at your surrounds. My personal opinion would be that it would be a safe balance of the two, having a large motorcycle-duty helmet. It would provide you adequate protection for at least your upper cervical spine, whereas also balancing the need for you to be able to safely observe traffic.

As best I know, there is not good evidence for preventative spinal immobilisation or a more rigid spinal protection system prior to injuries. The skull is a bit different. The skull is not designed to move. If you have a rigid impact on your skull, your brain is suspended in a pool of spinal fluid and, essentially, rapidly decelerates and bruises itself against the skull itself, whereas the spine is designed to move. It is able to better tolerate these forces and doesn't require the same degree of protection.

The CHAIR: Colleagues, with there being no further questions, we won't take up Dr Morrison's valuable time any further. I close by thanking you, Dr Morrison. You mentioned before you were going to be out at Liverpool Hospital.

TOM MORRISON: Yes, that is correct.

The CHAIR: Well, about 15 minutes further than that, there's a little town called Campbelltown with a beautiful big hospital too.

Mr ROY BUTLER: Ease up.

Mr WARREN KIRBY: Settle down.

The CHAIR: You might have to rock on out there one day. I do have a bias.

TOM MORRISON: It would be a pleasure.

The CHAIR: It's in the same health district though. Thank you so much. Please be aware that you'll be provided with a copy of the transcript of today's proceedings for any corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. If you're able to get those back to us by 4.00 p.m. on Friday 31 January 2025, it would be greatly appreciated. I take this opportunity to send our thanks and regards. Take that back to the AMA, who are great supporters of road safety and, I believe, one of the most suitable and qualified organisations to have commentary in relation to inquiries such as this. I wish you all the best with your impressive future.

(The witness withdrew.)

(Short adjournment)

Mr BERNARD CARLON, Chief, Centres for Road Safety and Maritime Safety - Safety, Policy, Environment and Regulation, Transport for NSW, sworn and examined

Ms LOUISE HIGGINS, Director, Road Safety Policy - Safety, Policy, Environment and Regulation, Transport for NSW, sworn and examined

The CHAIR: I'm delighted to welcome our next witnesses, Ms Louise Higgins and Mr Bernard Carlon. Thank you for taking the time out of your very busy schedules to come in and provide us with your contribution in giving your evidence. Committee staff will be taking photos and videos for Legislative Assembly social media purposes, so if you don't want any of those to be published or you'd prefer not to have them taken, just let us know. Can you confirm that you have the Committee's terms of reference and information about the standing orders?

LOUISE HIGGINS: Yes.

BERNARD CARLON: Yes.

The CHAIR: Do you have any questions about them?

LOUISE HIGGINS: No.

BERNARD CARLON: No.

The CHAIR: Would one or both of you like to open with a short statement?

BERNARD CARLON: We have one opening statement. We welcome the opportunity to provide road safety evidence to assist the Committee in its inquiry. I'd like to pay my respects to the traditional owners of the lands on which we meet today, the Gadigal people of the Eora nation and extend my respects to Aboriginal people here today and Elders past and present. We recognise the importance of the turban to members of the Sikh community as a core component of their religious observance and acknowledge the advocacy of the Sikh community on this issue over time. We understand that in many cases mandatory helmet laws are incompatible with the wearing of traditional Sikh turbans by riders, and this does impact, on occasion, transport choices. However, the requirements for all riders of two-wheeled vehicles to wear helmets have strong safety grounds supported by a substantial body of both local and international evidence, some of which we've referenced in our submission to the Committee.

Riders of bicycles, motorcycles and e-scooters are highly vulnerable to serious injury and death in a crash due to a lack of crash protection compared to occupants of motor vehicles. Helmets significantly reduce both the incidence and severity of head and brain injuries and the risk of death in the event of a crash or fall while riding, and since the mandatory introduction of helmet laws in New South Wales, at that time there was a 45 per cent reduction in fatalities on our roads for bicycle riders. The Centre for Road Safety has listened to the concerns of the Sikh community and taken steps to test, through the crash lab facility, the safety risks of riding a bicycle with a turban. This testing, which was undertaken with a Sikh adviser, determined the traditional Sikh turbans provided no significant head protection for bicycle riders in the event of a crash. I'm happy to provide that document to the Committee.

From a safety technology perspective, we are aware that helmets designed specifically for Sikh bicycle riders are emerging internationally, and we've monitored this development over the years. Recent changes to the Australian product safety standards by the ACCC mean that bicycle helmets that meet a broad range of international standards can now be sold in Australia. New South Wales is one of the first jurisdictions to amend the Road Rules to recognise this change. This has allowed new models of bicycle helmets compatible with some types of Sikh turbans, particularly those worn by younger community members, to be used on New South Wales roads.

Transport acknowledges that different approaches are taken to helmet use exemption in other jurisdictions, and since the early '90s in Australia the situation is mixed, with some jurisdictions providing religious exemptions from helmet use to riders of bicycles and e-scooters. No Australian State or Territory has established a religious exemption for motorcycle riders, and this reflects the very high risk of motorcycle rider injury if a crash at speed and in traffic occurs. Thank you for the opportunity to be here today and to answer your questions.

The CHAIR: Before we begin with questions, I advise that you can take them on notice and then respond to the Committee staff in due time. To either or both of you, in your expert opinion and experience, is there any

alternate for the safe protection of a head and a face other than what we currently use as a helmet under the standards?

BERNARD CARLON: I'm happy to kick off and Louise might deal with some of the detail. It's very clear in the research that helmets provide a significant level of protection from brain and head injury—between six to eight times in some of the research studies for bicycle helmets. That said, with the recent changes that we've seen in the broadening of the availability of standards from international jurisdictions and the fact that we've now introduced legislation or regulation in New South Wales to acknowledge those, there are now helmets that are available that have been designed specifically for the Sikh youth market. We have actually tested already one of those helmets that are available in the market, at our crash lab facility. Those tests indicate that those helmets would fit within the Australian design rules that we've previously had in Australia. So there are technologies being developed, we're opening up the markets from the international standards point of view, and that is making helmets which would be suitable for Sikh young people to be using on our roads as well, that meet those standards.

The CHAIR: That's not for adults, though, is it? It's for young people.

BERNARD CARLON: No, and I'm happy to hand over to Louise, who has more detail on this as well. At this point, no helmets have been developed for the adult market.

The CHAIR: So, back to my original question: In your opinion and in your experience is there an alternate safe means for the protection of someone's face and head when riding a motorcycle?

BERNARD CARLON: No. We would say that helmets—the current standards for helmets, as well as the star rating that we provide for the best helmets available in the market—are the only safe alternative for people to be using on the roads.

The CHAIR: Additionally, to either one or both of you, in your experience and opinion, is there a safe speed for someone to ride a motorbike at without a helmet?

LOUISE HIGGINS: I'll just add to what Bernard has mentioned about what we know in the bicycle helmet space. When it comes to the Sikh turban and the alternatives that are available, as Bernard mentioned, we conducted the research around the impact testing of what would happen in the event of a crash where someone was wearing a turban. That really clearly showed that the protection that's afforded by having a Sikh turban on is not, in any way, equivalent to even a bicycle helmet and withstanding the forces that the head would be subject to in a bicycle crash. In the space of motorcycle helmets, we have not done motorcycle helmet tests on what would happen in the event of only wearing a Sikh turban. But from what we know doing the bicycle tests, we can only assume that the injury would be fatal in that event because we are talking about the head hitting a blunt object at speed, being the pavement or an obstacle like a fence post or something similar to that. It's really a catastrophic type of injury if you're not wearing that type of protective equipment. Motorcycle helmets are constructed to, obviously, withstand much more force than even a bicycle helmet is constructed to withstand.

The CHAIR: Based on your studies and the tests that you've done, is there a safe speed for someone to ride a motorcycle without the appropriate helmet required under law?

BERNARD CARLON: What we know is that if you have a stationary fall on a bicycle or motorcycle from 1.5 metres, then the bare skull at that point of impact is likely to have a force of around 1,000 g-forces applied to that point of impact, which potentially delivers catastrophic brain and head injuries. The helmet standards are around lengths of time where you shouldn't be exceeding either 200 or 250 g-forces. Even in a stationary position, falling to the concrete and hitting your head on the curb can be fatal. There wouldn't be any speeds where you fall to the road without any protection whatsoever that are without the risk of that sort of catastrophic outcome.

The CHAIR: I think you already answered my third question, which was if you could elaborate further on the tests that you conducted. I will hand over to my colleagues if they have any questions.

Mr ROY BUTLER: Bernard, it's good to see you again. We keep meeting in places like this. You're also a motorcycle rider now, so that's very relevant. In terms of the instant inflatable helmets, have you guys looked at those at all to see if that could be part of an answer? I know they're in use for pushbikes; I don't know about motorbikes. They're a collar around the neck with a gas cylinder that, as it senses you need it, pops up and comes up over your head. Is that something that could be an answer?

BERNARD CARLON: I have seen them in Europe where they're more prevalent in terms of the testing. We haven't conducted any tests here in Australia that I'm aware of currently, but we'd be open to the investigation and testing of those through our facilities. I don't know if Louise has any more detail on that.

LOUISE HIGGINS: No. Last time we looked, we weren't aware of any of the designs that were available meeting international standards at that time. Now we can certainly have another look, as Bernard said, and do another test.

Mr ROY BUTLER: That would be helpful, just in terms of knowing if it's an option or not.

LOUISE HIGGINS: Certainly if the product does meet one of those international bicycle helmet standards that we've now adopted as an approved bicycle helmet under the New South Wales Road Rules, then it would automatically be able to be used. But, at this time, I'm not aware of any meeting that requirement. I have seen some folding helmets, which are approved for use in Europe. They're made of reinforced cardboard. They're probably the most novel type of helmet that I'm aware of that has come in with the change in standards or could be made available through the change in standards.

Mr ROY BUTLER: I think the chair has probably covered off the big things in terms of if there is a safe speed, which it sounds like there's not, and no-one giving evidence so far has articulated a safe speed to not wear a helmet. I know the chair has asked previously about safer environments, but if there is no safe speed, there is no safe environment. I think the evidence has pretty much said that helmets are good and there's no real comparable protection that you can get at this point. That's not a question; that's more of a statement.

LOUISE HIGGINS: Certainly I'd just add that that you can be the most experienced and low-risk motorcycle rider on the road, but you are sharing the road with a range of other road users. We know that motorcycle riders, as you would be aware, have those higher risk factors there. It's not only your own personal risk.

BERNARD CARLON: In addition to that, between 2019 and 2023 there were 54 motorcycle riders and passengers who died on our roads in speed limits of 50 kilometres and lower. The risk of a fatality still exists even in those low-speed environments.

Mr WARREN KIRBY: To go into data and research, are you aware of any research from jurisdictions that do have helmet exemptions that show the impacts of these policies on road safety outcomes or on rider injuries?

BERNARD CARLON: I might start out and, again, have Louise cover some of the detail on this, because we have actually been talking to the other jurisdictions in Australia who, since the early '90s, have put in place exemptions. What I'd say is that the information is such that they haven't evaluated this in any particular detail around that particular exemption. What I would say today is that we now, many years later—decades later—have a much richer level of information and research around the risk of trauma associated with head injuries and brain injuries in much more contemporary research that's been done and more comprehensive research. As well, we actually better understand—particularly in New South Wales we've been publishing serious injury data since 2016. We're the only jurisdiction that publishes that data, and there are significantly higher numbers now that we match our police data with the hospital data—actually understanding the unmatched data of where people are admitted to hospital with no police report.

In terms of the past five years, hospital admissions for motorcyclists—12,951 admitted to hospital. Of those, when the primary injury was a head injury it was 1,129. For pedal cyclists—10,080 admissions to hospital, and 1,799 of those suffered primary injury as the head injury. So it's a significant amount of trauma, and this information wasn't really readily available and isn't readily available in other jurisdictions still. It certainly wasn't available when they made their decisions around exemptions.

Mr WARREN KIRBY: We're not seeking to ban motorcycles or pushbikes. If it is such a grave risk of allowing these exemptions, I am curious as to why nobody has actually bothered to check if there is no data available on changes to—am I right in interpreting that no-one has actually bothered to look at whether or not it does increase?

BERNARD CARLON: Yes. There are some reasons why. I will hand over to Louise and she can clarify some of that for you.

LOUISE HIGGINS: Yes. Certainly in relation to the international countries that have introduced exemptions, we're not aware of any published research about this particular issue. It is a small segment of the communities, even in those international jurisdictions where it's been established. There are often challenges, I would say, generally, across countries and jurisdictions with collecting this kind of detailed information around a person's cultural affiliation or religion within crash data. We know from discussion with our colleagues in Victoria, Queensland, South Australia and the ACT—we reached out to them in the context of this inquiry to understand the experience of their exemptions. They have said that they haven't detected any significant shift in road trauma rates since the introduction of their exemptions, but nor have they conducted any specific studies.

They have relatively small Sikh communities, and not only do they have small Sikh communities but, within those Sikh communities—I think we can understand from some of the evidence given this morning—not all members of the community would seek to uptake that exemption.

So in terms of trying to estimate, at an overall population level, the effect that an exemption would have, it is quite difficult because we would also need to then have an understanding of the exposure data—not only the numbers who might take up this exemption but the frequency with which they ride—to do that sort of technical assessment. So I think there's both a challenge in terms of having that data and then being able to make a population level estimate. But, as Bernard has highlighted, we do know the risks at an individual level in terms of any rider who does fall. We do know that the risk is much elevated, be that a bicycle rider, e-scooter or motorcycle rider.

Mr WARREN KIRBY: On an individual level, if that person understands those risks, they're prepared to take it but, from a road safety point of view, we are trying to determine if such an exemption would have a net negative impact on road safety throughout New South Wales. We're really struggling to find anybody who can identify—nobody disputes the fact that helmets protect the head; it's just a matter of what effect this would have. A lot of the medical experts in particular have said, "Yes, it would, but we don't have any data to support that it would happen in any meaningful sense." What we're trying to get to is what the impact of this specific exemption would be, and there's no international data to say it. There's no Australian data in other jurisdictions that highlights that direct line.

BERNARD CARLON: I make a couple of observations. It's not that trauma hasn't happened, and there are reports of people exercising their exemption in those other jurisdictions who have died and have suffered serious injury. From our point of view, we're willing to reach out to our colleagues in the UK, who we regularly are in contact with from a transport and safety perspective, to see whether non-published information might be available, that they have, to better inform the Committee as well. The other point I would note is that it's about whether the individual suffers a trauma. That clearly has costs associated with that in terms of trauma costs, but also we shouldn't, I think, underestimate the impact on those emergency service workers, the medical staff, the families that are affected when we see people who actually do suffer significant serious injuries and death, and the ripple effect that has in the community, and the impacts of that trauma in the community as well, in terms of just one individual case.

I'd also point out that we do know, for example, that in 2023 about 5 per cent of motorcyclists who were killed or seriously injured on New South Wales roads were not wearing a helmet—illegally not wearing a helmet, but 5 per cent, so a significant proportion there of people outside the law. In 2023, again, about 15 per cent of bicycle riders killed and seriously injured on our roads were not wearing a helmet. There is evidence of the outcomes of not wearing a helmet in actual numbers of trauma as well. Again, we're happy to provide more detail if the Committee would like it.

Mr WARREN KIRBY: I guess we're going to perspectives. I ride as well. You commonly see somebody in shorts, singlet, thongs dropping a mono off the lights. I would suggest that's far more of a risk both in terms of emergency services and individual risk than someone who is riding under religious exemptions. Anyway, again, that is commentary. Are there any specific types of evidence that would be important to consider when we're deciding whether Sikh riders should be granted an exemption from wearing bicycle helmets?

BERNARD CARLON: I will, again, pass over to Louise. We have provided in our submission several references to comprehensive studies that have been referenced by earlier witnesses today. In our written submission you will see some references to the comprehensive research that has actually been done in recent years around the benefits of helmet wearing. It also references the significant change that took place when we did make helmets mandatory, which I referenced earlier around that 45 per cent reduction in fatalities, but it also had significant increases in reduction of head and brain injuries as well.

LOUISE HIGGINS: I'd just add that I think I know what you're looking for in terms of a direct quantifiable link from one fact to the other. What we do have available to us in terms of the evidence here is clear research around the effectiveness of helmets, clear research around the risk if a helmet is not worn. We know that what an exemption would do would be to increase the number of people on the road without a helmet. While we might not be able to quantify in exact terms what the impact of the exemption would be, the body of evidence not only from the road safety space but also from the health community—from neurosurgeons et cetera—all points us in one direction, so we can confidently say that we would see trauma as a result of an exemption if there was one.

Mr WARREN KIRBY: Talking about mandatory helmets, there was a change in law in 1992 that removed exemptions. Is there any evidence around pre-that and post-that? Is that what you're referencing when you talk about—

BERNARD CARLON: There were a limited number of medical exemptions at the time and, as I understand it, a couple of religious exemptions. At the time at which the Government took the measure of implementing mandatory helmet-wearing for the whole community, those exemptions were dealt with at that time. We did, subsequently, having universal mandatory helmet-wearing for everybody who's riding a bicycle or a motorcycle at the time, see significant reductions, as I've mentioned and noted in our submission, almost halving the number of people who died on our roads. We've seen a whole lot of other measures introduced over time which continue to reduce that level of trauma. But, yes, it was a significant reduction in trauma in terms of those changes that were implemented at that time.

Mr WARREN KIRBY: So we can use that as a direct comparison, when the exemptions were lifted in 1992? Or are we conflating two slightly different things here?

BERNARD CARLON: Possibly you wouldn't have seen—again, it's a small number of exemptions versus the change which was to make all helmet-wearing mandatory for bicycle riding. Again, even within a small population, the numbers clearly are not going to be as significant and maybe not recognisable within that total pool of crash trauma. You probably wouldn't have seen, directly to those exemptions being changed, any significant change. But, in the context of the broader changes that were implemented, clearly, not allowing people to exercise the option of not wearing a helmet has made a significant difference in the reduction of trauma on our roads.

Mr WARREN KIRBY: As a bit of an aside to that, I've noticed over the last few years, certainly in my area, a significant increase in the amount of people who are riding bicycles, in particular, without helmets. Have we seen an uptick recently? I assume that's through lack of enforcement; I know the laws haven't changed. Has there been a change in the stats with the amount of enforcement versus the amount of trauma?

BERNARD CARLON: We could provide you additional information on that and more detail. The 15 per cent of bicycle riders killed or seriously injured last year is a significant proportion. My recollection is that may be an increase in the trend in terms of non-helmet use. We do empathise with police who are in a situation currently, in terms of enforcement, of having to prioritise their resources into areas of significant concern in the community. We're always working with our colleagues in police to come up with strategies for improving that situation, particularly through our enhanced enforcement program, but they're focused very much on those circumstances where, for example, 43 per cent of fatalities over the last 12 months have been speed related. They're focusing their efforts, I think, on those higher priorities.

Mr WARREN KIRBY: I'm not suggesting a change in the way the police do their job. I fully respect they need to prioritise. I'm just curious as to whether that's been reflected in the data: As there's been less compliance with the wearing of helmets, has that been an increase in the rates of fatalities in particular?

BERNARD CARLON: As I said, we'll be able to give you more detail on that, in terms of the change over time. We would think that 15 per cent is significant in terms of the non-wearing of helmets in the trauma data last year. Louise might have additional information, particularly about the enforcement component of that.

LOUISE HIGGINS: We do have some bicycle penalty figures. We have seen a change in enforcement. Looking at the figures over the last three financial years, the latest is not finalised. But we are looking at numbers of around 3,000 to up to 3,500 bicycle helmet offences statewide at that time. If we look back to the 2018-19 year, we were up around the 6,000 mark. There has certainly been a shift in enforcements. But whether there's a direct correlation back to the trauma is probably another question. But we can certainly provide that information, as Bernard has intimated, about what we're seeing in terms of the trauma data.

Mr ROY BUTLER: To make that data useful, you'd also have to consider the number of the uptake of e-bikes. A lot more people are riding e-bikes. There are delivery riders on e-bikes. You've got moving datasets in terms of the number of people, plus then the enforcement, then the injury. There are several different bits of data that you'd need to weigh up.

Mr WARREN KIRBY: I understand. But if the injury rate is more or less the same when there was a much higher enforcement rate and fewer people on the road, then that in itself tells you.

Mr ROY BUTLER: Anecdotally, as I said earlier—and I agree with you. I'm seeing more and more people riding pushbikes or e-scooters not even in an active transport trial area, just using those devices without helmets. I've seen a lot more of it.

BERNARD CARLON: The reality is that trauma potential—that risk—increases the more that that level of exposure without helmet use—from participants who are using those devices. Certainly, we've seen an increase in the growth of active transport over recent years and not really a significant increase in the trauma levels. But this percentage of non-helmet use—we can actually interrogate that relative to those issues. Certainly

this year—and Australia is quite fortunate. We have a relatively low number of cycling fatalities. This year so far we've only had four bicycle rider fatalities. We normally average around 11 to 14. That's a good sign as well. Serious injuries is really where we see the bulk of the trauma, where up to 1,700 people are being admitted to hospital. We can provide additional information to the Committee on that.

The CHAIR: There being no further questions, thank you both for taking the time out of your busy schedules to come in and give evidence today. I also thank you for your continued hard work in all facets of road safety. Having your input is something invaluable for this Committee to ensure that we have a balanced and well-informed report to table to the Parliament. The Committee staff will send you a copy of today's transcript and any questions that are taken on notice from today and any supplementary questions from the Committee. We ask that you return any of those responses by 4.00 p.m. on Friday 31 January next year. That concludes our public hearing for today. I place on record thanks to all of the witnesses who appeared today. In addition, I would like to thank all the Committee members, the Committee staff, Hansard and staff, and the Department of Parliamentary Services for their assistance in the conduct of today's public hearing.

(The witnesses withdrew.)

The Committee adjourned at 15:30.