

Queensland Parliamentary Enquiry into Cycling Issues

Submission from **freestylecyclists.org**

freestylecyclists seeks the reform of bike helmet laws in Australia and New Zealand to get more people riding bikes. Our submission addresses the issue of mandatory helmet laws as a significant barrier to cycling participation in Australia, including Queensland. We also address the misleading and exaggerated claims made for the effectiveness of helmet compulsion in reducing injuries to cyclists, and highlight how the measure can in fact be counter productive in terms of safety outcomes.

We would like to make clear at the outset that we have no issue with bicycle helmets as such, only with mandatory helmet laws and their effect on cycling participation and safety.

HISTORY

In 1990, Victoria became the first place in the world to require people to wear a helmet when riding a bike. The rest of Australia (with the exception of the Northern Territory, which allows choice on footpaths and bike tracks) followed soon after. Regrettably, the other states did not wait for an evaluation of the effects of the legislation in Victoria before passing their own laws, but succumbed to pressure from the federal Government to pass such laws as part of a package tied to the release of Federal funding for Black Spot programmes.

SAFETY

Over twenty years on, Australia is one of only three countries in the world with enforced all ages mandatory bicycle helmet laws. There is still a lack of consensus on the effectiveness of a helmet *in the event of an accident*, with the benefits frequently overstated. The positive effects of mandatory helmet legislation are assumed to be a reduction in the extent and severity of head injuries to cyclists, including mortality. Whilst there is some evidence that there is a benefit in wearing a helmet *in the event of an accident* (emphasis crucial), this, along with the inherent risk involved in cycling, is usually overstated. Most recent meta-analysis by Rune Elvik[1] shows such benefit to be in the order of 15%, reducing in more recent data to practically zero. The effect on a whole population of mandating helmet wearing has to been to make cycling, per unit distance travelled, slightly more dangerous overall, with no significant improvement in head injury rates or severity.[2],[3]

There has been great interest shown recently in the safety issues for cyclists related to safe passing distances, with general agreement that cyclist safety is increased if a passing distance of between one and one and a half metres is required. In this regard, it would be irresponsible to ignore the findings of Dr. Ian Walker[4]. Walker found there was a clear link between helmet wearing by cyclists and reduced passing clearance given by drivers. It may be assumed that the helmeted cyclist appears significantly less vulnerable than the unhelmeted one, leading to less careful regard for their safety by other road users. Cyclists are *vulnerable* road users (not *dangerous* road users). Dealing with this vulnerability by *requiring* as a first line defence that cyclists wear protective headwear of doubtful effectiveness, which at the same time may cause other *dangerous* road users to treat them with less care, is both ineffective as a safety measure, and unethical.

PUBLIC HEALTH

There is pretty much universal agreement that enforcing helmet legislation leads to a

significant reduction in cycling *participation*, and as such is bad public health policy. For this reason, most of the rest of the world has turned away from Australia's experiment, and does not punish citizens for the healthy activity of riding a bicycle regardless of what is worn on the head. The latest report to the European Parliament found no evidence to recommend mandating helmets[5], whilst both the European Cycling Federation[6] and the UK's CTC[7] have policies which actively discourage even the promotion of helmet wearing.

PARTICIPATION IN CYCLING

Following helmet mandation the numbers of Australians cycling dropped dramatically, particularly amongst women and teenagers. Even today, despite years of "cycling promotion" by governments and public health agencies, participation in cycling is less per head of population than it was in 1986[8]. The notion that cycling has somehow "recovered" is simply not supported by the evidence. Though there have been signs in recent years of an increase in sports or recreational cycling, the bicycle as a common or everyday means of transport is now practically non-existent in most parts of the country. ABS figures from 1986 up till the most recent census data from 2011 show a sustained reduction in cycling as a means of transport following helmet mandation, accounting for a trivial 1% of all trips to work. In regional Queensland, bicycle use for trips to work, already on an upward trend, peaked at 3.2% in 1991, just prior to the enforcement of mandatory helmet legislation. It now stands at 1.1%[9]

The increase in cycling levels in recent years in select areas of inner Melbourne and Sydney begs the question of what these levels would have been in the absence of the law. To understand the ongoing barrier to participation posed by mandatory helmet laws, surveying needs to be carried out amongst the population as a whole, who do not cycle regularly. Preliminary findings by Rissel and Wen[10], indicate that one in five Australians are put off riding a bike by the helmet requirement.

LAW ENFORCEMENT

Policing of cycle safety is almost exclusively restricted to handing out fines for helmet non-compliance. Mandatory helmet legislation led to an increase of over 90% in traffic infringement notices issued to cyclists. Twenty years on, failure to wear a helmet still accounts for over two thirds of infringement notices issued to cyclists. It has been estimated that per unit distance travelled, failure to wear a bicycle helmet is the most heavily enforced of any traffic regulation in Australia. With this focus on one minor behavioural issue, police are failing to focus on the matters that really put cyclists' lives at risk - driver behaviour. It also represents a ludicrous over policing of a choice which is left to individual adult discretion everywhere in the world except Australia, New Zealand and the United Arab Emirates. This is hardly calculated to encourage bicycle use.

PUBLIC BIKE SHARE

Cities as diverse as London, Paris, Dublin and Barcelona have achieved impressive results with their new public bike sharing. These schemes have not only become a significant part of an integrated transport system, but have had significant flow on effects in encouraging a wider uptake of the bicycle as a means of active transport. The safety record for these schemes, where helmets are generally not worn, is remarkable. With over 19 million trips taken on London's "Boris" bikes, there have been no fatalities, no head injuries, and a general reported injury rate less than 40% of that of all other cyclists in the London area[11].

Australia has the dishonourable distinction of playing host to the world's least successful public bike share schemes in Melbourne and Brisbane. Most recently, New York introduced public bike share, attracting more trips in the first month of operation than the combined total in Melbourne and Brisbane throughout their whole existence. The failure Australia's schemes is almost wholly attributable to mandatory helmet requirements.

CONCLUSION

The requirement to wear a helmet at all times while riding a bicycle is a significant barrier to the use of the bicycle as a means of active transport. It sets the "cyclist" apart from the general population, and adds to the perception that riding a bike is significantly risky behaviour.

Helmet mandation and promotion, with its exaggerated claims and excessive level of enforcement has distracted from the main game of genuine safe cycling, which has much more to do with safe systems and the avoidance of collisions. Indeed we believe that requiring cyclists to wear helmets, by giving all concerned an exaggerated sense of invulnerability, may put them at greater risk of suffering a collision than would otherwise be the case.

We do not dispute that there may be some small safety benefit from wearing a helmet *in the event of an accident*. We do however dispute that this is sufficient to warrant the banning of riding without a helmet. Put simply, it is better to ride without a helmet than not to ride at all. The places in the world with high levels of bicycle use do not mandate, or even actively encourage, the use of a helmet while riding. These high participation countries also enjoy the safest cycling conditions. We should learn from such worlds best practice, and remove this unproductive barrier to active transport.

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References:

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- [7] <http://beta.ctc.org.uk/article/cycling-guide/cycle-helmets-overview-evidence>
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