



CYCLISTS' RIGHTS ACTION GROUP

President: Bill Curnow
Hon. Secretary: Jim Arnold

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24 October 2013

The Secretary,
Standing Committee on Planning, Environment and Territory and Municipal Services
committees@parliament.act.gov.au.

Dear Secretary,

INQUIRY ON VULNERABLE ROAD USERS

Herewith is our submission to the committee. It is based on a submission that we made to the Minister, Mr Rattenbury, at a meeting with him on 26 September 2013. That earlier submission, copy subjoined, shows that the law which compels cyclists in the ACT to wear helmets is a cause of net harm; in particular, it has discouraged cycling and is likely to have increased the risks of fatal and disabling brain injury. We therefore recommended to the Minister that the law should be reviewed.

In the interests of encouraging cycling and reducing serious risk to cyclists, we urge the committee to recommend repeal of the helmet law. Repeal would not of course affect cyclists who believe that helmets are needed for protection. They could properly choose to wear a helmet – but the Government should inform them of the risks involved.

Finally, we suggest that it would be helpful for us to appear before the committee to answer queries and provide any further explanation that its members might require.

Yours faithfully,



Bill Curnow, President

SUBMISSION TO INQUIRY ON VULNERABLE ROAD USERS

The impetus for cyclists to wear helmets and for governments to compel it is fear of head injury that results in death or chronic disability. Such injury occurs to the brain and is rare. One cause of it is a blow that fractures the skull so that bone or a penetrating object strikes the brain. The earlier hard-shell helmets had some capacity to prevent this, but today's soft shells are likely to disintegrate upon impact.

But the main cause of brain injury is not a simple blow to the head; rather it is rapid rotation imparted by oblique impact. As it is not practicable to produce helmets that can protect against rotation, the standards for them do not test for capacity to do it. The result is no guarantee that standard helmets can protect the brain.

Worse, laboratory experiments in Australia, the UK and the USA have shown that a helmet can increase the rotation of a dummy head. The NHMRC and we have pointed this out to governments, but they have not warned cyclists. By contrast, authorities warn of any risks discovered in therapeutic goods and remove them from the market.

Around 1990, the Federal Government used a link to 'black spot' funding for roads to coerce the ACT into passing the helmet law. The Feds' purpose was to reduce deaths and hospital costs, but the main effect was to discourage cycling. In the ACT, cycling on paths fell by a third on week days and by half at weekends. But hospital costs of head injuries did not fall and severe brain trauma to helmeted cyclists continues.

In 2009, after criticism of its policy of compulsory helmets, the Feds abandoned it, saying that "helmet wearing policies are entirely determined at state and territory government level and not linked to federally administered black spot funding". But they remain responsible for the legislation setting the mandatory standard for helmets.

The ACT is now free to do what it will about its helmet law. We recommend that the first step should be to request a Federal guarantee that standard helmets protect the brain and will not aggravate injury to it in any plausible circumstances. Without that, continuance of the helmet law would be unconscionable.

COPY OF SUBMISSION TO MR RATTENBURY ON 26.9.13

(See next page for key to references A-P)

- Helmet laws stem from fear of head injury that kills or chronically disables. A
- The cause is trauma to the brain; need to protect it from rotation. B
- For that, helmets are unproved: the laws miss the point. C
- Federal Govt** used link to ‘black spot’ road funding to impose the laws: D
- Despite: research suggesting helmets could increase risk of brain injury B
- the risk of casualty *falling* and a threat of discouraging cycling E
- unfair discrimination vis-à-vis motorists and in policing. F
- Federal purpose was to reduce deaths and hospital costs: G
- But cycling in Australia fell by about 30%, children by 40% C
- while risks of serious casualty and fatal head injury *increased*. C,H
- Benefits of exercise were lost and switch to cars adds pollution.
- In ACT**
- cycling on paths fell by a third on week days and by half at weekends, I
- but hospital costs of head injuries did *not* fall J
- and severe brain trauma to helmet wearers continues. K,L
- Federal reactions**
- They quietly abandoned the link to “black spot” funding of roads, M
- but retain the standard meant to assure helmets protect the brain, C,N
- relying on their meta-analysis made in 2000, but since discredited. O,C
- The ACT is now free to review its helmet law.**
- First, request a Federal assurance that helmets protect the brain and in no plausible circumstances will increase the risk of injury to it. P
- Then make an open review: with the Government’s advisers and the public interacting to test evidence.

DOCUMENTS REFERRED TO: A - P

A. (i) House of Representatives Standing Committee on Transport Safety Final *report on motorcycle and bicycle helmet safety inquiry 1985*. Para 50 says that the Road Traffic Authority (RTA) of Victoria launched in March 1984 a media campaign targeted at parents of young cyclists ... and designed to trigger parents' fear about their children's safety on the roads. Para 183 refers to "the dreadful consequences of death or permanent incapacity" from head injuries.

A (ii) The *Inquiry into child pedestrian and bicycle safety 1986* by the Social development Committee, Parliament of Victoria, highlights lives lost and permanent incapacity due to brain damage.

B. Extracts from Federal Office of Road Safety. Report CR 55. *Motorcycle and bicycle protective helmets, requirements resulting from a post crash study and experimental research*. 1987 (available online).

C. William J Curnow "Bicycle helmets and public health in Australia" *Health Promotion Journal of Australia* 2008: 19 (1) 10-15, at pages 11-12.

D. Prime Minister, media statement, 5.12.1989.

E. Figure 1 from Document C; para 62 from Document A (i).

F. Federal media release *Protective headwear for car occupants*. 18.9. 1998.

G. Letter of 21.2.1992 from Hon. Bob Brown, Minister for Land Transport.

H. Letter (peer-reviewed) WJ Curnow to *Health Promotion Journal of Australia*.

I. Extracts from *Bicycling in the ACT*. ACT Department of Urban Services 1993.

J. Bicycle Casualties in the ACT (bar chart).

K. Chronic dementia suffered by a helmeted cyclist, *Canberra Times*, 18.6.11.

L. ACT Pathology. Autopsy report on helmeted cyclist. 2010 (extracts).

M. Letter from Australian Department of Infrastructure, Transport. 24.6.09

N. Message from Standards Australia. 30 April 2003.

O. Australian Transport Safety Bureau. *Bicycle helmets and injury prevention*. 2000.

P. Suggestions for the ACT to request Federal Govt assurance that helmets protect.