Updating Victoria's Cycling Strategy.

Submission by Freestyle Cyclists Inc.

PART ONE

Freestyle Cyclists' vision is to see cycling as a favoured choice for short journeys throughout Australian cities, suburbs and towns. To see our urban landscapes transformed by active transport across all ages, cultures and gender and to see an Australia where we can cycle without fear for ourselves or for our children.

We are supportive of cycling as a recreational and sporting activity, however that interest is well served by others. Our work and advocacy is solely on behalf of transport cycling, also described as utility cycling.

Freestyle Cyclists have developed six overarching themes. A best practice approach in addressing these themes form the foundation for the achievement of our vision. We would like this vision, with its supporting foundations, to inform the Victorian Cycling Strategy. We have attached a copy of the Freestyle Cyclists' vision, which forms an integral part of our submission to this update.

PART TWO

The second part of our submission concerns the elephant in the Australian cycling room – mandatory helmet laws. We have singled these out for discussion because they are the laws which overnight crippled the growth in cycling participation, in Victoria and throughout Australia. To this day, the state agency responsible, VicRoads, has been in denial about the effect on cycling participation these laws have caused. Specifically, they have never reviewed their effect on participation in regional Victoria. Their claims that cycling "returning to normal" in Melbourne is solely based on highly questionable survey methods from the early nineties. No accurate baseline participation data has ever been made available to support the safety claims made for mandatory helmet laws – such data simply does not exist. This became very clear when VicRoads were called to answer questions before the Senate committee hearing into aspects of mandatory helmet laws held in Melbourne on the 16th of November this year. [Transcript available in Hansard].

Infringements for helmet non-compliance account for over two thirds of all cycling infringements issued in Victoria. No other countries in the world, with the exception of New Zealand and the UAR take this approach to cycling, and no country or province with an enforced all ages helmet law has achieved a significant utility cycling culture.

Against this background, it is simply astounding that the word "helmet" does not even appear either in the Victorian Cycling Strategy, or in the survey questions put to the public. It did not even appear in the recent review of cycling road rules carried out by VicRoads on behalf of the State government. Any discussion or strategy which seriously has as its aim a significant increase in the use of the bicycle as a means of transport simply cannot afford to ignore the impact of our unique helmet laws. To do so is disingenuous. It is our aim to redress the balance in our submission.

We consider Australia's (including Victoria's) bike helmet laws to be a major obstacle to achieving our vision. Australia's record over the past twenty five years of achieving significant growth in the use of the bicycle has been pitiful. While we have been going nowhere, there are plentiful examples from around the world of cities and countries that have achieved significant levels of bicycle use, particularly in Northern Europe. There are Dutch cities where over 40% of all trips are made by bicycle, and many other European cities achieving levels of 10%. In none of these places are helmets required, or extensively worn. Their safety record is also significantly better than Australia's.

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. There was little rigorous research done prior to Victoria's initiative – it appears to have been a case of policy based on hope rather than knowledge.

SAFETY

Twenty five years on, there is still a lack of international consensus on the effectiveness of a helmet *in the event of an accident*, with the protective effects frequently overstated. The positive effects of mandatory helmet legislation were 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), the effect *on a whole population* of mandating helmet wearing would appear to have been that it makes cycling, per unit distance travelled, slightly less safe overall, with no significant improvement in head injury rates or severity [1],[2]. Whilst some Australian road safety commentators and traffic authorities continue to claim significant benefits not only from helmet wearing, but more specifically from *enforced* helmet wearing, this has not persuaded the rest of the world to follow our "lead", such as they did with seat belts. To date, only NZ and the United Arab Emirates have joined in nationally enforced all-ages helmet laws. We think this speaks for itself.

Australia's cycling safety record is in fact quite poor when compared to the OECD average. If mandatory helmet laws had indeed been the important road safety initiative that their apologists still claim, this would be very hard to explain. With twenty five years of mandation, preceded by ten years of propaganda, it is perhaps hard for Australians to appreciate that mandatory helmet laws may not have been the

silver bullet of cycling safety, but in fact a bit of a dud. For a well balanced introductory summary of research from an international perspective, we recommend the editorial in the British Medical Journal of June 2013 by Goldacre and Spiegelhalter, which we have attached as an appendix to this submission. Their conclusion that the benefits of helmets "…seem too modest to capture…" would suggest that the robust evidence, which would normally be required to justify the enforcement of an intervention, is simply lacking. But bicycle helmets appear to be one of those bizarre areas of culture where required onus of proof is avoided by the protagonists, where tunnel vision is applied to evidence, and where respect for diversity simply vanishes in the face of a passionate desire to force conformity on a minority.

A further failing of mandatory helmets is that, by concentrating so exclusively on what cyclists wear, inadequate attention has been paid to the things that really improve safety, and the onus has been shifted from the truly dangerous to the already vulnerable. 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, [3] is both ineffective as a safety measure, and unethical.

In a safe systems approach, personal protective gear is the last and least important measure – indeed its very requirement is proof of failure of the system. Australian cyclists have been well and truly swindled by the legislation and enforcement, which have raised "wearing a helmet" to almost the sole proxy for safe cycling, at the expense of the measures and behaviours which really count.

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 [4], whilst both the European Cycling Federation [5] and the UK's CTC [6] have policies which actively discourage even the promotion of helmet wearing. Once again, if mandating helmets was such a great success, why, after twenty five years, have only two other countries followed us down this path, with nationally enforced all ages helmet laws?

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 [7]. 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, including most of Victoria outside a fairly narrow band of inner urban metropolitan LGAs. 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. Regional areas were hit hardest. As an example, in Bendigo, bicycle use for trips to work peaked at just under 4% in 1986, prior to the enforcement of mandatory helmet legislation. It now stands at below 1% [8]

This sorry tale is further confirmed by the latest National Cycling Participation Survey, conducted on behalf of Austroads as part of the evaluation of the National Cycling Strategy, which shows a continued decline in participation from 2011 through 2013 to 2105, and includes a decline in Victoria. [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. Even the TAC has reported that 28% of respondents who had ridden a bicycle in the past six months found mandatory helmets an important or very important disincentive [11]

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 900% in traffic infringement notices issued to cyclists in Victoria. Twenty five 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 neither required nor generally not worn, is excellent, with none of the dire predictions of widespread head injury coming to pass [12].

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 of Australian bike share 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 "cyclists" 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 all 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. The bicycle is a cornerstone of active transport, and its use is actively encouraged throughout the developed world. Quite 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 world's best practice, and remove this unproductive barrier to active transport.

In plain English, if you want to encourage cycling, it makes no sense whatsoever if everyday people who just want to use a bike to go to the shops are stopped, lectured and heavily fined by the police, simply because, like the vast majority of the world's cyclists, they don't see the need to wear a helmet.

In recommending the reform of Australia's bicycle helmet laws, we only wish to bring Australian cycling back within the norms enjoyed throughout the rest of the world. This was also the desire of the recent enquiry into cycling issues undertaken by the Queensland Parliament in 2013, where it was recommended that adults be allowed helmet choice when riding on footpaths, cycle paths and public roads with a posted speed limit of 60Km/hr or less, and that users of public bike schemes also be exempted [13]. Unfortunately the then Minister for Transport chose to dismiss this without waiting to see the evidence in its favour. It is our hope that Victoria has the vision and commitment to lead to more effective change.

PART THREE

The developed world is currently embracing the bicycle as an integral part of the solution to congested cities and population health, and they are succeeding in this without forcing helmets on the everyday bike rider. They have succeeded in growing inclusive and supportive bicycle cultures that are the envy of Australians who experience them. Victoria should be well placed to get on board and lead positive change. To do this we will need to look beyond a narrow focus on cycling as a safety issue for VicRoads and the police, and embrace a truly inclusive bicycle culture. Freestyle Cyclists would like to be a part of this. We bring a highly informed and nuanced understanding of the relationships involved in cycling, both with regard to safety and to the wider societal benefit of growing cycling as a popular and

convenient form of transport. We ask that in future we be considered as stakeholders in this journey.

Alan Todd
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Freestyle Cyclists Inc.
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APPENDIX: BMJ Editorial 12/06/2013.

BMJ

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EDITORIALS

Bicycle helmets and the law

Canadian legislation had minimal effect on serious head injuries

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We have both spent a large part of our working lives discussing statistics and risk with the general public. We both dread questions about bicycle helmets. The arguments are often heated and personal; but they also illustrate some of the most fascinating challenges for epidemiology, risk communication, and evidence based policy.

With regard to the use of bicycle helmets, science broadly tries to answer two main questions. At a societal level, "what is the effect of a public health policy that requires or promotes helmets?" and at an individual level, "what is the effect of wearing a helmet?" Both questions are methodologically challenging and contentious.

The linked paper by Dennis and colleagues (doi:10.1136/bmj.f2674) investigates the policy question and concludes that the effect of Canadian helmet legislation on hospital admission for cycling head injuries "seems to have been minimal."[1] Other ecological studies have come to different conclusions,[2] but the current study has somewhat superior methodology—controlling for background trends and modelling head injuries as a proportion of all cycling injuries.

This finding of "no benefit" is superficially hard to reconcile with case-control studies, many of which have shown that people wearing helmets are less likely to have a head injury.[3] Such findings suggest that, for individuals, helmets confer a benefit. These studies, however, are vulnerable to many methodological shortcomings. If the controls are cyclists presenting with other injuries in the emergency department, then analyses are conditional on having an accident and therefore assume that wearing a helmet does not change the overall accident risk. There are also confounding variables that are generally unmeasured and perhaps even unmeasurable. People who choose to wear bicycle helmets will probably be different from those who ride without a helmet: they may be more cautious, for example, and so less likely to have a serious head injury, regardless of their helmets.

People who are forced by legislation to wear a bicycle helmet, meanwhile, may be different again. Firstly, they may not wear the helmet correctly, seeking only to comply with the law and avoid a fine. Secondly, their behaviour may change as a consequence of wearing a helmet through "risk compensation," a phenomenon that has been documented in many fields.[4 5] One study—albeit with a single author and subject—suggests that drivers give larger clearance to cyclists without a helmet.[6]

Even if helmets do have an effect on head injury rates, it would not necessarily follow that legislation would have public health benefits overall. This is because of "second round" effects, such as changes in cycling rates, which may affect individual and population health. Modelling studies have generally concluded that regular cyclists live longer because the health effects of cycling far outweigh the risk of crashes.[7] This trade-off depends crucially, however, on the absolute risk of an accident: any true reduction in the relative risk of head injury will have a greater impact where crashes are more common, such as for children.[8]

The impact on all cause mortality, and on head injuries, may be even further complicated if such legislation has varying effects on different groups. For example, a recent study identified two broad subpopulations of cyclist: "one speed-happy group that cycle fast and have lots of cycle equipment including helmets, and one traditional kind of cyclist without much equipment, cycling slowly." The study concluded that compulsory cycle helmet legislation may selectively reduce cycling in the second group.[9] There are even more complex second round effects if each individual cyclist's safety is improved by increased cyclist density through "safety in numbers," a phenomenon known as Smeed's law.[10] Statistical models for the overall impact of helmet habits are therefore inevitably complex and based on speculative assumptions.[11] This complexity seems at odds with the current official BMA policy, which confidently calls for compulsory helmet legislation.

Standing over all this methodological complexity is a layer of politics, culture, and psychology. Supporters of helmets often tell vivid stories about someone they knew, or heard of, who was apparently saved from severe head injury by a helmet. Risks and benefits may be exaggerated or discounted depending on the emotional response to the idea of a helmet.[12] For others, this is an explicitly political matter, where an emphasis on helmets reflects a seductively individualistic approach to risk

management (or even "victim blaming") while the real gains lie elsewhere. It is certainly true that in many countries, such as Denmark and the Netherlands, cyclists have low injury rates, even though rates of cycling are high and almost no cyclists wear helmets. This seems to be achieved through interventions such as good infrastructure; stronger legislation to protect cyclists; and a culture of cycling as a popular, routine, non-sporty, non-risky behaviour.

In any case, the current uncertainty about any benefit from helmet wearing or promotion is unlikely to be substantially reduced by further research. Equally, we can be certain that helmets will continue to be debated, and at length. The enduring popularity of helmets as a proposed major intervention for increased road safety may therefore lie not with their direct benefits—which seem too modest to capture compared with other strategies—but more with the cultural, psychological, and political aspects of popular debate around risk.

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