Svetlana Tkachenko

School of Mechanical and Manufacturing Engineering

University of New South Wales

Kensington NSW 2033

10 November 2016

The Hon Mr Michael Daley, MP

Member for Maroubra, New South Wales

PO Box 535

Maroubra NSW 2035

**RE: Exemptions to the requirement to wear a helmet while cycling**

Dear Mr Daley,

I am writing to bring to your attention the need for exemptions to the requirement to wear a helmet while cycling in New South Wales.

Although cyclists must wear AS/NZS 2063-compliant helmets throughout Australia, some States and Territories provide exemptions on the grounds of culture, religion, age, infrastructure or medical reasons. In New South Wales, however, there are no exemptions. This inconveniences members of certain cultural, religious and age groups, as well as persons suffering particular medical conditions.

I humbly request that you raise in Parliament or with the Minister for Transport and Infrastructure the need to amend legislation to allow bicycle helmet exemptions for cyclists who satisfy certain criteria such as

* being a member of a religious or cultural group and wearing a type of headdress customarily worn by members of the group that makes it impractical to wear a bicycle helmet (as in Queensland[[1]](#footnote-1), Western Australia[[2]](#footnote-2) and Victoria[[3]](#footnote-3)), or
* being a member of the Sikh religion who is wearing a turban (as in South Australia[[4]](#footnote-4)),
* being unable to wear a bicycle helmet for medical reasons (as in Queensland1 and Western Australia2),
* having a physical characteristic which makes it unreasonable to require the person to wear a bicycle helmet (as in Queensland1),
* being over 17 years of age and riding in a public place, on a bicycle path separated from the part of the road used by motor vehicles by a physical structure or barrier, or on a shared path (as in the Northern Territory[[5]](#footnote-5)), or
* being issued a certificate by a government authority stating that it would be impractical, undesirable or inexpedient that the person named in the certificate wear a bicycle helmet while riding on a bicycle (as in Victoria3).

Additionally, the climate in New South Wales has high UV radiation levels, with wide-brimmed hats (wider than 7cm) recommended for outdoor workers' health and safety. Unfortunately, an equivalent safety-tested helmet attachment is not available, with custom attachments being untested, unsafe, and illegal. Further, during winter helmets do not adequately protect riders' ears from the cold and wind. Therefore, I also ask you to raise the need for an exemption for cyclists if they

* are wearing a wide-brimmed hat, or
* are wearing a warm winter hat between April and October.

These exemptions should all extend to bicycle passengers.

In the alternative, the entirety of section 256 of the *Road Rules 2014* (NSW) could be repealed, leaving the wearing of bicycle helmets optional at all times.

Yours faithfully,

Svetlana Tkachenko

Email: [svetlana@members.fsf.org](mailto:svetlana@members.fsf.org)

Phone: 0413 103 059

1. *Transport Operations (Road Use Management — Road Rules) Regulation 2009* (Qld) s 256. [↑](#footnote-ref-1)
2. *Road Traffic Code 2000* (WA) reg 222. [↑](#footnote-ref-2)
3. *Road Safety Rules 2009* (Vic) reg 256. [↑](#footnote-ref-3)
4. *Road Traffic (Road Rules — Ancillary and Miscellaneous Provisions) Regulations 2014* (SA) reg 34. [↑](#footnote-ref-4)
5. *Traffic Regulations 1999* (NT) reg 86. [↑](#footnote-ref-5)