# Bicycle thieves

## Introduction

A famous film, but not for consideration here.

Rather, this article concerns the theft of sense in the argument regarding some Australian bicycle laws. It seeks to restore the lost properties of balance and reason to their rightful owners.

## The cause

Recently, a person on Linked-In called for abolition of the law requiring the wearing of helmuts when riding bicycles in Australia.

The ensuing discussion included claims such a measure would result in a three-fold increase in bicycle use and, alternatively, that the call was terribly irresponsible. That, and all sort of supposedly conflicting statistics, is not worth repeating.

However, as the beagle mocked the NSW Government’s introduction of this law and associated requirements for personal identification of cyclists some years ago, some comment is merited.[[1]](#endnote-1)

## Issues

There are two issues:

1. does helmut wearing improve 'safety', and if so to what extent;

2. is (1) sufficient reason to legislate that helmuts must be worn.

One way to take the emotion out of the argument is to replace the words 'helmut wearing' with others that describe activities intended to improve safety.

As is the case for other personal protective wear, such as safety glasses and laced/steel toe boots the intention is to improve the safety of the person wearing the helmut, not others.

**Issue 1. does helmut wearing improve 'safety', and if so to what extent**

To understand principles, it is useful to compare helmut wearing with other matters intended to improve personal safety.

One such matter is screening for cancer. It improves the safety of the person screened, but not others to any significant degree. In that respect it is analogous to helmut wearing. Yet there is no legislation requiring a person to undertake screening.

Is it merely a matter of statistics? Looking at bowel cancer, in Australia around 40% of target population of 3.2 million are voluntarily screened each year. Around 59,000 return a positive test indicating further assessment is warranted. Not all of these people seek further assessment. Nonetheless 1,400 cases of cancer are detected with a further 4,400 cases of potentially cancerous conditions also identified. What of the 1.9 million who are not screened?

Is it relevant that this cancer has around 15,000 cases and around 4,500 deaths each year, with the advertising being that 9/10 cases detected early can be cured?

The numbers are far higher than cycling deaths. Or those from rock fishing.

There is almost unanimous agreement that helmut wearing improves the safety of the individual when undertaking the activity.

However, some infer that helmut wearing is likely to depress the activity – less cycling – which has adverse health consequences. This might be contrasted with many types of health screening which, being non-invasive, have no downside.

**Issue 2: is (1) sufficient reason to legislate that helmuts must be worn.**

In the case of cancer screening there are high profile education campaigns aimed to increase the number of people being screened. Not so with the wearing of bicycle helmuts.

There is a question of principle: why is education considered appropriate to encourage screening but compulsion is needed for helmut wearing?

Another way to analyse the issues is to consider activities other than cycling which lead to head injuries - where helmut wearing would improve self-safety. Ladder use? Car use? Attendance at certain night spots where ‘one punch’ assaults have led to injury and death via the victim’s head hitting the payment?

The absence of helmut wearing laws in those cases, and the case of cancer screening shows law makers have not accepted a principle of legislating for personal safety.

## Conclusion

The case is yet to be made that an answer to issue 1 no matter how statistically certain, has any relevance to a law of compulsion - issue 2. Thus the citation of bicycle-only statistics is irrelevant to the merits of this law.

This is not to say that people should not wear helmuts when cycling or encourage others in their care to do so> Indeed it suggests there should be a publicly funded education campaign showing the benefits of helmut wearing. But it does not support a rule for wearing helmuts.

As a more general principle a rule could be supported where an activity created a significant risk of impact on a third party who lacks effective redress. Examples may include drink or drugged driving, quarantine or vaccination. Vaccination is an interesting case as while there is no law requiring vaccination, there are requirements for vaccination prior to gaining certain government benefits.

On the arguments presented so far, the law requiring helmut wearing should be revoked. Not as a matter of statistics but as a matter of principle.

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1. <https://www.thejadebeagle.com/sydney-2-post-monorail-exhibit-1.html> [↑](#endnote-ref-1)