

Attention: Legislative Maintenance Team
National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000

Submission on Australian Road Rules 12th Amendment Package

This submission has been prepared by Tim Kelly on behalf of Ride To Review Incorporated (RTR), a South Australian (SA) based motorcycle advocacy group. The scope of this submission is limited to Rule 270.

Rule 270 – Wearing motor bike helmets

- 1 RTR support the national harmonisation of motor bike helmet laws.
- 2 RTR believe the national harmonisation of motor bike helmet laws will provide greater clarity for motorcyclists throughout the country and remove the nuances from each jurisdictions own implementation which has allowed multiple interpretations of compliance and usage laws to occur throughout the country.
- 3 RTR support clauses (a) (i), (ii), (iii), (b) and (c) as outlined in the proposed amendments relating to Rule 270.
- 4 RTR acknowledge the wording used in clause (a) 'was made in compliance with' has been specifically included to clarify that adherence to the helmet standard applies at 'Point of Sale'.
- 5 RTR does not support clause (d) of the proposed amendment.
- 6 RTR believe that clause (d)
 - 6.1 Provides no relief for shortcomings of the AS1698 standard pertaining to
 - 6.1.1 The requirements of the helmet to be accompanied by a brochure or label detailing use and care instructions.
 - 6.1.2 The requirements of the standard which state “durable labels shall be attached to eye protectors of their wrapping”.
 - 6.2 Does not resolve or address the fundamental issue of the AS1698 standard in that is a privately held standard not easily accessible be general members of the public without significant personal financial investment.
 - 6.3 Does not resolve or make any allowance to address the issue that everyday motorcyclists are unlikely to be able to interpret and determine to any legal

certainty, the specific requirements of the standard(s) listed under (a) in regards to maintaining of compliance.

- 6.4 Makes it impossible for any user of AS1698 to be compliance with the proposed amendment post sale given points 6.1.1 and 6.1.2.
- 6.5 Provides no greater clarity around the acceptable and safe use of external helmet projections (i.e. helmet attachments such as cameras, communication systems and Heads Up Display (HUD)) for any of the standards listed under (a).
- 6.6 May result in an increase of citations for non-compliance due to the lack of understanding or personal preference of the enforcement officer on the day.
- 6.7 Makes it impossible for any offence under this clause to be argued in a court of law given the testing requirements for the standards listed cannot be met post manufacturing.

7 RTR do however, acknowledge that the legal requirements for helmet usage laws cannot be isolated to 'Point of Sale' only with no consideration for "In Service" guidelines for which RTR believe clause (d) is designed to address.

8 RTR therefore propose that clause (d) be replaced with a more robust definition of "In Service" compliance with specific allowances applicable to use cases for motorcycle helmets.

9 RTR suggest clause (d) be removed and the following inserted under the proposed amendment.

(d) has no visible deformities, cracks or holes in the rigid outer shell or inner impact-absorbing liner.

(e) contains no external projections other than those with frangible mounts or those mounted as per the manufactured mounting points.

(f) retains the retention system in its entirety without modification,.

(g) retains all shell and/or retention certification and compliance markings where applicable and practical, with allowance being given for faded markings due to wear and tear.

10 RTR believe this approach and these clauses will address the needs of motorcyclists along with forbidding any potential structural or retention modifications to the helmet which could potentially result in injury or death to a motorcyclist.

Notes

In regards to 6.1.1, 6.1.2 & 6.5, the ACT when introducing their own helmet legislation made specific provisions to address these issues.

- <http://www.legislation.act.gov.au/di/2016-22/current/pdf/2016-22.pdf>

In regards to 6.5, the State Liberals in SA have recently introduced a private members bill to legalise the use of helmet attachments.

- <https://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-26983>

In regards to 6.5, the SA State government has announced it is working collaboratively with other states towards developing a national approach (and legislation) for the legislation of helmet attachments.

- <https://www.facebook.com/9NewsAdelaide/videos/1715813832055912/>

RTR thank the NTC for the opportunity to provide feedback on the proposed amendments.

Should you wish to discuss this submission please contact Tim Kelly at ridetoreview@gmail.com or on 0406 397 201