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## LawTalk Blog



# Can I put a GoPro or other camera on my bike helmet?

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These days it is common to see cyclists and motorcyclists with cameras such as GoPro's or lights attached to their bike helmets. There is some confusion in the community as to whether it is okay to attach cameras and lights to helmets in this way. Part of the confusion is that the laws across Australia are not consistent.

In South Australia it is an offence for a cyclist to fail to wear an appropriate bicycle helmet under the Australia Road Rules and attracts an expiation fee of \$98. Section 256(1) of the Australian Road Rules states that the rider of a bicycle must wear an approved bicycle helmet securely fitted and fastened on the rider's head, unless the rider is exempt from wearing a bicycle helmet under another law of this jurisdiction.

Actually finding out what is "an appropriate bicycle helmet" is a bit of a pain. Now stick with us while we talk you through the maze that is bicycle helmets.

By searching the definition section of the Australian Road Rules there is a definition of an approved bicycle helmet which means a protective helmet for bicycle riders that is approved, for the Australian Road Rules, under another law of the jurisdiction.

*"Actually finding out what is "an appropriate bicycle helmet" is a bit of a pain."*

That's not very helpful; but there is a note which says for South Australia, see Regulation 49 of the Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014.

Regulation 49 states that helmets are approved bicycle helmets if they are approved for bicycle riders under the Road Traffic (Miscellaneous) Regulations 2014, so we need to go to a new set of Regulations to get closer to the answer.

Regulation 51(3) of the Road Traffic (Miscellaneous) Regulations states that helmets are approved for bicycle riders if they meet the impact attenuation requirement of Australian Standard 2063. This mandatory standard is set out in the Trade Practices (Consumer Products Safety Standards) Regulation 2001 – bicycle helmets.

Still with us?

Any bicycle helmets supplied in Australia are required to meet the requirements published in the AS (NZS) 2063:2008.

That standard actually requires that each helmet must be accompanied by a brochure or label that includes warnings inclusive that "no attachment should be made to the helmet except those recommended by the helmet manufacturer".

There is however no statement in any of the legislations that any such modifications render a helmet to not be an approved bicycle helmet under the rules.

What this all means is that in South Australia, for a helmet to be approved under the law, it needs to comply with the Australian standard at the time of sale and affixing a light or camera following that time does not render it outside the definition of an approved bicycle helmet.

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