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# Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001

Statutory Rules 2001 No. 279

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 27 SEP 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

JOE HOCKEY

Minister for Financial Services and Regulation

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### 1 Name of Regulations

These Regulations are the *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001*.

### 2 Commencement

These Regulations commence on gazettal.

### 3 *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 1999 — repeal*

Statutory Rules 1999 No. 230 is repealed.

2	<i>Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001</i>	2001, /
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#### 4 Purpose

For subsection 65C (2) of the *Trade Practices Act 1974*, these Regulations set out the consumer product safety standard for bicycle helmets.

#### 5 Application

- (1) These Regulations apply to protective helmets for pedal cyclists.
- (2) However, these Regulations do not apply to the following helmets:
  - (a) protective helmets of a size too small to be reasonably fitted to Headform AA defined in Australian Standard AS 2512.1:1998 published by the Standards Association of Australia on 5 September 1998;
  - (b) helmets for use as toys which cannot be reasonably mistaken for protective helmets for pedal cyclists;
  - (c) helmets for use as toys which may be reasonably mistaken for protective helmets for pedal cyclists, if the words *Warning: toy helmet only — do not use as safety headgear* are marked clearly and legibly in a conspicuous position on:
    - (i) the helmet or on a label attached to the helmet at the time of supply to the consumer; and
    - (ii) the principal outer display face of any packaging in which the helmet is supplied to the consumer;
 with the word *Warning* in capital letters not less than 5 mm high, and the remaining words in letters not less than 2.5 mm high;
  - (d) helmets (except BMX helmets) designed and constructed principally for use by cyclists engaged in competitive racing, if the words *Warning: racing headgear only — inadequate impact protection for normal road use* are marked clearly and legibly in a conspicuous position on:
    - (i) the helmet or on a label attached to the helmet at the time of supply to the consumer; and

- (ii) the principal outer display face of any packaging in which the helmet is supplied to the consumer; with the word *Warning* in capital letters not less than 5 mm high, and the remaining words in letters not less than 2.5 mm high.

**6 Standard until 31 August 2006**

Until the end of 31 August 2006, the standard for protective helmets for pedal cyclists is the standard described in:

- (a) Part 1 of Schedule 1 as varied by Part 2 of that Schedule (Australian/New Zealand Standards); or
- (b) Part 1 of Schedule 2 subject to Part 2 of that Schedule (Snell Standards).

(regulation 6)

# Part 1 AS/NZS 2063:1996

Australian/New Zealand Standard *Pedal cycle helmets*, published by Standards Australia on 5 May 1996 as amended by Amendment No. 1 of 5 November 1996.

## Part 2 Variations to AS/NZS 2063:1996

**[1] Clause 1**

*omit*

**[2] After clause 5.6**

*insert*

**5.7 BMX Helmets** Helmets designed and constructed principally for use by cyclists engaged in BMX competition racing need not comply with provisions regarding ventilation openings or type testing.

**[3] Paragraph 8.1 (e)**

*omit*

## **Schedule 2        Snell Standards**

(regulation 6)

### **Part 1            1995 Standard For Protective Headgear For Use In Bicycling**

*1995 Standard For Protective Headgear For Use In Bicycling*, including the *Child Helmet Addendum To Standards For Protective Headgear*, published by the Snell Memorial Foundation of the United States of America and available on the Internet as the document:

<http://www.smf.org/standards/b95-2std.html>.

### **Part 2            Compliance with the Snell Standard**

A person is not required to comply with a provision of the Standard that requires the person to obtain third party certification of a helmet.

*Note* The Standard requires a person who manufactures a helmet, and who wishes to comply with the Standard, to obtain third party certification of the helmet.

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#### **Note**

1.    Notified in the *Commonwealth of Australia Gazette* on    *2*    2001.

*5 October*