

Australian Capital Territory

# Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2020 (No 1)

Disallowable Instrument DI2020–38

made under the

***Road Transport (Safety and Traffic Management) Regulation 2017, section 73 (1) (a)***  
**(Approval etc by road transport authority)**

## EXPLANATORY STATEMENT

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Section 73 (1) (a) of the *Road Transport (Safety and Traffic Management) Regulation 2017* provides for the road transport authority to approve a protective helmet for bicycle riders as an approved bicycle helmet. Subsection (3) of the regulation makes such a declaration a disallowable instrument. A disallowable instrument must be presented to the Legislative Assembly within 6 sitting days of its notification pursuant to section 61 of the *Legislation Act 2001*.

Section 256 of the *Road Transport (Road Rules) Regulation 2017* provides that an approved bicycle helmet must be worn by a bicycle rider and bicycle passenger, unless the passenger is a paying passenger on a three-wheeled or four-wheeled bicycle.

This instrument revokes and replaces the *Road Transport (Safety and Traffic Management) Approval of Protective Helmets for Bicycle Riders 2001* (DI2002-4) which approves the use of these helmets by bicycle riders and passengers. DI2002-4 is made under section 66 of the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The *Road Transport (Safety and Traffic Management) Regulation 2000* was repealed and replaced by the *Road Transport (Safety and Traffic Management) Regulation 2017* on 30 April 2018. Part 10 of the *Road Transport (Safety and Traffic Management) Regulation 2017* contains transitional provisions allowing for the continuation of DI2002-4 as if it is an approval under section 73 (1) (a) of the *Road Transport (Safety and Traffic Management) Regulation 2017* until 30 April 2020.

This instrument remakes DI2002-4 by reference to the relevant provisions of the *Road Transport (Safety and Traffic Management) Regulation 2017*.

Protective helmets for bicycle riders in Australia are manufactured to comply with the Australian/New Zealand Standards. The current standard, AS/NZS 2063:2008-*Bicycle helmets* was published by Standards Australia on 27 November 2008, superseding AS/NZS 2063:1996-*Pedal cycle helmets*. The objective of this standard is to provide bicycle helmet wearers with lightweight helmets that provide protection against and reduce the severity of head injury from hazards associated with cycling. This standard is regularly revised and amended. AS/NZS 2063:2008 was most recently revised in December 2009. The amendment to the standard included that the helmet should have no internal projections or irregularities likely to cause injury to the wearer in case of an accident.

AS/NZS 2063:2008 forms the basis for the mandatory safety standard, contained in the *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001* (Cth), for the supply of bicycle helmets in Australia. This means that suppliers cannot legally supply bicycle helmets into the Australian market if they do not comply with the mandatory safety standards. The *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001* can be viewed on the Federal Register of Legislation at <https://www.legislation.gov.au/Details/F2009C01271>.

Approved bicycle helmets have an identifying mark (sticker or label) certifying that they meet the Australian/New Zealand standard (AS/NZS 2063:2008-*Bicycle helmets*) and have passed stringent safety tests.

This disallowable instrument updates the Australian Standard reference to the current AS/NZS 2063:2008-*Bicycle helmets*, to which a protective bicycle helmet must comply to be an approved bicycle helmet for bicycle riders to wear when riding on roads and road related areas. This amendment is in line with other Australian States and the Northern Territory. It is also in line with the mandatory safety standard contained in the *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmet) Regulations 2001* (Cth) for the supply of bicycle helmets in Australia.

This instrument also disapplies provisions of the standard relating to external projections to allow for the fitting of communication and recording equipment utilising frangible mounts and to allow for the fitting of plastic cable (zip) ties. It also disapplies the part of the standard that would require a brochure or label detailing use and care instructions to be carried by the user of the helmet.

Further, this instrument disapplies the provisions of section 47 of the *Legislation Act 2001* which would otherwise require notification of instruments applied by reference (in this case the Australian/New Zealand Standards referred to in clause 3). The Standard referenced is technical in nature and describes performance standards with which a protective bicycle helmet must comply. As noted above all bicycle helmets sold in Australia must comply with this Standard and be labelled with an Australian Standards sticker indicating it complies with AS/NZS 2063:2008.

The Standards are regularly updated and are copyright. The ACT Government's access to the Standards is regulated by terms and conditions that govern how they can be used and disclosed. AS/NZS 2063:2008 (referenced in clause 3) can be purchased from the publisher SAI Global in either electronic or paper version through the

Standards Australia website ([www.standards.org.au](http://www.standards.org.au)) or on 131 242. Alternatively, a copy of the relevant Australian Standards can be viewed by contacting [roadtransportregulation@act.gov.au](mailto:roadtransportregulation@act.gov.au) to organise a viewing time during business hours

Amendments have also been made to this instrument to bring it into line with current drafting practices.

### **Human Rights or climate change implications**

There are no human rights or climate change implications arising from this instrument.