

Australian Capital Territory

# Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2024 (No 1)

Disallowable Instrument DI2024–273

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*.

The *Road Transport (Road Rules) Regulation 2017* provides that an approved bicycle helmet must be worn by a person travelling in or on a personal mobility device (Section 244H), a bicycle rider and bicycle passenger, unless the passenger is a paying passenger on a three-wheeled or four-wheeled bicycle (section 256), and a person riding on or in a bicycle trailer (Section 257). The relevant sections do not apply if the person is a member of a religious group; and the person is wearing a type of headdress customarily worn by members of the group; and the wearing of the headdress makes it impractical for the person to wear an approved bicycle helmet.

This instrument revokes and replaces the *Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2020 (No 1)* (DI2020-38) which approves helmets to be used as approved bicycle helmets.

Historically, protective helmets for bicycle riders in Australia have been manufactured to comply with the Australian/New Zealand Standards in force from time to time as required by the *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001* (the trade practices regulations). On 22 March 2024, the trade practices regulations were repealed by the commencement of the *Consumer Goods (Bicycle Helmets) Safety Standard 2024*. At the time of repeal of the trade practices regulations, the approved standard was AS/NZS 2063:2008 – Bicycle helmets.

The *Consumer Goods (Bicycle Helmets) Safety Standard 2024* continues to permit bicycle helmets to comply with AS/NZS 2063:2008 - Bicycle Helmets and permits compliance with five additional regulations:

- Australian Standard AS/NZS 2063:2020 – Helmets for use on bicycles and wheeled recreational devices
- European standard EN 1078:2012+A1:2012 Helmets for pedal cyclists and for users of skateboards and roller skates
- US Consumer Product Safety Commission standard US CPSC 16 C.F.R. Part 1203 Safety Standard for Bicycle Helmets
- American Society for Testing and Materials (ASTM) standard F1447-18 Standard Specification for Helmets Used in Recreational Bicycling or Roller Skating
- Snell standard B-95 1995 Bicycle Helmet Standard, 1998 revision, Standard for Protective Headgear for Use in Bicycling.

At the time of writing of this instrument, 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/F2001B00369/latest/text> and the *Consumer Goods (Bicycle Helmets) Safety Standard 2024* can be viewed on the Federal Register of Legislation at <https://www.legislation.gov.au/F2024L00362/latest/text>.

This disallowable instrument updates the Australian Standard references to include the six standards listed above to be in line with the Commonwealth *Consumer Goods (Bicycle Helmets) Safety Standard 2024*.

This instrument also disapplies provisions of the standards 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 parts of the standards 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 Standards referred to in clause 3). The Standards referenced are technical in nature and describe performance and design requirements with which a protective bicycle helmet must comply.

It is not possible to republish text contained in Standards documents as some of the documents are protected by copyright. It is not practical to republish information in the Standards in the instrument as this would amount to hundreds of pages.

The ACT Government's access to the Standards is regulated by terms and conditions that govern how they can be used and disclosed. The standards that are copyright can be purchased from the relevant publisher:

Australian Standard AS/NZS 2063:2008 - Bicycle Helmets; and Australian Standard AS/NZS 2063:2020 – Helmets for use on bicycles and wheeled recreational devices

can be purchased from the publisher in either electronic or paper version through the Standards Australia website ([www.standards.org.au](http://www.standards.org.au)). Those who wish to have non-commercial access to Australian Standards for personal, domestic or household use can do so via the Standards Australia Reader Room website, available at [readerroom.standards.org.au](http://readerroom.standards.org.au).

European standard EN 1078:2012+A1:2012 Helmets for pedal cyclists and for users of skateboards and roller skates can be purchased from the publisher in either electronic or paper version through the European Standards website ([www.en-standard.eu](http://www.en-standard.eu)).

American Society for Testing and Materials (ASTM) International standard F1447-18 Standard Specification for Helmets Used in Recreational Bicycling or Roller Skating can be purchased from the publisher in either electronic or paper version through the ASTM website ([www.astm.org](http://www.astm.org))

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

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

## **Outline of Provisions**

**Clause 1** names the instrument the *Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2024 (No 1)*.

**Clause 2** states that the instrument commences on the day after notification.

**Clause 3** provides a bicycle helmet that complies with a standard in part a) of the clause and has an identifying mark certifying compliance with that standard and is in good repair and proper working condition is an approved bicycle helmet.

**Clause 4** disapplies provisions in the standards listed in Clause 3a) relating to external projections, but only so far as to allow attachment of communication and recording equipment utilising frangible mountings or to allow attachment of flexible plastic cable (zip) ties. Clause 4 also disapplies provisions in the standards listed in Clause 3a) requiring the user of a helmet to carry a brochure or label detailing use and care instructions for the helmet.

**Clause 5** disapplies section 47(6) of the Legislation Act 2001 to instruments applied, adopted or incorporated under the instrument.

**Clause 6** revokes the *Road Transport (Safety and Traffic Management) Protective Helmet for Bicycle Riders Approval 2020 (No 1)* (DI2020-38).