



Australian
Competition &
Consumer
Commission

Product Safety Bulletin

Pedal bicycles and bicycle helmets

October 2012

This bulletin alerts suppliers of pedal bicycles and bicycle helmets to some of the hazards associated with these consumer goods. It also outlines some of your responsibilities as a supplier.

If you are a manufacturer, importer, wholesaler or retailer (whether online or shop front) in the business of supplying pedal bicycles and/or bicycle helmets, this bulletin applies to you.

Pedal bicycles

What are pedal bicycles?

Pedal bicycles are light, two-wheeled vehicles manually driven by the user pushing on pedals.

Hazards

Cyclists can suffer:

- death, broken bones or head injuries if aspects of the bicycle fail, such as the braking system, steering or pedal cranks
- death or serious injury if the bicycle's head stem cracks or fails, causing the rider to have no steering control
- lacerations and limb entrapment if the bicycle is not fitted with a chain guard.

Pedestrians may suffer death or serious injury if a bicycle lacks a warning device that riders can use to signal their presence on bike paths or roads.

Mandatory standard for pedal bicycles

The mandatory standard for pedal bicycles is based on the Australian and New Zealand Standard AS/NZS 1927:1998, with variations and additions made by Consumer Protection Notice No. 6 of 2004. For this reason, it's important to read both the notice and AS/NZS 1927:1998.



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The mandatory standard covers design, construction, performance and labelling requirements for:

- pedal bicycles supplied either fully or partially assembled
- children and adult pedal bicycles with a wheel base of more than 640 mm
- pedal bicycles with either fixed-gear or free-wheel features.

Exclusions

The mandatory standard for pedal bicycles does not apply to:

- bicycles with a wheel base of less than 640 mm
- bicycles that are designed, promoted and supplied primarily for use in competition such as track-racing
- one-of-a-kind bicycles (i.e. bicycles that are uniquely constructed to the order of an individual consumer)
- bicycles that are designed to be hinged, folded or to be taken apart beyond removal of the front wheel, for ease of storage or portability
- tandem bicycles
- power-assisted bicycles
- bicycles showing signs of appreciable wear or second hand bicycles
- recumbent bicycles.

For more information on the mandatory standard, visit www.productsafety.gov.au and click through the following links: Bans, standards and recalls → Mandatory standards → Bicycles.

Bicycle helmets

What are bicycle helmets?

Bicycle helmets are specialist head protection designed to reduce the likelihood of injury to a cyclist in an event of an accident.

Hazards

Cyclist may suffer death or serious injury in the event of an accident if the bicycle helmet they are wearing:

- does not adequately protect their head from impact, or
- is not correctly fitted to their head.

Mandatory standard for bicycle helmets

The mandatory standard for bicycle helmets is based on the Australian and New Zealand Standard AS/NZS 2063:2008 with variations and additions made by *Trade Practices (Consumer Protection Safety Standard) (Bicycle Helmets) Regulations 2001*.

The mandatory standard covers design, construction, performance and labelling requirements for bicycle helmets.



Exclusions

The mandatory standard for bicycle helmets does not apply to:

- protective helmets which are very small (smaller than headform AA as defined in AS/NZS 2512.1)
- toy helmets which cannot be reasonably mistaken for protective helmets for cyclists
- toy helmets which may be reasonably mistaken for protective helmets for cyclists and is clearly and legibly marked with the following label on the helmets:

**WARNING: toy helmet only—
do not use as safety headgear**

- helmets (except BMX helmets) designed and constructed principally for use by cyclists engaged in competitive racing and is clearly and legibly marked with the following label on the helmets:

**WARNING: racing headgear only—
inadequate impact protection for
normal road use**

For more information on the mandatory standard, visit www.productsafety.gov.au and click through the following links: Bans, standards and recalls → Mandatory standards → Bicycle helmets.

Your responsibilities as a supplier

The Australian Consumer Law (ACL) provides a range of statutory guarantees to consumers when they purchase goods or services. Suppliers must ensure that goods are safe and of acceptable quality and fit for any disclosed purpose.

Representations or claims made in relation to the supply of consumer goods or services must be truthful and must not be likely to mislead or deceive.

Evidence may be required to establish whether bicycles or bicycle helmets comply with the mandatory standard or to substantiate a range of other claims.

More detailed information on the requirements of the Australian Consumer Law is available from the ACCC website at www.accc.gov.au/ACL.

Your mandatory reporting responsibilities

As a supplier of consumer goods, you also need to meet your mandatory reporting obligations.

Under the ACL, suppliers of consumer goods—including wholesalers, retailers, hirers and service providers—are required to report where they become aware that consumer goods they supply are or have been associated with death, serious injury or illness of any person within two days of becoming aware of a reportable incident.

A supplier who fails to fulfil this mandatory requirement may be found guilty of a criminal offence and be liable for a penalty of up to \$16 500 for a body corporate or \$3300 for a person other than a body corporate.

You can submit a mandatory report and find out more about your requirements via the Product Safety Australia website: www.productsafety.gov.au/mandatoryreporting.

Consumer guarantees

All Australian traders, whether online or running a bricks and mortar operation, must comply with Australian laws. This includes laws on consumer guarantees, which give consumers the right to a refund if a consumer good is unsafe. These laws are provided as part of the ACL (which forms Schedule 2 of the *Competition and Consumer Act 2010*).

For more information, visit www.accc.gov.au/consumerrights.

Recalls

A consumer good may be recalled if it:

- may cause injury
- does not comply with a mandatory standard
- is banned.

If a consumer good is unsafe or likely to cause death or injury to a person, it may be recalled. Recalls can be initiated voluntarily by the supplier, or in response to an order by the Commonwealth or a state and a territory minister responsible for competition and consumer policy.

For more information, visit the Recalls Australia website at www.recalls.gov.au. You can register to receive automatic alerts from this site any time a new recall is listed. This will help ensure you keep up-to-date with the latest product safety recall information.

Ensuring safe supply

- Only buy/source goods that you know comply with the relevant regulations.
- Ask your supplier for evidence that their goods comply with the mandatory standard. This may come in the form of a test report from an accredited laboratory. For more information on testing and test reports visit www.productsafety.gov.au/producttesting.
- Have a process that ensures your stock is checked for compliance. Pay particular attention to Australian-specific requirements such as correct hand-brake lever configuration on pedal bicycles.
- Stay up-to-date with recalls by subscribing to the Recalls Australia website or downloading the ACCC Recalls Australia iPhone or Android app.

It is illegal for anyone to supply any consumer good that does not comply with the law or is unsafe. Substantial penalties including fines of up to \$1.1 million apply to companies that fail to comply with provisions of the ACL. Consumer goods which are unsafe are subject to recalls.

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For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS feeds—visit our websites:
www.productsafety.gov.au
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