

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. 23 of 2011

INVITATION TO REQUEST THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION TO HOLD A CONFERENCE IN RELATION TO A PROPOSAL TO IMPOSE A PERMANENT BAN ON CONSUMER GOODS

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer, pursuant to subsection 132(3)(e) of Part XI to the *Competition and Consumer Act 2010*, **INVITE** any person who supplies or proposes to supply consumer goods of a kind specified in the draft notice below to notify the Australian Competition and Consumer Commission in writing at the address shown below within the period of ten (10) days commencing on the day on which this notice is published, whether that person wishes the Commission to hold a conference in relation to the proposed imposition of the permanent ban specified in the notice, under subsection 114(1)(b)(i) of Schedule 2 to the *Competition and Consumer Act 2010*.

Summary of reasons for the proposed imposition of the permanent ban:

The draft notice proposes to revoke the permanent ban on miniature motorbikes with unsafe design features which is currently in force. The permanent ban in force from 11 February 2011 unintentionally captures electric powered miniature motorbikes as well as miniature motorbikes powered by internal combustion engine.

The proposed revised permanent ban is intended to ensure ongoing consumer safety by prohibiting the supply of poorly designed or manufactured miniature motorbikes that are powered by internal combustion engine only. There is a significant risk of injury or death to consumers and the public from the use of powerful miniature motorbikes that do not have certain safety features.

Address for notification to the Australian Competition and Consumer Commission:

The General Manager
Product Safety Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Email: productsafety.regulation@acc.gov.au

Dated this 23rd day of June 2011.


DAVID BRADBURY
Parliamentary Secretary to the Treasurer

DRAFT NOTICE

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XXX of 2011

REVOCATION OF EXISTING PERMANENT BAN ON MINIATURE MOTORBIKES (MONKEY BIKES) WITH UNSAFE DESIGN FEATURES AND IMPOSITION OF NEW PERMANENT BAN ON MINIATURE MOTORBIKES (MONKEY BIKES) WITH UNSAFE DESIGN FEATURES

I, DAVID BRADBURY, Parliamentary Secretary to the Treasurer:

- (a) pursuant to subsection 117(a) of Schedule 2 to the *Competition and Consumer Act 2010*, **REVOKE** the permanent ban on miniature motorbikes (monkey bikes) with unsafe design features imposed under subsection 114(1)(a) of Schedule 2 to the *Competition and Consumer Act 2010* by Consumer Protection Notice No.14 of 2011; and
- (b) pursuant to subsection 114(1)(a) of Schedule 2 to the *Competition and Consumer Act 2010* **IMPOSE** a permanent ban on the goods specified below.

Particulars of Goods

Goods that are miniature motorbikes, powered by internal combustion engine, known as Mini Bikes, Pocket Bikes or Monkey Bikes, not certified under the 'Road Vehicle Certification System' operated by the Australian Government Department or agency having responsibility for the certification of road vehicles, unless they comply with the following requirements:

- 1. *Throttle*
 - (a) The motorbike must have a self closing, hand operated throttle that returns in a clockwise direction to allow the motorbike's motor to idle when a person riding the motorbike releases his or her grip on the throttle; and
 - (b) The throttle must be mounted on the right handlebar of the motorbike.
- 2. *Braking system*
 - (a) A motorbike must have a braking system capable of acting on the front and rear wheels;
 - (b) Unless the motorbike is fitted with a drum type braking system, the braking system must incorporate a floating or sliding type brake calliper that compensates for any increased movement of its components arising from wear; and
 - (c) The braking system must automatically distribute the braking effort applied by a person riding the motorbike to the braking system's control lever equally onto each brake lining without the need for an adjuster at the brake calliper.

3. *Foot pegs*
 - (a) A motorbike must have 2 foot pegs, each capable of holding a static load of:
 - i. the maximum carrying capacity recommended by the motorbike's manufacturer; or
 - ii. if the manufacturer does not state a maximum carrying capacity—70kg.

4. *Steering*
 - (a) The steering head system for a motorbike must not exhibit free play; and
 - (b) When the front wheel of the motorbike is raised off the ground, the steering head system must move freely under its own weight from right lock to left lock.

5. *Supplemental engine stop*
 - (a) A motorbike must have a functioning, thumb operated, device on the right or left handlebar that is capable of stopping the motor; and
 - (b) The device must be clearly visible to a person riding the motorbike.

Note: Goods subject to this Notice and which fail to comply may be subject to compulsory recall.

Dated this XXXXXXXXXXXXXXXX day of XXXXXXXXXXXXXXXX 2011.

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DAVID BRADBURY
Parliamentary Secretary to the Treasurer