



Australian  
Competition &  
Consumer  
Commission



## Exercise cycles

The *Trade Practices Act 1974* provides for the introduction of consumer product safety standards where such standards are reasonably necessary to prevent the risk of injury.

Exercise cycles are subject to a consumer product safety standard designed to reduce injury associated with their use. More specifically, it aims to reduce the incidence of injuries to the fingers, hands, toes and feet of young children.

Compliance with consumer product safety standards is mandatory. This means that all

suppliers — including manufacturers, importers, distributors, retailers and hirers — of exercise cycles must ensure their products comply with the mandatory requirements.

### **The consumer product safety standard (mandatory standard)**

The consumer product safety standard for exercise cycles, made under the Trade Practices Act, is based on the Australian Standard AS 4092-1993, published by Standards Australia.



To help them comply, suppliers of exercise cycles are advised to read the mandatory standard notice (included in this guide) in conjunction with Australian Standard AS 4092-1993. The Australian Standard can be purchased from Standards Australia on free call 1300 65 46 46 or website: <http://www.standards.com.au>

### **Suppliers' responsibility**

This guide provides an overview of the mandatory requirements for exercise cycles. It aims to increase supplier understanding of the coverage and application of the mandatory standard.

The guide is of a general nature and there may be important qualifications or exceptions to the mandatory standard that it does not cover. Therefore suppliers should always seek professional advice to ensure their product complies with the mandatory requirements.

Suppliers are responsible for ensuring their exercise cycles meet the mandatory safety standard.

### **Coverage of the mandatory standard**

The mandatory standard covers all exercise cycles including those provided to gymnasiums, cycles for hire or hire purchase, recumbent cycles and used cycles.

Excluded from these requirements are trainer attachments for the stationary use of bicycles.

### **Requirements of the mandatory standard**

Guards must be provided for any dangerous moving part accessible to a child's finger, in particular the flywheel, drive chain and flywheel loading mechanism.

The mandatory standard requires guards be fastened to the frame in a way that ensures a person cannot remove them without using a tool.

Section 2 of AS 4092-1993 provides specific details on guarding and procedures for testing their performance.

Other requirements of the mandatory standard include:

- the marking of safe adjustment limits on adjustable components such as seat pillars and handlebar stems; and
- tests to determine the integrity of the seat and seat support (pillar).



## Labelling

Assembled cycles should have an owner's manual or card attached to the cycle at the point of sale detailing user instructions. Instructions for partially assembled cycles must be provided in the packaging.

The user instructions should cover information on assembly, maintenance and correct adjustment of the seat.

## Retailer information

Retailers have a responsibility to ensure that the goods they stock meet mandatory safety standards. To aid compliance retailers should always:

- stipulate that the goods they order meet the mandatory standard; and
- undertake visual checks to ensure compliance with the more obvious requirements.

## The ACCC's role

The Australian Competition and Consumer Commission (ACCC) is responsible for enforcing mandatory consumer product safety and information standards.

Because injury prevention is better than cure, the ACCC attaches great importance to promoting compliance with the safety provisions as well as to remedial enforcement action.

It conducts random surveys of retail outlets throughout Australia to detect non-complying products, to assess the overall level of marketplace compliance and to liaise with suppliers. It also investigates allegations by consumers and suppliers about non-complying goods.

The ACCC frequently seeks the immediate withdrawal of defective goods from sale and recall of the goods. Other remedies available to the ACCC include injunctions, damages, a requirement for corrective advertising and various ancillary orders.

## Penalties

Supplying goods that do not comply with a mandatory standard is an offence under the Trade Practices Act and may result in fines of up to \$200 000 for corporations and \$40 000 for individuals.



## Product liability

Part VA of the Trade Practices Act contains provisions on product liability. Under the provisions consumers are able to seek compensation or damages for personal injury or other loss caused by a defective product.

Goods will be considered defective 'if their safety is not such as persons generally are entitled to expect'. This is an objective measure of expectations of the general public and not of one individual.

Generally it is manufacturers or importers of products who are liable under Part VA. However, in instances where other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action through responsible and sensible business practices such as:

- regularly reviewing product design and production;
- implementing and reviewing quality assurance procedures;
- product testing to relevant standards;
- appropriate marketing; and
- providing clear and thorough user instructions.

## Other legislation

A State or Territory may have its own product safety standards. For information about State and Territory laws suppliers should contact the relevant consumer affairs or fair trading agency.

## ACCC website

Information on product safety and standards is available on the ACCC website: <http://www.accc.gov.au>

The site is regularly updated with news on mandatory standards, bans and recalls. Product safety media releases and links to other useful websites are also available.

788 *Government departments*Commonwealth of Australia Gazette  
No. GN 13, 2 April 1997

COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974*

Consumer Protection Notice No. 9 of 1997

**CONSUMER PRODUCT SAFETY STANDARD - EXERCISE CYCLES**

I, GEOFFREY DANIEL PROSSER, Minister for Small Business and Consumer Affairs, pursuant to section 65E(1) of the *Trade Practices Act 1974*, hereby:

- (a) REVOKE the consumer product safety standard in respect of exercise cycles published in Gazette No. GN 41, 19 October 1994, and
- (b) DECLARE that, in respect of the goods of a kind specified in Division 1 of the Schedule to this Notice, the standard approved by the Standards Association of Australia specified in Division 2 of the Schedule as varied by the variations specified in Division 3 of the Schedule, is a consumer product safety standard for the purposes of section 65C of the Act.

**SCHEDULE****Division 1: Particulars of Goods**

Exercise cycles, being stationary devices designed to be used for personal physical exercise by means of an activity simulating bicycle riding.

**Division 2: The Standard**

Australian Standard 4092-1993, *Exercise cycles - Safety requirements*, approved by the Standards Association of Australia on 26 August 1993 and published on 11 October 1993.

**Division 3: Variations**

The Standard specified in Division 2 is varied by deleting clauses 1.1, 1.2, 1.3.1, 3.3 and 4.1.

Dated this 24<sup>th</sup> day of February, 1997

GEOFFREY DANIEL PROSSER  
Minister for Small Business and Consumer Affairs

9604675



## Mandatory standards and bans under the Trade Practices Act as at January 2000

### Mandatory standards

- Balloon-blowing kits
- Bean bags
- Bicycles
- Bicycle helmets
- Child restraints for motor vehicles
- Children's nightwear — flammability
- Clothing and textile products — care labelling
- Cosmetics and toiletries
- Cots for household use
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Fire extinguishers (portable)
- Flotation toys and swimming aids for children
- Jacks, including trolley jacks
- Motorcycle helmets
- Paper patterns for children's nightwear
- Ramps for motor vehicles
- Sunglasses and fashion spectacles
- Support stands for motor vehicles
- Tobacco products
- Toys for children under 3

### Permanent bans

- 'Diveman' underwater breathing apparatus
- Gas masks which contain asbestos
- Glucomannan in tablet form
- 'Quickie' line release system
- Seat belt accessories, including 'Klunk Klip', 'Comfix', 'Auto Comfort'
- Sun visors including 'Autotrend Sun Filter' and similar internal visors
- Tobacco products (smokeless)
- Victim toys

### Interim bans

- Candles with lead wicks

Further details on the mandatory standards and bans can be obtained from ACCC offices.

### ACCC website

Updates on product safety and standards can be obtained from the ACCC website:  
<http://www.accc.gov.au>



## ACCC contacts

### **ACT (National Office)**

Tel: (02) 6243 1111  
Fax: (02) 6243 1199

### **New South Wales**

Tel: (02) 9230 9133  
Fax: (02) 9223 1092

### **Tamworth**

Tel: (02) 6761 2000  
Fax: (02) 6761 2445

### **Queensland**

Tel: (07) 3835 4666  
Fax: (07) 3832 0372

### **North Queensland**

Tel: (07) 4729 2666  
Fax: (07) 4721 1538

### **South Australia**

Tel: (08) 8213 3444  
Fax: (08) 8410 4155

### **Tasmania**

Tel: (03) 6215 9333  
Fax: (03) 6234 7796

### **Victoria**

Tel: (03) 9290 1800  
Fax: (03) 9663 3699

### **Western Australia**

Tel: (08) 9325 3622  
Fax: (08) 9325 5976

### **Northern Territory**

Tel: (08) 8946 9666  
Fax: (08) 8946 9600

