

1991—No. 588

FAIR TRADING ACT 1987—REGULATION

(Relating to protective helmets for pedal cyclists)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

PETER COLLINS
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 15 November 1991.

Amendment

2. The Product Safety Regulation 1988 is amended by omitting Part 12 and by inserting instead the following Part:

PART 12—PROTECTIVE HELMETS FOR PEDAL CYCLISTS

Definitions

29. In this Part:

“**AS 2063.1–1986**” means the Australian Standard entitled “Lightweight Protective Helmets (For Use In Pedal Cycling, Horse Riding And Other Activities Requiring Similar Protection)—Part 1: Basic Performance Requirements” and numbered AS 2063–1986, of Standards Australia, as in force on 4 August 1986;

“AS 2063.2–1990” means the Australian Standard entitled “Lightweight Protective Helmets (For use In Pedal Cycling, Horse Riding And Other Activities Requiring Similar Protection)—Part 2: Helmets for Pedal Cyclists“ and numbered AS 2063.2–1990, of Standards Australia , as in force on 15 April 1991;

“AS 2512.1–1984” means the Australian Standard entitled “Methods Of Testing—Protective Helmets—Part 1: Definitions and Headforms” and numbered AS 2512.1–1984, of Standards Australia, as in force on 6 April 1984;

“protective helmet” means a device worn on the head, designed to mitigate the adverse effects of a blow to the head.

Safety standard from 15 November 1991 to 8 April 1992

29A. (1) The product safety standard prescribed for protective helmets for pedal cyclists, being helmets that are manufactured in or imported into New South Wales on or after 15 November 1991 and before 9 April 1992, is that they must comply with:

- (a) Clauses 3, 4.5, 5 and 6.2 of AS 2063.1–1986; or
- (b) AS 2063.2–1990.

(2) For the purposes of this clause, AS 2063.1–1986 is treated as if:

- (a) Clause 4.5 were amended by inserting after the words “a positioning index” and also after the word “helmet” where firstly occurring the words “as defined in AS 2512–1984”; and
- (b) Clause 5 were amended by inserting after the word “helmets” where firstly occurring the words “as defined in AS 2512.1–198”; and
- (c) Clause 6.2.1 were amended by inserting after the word “helmet” where firstly occurring the words “as defined in AS 2512.1–1984”; and
- (d) Clause 6.2.2 were amended by inserting after the word “helmet” and also after the word “headform” the words “as defined in AS 2512.1–1984”.

Safety standard from 9 April 1992

30. The product safety prescribed for protective helmets for pedal cyclists, being helmets that are manufactured in or imported into New South Wales on or after 9 April 1992, is that:

- (a) they must comply with AS 2063.2–1990; and

- (b) they must be marked, in the manner set out in Clause 8 of AS 2063.2—1990 with the matter specified in Clauses 7.1, 7.2 and 7.3 of AS 2063.1—1986 and with the registered certification trade mark of Standards Australia.

Exceptions

31. (1) Clauses 29A and 30 do not apply to the following helmets:

- (a) helmets that are of a size too small to be fitted to the headform A as defined in AS 2512.1—1984;
- (b) helmets that are designed and constructed principally for use by cyclists engaged in competitive racing and that are marked in accordance with subclause (2);
- (c) helmets that are designed and constructed principally for use as toys and that are marked in accordance with subclause (3), or that are not so marked but are unlikely to be mistaken for helmets providing significant protection against impact

(2) In the case of a helmet of the kind referred to in subclause (1) (b), the words “WARNING: racing headgear only—inadequate impact protection for normal road use” must be marked clearly and legibly in a conspicuous position:

- (a) on the helmet or on a label attached to the helmet; and
- (b) on a principal outer display face of any packaging on which the helmet is supplied,

with the word “WARNING” in capital letters not less than 5 mm high and the remaining words in letters not less than 2.5mm high.

(3) In the case of a helmet of the kind referred to in subclause (1) (c), the words “WARNING: toy helmet only—do not use as safety headgear” must be marked clearly and legibly in a conspicuous position:

- (a) on the helmet or on a label attached to the helmet; and
- (b) on a principal outer display face of any packaging in which the helmet is supplied,

with the word “WARNING” in capital letters not less than 5 mm high and the remaining words in letters not less than 2.5 mm high.

EXPLANATORY NOTE

The purpose of this Regulation is to amend the Product Safety Regulation 1988 by substituting Part 12 (which prescribes the safety standards for protective helmets for pedal cyclists) in order:

- (a) to update the definition of “AS 2063.2–1990” to include an amendment to that Standard which was published by Standards Australia on 15 April 1991; and
 - (b) to omit the obsolete reference to words encircling the registered certification trade mark of Standards Australia; and
 - (c) to update and define references to “AS 2512.1–1984” (the current reference is to the 1981 edition of the Australian Standard).
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