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**FAIR TRADING ACT 2010**

The following instrument is published under the *Fair Trading Act 2010*  
section 21



**Consumer Goods (Miniature Motorbikes) Safety  
Standard 2019**

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I, Michael Sukkar, Minister for Housing and Assistant Treasurer, make the following safety standard.

Dated 5 December 2019

Michael Sukkar  
Minister for Housing and Assistant Treasurer

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## Part 1—Preliminary

### 1 Name

This instrument is the *Consumer Goods (Miniature Motorbikes) Safety Standard 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	18 December 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under section 104 of the Australian Consumer Law.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

In this instrument:

**miniature motorbike** (also known as a mini bike or pocket bike) means a vehicle which resembles a motorcycle but scaled down to about half the size, that:

- (a) is designed to be used by a single person; and
- (b) has a seat height no greater than 600 millimetres; and
- (c) has major dimensions which are scaled down in proportion to the seat height.

**motorised recreational device** has the same meaning as in the *Motor Vehicle Standards (Road Vehicles) Determination 2017*.

**motorised scooter** has the same meaning as in the *Motor Vehicle Standards (Road Vehicles) Determination 2017*.

**old consumer protection notice** means the *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 (Consumer Protection Notice No. 24 of 2011) (Federal Register of Legislation No. F2011L01702)*, as in force immediately before the commencement of this instrument.

**power-assisted pedal cycle** has the same meaning as in the *Motor Vehicle Standards (Road Vehicles) Determination 2017*.

**seat height** means the vertical distance between the undeformed upper surface of the driver's seat and the ground on which the vehicle rests, when the vehicle is at unladen mass on level ground.

**transitional period** means the period of 12 months beginning on the day this instrument commences.

**unladen mass** means the mass of the vehicle in running order, unoccupied and unladen, with all fluid reservoirs filled to nominal capacity including fuel, and with all standard equipment.

## 6 Application

This instrument does not apply to the following:

- (a) vehicles that are of a kind that could be registered for road use under a law of the Commonwealth, a State or a Territory;
- (b) vehicles with a maximum design speed of 30 kilometres per hour or less, if the vehicle is not limited by a speed-limiting device;
- (c) power-assisted pedal cycles;
- (d) motorised recreational devices;
- (e) motorised scooters.

## **Part 2—Basic requirements**

### **7 Requirements**

- (1) A miniature motorbike must comply with the requirements set out in Part 3.
- (2) During the transitional period, a miniature motorbike is taken to comply with the requirements set out in Part 3 if it would not have been banned under the old consumer protection notice.
- (3) Subsection (2) is automatically repealed at the end of the transitional period.

## **Part 3—Details of requirements**

### **Division 1—Composition requirements**

#### **8 Throttle requirements**

A miniature motorbike must have a throttle that is:

- (a) self-closing and hand operated that returns in a clockwise direction to allow the motorbike's motor to idle when the operator of the motorbike releases the throttle; and
- (b) mounted on the right handlebar of the motorbike.

#### **9 Braking system requirements**

A miniature motorbike must have a braking system that:

- (a) is capable of acting on the front and rear wheels of the motorbike; and
- (b) unless the motorbike has a drum type braking system—incorporates a floating or sliding type brake calliper that compensates for any increased movement of the braking system's components arising from wear of the braking system; and
- (c) automatically distributes the braking effort applied by a person operating the motorbike to the braking system's control lever equally onto each brake lining without the need for an adjuster at the brake calliper.

#### **10 Foot peg requirements**

A miniature motorbike must have 2 foot pegs, each capable of holding a static load of:

- (a) the maximum carrying capacity recommended by the motorbike's manufacturer; or
- (b) if the motorbike's manufacturer does not recommend a maximum carrying capacity—70 kilograms.

#### **11 Steering requirements**

A miniature motorbike must have a steering head system that:

- (a) must not exhibit free play; and
- (b) when the front wheel of the motorbike is raised off the ground, moves freely under the weight of the steering system from right lock to left lock.

#### **12 Engine stop requirements**

A miniature motorbike must have a functioning thumb operated device on the motorbike's right or left handlebar that:

- (a) is capable of stopping the motor; and
- (b) is clearly visible to the operator of the motorbike.

**13 Speed limiting requirements**

- (1) A miniature motorbike must be fitted with a functioning speed-limiting device.
- (2) At the time of supply, or offer for supply, of a miniature motorbike, the speed-limiting device must:
  - (a) be set at a speed of no more than 16 kilometres per hour; and
  - (b) not be capable of adjustment except with the aid of a tool.

## Division 2—Warning requirements

### 14 Swing tag warning requirements

- (1) At the time of supply, or offer for supply, a miniature motorbike must have a warning statement as described in section 16 attached to the motorbike as a swing tag.
- (2) The swing tag must be clearly visible, prominent and legible.

### 15 Packaging warning requirements

- (1) If the miniature motorbike is packaged at the time of supply, or offer for supply, the packaging for a miniature motorbike must be marked with the warning statement as described in subsection 16.
- (2) The warning statement must be clearly visible, prominent and legible.

### 16 Packaging and swing tag warning statement—form and content

- (1) For the purposes of subsection 14(1) or 15(1), the warning must be in the following form:

<p><b>⚠WARNING</b>  <b>RISK OF SERIOUS INJURY OR DEATH!</b></p>
<p>Always supervise children  Wear helmet &amp; protection equipment  Never use on public roads  Speed limiter fitted</p>

- (2) In the warning:
  - (a) the safety alert symbol (a triangle with an exclamation mark inside it) must be:
    - (i) at least 10 millimetres high; and
    - (ii) in black on an orange background; and
  - (b) the letters of the words ‘WARNING’ and ‘RISK OF SERIOUS INJURY OR DEATH!’ must be:
    - (i) at least 10 millimetres high; and
    - (ii) in bold upper case; and
    - (iii) in black on an orange background; and
  - (c) the letters of the other words must be:
    - (i) in upper case and lower case as described in subsection (1); and
    - (ii) if the letters are in upper case—at least 10 millimetres high; and
    - (iii) if the letters are in lower case—at least 5 millimetres high; and
    - (iv) in a contrasting colour to the background.

### 17 Vehicle warning label requirements

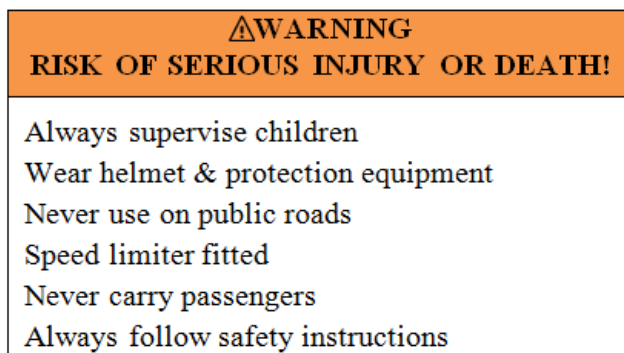
- (1) A miniature motorbike must have a warning as described in section 18 permanently attached to the motorbike as a label.



- (2) The warning label must be clearly visible and legible to a person operating the miniature motorbike.

### 18 Vehicle warning label—form and content

- (1) For the purposes of subsection 17(1), the warning must be in the following form:



- (2) In the warning:
- the safety alert symbol (a triangle with an exclamation mark inside it) must be:
    - at least 5 millimetres high; and
    - in black on an orange background; and
  - the letters of the words ‘WARNING’ and ‘RISK OF SERIOUS INJURY OR DEATH!’ must be:
    - at least 5 millimetres high; and
    - in bold upper case; and
    - in black on an orange background; and
  - the letters of the other words must be:
    - in upper case and lower case as described in subsection (1); and
    - if the letters are in upper case—at least 5 millimetres high; and
    - if the letters are in lower case—at least 2.5 millimetres high; and
    - in a contrasting colour to the background.

## **Division 3—User manual requirements**

### **19 User manual**

- (1) At the time of supply, or offer for supply, a miniature motorbike must be accompanied by a manual in the English language.
- (2) Without limiting subsection (1), the manual must:
  - (a) include instructions for using the motorbike's speed-limiting device; and
  - (b) recommend that the motorbike's speed-limiting device be set so that the motorbike operates at:
    - (i) for motorbikes used by a child aged between 6 to 8—no more than 20 kilometres per hour; or
    - (ii) for motorbikes used by a child aged between 8 to 11—no more than 30 kilometres per hour; or
    - (iii) for motorbikes used by a child aged between 12 to 14—no more than 50 kilometres per hour; and
  - (c) state the importance of wearing a helmet and protection equipment while using the motorbike; and
  - (d) state that children must always be supervised by an adult while using the motorbike; and
  - (e) state that children must have adequate training before using the motorbike; and
  - (f) state that the motorbike is not a toy; and
  - (g) state that the motorbike must not be used to carry passengers; and
  - (h) state that the motorbike is not for use on public roads.
- (3) Subsection (1) does not prevent the manual from including information in languages in addition to the English language.