

SECTION-BY-SECTION EXPLANATION

Exposure Draft - Consumer Goods (Pedal Bicycles) Safety Standard 2026

Part 1 – Preliminary

Section 1 – Name

This section provides for the Safety Standard to be cited as the *Consumer Goods (Pedal Bicycles) Safety Standard 2026*.

Section 2 – Commencement

This section provides that the Safety Standard commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Safety Standard is made under subsection 104(1) of the Australian Consumer Law (**ACL**). Subsection 104(1) of the ACL allows the Minister to make safety standards for consumer goods for the purposes of preventing or reducing the risk of injury to any person.

Section 4 – Schedules

This section provides that each instrument specified in a Schedule is repealed as set out in that Schedule, and any other item in a Schedule has effect according to its terms.

Section 5 – Definitions

This section defines key terms used throughout the Safety Standard.

The definition given to ‘pedal bicycle’ by this section, in conjunction with the operation of section 7, provides that the Safety Standard does not apply to certain kinds of bicycles, including second-hand bicycles, power assisted bicycles, tandem bicycles and bicycles with other specified characteristics.

The Safety Standard incorporates reference to technical standards developed and published by standards making bodies – those standards being incorporated instruments within the meaning given by subsection 104(5) of the ACL.

This section provides that a ‘version’ of an incorporated instrument includes a version as effected by a published amendment to that incorporated instrument, regardless of whether that amendment has been included in a published compilation of that incorporated instrument. This clarification is to address a practice where standards making bodies publish amendments to technical standards without publishing consolidated, recompiled versions of the relevant technical standards. In such circumstances, there will be an ‘updated version’ of the relevant incorporated instrument for the purposes of the Safety Standard, despite that the standards making body has not made available a recompiled version of the relevant amended technical standard.

Section 6 – References to other instruments

This section provides that in the Safety Standard, unless the contrary intention appears:

- a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

A note to this section refers to subsection 104(5) of the ACL which relevantly provides that a safety standard may make provision in relation to a matter by incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at a particular time, or from time to time.

Section 7 – Application

This section sets out the consumer goods to which the Safety Standard applies. The Safety Standard applies to pedal bicycles (as defined in section 5 of the Safety Standard).

Section 8 – Compliance with a relevant version of an incorporated instrument required

This section provides that where the Safety Standard requires compliance with the requirements of an incorporated instrument, compliance may only be achieved by complying with the requirements of a ‘relevant version’ of that incorporated instrument.

Subsection 8(2) provides that a ‘relevant version’ of an incorporated instrument is:

- the incorporated instrument as in force or existing at the time the Safety Standard commences until 2 years and six months after the publication date of the first updated version of that incorporated instrument; and
- an updated version of that incorporated instrument, from 6 months after the publication date of that updated version until 2 years and 6 months after the publication date of the next updated version of the incorporated instrument.

In accordance with subsection 104(5) of the ACL, a relevant version of an incorporated instrument can therefore be that incorporated instrument:

- as in force or existing at a particular time (that is, at the time the Safety Standard commences); or
- as in force or existing from time to time (that is, when there is an updated version of that incorporated instrument at a time after the Safety Standard commences).

The note clarifies the effect of section 8 is that there may be more than one relevant version of an incorporated instrument at one time thereby giving suppliers of pedal bicycles a choice of compliance options. An updated version of an incorporated instrument becomes a compliance option 6 months after publication and the superseded version of an incorporated instrument will no longer be a compliance option 2 years and 6 months after the updated version is published.

Part 2 – Basic requirements

Section 9 – Requirements during the transitional period

This section provides that during the transitional period (being a period of 24 months beginning on the day the Safety Standard commences), a pedal bicycle must comply with either:

- the Repealed Safety Standard, or
- the requirements in Part 3 of the Safety Standard.

Section 10 – Requirements after the transitional period

This section provides that after the transitional period, a pedal bicycle must comply with the requirements in Part 3 of the Safety Standard.

Part 3 – Details of requirements

Section 11 – Compliance with the requirements of an applicable incorporated instrument

This section provides that where a pedal bicycle falls within the scope of an incorporated instrument listed in subsections 11(a) to (d), that pedal bicycle must comply with the requirements of that incorporated instrument.

Section 12 – Audible warning device

This section provides that a pedal bicycle must have an audible warning device (for example, a bell).

Section 13 – Handbrakes

This section provides that:

- a pedal bicycle must have a right handbrake lever which operates on the front wheel brake; and
- where a pedal bicycle is provided with a left handbrake lever, that lever must operate on the rear wheel brake.

Section 14 – Reflectors

This section provides that a pedal bicycle must have specified colour reflectors on the sides, front and rear of the pedal bicycle.

Section 15 – Inconsistencies

This section provides that to the extent of any inconsistency between a requirement in an applicable incorporated instrument mentioned in section 11 and a requirement at section 12, 13 or 14, then the pedal bicycle must comply with the requirements of sections 12, 13, or 14.

Schedule 1 – Repeals

Schedule 1 provides that the *Trade Practices Act 1974 - Consumer Protection Notice No. 6 of 2004 - Consumer Product Safety Standard: Pedal Bicycles: Safety Requirements* (Federal Register of Legislation No. F2005B01053) is repealed.