

Certified Product?

# STANDARD STICKERS NOT SO STANDARD

Those little stickers on our helmets we're all told not to remove may not be so significant after all. AMCN investigates

Standard stickers on helmets may not be quite what they seem after an investigation has revealed a flaw in Australian law surrounding the alleged compulsory marks.

It's an extremely complicated subject involving a considerable amount of research going back to the initial introduction of helmets in Australia, but to save readers getting lost in the matrix of detail we'll keep it short and simple.

The most important thing to remember is all helmets imported and sold in authorised dealerships

across Australia are safe and have passed safety tests.

The issue lies in the definition of helmet standard markings within the law.

To begin, Standards Australia is not a government organisation. It simply writes standards under an agreement with the Commonwealth. It doesn't certify

helmets or issue stickers.

So, when you see a red Australian Standard sticker with the five ticks on your helmet, it's not a government mark, but issued by a private certification company, SAI Global Ltd. Other certifiers have their own stickers.

When delving deeper into the legal requirements for displaying standards certification, it turns out that technically, since the early 90s stickers have not been legally required on helmets.

In December 1990, Consumer

Protection Notice No.9 was released, amending the Australian Standard AS 1698-1988. The major change was the deletion of clause 8(g), which specifically is, "the certification mark (where required by Statutory Authorities)". This special certification mark (see example) was removed from the Trademarks Register and ceased to exist on 20 June, 1991 after the Commonwealth made major changes to the old Standards Association of Australia.

The major complication arises



when we look at the Australian Road Rules police enforce. While consumer protection law requires helmets to comply with Protection Notice No.9, most Road Rules require riders wear helmets complying with the voluntary Standard AS 1698-1988, that still includes clause 8 (g); the requirement to bear the vapourised certification mark.

So it seems the Australian Road Rules say one thing: that riders need to wear a helmet with the certification mark (only helmets made before 1990 would display this). Yet the Competition and Consumer Act 2010 says another: that a certification mark is not required.

Guy Stanford from the Australian Motorcycle Council Helmet Committee has been investigating the issue in great detail. Ultimately, he wants the government to allow other standards on helmets imported into Australia.

"What we're arguing is there's no difference in public health and safety whether riders are using helmets that comply with Japanese, USA or European national standards. Why don't we have access to those helmets?" said Stanford.

If everything goes to plan there could be big changes to the range of helmets manufacturers are allowed to sell. Watch this space.

## DEFINITIONS

### COMPETITION AND CONSUMER ACT 2010

The Consumer Act 2010 replaced the Trade Practices Act 1974 on 1 January, 2011. It provides protection for consumers and prevents restrictive trade practices of companies. It is administered by the Australian Competition and Consumer Commission (ACCC).

### CONSUMER PROTECTION NOTICE NO.9 - CLAUSE 8 (G)

This was released in December, 1990 to amend section 65E of the Competition and Consumer Act 2010. Division 3 variation states (ii) deleting clause 8 (g), which removes the line "The certification mark (where required by Statutory Authorities)" from the Act. This means the certification mark on helmets is no longer required.

### STANDARDS AUSTRALIA

This non-government body is the main standards development organisation in Australia. It helps develop standards.

### SAI GLOBAL

This private company floated on the stock exchange in 2003 and is a certification body, issuing those little red and silver stickers you may have on the back of your helmet. It specialises in risk management

and achieving compliance for companies. It also has the publishing rights to Australian Standards and enforces copyright.

### AS/NZS 1698:2006

A new voluntary Standard published by Standards Australia in 2006 and amended three times since. This Standard has yet to be endorsed or evaluated by the Commonwealth.

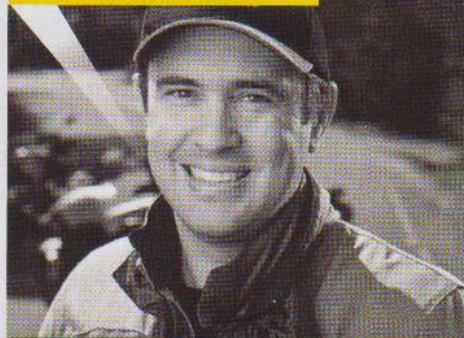
### AUSTRALIAN STANDARD 1698-1988

Published by the Standards Association of Australia in 1988, just before major restructuring of how Standards and compliance with Standards would be managed by the Commonwealth. It remains current, endorsed by the Commonwealth, with Variations, through Consumer Protection Notice No.9 and is required by most Road Rules in most states and territories.

### ROAD RULES

These are a set of basic rules for road users. They were created in 1999 as model laws under an agreement that all Australian states and territories would adopt them into its laws. These are the laws that request certification marks that no longer exist and where the problem lies between what police enforce and what is the actual law.

## ED'S DESK



## ON SCOOTERS AND BIKES

Yes, they are only scooters, but a 24-hour anything is hard to do because you are sleep deprived, hungry, thirsty and just wanting to be somewhere else other than on a scooter at 3am – yet I can't wait for the 2013 Scooterthon.

Turn to page 96 for my story on riding the 2012 Le Minz Scooterthon on the Gold Coast, one hell of a fun way to end the year. You can even check out a long, brutal pass on the *viewa* video accompanying it. I am still recovering from the effort.

Plus, after a lack of new metal landing on Aussie shores, all of a sudden we have been treated to an influx of fresh keys to twist, as a glance at the cover proves.

One of the sweetest road bikes you can get is on the cover, Triumph's fresh 2013 Street Triple R, as Triumph stunt rider Lukey Luke and I played up. Credit has to go to Lukey Luke for putting himself anywhere near a journo on the back wheel – as close as we look, it felt closer. Turn to page 34 for my full test on a bike that has also joined our long-term fleet.

Then there's the Shed-X Ducati, a wicked looking creation that is also fun to ride and make noise with on page 42. Sir Al has been at it again, testing the MV Agusta Brutale 800 on page 48, then Rennie has hit the road and track (not literally) on BMW's latest weapon, the HP4. There's also a run-down of the full Yammy cruiser range on page 76. Then there's the Inazuma and TE310 Quikspins, and you have a new bike bonanza. A top way to start the year.

Sam MacLachlan

## THE MARKS

### AUSTRALIAN STANDARD

The mark on most helmets that doesn't really need to be there, according to The Consumer Act 2010.

### MANUFACTURED TO AUSTRALIAN STANDARD

The old mark that was required on all helmets prior to December, 1990 when the Consumer Protection Notice No.9 wiped it from The Consumer Act 2010.

