

Road Transport (Safety and Traffic Management) Approval of Protective Helmets for Motorbike Riders Determination 2009 (No 1)

Disallowable Instrument DI2009–2

made under the

Road Transport (Safety and Traffic Management) Regulation 2000, section 66 (1)(c) power to approve a protective helmet for motorbike riders as an approved motorbike helmet

EXPLANATORY STATEMENT

Section 66 (1) (c) of the *Road Transport (Safety and Traffic Management) Regulation 2000* provides for the Road Transport Authority to approve a protective helmet for motorbike riders as an approved motorbike helmet.

This instrument specifies that protective helmets marked as follows are approved by the Road Transport Authority as a suitable protective helmet for use by motorbike riders:

1. A protective helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the Trade Marks Act 1955 of the Commonwealth together with the letter and figures “E33”;
2. A protective helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the Trade Marks Act 1955 of the Commonwealth together with the letter and figures “E43”;
3. A protective helmet that has applied to it the certification trade mark of which the Standards Association of Australia is the registered proprietor under the Trade Marks Act 1955 of the Commonwealth together with the figures “1698”;
4. A protective helmet that has applied to it the letters and figures “AS E33” or the letters and figures “AS E43”.

An error has been identified with the existing Instrument (91 of 2000) which was posted to the ACT Government Legislation Register on 1 March 2000 and authorised under section 17(1) of the *Road Transport (General) Act 1999*.

The title and formatting of Instrument 91 of 2000 was incorrect in that it refers to the *Road Transport (General) Act 1999* where as approval of a protective helmet for motorbike riders as an approved motorbike helmet is to be made under Section 66 (1) (c) of the *Road Transport (Safety and Traffic Management) Regulation 2000* by persons who have the delegated power provided by the Road Transport Authority under Section 17(1) of the *Road Transport (General) Act 1999*.

The revocation of instrument 91 of 2000 corrects this technical error and amends the formatting of the instrument but does not make any changes to standards for motorcycle rider helmets.

On 3 October 2008 the Road Transport Authority delegated power in NI 2008-469 to the General Manager Transport Regulation and Planning. This instrument authorises the General Manager to approve a protective helmet for motorbike riders as an approved motorbike helmet.

This declaration is a disallowable instrument, and must be presented to the Legislative Assembly within 6 sitting days after its notification in pursuance of section 64 of the *Legislation Act 2001*.