6th June 2025

RE: National Competition Policy analysis 2025

Bicycle Industries Australia (BIA) would like to thank the Productivity Commission for the opportunity to provide a submission for this review.

We acknowledge that the commission has reached out directly to the BIA but would like to take this opportunity to ensure all elements of the industry are presented to the commission review.

The bicycle sector is unique to many consumer goods products, as they are subject to import regulations, sales regulations and use regulations, both for use on public roads and paths as well as in sporting and recreation events at a local, state, federal and international level.

We understand that this review is focussed on international harmonisation, our focus is more on local harmonisation and the lack of federal leadership that has led to a fractured approach to bicycle goods. This has created the situation that goods such as e-bikes can be sold in specific states, but not used in those states, cant be sold in other states, but can be used in them, or road law definitions allow products that technically can't be imported as an e-bikes.

Other concerns include the time taken to complete reviews, as we are about to enter the 10th year of the bicycle standard review and of course e-scooters that every state and territory has unique regulations.

We support harmonisation, if it can create alignment across each state and all three elements of the regulations (import, sale and use). History has told us that government, however well intended have a history in the bicycle space of creating greater costs for Australian businesses without creating benefits for consumers or the community in general.

The BIA would welcome the opportunity to expand on the information provided through this submission and look forward to discussing the issues further with the Commission

Regards Peter



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Bicycle Industries Australia

Bicycle Industries Australia is an independent not-for-profit incorporated membership organisation representing bicycle industry importers, manufacturers, retailers and suppliers. Affiliated with peak industry organisations around the world, BIA is leading the development of the industry in Australia.

For over 50 years the BIA has operated to support bicycle importers, manufacturers and distributors, and in 2014, incorporated the activities of the Retail Cycle Traders Association to expand its focus to include bicycle retail.

Through its leadership and expertise, the BIA has held key positions on Standards Australia committee CS-110, Auto Skills Australia, PWC Skills for Australia's IRC, AUSMASA (The mining and automotive skills alliance), along with the Australian Bicycle Council and Cycling Walking Australia New Zealand.

Harmonisation

There are three distinct areas within the bicycle sector that would benefit from federal leadership to achieve harmonisation.

Helmets

After an eight-year review of the mandatory helmet standard by the ACCC, that was slated to take '12 months', the ACCC adopted a position to allow helmets that met the AS/NZS helmet standard or relevant standards from CSPC, ASTM, EN or Snell.

This change allowed helmets that met these six standards to be imported and sold in Australia.

The industry was not given any notice – with supply chains generally 12 months for new product, this does not help business.

The industry supported the expansion of allowable standards but 'warned' the ACCC that it would create the situation that the helmets would be legal to import and sell, but the users would be breaking the road regulations and be subject to fines if used on public roads and paths.

They did not appear to consider this a concern.

15 months after the announcement, we still do not have consistent road laws across Australia that allow a helmet to any standard other than Australian to be legally used on every state and territory's roads.

This has presented consumers with the challenge that crossing state borders may lead to breaking laws, forcing businesses to review their liability on offering perfectly legal helmets to sell that may not be legal to use in specific circumstances and jurisdictions.

These regulations were also not aligned with national sporting regulations, forcing competitors to be turned away from events, as they were deemed to not have the required safety gear (a helmet to Australian standards).

The process provided a 'free kick' to offshore online businesses who were willing to sell online to any state, regardless of their legal usage status. It put the emphasis on the consumer to do the right thing, not the business.

Once state regulations are consistent, no Australian business will import helmets certified to Australian standards due to its unique testing requirements to Australia, minimum order quantities and licensing costs.

*Please note – the Australian bicycle industry did not support the adoption of Snell as it is a **27-year-old** standard that does not feature the same quality control mechanisms outside of the USA. As Australia and New Zealand are the only two countries in the world that enforce mandatory helmet wearing across the entire country, it is disappointing that the ACCC has allowed the sale of this lower quality standard to be sold.*

This process highlighted that the ACCC/federal government did not appear to consider the impact on Australian businesses of individual state regulations or sporting regulations, had very poor communication over 8 years, including not providing any warning prior to the announcement and did not factor in supply chain logistics in the announcement of the change (although this is effectively offset by the delay created by road regulations for Australian importers).

It is expected that it will be approximately 2 years after the ACCC announcement that the industry will transition to importing and selling helmets to the recognised standards as a general concept.

Electric Power Assisted Bicycles

E-bike *– General term encompassing road legal bicycles assisted by an electrical motor in one or all jurisdictions across Australia*

I use a general definition, as the federal government fractured a harmonised segment of the market when it modified its own definition of an e-Bike in 2021.

The Australian definition of an e-bike was introduced by the Hon Catherine King MP in 2012 and harmonised in 2017 when NSW became the final state to adopt the definition into regulations. The federal government and all states and territories referenced EN15194 as the standard for the import and use of e-bikes across Australia.

In their wisdom, without consultation, the federal Government in 2021 Motor Vehicle Standards (Road Vehicles) Amendment Determination (No 1) 2021, modified the definition of an e-Bike in the Motor Vehicle Standards Act and withdrew the reference and requirement to meet any standard at the point of import.

There has been an order of magnitude increase in e-Bike battery fires and injury and death from non-road legal product since the federal government removed the requirement to meet a quality standard.

With a lack of federal leadership, since that time, there has been a series of modifications to e-Bike definition at a state level creating confusion and dangerous product on the market.

With the changes to e-Bike definitions, the country is now faced with the situation that products that cannot be legally imported as e-bikes are explicitly identified as legal to use in NSW road regulations.

These products cannot legally be imported as e-Bikes and need to imported as a different product.

The next change we are facing, to overcome the lack of federal leadership, the NSW government is introducing new sales requirements for e-Bikes. From the 1st of August, with the adoption of the new requirements, we will now be faced with the situation that some products that are illegal to sell in NSW, will be legal to use, the same products will be legal to sell in Qld, but illegal to use in Qld.

A number of high-quality brands that meet European standards and quality requirements will be withdrawing from the NSW market due to the fees associated with meeting the NSW requirements but will remain in all other states and territories.

Australia was harmonised across all jurisdictions at a local, state and federal level, and aligned with the largest markets in the world from 2017to 2021. Since the federal changes in 2021, the lack of federal leadership and consultation, has created a fractured approach to the e-Bike market. This has been linked directly to injury and death.

E-bikes are subject to import regulations, sales regulations and road use (and sporting use) regulations. Federal leadership is needed to align all three levels of legislation, along with alignment across the states.

The re-introduction and effective alignment with the European leading standard EN15194 will support businesses, improve product quality and reduce the injuries and deaths that have been linked to the poor-quality product allowed into the country by the 2021 Federal changes.

Bicycles

The current mandatory bicycle standard is ASNZS1927:1998.

Through Standards Australia, the bicycle standard was updated when ASNZS192:2010 was released and the modification ASNZS1927:2010 Amdt1/2014 was subsequently released.

The ACCC has failed to adopt the updated standard and Australia is currently operating from a 27-year-old standard.

Australian bicycle businesses have been forced to undertake product recalls for issues that would not be required if the ACCC had called up the latest standard in the last 15 years.

In 2016 the ACCC commenced a review that they estimated would take 12 months. Nine years later the industry is still waiting – with zero updates or direction provided by the ACCC.

The industry must currently meet standards and forced to 'shoehorn' new products that were not considered 27 years ago into a standard that includes products and processes that are only found in museums.

The Australian Government through the ACCC must finally complete the '12 month' review.

The adoption of the recommendations to allow the sale of bicycles to recognised international standards must be the priority as identified in Option 4 - Allow compliance with the voluntary Australian or trusted international standards – of the working paper.

The bicycle industry supported this approach and now has waited almost a decade for an outcome.

The industry is being hampered by the federal government's inactivity and must align with leading international standard.

The industry recommends ISO 4210:1-9

This standard would also align with Austroads infrastructure design guidelines and Australian bicycle parking standards.

Road use laws must align with the sales requirements.

E-Scooters

There is currently no all-inclusive leading international best practice regulation or standard for scooters.

Although there is no complete approach, there are international standards on the quality of the components of the bikes, specifically battery and charger.

The adoption of these standards would support better quality products in Australia.

The e-scooter definition developed by the NTC has long been superseded and has not kept up with changing technology or best practice safety.

This has also lead to each state and territory developing their own definition of an e-scooter and other e-mobility devices (including what they are called), design parameters, such as weight limits and road regulations, such as age limits, speeds it can travel and road types it can be used on.

No two states of Australia utilise the same e-scooter regulations.

The lack of apparent interest from the federal government has been a key factor in the importing of poor-quality product, and the confusion from consumers on what is legal and where they can be used. This has been linked to serious injuries and death.

The technology of these devices has evolved quickly and the Government has been extremely slow to respond to ensure a safe framework for them to be imported, sold and used.

The federal government must show leadership and develop a national approach to scooters, their design parameters and road regulations.