



THE HON DR CRAIG EMERSON MP

MINISTER FOR SMALL BUSINESS, INDEPENDENT CONTRACTORS AND
THE SERVICE ECONOMY

MINISTER FOR COMPETITION POLICY AND CONSUMER AFFAIRS
MINISTER ASSISTING THE FINANCE MINISTER ON DEREGULATION

Ms Julia Irwin MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

8 JAN 2010

Julia
Dear Ms Irwin

Thank you for your letter of 12 August 2009 regarding a petition presented by Mr Nick Champion MP concerning the import and sale of monkey bikes (miniature motorcycles).

Several States, including South Australia, Victoria, Queensland and Tasmania have introduced bans on unsafe miniature motorcycles that do not have adequate steering, brakes, foot pegs, throttle control and engine kill switches.

As part of the development of a single national Australian Consumer Law, the Ministerial Council on Consumer Affairs (MCCA) is currently undertaking a project to harmonise the existing Commonwealth and State and Territory Government product bans and mandatory safety standards. As part of this project, the Australian Competition and Consumer Commission is examining the case for introducing similar national regulations for unsafe miniature motorcycles. If a Commonwealth ban or standard is made pursuant to the *Trade Practices Act 1974* (TPA), it would be illegal for a supplier to sell miniature motorcycles that do not comply with that ban or standard.

Beyond the question of whether particular miniature motorcycles pose inherent safety risks through their design or construction, the riding of miniature motorcycles in public places is not an activity that can be regulated through the TPA. Rather, regulation of the use of miniature motorcycles in a way that disturbs public amenity or safety would generally be a Police matter. I am advised that most States and Territories make it an offence to ride unregistered vehicles, such as miniature motorcycles on streets, footpaths or in public places.

I trust this information will be of assistance to you.

Yours sincerely

Craig Emerson