

EXPLANATORY STATEMENT

Consumer Goods (Self-balancing Scooters) Amendment Safety Standard 2021

Overview

The Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and Community Housing (the **Minister**) has amended the safety standard for self-balancing scooters, pursuant to section 104 of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010* (Cth).

This instrument amends the *Consumer Goods (Self-balancing Scooters) Safety Standard 2018* (the **safety standard**), which was previously amended by the *Consumer Goods (Self-balancing Scooters) Amendment Safety Standard 2019*.

The purpose of this amendment is to remove the self-repeal provisions from the safety standard. This will maintain the standard so that it remains in force to provide a minimum level of safety for self-balancing scooters.

Background

In March 2016, the Australian Government introduced an interim ban on self-balancing scooters that did not meet specific safety requirements. This ban was replaced by a mandatory safety standard in July 2016. This regulation was then re-made in 2018 as the current safety standard.

The purpose of the safety standard is to reduce the risk of injury and death that may occur from house fires caused by self-balancing scooters igniting during or after charging. Low quality lithium-ion batteries are prone to 'thermal runaway' which is a complex combination of chemical reactions and/or electrical shorting inside the cell that are initiated by excessive heat, causing an electrical fire. This amendment does not alter the minimum level of safety required by the safety standard.

The safety standard was introduced to address a regulatory gap that exists in some state and territory electrical safety regimes, which do not regulate extra-low voltage electrical products, including self-balancing scooters.

Since 2018 the operation of Commonwealth regulation over self-balancing scooters has been extended twice. This was intended to provide sufficient time for states and territories to make appropriate amendments to their regulatory frameworks to regulate products powered by an extra-low voltage power source. However, in 2021 a regulatory gap remains which prevents consistent regulation by specialist state and territory regulators. Therefore, this amendment continues to ensure a minimum level of safety for self-balancing scooters.

The amendment

This legislative instrument amends the *Consumer Goods (Self-balancing Scooters) Safety Standard 2018* to remove the self-repeal provisions from the safety standard.

Consultation

Consultation was not required due to the administrative nature of the amendment. The ACCC has notified stakeholders of the amendment to the safety standard.

Disallowance

This legislative instrument is not subject to disallowance due to section 44 of the *Legislation Act 2003* (Cth).

Commencement

This legislative instrument commences on the day after it is registered on the Federal Register of Legislation.

Sunsetting

This legislative instrument is not subject to sunseting due to section 54 of the *Legislation Act 2003* (Cth).

Regulation impact assessment

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required (OBPR reference ID 21529).