

CE303*

Fair Trading Act 1987

Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Fair Trading (Product Safety Standard) Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulations 3 and 4 — on the day after gazettal day;
- (c) regulations 5 and 6 —
 - (i) if gazettal day is before 1 January 2010 — on 1 January 2010; or
 - (ii) if gazettal day is, or is after, 1 January 2010 — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Fair Trading (Product Safety Standard) Regulations 2001*.

4. Part 35 inserted

Before Schedule 1 insert:

Part 35 — Treadmills

90. Term used: treadmill

In this Part —

treadmill means an exercise device that consists of an endless conveyor belt that is either rotated manually or by a motor and on which a person can walk or jog in one place.

91. Product safety standard for treadmills

- (1) The product safety standard for a treadmill consists of the requirements set out in subregulations (2), (3), (4) and (5).
- (2) A treadmill must display a permanent warning label that is conspicuous and visible to a user of the treadmill when the treadmill is being used.
- (3) The warning label must bear the following statement —

“**WARNING:** Keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.”
- (4) For the statement mentioned in subregulation (3) —
 - (a) the word “**WARNING**” must appear in bold upper case letters and be not less than 5 millimetres in height; and
 - (b) the remaining words must be in lower case letters and be not less than 2.5 millimetres in height.
- (5) The warning label must be separate from any other warning or label on the treadmill.

5. Part 36 inserted

Before Schedule 1 insert:

Part 36 — Lead and certain elements in children’s toys**92. Term used: children’s toys**

children’s toys means goods supplied new that are designed or clearly intended for use in play by children, but does not include any of the following —

- (a) sporting goods;
- (b) camping goods;
- (c) bicycles;
- (d) playground equipment for public and domestic use;
- (e) trampolines;
- (f) electronic game units;
- (g) models powered by combustion or steam engines;
- (h) fashion jewellery for children.

- 93. Product safety standard for lead and certain elements in children's toys**
- (1) The product safety standard for lead and certain elements in children's toys, other than finger paints for children, consists of the standard set out in Schedule 24 Division 1, as varied by Schedule 24 Division 2.
 - (2) The product safety standard for lead and certain elements in finger paints for children consists of the standard set out in Schedule 24 Division 3.

6. Schedule 24 inserted

After the last Schedule insert:

Schedule 24 — Standards for lead and certain elements in children's toys

[r. 93]

Division 1 — Standards for children's toys other than finger paints for children

- 1. AS/NZS ISO 8124.3:2003**
Australian/New Zealand Standard AS/NZS ISO 8124.3:2003, *Safety of toys Part 3 - Migration of certain elements*, published by Standards Australia on 23 May 2003.

Division 2 — Variations to AS/NZS ISO 8124.3:2003

- 2. Clause 7**
In clause 7 delete "When appropriate, the toy shall be subjected to the relevant tests in accordance with ISO 8124-1, before the accessibility is considered."

Division 3 — Standards for finger paints for children

- 3. AS 8124.7-2003**
Clause 4.4 of Australian Standard AS 8124.7-2003, *Safety of toys Part 7 - Finger paints-Requirements and test methods*, published by Standards Australia on 26 June 2003.

By Command of the Lieutenant-Governor and deputy of the Governor,

R. KENNEDY, Clerk of the Executive Council.