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FAIR TRADING ACT 2010

The following instrument is published under the *Fair Trading Act 2010*
section 21



**Consumer Goods (Elastic luggage straps) Safety
Standard 2017**

I, Michael McCormack, Minister for Small Business, make the following safety
standard.

Dated 31 March 2017.

MICHAEL McCORMACK,
Minister for Small Business.

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Elastic luggage straps) Safety Standard 2017*.

2 Commencement

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

3 Authority

This instrument is made under subsection 104(1) of the Australian Consumer Law.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

elastic luggage strap means an elastic strap or cord or two or more elastic straps or cords permanently joined and:

- (a) having a hook, buckle or other fastening device at each extremity; and
- (b) designed to be used for the purpose of securing luggage or other objects;

Except for:

- (c) an elasticised cargo net; or
- (d) an elasticised strap specifically made for the purpose of securing a vehicle jack or toolkit within a vehicle.

Part 2—Basic requirements

6 Requirements before 1 July 2019

- (1) An elastic luggage strap must meet the requirements set out in section 8 or section 9.
- (2) This section is repealed at the start of 1 July 2019.

7 Requirements on and after 1 July 2019

On and after 1 July 2019, an elastic luggage strap must meet the requirements set out in section 8.

Part 3—Details of requirements

8 Requirements for warning

- (1) An elastic luggage strap must each have fixed securely and permanently to, or stamped on, a label or notice stating:

WARNING: Rebounding hooks cause blindness. Place hooks with care.

Keep face and body out of rebound path. DO NOT overstretch. DO NOT use when strap has visible signs of wear or damage.

- (2) A warning label or notice referred to in subsection (1) must:
- (a) Bear the word ‘WARNING’ and the words ‘DO NOT’ in upper case black letters not less than 5 millimetres in height on a yellow background;
 - (b) Bear the remaining words in upper and lower case letters as shown in paragraph (1), the upper case letters being of not less than 5 millimetres in height on a yellow background; and
 - (c) Be conspicuously displayed.

9 Requirements of Trade Practices (Consumer Product Safety Standards) Regulations 1979 – Regulation 11C(3)

- (1) If an elastic luggage strap does not comply with section 8, the elastic luggage strap must comply with the standard set by Regulation 11C(3) of the *Trade Practices (Consumer Product Safety Standards) Regulations 1979* (Federal Register of Legislation No. F2004C00303), as that Regulation was in force immediately before the commencement of this instrument.

Note 1: The Regulation could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

Note 2: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the standard set by the Regulation continued in force from the start of 1 January 2011 as if it were a safety standard made under section 104 of the Australian Consumer Law (because it was taken under section 65E of the *Trade Practices Act 1974* to be a prescribed consumer product safety standard for the purposes of section 65C of that Act immediately before 1 January 2011).

- (2) This section is repealed at the start of 1 July 2019.

Schedule 1—Repeals

Trade Practices (Consumer Product Safety Standards) Regulations 1979 — Regulation 11C — Elastic luggage straps — consumer product safety standard from 1 December 2004 (Act s 65C (2))(Federal Register of Legislation No. F2004C00303)

1 Regulation 11C

Repeal Regulation 11C.

Note: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the *Trade Practices (Consumer Product Safety Standards) Regulations 1979 – Regulation 11C Elastic luggage straps — consumer product safety standard from 1 December 2004 (Act s 65C (2))* continued in force from the start of 1 January 2011 as if it were a safety standard made under section 104 of the Australian Consumer Law
