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FAIR TRADING ACT 2010

The following instruments are published under the *Fair Trading Act 2010* section 21

Consumer Goods (Non-refillable Helium Cylinders) Safety Standard 2022

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**Consumer Goods (Non-refillable Helium
Cylinders) Safety Standard 2022**

I, Stephen Jones, Assistant Treasurer and Minister for Financial Services, make the following safety standard.

Dated 2/1/2023

Stephen Jones
Assistant Treasurer
Minister for Financial Services

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Non-refillable Helium Cylinders) Safety Standard 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after the end of the period of 3 months beginning on the day this instrument is registered.	16 April 2023

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 104 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 Definitions

In this instrument:

non-refillable helium cylinder means a cylinder of pressurised gas if the cylinder contains predominantly helium gas and is not able to be refilled and reused.

5 Application

This instrument applies to consumer goods containing a non-refillable helium cylinder.

Part 2—Safety standards

6 Requirements

Consumer goods containing a non-refillable helium cylinder must comply with the requirements in this Part.

7 Gas composition requirements

The oxygen composition of the gas within the non-refillable helium cylinder must be 21% +/- 1.0% of total gas composition by volume.

8 Marking requirements

- (1) The following must be clearly marked on the non-refillable helium cylinder and on the packaging of the consumer goods:
 - (a) the composition of the gas within the cylinder, expressed as percentages of the total gas composition by volume;
 - (b) the following statement (or words to that effect):

WARNING: Do not inhale. May cause suffocation.

- (2) The markings must be:
 - (a) in English; and
 - (b) clearly legible; and
 - (c) clearly visible; and
 - (d) indelible.