



Queensland

Fair Trading Legislation Amendment Regulation (No. 1) 2009

Subordinate Legislation 2009 No. 38

made under the

Fair Trading Act 1989

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Fair Trading Legislation Amendment Regulation (No. 1) 2009*.

2 Commencement

- (1) Section 4 commences on 1 June 2009.
- (2) Section 5 commences on 27 April 2009.
- (3) Section 6 commences on 14 June 2009.
- (4) Section 7 commences on 26 January 2010.
- (5) Section 8 commences on 10 March 2010.
- (6) Section 9 commences on 23 August 2010.
- (7) Section 10 commences on 1 January 2010.

Part 2 Amendment of Fair Trading Regulation 2001

3 Regulation amended

This part amends the *Fair Trading Regulation 2001*.

4 Insertion of new s 11

Part 3—

insert—

‘11 Treadmills

- ‘(1) A treadmill must be labelled with the following warning notice—

[s 5]

‘WARNING: Keep young children away from this machine at all times. Contact with the moving surface may result in severe friction burns.’

- ‘(2) The warning in subsection (1) must—
- (a) be in a conspicuous position; and
 - (b) be visible to the user of the treadmill when it is being used; and
 - (c) show the word ‘WARNING’ in bold upper case letters at least 5mm high; and
 - (d) show the remaining words in lower case letters at least 2.5mm high; and
 - (e) be separate from any other warning or label on the treadmill.
- ‘(3) The method of labelling must be a method that ensures that the labelling is permanent.
- ‘(4) In this section—
- treadmill* means an exercise device that consists of an endless conveyor belt, that is either rotated manually or by a motor, on which a person can walk or jog in 1 place.’

5 Insertion of new ss 15BAA and 15BA

Part 3A—

insert—

‘15BAA Supply of children’s toys with excessive lead migration levels prohibited

- ‘(1) The supply of a children’s toy having accessible materials with a lead migration level of more than 90mg/kg, when tested in accordance with the testing procedures and interpretation of results stated in AS/NZS ISO 8124, part 3, is prohibited.

Maximum penalty—20 penalty units.

- ‘(2) In this section—

AS/NZS ISO 8124, part 3 means joint Standards Australia and Standards New Zealand standard 8124 (Safety of toys), part 3 (Migration of certain elements) as published on 23 May 2003.

‘(3) This section expires on 31 December 2009.

‘15BA Toothpaste

‘The supply of toothpaste containing more than 0.25% by weight of diethylene glycol (DEG) is prohibited.

Maximum penalty—20 penalty units.’.

6 Insertion of new s 15BB

Part 3A—

insert—

‘15BB Bindeez

‘(1) The supply of Bindeez is prohibited.

Maximum penalty—20 penalty units.

‘(2) In this section—

Bindeez means Bindeez brand beads that join with a spray of water.’.

7 Insertion of new s 15BC

Part 3A—

insert—

‘15BC Fire Footbag

‘(1) The supply of a Fire Footbag is prohibited.

Maximum penalty—20 penalty units

‘(2) However, subsection (1) does not apply if the supplier knows or believes, on reasonable grounds, that the Fire Footbag is for use by the user only for—

[s 8]

- (a) the purpose of earning or attempting to earn assessable income; or
- (b) other professional entertainment purposes.

‘(3) In this section—

assessable income means assessable income under the *Income Tax Assessment Act 1997* (Cwlth).

Fire Footbag means a product that is—

- (a) manufactured from fire resistant material; and
- (b) designed to be doused in flammable liquid, ignited and used for the purpose of amusement by kicking or throwing.

Examples—

- a product known as a “fire football”
- a product known as a “foot fireball”
- any product which, in the normal course of its use, involves direct contact between a flaming object and a part of the body or clothing of the user or users’.

8 Insertion of new s 15BD

Part 3A—

insert—

‘15BD Amazing jumbo spiky light-up ball

‘(1) The supply of the ancillary pump of an amazing jumbo spiky light-up ball is prohibited.

Maximum penalty—20 penalty units

‘(2) In this section—

amazing jumbo spiky light-up ball means a product that is—

- (a) manufactured in the shape of a ball; and
- (b) designed to light up when it is thrown.

ancillary pump, of an amazing jumbo spiky light-up ball, means a pump with a hypodermic syringe-like attachment designed to inflate the ball.’.

9 Insertion of new s 15BE

Part 3A—

insert—

‘15BE Expandable toys

‘(1) The supply of an expandable toy is prohibited.

Maximum penalty—20 penalty units.

‘(2) In this section—

expandable toy means a toy that—

(a) when supplied, is of a size that, when tested in accordance with AS/NZS ISO 8124, part 1, clause 5.2, fits entirely into the small parts cylinder shown in that clause; and

(b) is designed to expand when immersed in liquid.’.

10 Amendment of sch 4 (Safety standards—Commonwealth consumer protection notices)

(1) Schedule 4—

insert—

‘8A Lead and certain elements in children’s toys No. 1 of 2009 F2009L00223

(2) Schedule 4, items 5 and 6—

renumber and relocate as items 2A and 14A.

(3) Schedule 4, items 2A to 17—

renumber as items 3 to 20.

