

**2008**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**FAIR TRADING (CONSUMER PRODUCT STANDARDS) AMENDMENT  
REGULATION 2008 (NO 1)**

**SL2008-12**

**EXPLANATORY STATEMENT**

Circulated by authority of  
Simon Corbell MLA  
Attorney General

**Outline**

Section 25 of the *Fair Trading (Consumer Affairs) Act 1973* (the Act) provides that regulations may prescribe a consumer product safety standard to be used for a specified kind of good and shall consist of such requirements as are reasonable and necessary to prevent or reduce risk of injury to a person.

The purpose of the Fair Trading (Consumer Product Standards) Amendment Regulation 2008 (No 1) (the Regulation) is to prescribe a consumer product safety standard for basketball rings and backboards and a consumer product safety standard for monkey bikes.

The part of the Regulation which prescribes a consumer product safety standard for basketball rings and backboards gives effect to the Commonwealth *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005*, which gives national application to mandatory labeling requirements for basketball rings and backboards already in force in New South Wales, Victoria and Western Australia.

This amendment to the Regulation will enable the existing Commonwealth standard to be enforced in the ACT, and will bring the ACT into conformity with New South Wales, Victoria and Western Australia. The Regulation will assist to ensure that consumers are aware of the risk of serious death and injury associated with the misuse of basketball rings and backboards.

The part of the Regulation which prescribes a consumer product safety standard for monkey bikes is consistent with similar consumer product safety standards existing in New South Wales, Victoria, Queensland and South Australia.

The Regulation will ensure that monkey bikes supplied in the ACT meet specified minimum safety requirements dealing with their throttle control, braking and steering systems, foot pegs and supplemental engine stop.

## **NOTES ON CLAUSES**

### **Clause 1 Name of regulation**

This clause explains that the name of the regulation is the *Fair Trading (Consumer Product Standards) Amendment Regulation 2008 (No 1)*.

### **Clause 2 Commencement**

This clause states that the regulation will commence on the day after it is notified.

### **Clause 3 Legislation amended**

This clause explains that the regulation amends the *Fair Trading (Consumer Product Standards) Regulation 2002*.

### **Clause 4 New division 2.3A**

This clause inserts a new division into the *Fair Trading (Consumer Product Standards) Regulation 2002*. The new division prescribes two consumer product safety standards for basketball rings and backboards in accordance with section 25 of the *Fair Trading (Consumer Affairs) Act 1973*.

Regulation 8B specifies the form and content of the warning which must be carried on a basketball ring or backboard and their packaging. Subregulation 8B(1) requires the supply of a basketball ring or backboard to be accompanied by a warning and a warning symbol. Subregulation 8B(2) details the form of the warning. Subregulation 8B(3) provides the graphic warning symbol required and the details the form of the warning symbol. Subregulation 8B(4) details how the warning must be marked on the package and Subregulation 8B(5) details how the warning must be marked on the ring or backboard if a ring or backboard is not supplied in a package.

Regulation 8C specifies the form, content and placement of the permanent warning to be marked on the backboard.

### **Clause 5 New division 2.13A**

This clause inserts a new division into the *Fair Trading (Consumer Product Standards) Regulation 2002*. The new division prescribes a consumer product safety standard for monkey bikes.

Regulation 47B prescribes minimum safety standards in relation to a monkey bikes' throttle control, braking system, foot pegs, steering system and supplemental engine stop.

**Clause 6 Part 2**

This clause provides for the renumbering of divisions and sections when the Regulation is next republished.