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Overview

Welcome to compliance training.

You should read this document carefully because there are potentially many serious consequences for you if you are ‘involved’ in a breach of the law.

This booklet is about helping you to understand your obligations and responsibilities under the Australian Consumer Law (ACL) relating to:

- product safety and information standards
- banned goods

Obligations for businesses arise everyday under the ACL. This booklet looks at only some of those obligations for training purposes. There are other requirements that may be relevant to your operations that are not covered in this training material. Please contact Watchdog Compliance if you require any further information.
The Australian Consumer Law

What is the Australian Consumer Law?

From 1 January 2011, the Australian Consumer Law (‘the ACL’) is Australia’s national, state and territory law that aims to protect consumers and ensure fair trading in Australia. The ACL replaces previous consumer protections in fair trading acts. The ACL is a schedule to the Competition and Consumer Act 2010, which is the new name for the Trade Practices Act 1974.

The ACL is a new national law that includes:

- **general protections:**
  - misleading or deceptive conduct
  - unconscionable conduct
  - unfair contract terms covering standard form contracts;

- **specific protections:**
  - false or misleading representations
  - multiple pricing and not supplying for the lowest price
  - not stating the full cash price
  - offering imaginary gifts and prizes
  - bait advertising
  - referral selling
  - accepting payment without intending or being able to supply as ordered
  - undue harassment and coercion
  - assertion of right to payment for unsolicited goods or services
  - consumer guarantees when buying goods and services
  - unsolicited consumer agreements (door-to-door sales and telemarketing
  - lay-by agreements
  - product safety laws

- **penalties, enforcement powers and consumer redress options**

Obligations for businesses arise everyday under the ACL. This booklet looks at only some of those obligations for training purposes.
When are individuals at risk?

Whenever you engage in trade or commerce, sell or buy things, or just work for a company (directly or indirectly) you expose yourself to risks of breaching the ACL.

Individuals can be liable under the ACL in a number of ways, including:

- **directly liable** if they were the person who engaged in the offending conduct
- **indirectly liable** if they:
  - ‘aided, abetted, counselled or procured’ another person to breach;
  - ‘induced, or attempted to induce’ another person to breach (whether by threats or promises or otherwise);
  - ‘had been knowingly concerned in, or party to’ another person’s breach (either directly or indirectly);
- ‘conspiring’ with others to breach; or
- ‘attempting’ to breach relevant provisions of the ACL.

There is no place to hide!

A breach can be discovered by almost anyone – employees, customers, suppliers, competitors, consumers, the ACCC. Evidence can come from many sources – files, notes, diaries, emails, computers, photographs, recordings, memos, letters, correspondence and people’s memories (it doesn’t have to be in writing).
The Regulators

Who will enforce the ACL?

The ACL will be enforced by all Australian courts and tribunals, including the courts and tribunals of the States and Territories.

The ACL will be administered jointly by the National, State and Territory consumer agencies (the Regulators):

- the Australian Competition and Consumer Commission (‘ACCC’)
- NSW Fair Trading
- Consumer Affairs Victoria
- QLD Office of Fair Trading
- WA Department of Commerce - Consumer Protection
- SA Consumer and Business Services
- Consumer Affairs and Fair Trading Tasmania
- ACT Office of Regulatory Services
- NT Consumer Affairs

What do the Regulators want?

Outcomes sought by the Regulators when enforcing the ACL may include:

- stopping unlawful conduct
- ensuring future compliance
- deterring future unlawful conduct
- undoing harm from unlawful conduct (e.g. redress for those adversely affected)
- encouraging effective use of compliance systems
- penalties or fines
What are the Regulator’s priorities?

Each Regulator chooses how to exercise its powers independently. Priority will be given to conduct involving:

- industry-wide issues
- public interest or concern
- significant consumer detriment
- the potential for death and injury
- significant impact on market integrity
- disadvantaged or vulnerable consumers
- significant new or emerging market issue
- blatant disregard for the law or wilfully repeated conduct
- successful enforcement having a worthwhile educative or deterrent effect

What can the Regulators do?

The Regulators have extensive powers to help investigate possible breaches and can:

- compel people to appear before the Regulator and give evidence
- compel people to give it information and documents (such as letters, emails, memos, minutes of meetings, board papers, books, diaries, files, plans, discs, tapes, notes, correspondence, agreements, faxes, notices, reports, etc)
- enter your premises, inspect and take copies of documents
- issue notices requiring businesses to justify claims they make about their products

If you do not give a Regulator your full and frank cooperation when it uses its statutory powers you risk criminal prosecution action for fines or imprisonment.
Consequences for breaching the ACL

There are potentially many adverse consequences for you and your company if you are ‘involved’ in a breach of the ACL.

Financial loss

- Penalties up to $1.1 million for companies and up to $220,000 for individuals
- Fines up to $1.7 million for companies and up to $340,000 for individuals
- Infringement notices:
  - $102,000 for listed companies
  - $10,200 for unlisted companies
  - $2,040 for individuals

- Product recalls and refunds
- Damages or compensation
- Legal costs – yours and possibly the ACCC’s

Enforcement to ensure future compliance

- Injunctions
- Community service orders (e.g. training video or community awareness program)
- Probation orders (e.g. establish a compliance program or training program)
- Rescission or variation of contracts
- Disqualification orders preventing a person from managing a corporation

Publicity and disclosure

- Court orders to disclose information – before or after legal proceedings
- Damage to reputation
- Public warning notices

Drain on human resources

- Loss of business and disruption to management
- Time devoted to dealing with complaints, investigations or court action
- Managerial stress
Your obligations

You must not supply a good if that good:

- does not comply with a mandatory consumer product standard;
- has been declared unsafe by a notice from a Minister;
- has been banned by a notice from a Minister;
- is the subject of a product recall; or
- is defective.

Mandatory safety and information standards

Mandatory product standards apply to specific goods and specify minimum requirements before those goods can be sold.

What are mandatory product standards?

A ‘mandatory product standard’ is a standard that applies to a particular good and has been made mandatory under the ACL in Australia. A standard can be made mandatory by the Commonwealth Minister by a regulation; or a consumer protection notice as declared by the Minister.

The aim of the Mandatory Standards is to protect consumers by specifying minimum requirements that must be met before products are sold. There are two types of Mandatory Standards:

- safety standards: These are declared for specific products that are likely to be especially hazardous. These products must meet strict requirements that may relate to performance, composition, contents, methods of manufacture, design, construction, finish, packaging, testing, form and content of markings, warnings or instructions.

- information standards: These are introduced when consumers need to be informed about a specific product. These products require specific information to be given to consumers when they purchase specified goods (e.g. performance, composition, contents, methods of manufacture, design, construction, finish, packaging, testing, form and manner of disclosing information).
What goods are covered by the Mandatory Standards?

A full list of the Mandatory Standards can be obtained from the ACCC’s website at www.productsafty.gov.au or by calling the ACCC Infocentre on 1300 302 502.

For convenience, the list of Mandatory Standards under the ACL is reproduced at Attachment A.

How do you obtain a copy of a Prescribed Standard?

Step 1 Go to the ACCC’s website www.productsafety.gov.au and follow the links:

- ‘Bans, standards & recalls’
- ‘Mandatory standards’
- ‘Full list of mandatory standards’

Step 2 Select a Mandatory Standard and click on the link, which will refer to either:

- the regulation – simply save a copy of the regulation; or
- the consumer protection notice – save a copy of the consumer protection notice and obtain a copy of the Australian/New Zealand standard referred to in the consumer protection notice. The Prescribed Standard is a combination of the consumer protection notice and the AS/NZS standard (note: standards can be purchased from Standards Australia (through SAI Global’s website at www.saiglobal.com).

How do you keep up to date?

Once a copy of a current Mandatory Standard has been obtained, the following subscriptions can be set up to ensure you are notified of any changes:

- **ACCC ‘Email alerts’** are free and easy to set up. Simply go to www.productsafety.gov.au and click on ‘subscribe to email alerts’. Enter your email address, select the topics and click ‘subscribe’.
- **‘SAI Global’ subscriptions** can be set up for any AS/NZS standards relevant to a Mandatory Standard. SAI Global’s website (www.saiglobal.com) provides these subscription services such as ‘StandardsWatch’, which is a free email based notification service that provides a customized news service and including changes to nominated documents.
Banned goods

Supplying goods that are banned is illegal with criminal consequences.

What are ‘banned’ goods?

There are two types of banned goods:

- an interim ban – imposed by any responsible minister for up to 60 days (can be extended for another 60 days); and
- a permanent ban – imposed by the Commonwealth minister.

To check if a good is banned go to the ACCC’s website www.productsafety.gov.au and follow the links:

‘Bans, standards & recalls’

‘Bans’

‘Full list of banned products’

You can also call the ACCC Infocentre on 1300 302 502.

For convenience, a list of banned goods on the ACCC’s website and (and some other State or Territory based banned goods) is reproduced at Attachment B.

Mandatory reporting

From 1 January 2011, suppliers must notify the Commonwealth minister (c/of ACCC) within two days of becoming aware that a person has suffered serious injury, illness or death associated with a consumer good or product-related service they supplied.
**Defective Goods**

If you supply ‘defective goods’ you may have to pay compensation.

**What is a ‘defective good’?**

A good is ‘defective’ (for the purposes of the ACL) if its safety is not such as persons are generally entitled to expect. All the relevant circumstances must be taken into account, including:

- the manner in which, and the purposes for which, it has been marketed (e.g. professional, trade use or layperson)
- its packaging;
- the use of any mark in relation to it (e.g. trademarks or certifications);
- any instructions for, or warnings with respect to, doing, or refraining from doing, anything with or in relation to it;
- what might reasonably be expected to be done with or in relation to it; and
- the time when they were supplied by the manufacturer.

**Who is liable?**

*Manufacturers and importers*

Manufacturers and importers (as defined above) who supply defective goods may have to pay compensation for the loss suffered by any person who is injured, or whose property is damaged, because of the defect.
**Other suppliers**

Other suppliers of the defective good (e.g. wholesalers or retailers) will be deemed to be the manufacturer if:

(a) the manufacturer is unknown to the claimant;

(b) the claimant serves a written request to the supplier requesting the manufacturer's identity or the name of the person who supplied that retailer with the good; and

(c) after 30 days of that request, the claimant still does not know who manufactured the good.

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**Are there any defences?**

Yes. A manufacturer will escape liability if it can establish any of the following defences:

- the defect **did not exist** when it was supplied by the manufacturer;

- the defect was solely caused due to compliance with a **mandatory standard** set by the government;

- there was **insufficient scientific or technical knowledge** to enable the defect to be discovered when the good was supplied by the manufacturer;

- the defective good was **incorporated** into other goods (‘the finished goods’) and the defect can be attributed to the design, markings or instructions of the finished goods.
Where to go for help

Watchdog Compliance Pty Ltd

Watchdog Compliance Pty Ltd prepared this booklet. It is a private company that specialises in helping organisations and individuals to comply with their legal obligations, training and compliance needs.

David Johnson is the Managing Director of Watchdog Compliance Pty Ltd and specialises in trade practices compliance. David has over 18 years’ experience in trade practices – as a lawyer, trainer, auditor and compliance professional. At Watchdog Compliance, David has assisted many companies to achieve their compliance objectives in the areas of trade practices and consumer protection. Prior to founding Watchdog Compliance, David was as an in-house lawyer for the ACCC and a senior lawyer with Australian Government Solicitor - the leading lawyers for government. David specialised in the provided a broad range of legal services to the ACCC.

✔ **Contact:** David Johnson – Managing Director

✔ **Post:** Level 5 Toowong Tower

9 Sherwood Road

Toowong QLD 4066

✔ **Telephone:** +61 7 3310 8956

✔ **Facsimile:** +61 7 3310 8957

✔ **Mobile:** +61 404 636 800

✔ **email:** david@watchdogcompliance.com.au

✔ **website:** www.watchdogcompliance.com.au
### Attachment A – Regulated Products

**NOTE:** It is illegal to supply any of the following products unless specific requirements are met!

This list is not exhaustive and there could be other products covered by mandatory standards or bans not listed below.

The following list was created from information published on the ACCC’s website ([www.productsafety.gov.au](http://www.productsafety.gov.au)).

#### Clothing & accessories

<table>
<thead>
<tr>
<th>Care labelling</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard:</strong></td>
</tr>
<tr>
<td><strong>Issue:</strong></td>
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<tr>
<td></td>
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<tr>
<td><strong>Requirements:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fibre content labelling</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard:</strong></td>
</tr>
<tr>
<td><strong>Issue:</strong></td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
</tr>
</tbody>
</table>
## Attachment A – Regulated Products

### Clothing & accessories (continued)

<table>
<thead>
<tr>
<th>Product</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's nightwear / paper patterns</td>
<td>AS/NZS 1249:2003 - Children’s nightwear and limited daywear having reduced fire hazard (as varied by Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children’s Nightwear) Regulations 2007)</td>
<td>Burns and fire - children can suffer severe burns or death if their nightwear clothing catches fire.</td>
<td>Specifies minimum requirements for labelling and testing (and safety markings for paper patterns).</td>
</tr>
<tr>
<td>Sunglasses and fashion spectacles</td>
<td>AS/NZS 1067:2003 – Sunglasses and fashion spectacles  (as varied by Consumer Protection Notices No. 13 of 2003 and No. 4 of 2005)</td>
<td>Inflammation - solar ultraviolet radiation can cause an inflammation of the front surfaces of the eye.</td>
<td>Hazard: Cataracts - long-term exposure of the eyes to ultraviolet radiation may also be a factor in causing cataracts. Retina degeneration - long-term exposure to near ultraviolet radiation in the wavelength band 315 to 400 mm may be a factor in causing degeneration of the retina of the eye. <strong>Impaired night vision</strong> –  • sunglasses reduce the ability to see at low light levels, at night for example.  • sunglasses with lens category 1 are not suitable for driving at night, as they can cause impaired vision.  • sunglasses with lens category 4 must not be used when driving at any time, as they can cause impaired vision during day or night.</td>
</tr>
</tbody>
</table>

### Cosmetics & toiletries

<table>
<thead>
<tr>
<th>Product</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cosmetics and toiletries</td>
<td>Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations 1991 (as amended)</td>
<td>Allergies - ingredient labels that are missing or inaccurate can expose consumers to ingredients that may cause allergic reactions. Such allergic reactions could be harmful to consumers with chemical sensitivities.</td>
<td>Specifies minimum requirements for labelling of ingredients.</td>
</tr>
</tbody>
</table>
# Attachment A – Regulated Products

## Fire extinguishers

<table>
<thead>
<tr>
<th>Fire extinguishers (portable, aerosol)</th>
<th>Standard: AS 4353:1995 - Portable fire Extinguishers – Aerosol type (as varied by Consumer Protection Notice No. 9 of 2004)</th>
<th>Hazards: Serious burns – a user can suffer serious burns if an aerosol fire extinguisher fails, is incorrectly labelled or has the wrong ingredients. The main hazard caused by an aerosol fire extinguisher is possible failure to operate or perform satisfactorily when there is a fire. Incorrect labelling of an aerosol fire extinguisher can lead to a fire extinguisher containing incorrect ingredients that can inflame a fire.</th>
<th>Requirements: Specifies minimum requirements including identification markings, design, construction and testing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire extinguishers (portable, non-aerosol)</td>
<td>Standard: AS 1841:1997 (Parts 1 to 8) - Portable fire Extinguishers – Aerosol type (as varied by Consumer Protection Notice No. 3 of 2004)</td>
<td>Hazards: Serious burns - the main hazard caused by an aerosol fire extinguisher is a failure to operate or perform satisfactorily when there is a fire. This can lead to the user suffering serious burns.</td>
<td>Requirements: Specifies minimum requirements including identification markings, design, construction and testing.</td>
</tr>
</tbody>
</table>

## Homewares

<table>
<thead>
<tr>
<th>Bean bags</th>
<th>Standard: Trade Practices (Consumer Product Safety Standards) Regulations 1979 as amended (under review)</th>
<th>Hazards: Suffocation - children may crawl inside a bean bag cover and suffocate when their breathing is restricted by the bag and its contents. Choking - children, particularly those aged less than 3 years, may inhale the polystyrene beads contained in bean bags. Bean bag fillings have been associated with a number of chokings.</th>
<th>Requirements: Specifies minimum requirements including child-resistant slide fastener and prescribed warning label.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blind and curtain cords</td>
<td>Standard: Trade Practices (Consumer Product Safety Standard - Corded Internal Window Coverings) Regulations 2010.</td>
<td>Hazards: Strangulation - children can become entangled in blind or curtain cords if they try to use, play with or play around the window coverings. Even with raised coverings, children can climb onto window sills or furniture to access the cords. Cords or looped cords that become tangled around a child’s neck can very quickly cause strangulation. Cords can also strangle infants sleeping or playing in cots placed near a window where cords are within reach or hanging into the cot.</td>
<td>Requirements: Specifies minimum requirements including safety devices, labelling and testing.</td>
</tr>
</tbody>
</table>
### Blind and curtain cords

<table>
<thead>
<tr>
<th>Standard:</th>
<th><em>Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014 (from 1 Jan 2015)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazards:</strong></td>
<td>Strangulation - children can become entangled in blind or curtain cords if they try to use, play with or play around the window coverings. Even with raised coverings, children can climb onto window sills or furniture to access the cords. Cords or looped cords that become tangled around a child’s neck can very quickly cause strangulation. Cords can also strangle infants sleeping or playing in cots placed near a window where cords are within reach or hanging into the cot.</td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum requirements for installing a corded internal window covering.</td>
</tr>
</tbody>
</table>

### Bunk beds

<table>
<thead>
<tr>
<th>Standard:</th>
<th><em>AS/NZS 4220:1994 – Bunk beds (as varied by Consumer Protection Notice No. 1 of 2003)</em></th>
</tr>
</thead>
</table>
| **Hazards:** | Falls - children can suffer serious injuries such as concussions and fractures if they fall from a raised/upper bed or while they're trying to climb down.  
  *Strangulation* - strangulation or accidental hanging can occur if a child’s head or neck is caught between gaps in and around the bunk bed, or if clothing is snagged on parts of the bed that stick out (protrusions).  
  *Entrapment* - children’s heads and limbs can become trapped within gaps in the bunk bed structure. |
| **Requirements:** | Specifies minimum requirements including design, construction, labelling and testing. |

### Elastic luggage straps

|-----------|--------------------------------------------------------------------------------|
| **Hazards:** | Eye injuries - elastic luggage straps are dangerous products due to their design and use, with the most commonly reported injuries occurring to the eyes.  
  Death or serious injury - If a highly stretched strap fails or becomes detached, it can rebound at a very high speed causing death or serious injury to the eyes, face, throat and head areas. |
| **Requirements:** | Specific requirements for warning label. |

### Hot water bottles

|-----------|--------------------------------------------------------------------------------------------------|
| **Hazards:** | Burns – hot water bottles can cause serious burns particularly in the following situations:  
  *Direct contact with skin.*  
  *Burst or leak.*  
  *Young and elderly* (skin is often thinner, more delicate and therefore vulnerable to more serious burns).  
  *Diabetics* (prone to burns because they often have reduced feeling in their limbs). |
| **Requirements:** | Specifies minimum safety requirements including design, construction, performance, labelling and testing. |
## Attachment A – Regulated Products

### Infants & nursery

<table>
<thead>
<tr>
<th>Product</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Baby bath aids| *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* | **Death by drowning** - Babies and young children can drown if left unsupervised by an adult in a baby bath aid, if:  
- the bath seat tips over  
- the child slips off, rolls off or climbs out of the seat  
- the child becomes trapped in the seat openings  
- another child in the bath pushes the young child out of the bath aid or tips the child over with the bath aid.  
  **Brain injury by near-drowning** - If children are revived from near-drowning they may suffer permanent brain injury from lack of oxygen to the brain. | Specifies minimum labelling requirements for baby bath aid products and packaging. |
| Baby dummies  | *AS 2432-1991 – Babies’ dummies* (as varied by Consumer Protection Notice No. 4 of 2006)  
  *(NOTE: based on 1991 version of AS2432 and not 2009 version but this is being reviewed)* | **Choking and suffocation** - children under 3 years old are particularly vulnerable to choking as they have not yet developed the reflex action to cough up objects that lodge in their throats. Babies can choke on dummies if dummy shields are too small and don’t have ventilation holes. If it is too small a dummy can get wholly inside a baby’s mouth and block its airway. Babies can also choke when teats detach from the shields of old or poorly made dummies. The teat can get stuck in a child’s throat and cause suffocation.  
  **Strangulation** - can occur when dummies are attached to a cord or ribbon that can wrap around a baby’s neck. | Specifies minimum safety requirements including design, construction, testing, packaging and labelling to prevent choking and strangulation hazards. |
| Baby walkers  | Specific sections of *ASTM F977-12, Standard Consumer Safety Specification for Infant Walkers* (as prescribed by Consumer Protection Notice No. 1 of 2013). | **Serious injury or death from falls** - Infants can suffer head injuries and other serious injuries such as fractures if the baby walker tips over or falls down stairs. Head injuries are the most frequent and serious injuries.  
  **Other injuries from easier access to dangers** - when using baby walkers children can gain access to hazardous areas that they normally can’t reach, such as benchtops - with hot food or drinks, sharp objects, or other dangerous items, kitchen utensil drawers, ovens and appliances. Children can suffer injuries such as burns, electrocution, cuts and wounds if they access these areas while unsupervised in a baby walker. | Specifies minimum safety requirements including design, construction, performance and labelling. |
## Attachment A – Regulated Products

### Infants & nursery (continued)

| Cots – household | **Standard:** | AS/NZS 2172:2003 - Cots for household use - safety requirements  
(as varied by Consumer Protection Notice No. 6 of 2005)  

**Hazards:**  
- **Falls** - children can suffer serious injuries such as concussion and fractures if they fall when trying to climb out using footholds or objects left in the cot.  
- **Strangulation** - infants can become trapped and strangled if their clothing gets snagged on parts of a cot that stick out (protrusions), or if their head becomes trapped between gaps.  
- **Suffocation** - babies can become trapped and suffocate if they fall into gaps created by ill-fitting or additional mattresses, or if they are caught up in the fabric of soft toys and extra pillows and bumpers.  
- **Entrapment** - infants can suffer injuries to their arms and legs if they become trapped between gaps.  

**Requirements:** Specifies minimum requirements including design, construction, performance, testing, safety markings, labelling (and special requirements for antique and collectable cots). |
| Cots – portable | **Standard:** | AS/NZS 2195:1999 – Folding Cots - safety requirements  
(as varied by Consumer Protection Notice No. 4 of 2008)  

**Hazards:**  
- **Falls** - children can suffer serious injuries such as concussion and fractures if they fall when trying to climb out using footholds or objects left in the cot.  
- **Strangulation** - infants can become trapped and strangled if cots inadvertently collapse when they are not properly assembled and locked into place.  
- **Suffocation** - infants can be trapped and suffocate if they roll into gaps by ill-fitting or additional mattresses.  

**Requirements:** Specifies minimum requirements including design, tether strap, construction, testing and markings. |
| Prams and strollers | **Standard:** | AS/NZS 2088:2000 - Prams and strollers - safety requirements  
(as varied by Consumer Protection Notice No. 8 of 2007)  

**Hazards:**  
- **Death or serious injury** - if a pram or stroller rolls away from the carer's control.  
- **Limb and finger injuries** - if children gain access to certain parts they can trap or injure their limbs and fingers.  
- **Falls** - children not properly restrained in a pram or stroller can either fall out or move to where it can topple.  
- **Strangulation or suffocation** - if children become trapped in parts of the pram or stroller.  

**Requirements:** Specifies minimum requirements including design, tether strap, construction, testing, warnings and labels. |
### Attachment A – Regulated Products

#### Toys & novelties

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| **Aquatic toys**       | **AS/NZS 8124.1:2002 - Safety aspects related to mechanical and physical properties**  
(as varied by Consumer Protection Notice No. 2 of 2009) | **Death by drowning** - children who cannot swim could drown if their aquatic toy fails or if they do not use it properly. Children generally have limited motor (brain to muscle) coordination and are not able to judge potentially dangerous situations or react to them in time.  
**Brain injury by near-drowning** - if children are revived from near-drowning they may suffer permanent brain injury from lack of oxygen to the brain. | Specifies minimum warning labelling requirements.                                                                                         |
| **Balloon-blowing kits**  
(must not contain benzene) | **Trade Practices (Consumer Product Safety Standards) Regulations 1979 as amended**  
A balloon-blowing kit means goods that contain a substance capable of being used to make inflated balloons by the action of blowing the whole or a portion of the substance from a tube (not being a container). | **Poisoning or cancer** - Benzene is a known carcinogen (cancer-causing substance). | Must not contain benzene, polyvinyl acetate, ethyl acetate, acetone.                               |
| **Projectile toys**     | **Specific clauses of AS/NZS ISO 8124.1:2002, Safety of toys Part 1 – Safety aspects related to mechanical and physical properties**, published by Standards Australia on 16 May 2002 and Amendment No. 1 (as varied by Consumer Protection Notice No. 16 of 2010). | **Choking or suffocation** - children who shoot or place small suction-tipped darts into their mouths are at risk of choking or suffocation when the dart lodges in their throat and blocks their breathing.  
**Loss of consciousness or death** - children can suffer asphyxia—when oxygen stops entering the body— if they suffocate as a result of darts blocking their breathing. Asphyxia causes loss of consciousness or death.  
**Serious eye injuries** - projectile toys that shoot sharp objects at a high speed can cause serious eye injuries. | Specifies requirements for performance and testing including:  
- minimum physical measurements - Each projectile having a suction cap tip, without compressing it and whatever its orientation, shall not fit entirely into a small parts cylinder (which is shown in the standard).  
- the perimeter of projectile toy rotors must be a ring in order to minimise the risk of injury.  
- projectile toys must have protective tips which remain attached to the projectile while being subjected to the torque test and the tension test and that users must be warned about the dangers of misuse.  
- the discharge mechanism should be designed such that it will not discharge other objects placed in it, such as pencils, nails and stones, without modification by the user. If it is capable of discharging other objects, the potential danger must be drawn to the attention of the user. |
### Toys & novelties (continued)

**Toys containing magnets**  
**(children up to 14 years)**  
- **Standard:** AS/NZS 8124.1:2002 - Safety of toys Part 1: Safety aspects related to mechanical and physical properties, and Amendment 2 to AS/NZS ISO 8124.1 (as varied by Consumer Protection Notice No. 5 of 2010)  
- **Hazards:** Death or serious illness - children can become seriously ill and die if they swallow a number of small strong or hazardous magnets. Magnets become locked together through the walls of the intestines causing perforations, infections and blockages. Usually surgery is required to remove the magnets.  
- **Requirements:** Specifies requirements for labelling and testing.

**Toys for children**  
**(up to 36 months of age)**  
- **Hazards:** Choking or suffocation - if young children put toys or parts of toys in their mouth they could choke on them. If the toy or part gets stuck in their throat and blocks their breathing, they could suffocate.  
  Loss of consciousness or death - children can suffer asphyxia (when oxygen stops entering the body) as a result of toys or parts of toys blocking their breathing. Asphyxia causes loss of consciousness or death.  
- **Requirements:** Specifies requirements for design, construction and testing.

**Toys and finger paints**  
**(must not contain excessive lead or other elements)**  
- **Standard:** AS/NZS 8124:2003 - Safety of Toys, Part 3 - Migration of certain elements (clause 4.4) (as varied by Consumer Protection Notice No. 1 of 2009) commenced 1 January 2010  
- **Hazards:** Lead, antimony, arsenic, barium, cadmium, chromium, mercury and selenium - if children swallow or chew on a toy containing lead or other elements, or if they inhale lead or absorb it through their skin, they can die or suffer significant and sometimes permanent health effects such as:  
  - hearing loss  
  - slowed growth  
  - central nervous system damage  
  - organ damage.  
  - learning disorders  
  - attention deficit disorders  
  - behavioural problems.  
- **Requirements:** Specifies the maximum acceptable levels of lead and other elements and testing.
## Attachment A – Regulated Products

### Sports & recreation

<table>
<thead>
<tr>
<th>Product</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| **Basketball rings and backboards** | *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005* | Death or serious injury - the main hazards associated with basketball rings are:  
- inappropriate installation of basketball rings combined with the act of slam dunking  
- installation of basketball rings over home garage doors, where brick structures can be thin and weak.  
The practice of slam dunking places the full weight of the basketball player onto the ring. Serious injuries can occur where walls or posts cannot cope with the stress of slam dunks. These structures can collapse, exposing the player to falling bricks, posts, ring or backboard. For many, the potential hazard of a collapsing wall is not apparent, particularly when the ring is attached to a seemingly solid brick wall. | Specifies the required safety warnings for backboards and any packaging. |
| **Bicycle helmets**             | *Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Regulations 2001 based on AS/NZS 2063:2008 – Bicycle helmets* | Death or serious injury - cyclists may suffer death or serious injury in the event of an accident if the bicycle helmet they are wearing does not adequately protect their head. | Specifies minimum requirements including design, construction, performance, testing, safety markings, packaging and instructions for use and care. |
| **Bicycles**                    | *AS 1927:1998 – Pedal bicycles – safety requirements* (as varied by Consumer Protection Notice No. 6 of 2004) | Death or serious injury - riders can fall from a bicycle and suffer broken bones, head injuries or death if aspects of the bicycle fail, such as the:  
- braking system  
- steering  
- pedal cranks.  
Serious injury or death can occur if the bicycle’s head stem cracks or fails, causing the rider to have no steering control. Pedestrians may suffer death or serious injury if a bicycle lacks a warning device.  
Lacerations and limb entrapment – if the bicycle is not fitted with a chain guard (particularly children). | Specifies minimum requirements including design, construction, markings, labelling and instructions. |
## Attachment A – Regulated Products

### Sports & recreation (continued)

<table>
<thead>
<tr>
<th>Exercise cycles</th>
<th><strong>Standard:</strong></th>
<th>AS 4092:1993 - <em>Exercise cycles - safety requirements</em> (as varied by Consumer Protection Notice No. 9 of 1997)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazards:</strong></td>
<td><strong>Bruising, broken bones, full or partial amputation</strong> - children in particular can get their fingers, hands, feet or toes caught in the chain and sprockets or the resistance mechanism and wheel spokes of an exercise cycle and can suffer bruising, broken bones and full or partial amputation. Fall and impalement - Poorly constructed seats and supports can cause falls leading to head and limb injuries.</td>
<td></td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum requirements including design, construction, user instructions and testing.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Moveable soccer goals weighing 28kg or more</th>
<th><strong>Standard:</strong></th>
<th>AS 4866.1-2007 <em>Playing field equipment – Soccer goals – Safety aspects</em> (as varied by Consumer Protection Notice No. 28 of 2010).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazards:</strong></td>
<td><strong>Crushing</strong> - numerous confirmed deaths and injuries associated with moveable soccer goals have occurred from force and trauma to the head, neck, chest and limbs from moveable soccer goals due to: instability goals becoming unanchored during use goals with inadequate anchoring inappropriate or ineffective installation inappropriate use, such as swinging on the goalposts or cross-bars.</td>
<td></td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum requirements including design, performance, labelling and testing.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Portable Swimming Pools</th>
<th><strong>Standard:</strong></th>
<th><em>Consumer Goods (Portable Swimming Pools) Safety Standard 2013</em></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazards:</strong></td>
<td><strong>Death by drowning</strong> - children who cannot swim could drown if they are left unattended in a swimming pool. Brain injury by near-drowning - if children are revived from near-drowning they may suffer permanent brain injury from lack of oxygen to the brain.</td>
<td></td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum warning labelling requirements.</td>
<td></td>
</tr>
</tbody>
</table>
## SPORTS & RECREATION (CONTINUED)

### SWIMMING & FLATTON AIDS FOR CHILDREN

**Standard:** AS 1900:2002 - Flotation aids for water familiarization and swimming tuition
(as varied by Consumer Protection Notice No. 3 of 2009)

**Hazards:**
- *Death by drowning* - children who cannot swim could drown if their swimming or flotation aid fails or if they do not use the aid properly. As children are still developing, they generally have limited motor (brain to muscle) coordination and are not able to judge potentially dangerous situations or react to them in time.
- *Brain injury by near-drowning* - if children are revived from near-drowning they may suffer permanent brain injury from lack of oxygen to the brain.

**Requirements:** Specifies minimum warning labelling requirements.

### TREADMILLS

**Standard:** Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009

**Hazards:** Friction burns full or partial thickness - the most significant hazard associated with the use of treadmills is the risk of friction burns, particularly to young children playing on or near a treadmill. Injuries can range from minor to serious burns requiring skin grafts, and may potentially result in permanent loss of the use of hands or fingers.

**Requirements:** Specific requirements for warning labels.

### TOBACCO & SMOKING ACCESSORIES

### DISPOSABLE CIGARETTE LIGHTERS

**Standard:** Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1979

**Hazards:** Burns or serious injuries - lighters can cause serious burns or serious injuries if they:
- leak
- spit and splutter
- produce an unsafe flame
- produce an unsafe flame height
- have sharp edges
- spontaneously ignite
- spontaneously explode.

**Requirements:** Specific requirements for child resistance, labelling, testing, performance and compliance certificates.
## Tobacco & smoking accessories (continued)

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Reduced fire risk cigarettes  | *Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008 and Amendment Regulations 2009 No.1* | *Death and injury* - unextinguished cigarettes exposed to plant matter, particularly during dry weather, can cause extensive injury or death to humans, domestic animals and wildlife.  
  *Destruction* - unextinguished cigarettes carelessly or deliberately exposed to clothing, furniture or other combustible materials can ignite and cause significant destruction of property and vegetation. | *Specific requirements for performance, testing and labelling.* |
| Tobacco products              | *Competition and Consumer (Tobacco) Information Standard 2011*            | *Death and serious illnesses* - the use of tobacco products has been linked to a variety of illnesses.  
  *Serious illnesses for non-users, particularly children* - women who use tobacco products during pregnancy expose their children to the risk of serious respiratory illnesses. Children exposed to second-hand smoke also have an increased risk of these illnesses. | *Specific requirements for warning labels and testing.* |

## Vehicles & accessories

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child restraints for motor vehicles</td>
<td>2000 or 2004 or 2010 versions of AS/NZS 1754 – Child restraint systems for use in motor vehicles (as varied by Consumer Protection Notice No. 21 of 2011) <em>(under review)</em></td>
<td><em>Death or serious injury</em> - when children are not properly restrained they are more likely to suffer serious injuries or die if in car accidents. An Australian study confirmed that using adult seatbelts too early, incorrectly and using lap-only seatbelts all increase children’s risk of injury or death. Source: <em>Medical Journal of Australia</em>, June 2007.</td>
<td><em>Specifies minimum requirements including design, construction, testing, instructions, warnings and packaging.</em></td>
</tr>
<tr>
<td>Jacks – Trolley</td>
<td><em>AS/NZS 2615:2004 - Hydraulic trolley jacks</em> (as varied by Consumer Protection Notice No. 10 of 2008)</td>
<td><em>Death or serious injury</em> - vehicles supported by an unsafe or inappropriately used trolley jack can fall onto a person and cause death or serious injury.</td>
<td><em>Specifies minimum requirements including design, construction, performance, testing, safety markings, packaging and instructions.</em></td>
</tr>
</tbody>
</table>
## Attachment A – Regulated Products

### Vehicles & accessories (continued)

<table>
<thead>
<tr>
<th>Product</th>
<th>Standard</th>
<th>Hazards</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacks – Vehicle</td>
<td>AS/NZS 2693:2007 – Vehicle jacks (as varied by Consumer Protection Notice No. 1 of 2010)</td>
<td>Crushing injuries or death - using unsafe vehicle jacks, or using vehicle jacks inappropriately, can lead to serious injuries and in some cases, death.</td>
<td>Specifies minimum requirements including design, construction, performance, testing, safety markings, packaging and instructions.</td>
</tr>
<tr>
<td>Motorcycle helmets</td>
<td>AS 1698:1998 – Protective Helmets for Vehicle Users (as varied by Consumer Protection Notice No. 9 of 1990)</td>
<td>Serious injury or death - monkey bikes can reach speeds of up to 70 kph and can have weak structures or mechanical flaws that can lead to serious injury or death to the rider.</td>
<td>Specifies minimum requirements including construction, performance, testing, markings, and labelling.</td>
</tr>
<tr>
<td>Motor vehicle recovery straps (snatch straps)</td>
<td>Trade Practices (Consumer Product Safety Standard) (Motor Vehicle Recovery Straps) Regulations 2010</td>
<td>Striking causing serious injury or death - The straps stretch and release energy under tension to achieve a sharp, jerking action. At least two fatalities and one serious injury have occurred in Queensland since 2003 as a result of the unsafe use of recovery straps. Incorrect attachment to tow bars and tow hooks have resulted in the tow hooks being sheered from vehicles and recoiled at force, striking and fatally injuring onlookers</td>
<td>Specifies minimum labelling and warnings on packaging, the strap and accompanying information.</td>
</tr>
</tbody>
</table>
| Portable ramps for motor vehicles (with a nominated capacity up to 1.5 tonnes) | AS/NZS 2640:1994 – Portable ramps for vehicles (as varied by Consumer Protection Notice No. 2 of 2010) | Crushing injuries or death or vehicle damage - when a vehicle is supported by poor quality or poorly set up portable ramps, it can fall or roll onto the person working underneath. This risk relates to portable ramps that:  
• fail under normal conditions of use because they are not sufficiently robust enough  
• do not provide stability  
• do not provide safety warnings of the inherent dangers associated with their use  
• do not specify adequate safe use instructions. | Specifies minimum requirements including design, construction, performance, testing, safety markings, packaging and instructions for assembly and use. |
## Vehicle Standards

**Standard:** Prescribed under section 41 of the *Motor Vehicle Standards Act 1989*

**Issue:** Objective is to achieve uniform vehicle standards to apply to road vehicles and vehicle components.

**Requirements:** Specific requirements for performance testing.

## Vehicle Support Stands

**Standard:** *AS/NZS 2538:2004 – Vehicle Support Stands* (as varied by Consumer Protection Notice No. 12 of 2008)

**Hazards:** *Death or serious injury* - due to the weight of a vehicle, the task of raising and supporting a vehicle is hazardous. If a support stand fails, the vehicle can fall onto a person working underneath and cause serious injury or death.

**Requirements:** Specifies minimum requirements including design, construction, testing, safety markings, packaging and instructions for assembly and use.
## Attachment B – Banned Products

### NOTE:  It is illegal to supply any of the following products!

This list is **not exhaustive** and there could be other prohibited products not listed below.

The following list was created from information published on the ACCC’s website ([www.productsafety.gov.au](http://www.productsafety.gov.au)).

### Children’s Products

| **Children's plastic products**  | **Banned:** Permanent ban prohibiting the supply of certain plastic products that:  
- are intended for use by children up to and including 36 months of age;  
- contain or have an accessible component containing more than 1 per cent by weight of DEHP; and  
- are products that children up to and including 36 months of age can readily chew and/or suck.  
**Hazards:** Possible adverse effects on children - research by the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) into children's plastic products containing more than 1 per cent DEHP shows a risk of reproductive toxicity for children up to and including 36 months of age who may extensively chew and suck (mouth) objects on a recurrent basis for substantial periods of time (more than 40 minutes per day). |
| **Babies dummies with decorations**  | **Banned:** Permanent ban on babies dummies with decorations including crystals and beads and other similar ornaments.  
**Hazards:** Choking and ingestion - If the decorations detach from the dummy they may become a choking, inhalation or ingestion hazard creating a risk of death, serious illness or serious injury to the child. Children under the age of three often place objects in their mouths and do not have a sufficiently well developed cough reflex to clear throat obstructions and are therefore more prone to choking on small objects. Objects inhaled into the lungs can be very difficult for medical personnel to locate and remove, while ingested objects can cause serious internal damage. |
| **Babies dummies chains with decorations**  | **Banned:** Permanent ban on babies dummy chains with decorations including crystals and beads and other similar ornaments. Babies dummy chains include pins, ribbons, strings, cords, chains, twines, leathers, yarns or any other similar article which is designed to be attached to babies’ dummies.  
**Hazards:** Choking and ingestion - If the ornaments detach from the dummy they may become a choking, inhalation or ingestion hazard creating a risk of death, serious illness or serious injury to the child. Children under the age of three often place objects in their mouths and do not have a sufficiently well developed cough reflex to clear throat obstructions and are therefore more prone to choking on small objects. Objects inhaled into the lungs can be very difficult for medical personnel to locate and remove, while ingested objects can cause serious internal damage. |
## Homewares

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Banned:</th>
<th>Hazards:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Candlewicks with lead</strong></td>
<td>Permanent ban on candlewicks or candles with wicks that contain more than 0.06% lead.</td>
<td><strong>Poisoning and long term health damage</strong> - candles with wicks containing lead when burned in an enclosed area for a long time can release high levels of lead into the atmosphere and cause lead poisoning. Lead poisoning in unborn babies, small children and pregnant women can lead to:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impaired growth</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- hearing loss</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- behaviour problems</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- respiratory problems</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impaired short term memory</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- reproductive disorders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- memory loss</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- nerve disorders</td>
</tr>
<tr>
<td><strong>Candleholders that ignite</strong></td>
<td>Permanent ban on any object intended to hold or decorate a candle that catches fire when subjected to flame or heat emanating from a candle and continues to flame for at least 5 seconds. Some examples of banned candleholders:</td>
<td><strong>Fire, burns or death</strong> - can occur if the candle holder or decoration catches alight and causes a fire.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- plastic cupholders for tealights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- candle rings with beads that can catch fire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- decorative trimming on candleholders that catch fire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Christmas tree candles that sheds it's branches as it burns</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- candles with daisy flowers within the wax that can catch fire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- garlands that sit at the base of the candleholder that can catch fire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- glazing on ceramic pots designed to hold candles can catch fire</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- candles that contain coffee beans, which may explode and cause sparks</td>
</tr>
</tbody>
</table>
## Attachment B – Banned Products

### Oral consumption

<table>
<thead>
<tr>
<th>Product</th>
<th>Banned:</th>
<th>Hazards:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas masks containing asbestos</td>
<td>Permanent ban on gas masks which contain asbestos.</td>
<td>Terminal cancer (mesothelioma) - inhalation of asbestos fibres could cause the fatal lung disease mesothelioma, a terminal cancer almost always caused by breathing in asbestos fibres.</td>
</tr>
<tr>
<td>Glucomannan tablets</td>
<td>Glucomannan in tablet form. Glucomannan is an appetite suppressant that swells in the stomach to create a feeling of fullness. Note: Glucomannan is still widely available in capsule and powder forms, which do not pose a choking hazard to the user. Permanent ban declared on 22 December 1986.</td>
<td>Choking and suffocation - Glucomannan in tablet form can cause choking and suffocation. The tablet is likely to swell prematurely and cause a blockage in the throat.</td>
</tr>
<tr>
<td>Mini jelly cups (konjac)</td>
<td>Permanent ban on any mini jelly cup containing ‘konjac’ (also known as conjac, konnyaku, konjonac, taro powder, yam flour or glucomannan) supplied in a container having a height or width less than 45mm.</td>
<td>Choking and suffocation - the jellies are designed for consumers to suck the jelly out of the cup - an action that can cause the jelly to become stuck in a person's throat. Konjac does not dissolve easily when eaten and the jelly can lodge in a person's throat acting as a plug that cuts off air supply.</td>
</tr>
<tr>
<td>Novelty cigarettes</td>
<td>Permanent ban declared on imitation cigarettes that contain a fine powder such as talc (hydrated magnesium silicate) or other similar substances, and that allow users to blow into, or inhale from, the imitation cigarette to produce a cloud of fine dust. May be known as 'puff cigarettes' or by other names.</td>
<td>Respiratory tract irritation and inflammation - if hydrated magnesium silicate is inhaled, the user is at risk of respiratory tract irritation and inflammation. Lung, skin and ovarian cancer - if hydrated magnesium silicate is inhaled, the user is at risk of lung, skin and ovarian cancers.</td>
</tr>
</tbody>
</table>
## Oral consumption (continued)

<table>
<thead>
<tr>
<th>Oral consumption</th>
<th>Details</th>
</tr>
</thead>
</table>
| **Toothpaste with DEG** | **Banned:** Permanent ban on toothpaste containing more than 0.25% by weight of diethylene glycol (DEG).  
**Hazards:** Poisoning or serious illnesses - serious illness have occurred following the ingestion of DEG in pharmaceutical preparations such as cough syrup. Children or individuals with kidney or liver disease are at particular risk as DEG poisoning may cause kidney and liver failure. Some symptoms of DEG poisoning include diarrhoea, vomiting, fever, convulsions, inability to pass urine, renal failure, kidney failure and liver failure. |
| **Goods containing synthetic drug substances** | **Banned:** Interim ban on goods (other than food, confectionery, tobacco or tobacco products, or goods entered on the Australian Register of Therapeutic Goods) the use of which involves, or includes, the good being introduced into the body (whether through ingestion, injection, inhalation, smoking, or any other means) and that are known by the following names or similar: White Revolver; Ash Inferno; Kyote; k2; Kronic; Black Widow; Buddha Express Black Label; Iblaze Tropic Thunder; I Blaze; Galaxy Ultra Nova; Skunk; Circus Deluxe; Vortex Inferno; Herbal Incense; King Karma; Montana Madness; Sharman; Iceblaze; Slappa. |
| **Smokeless tobacco products** | **Banned:** Permanent ban on chewing tobacco and snuffs intended for oral use, including:  
- Oral snuff - ground tobacco held in place in the mouth and sucked. Snuff can be loose or in a ready to use sachet much like a teabag designed for sucking.  
- Pastes and/or powders - tobacco ground down to paste or powder and applied to the teeth or gums.  
- Chewing tobacco - a loose leaf, plug tobacco or twist chewing tobacco chewed by the user.  
**Hazards:** Cancers, chromosomal damage, infections and death - studies have shown a link between a variety of diseases/infections and the use of smokeless tobacco products:  
- pancreatic cancer  
- oral cancer  
- pharyngeal cancer  
- local lesions in the mouth. |
### Attachment B – Banned Products

#### Sport and Recreation

<table>
<thead>
<tr>
<th>Miniature motorbikes</th>
<th><strong>Banned:</strong></th>
<th>Permanent ban on miniature motorbikes, known as Mini Bikes, Pocket Bikes or Monkey Bikes, not certified under the Road vehicle Certification System, operated by the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government, unless they comply with specific requirements.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Hazards:</strong></td>
<td>Death or serious injury from accidents - monkey bikes are scaled down cruising or sports motor cycles powered by an internal combustion engine (commonly known as a monkey bike, mini bike or pocket bike). Monkey bikes can reach speeds of up to 70kph and can have weak structures or mechanical flaws that can lead to serious injury or death to the rider.</td>
</tr>
<tr>
<td></td>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum requirements including accelerator, braking system, foot pegs, steering head system and the thumb operated device to stop the engine of these types of bikes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Spa and swimming pool skimmer boxes, outlets, filters and covers</th>
<th><strong>Banned:</strong></th>
<th>Permanent ban on:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>potty skimmers</strong> designed for installation in domestic swimming pools or spas (a potty skimmers is a pool or spa outlet at water level used as a suction point for the water reticulation system which (a) resembles a child’s chamber pot or other toilet device and which (b) has no protective device fitted to the skimmers box outlet which would prevent a person becoming lodged or caught in the skimmer box outlet through the operation and effect of suction within or through the water reticulation system;</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>pool or spa outlets</strong> which are not designed to reduce or minimise the likelihood of entrapment of any part of a person’s body or hair by the outlet when in use;</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>transportable swimming pools or spas</strong> which contain integrally moulded potty skimmers or outlets that are not designed to reduce or minimise the likelihood of entrapment of any part of a person’s body or hair by the outlet when in use</td>
<td></td>
</tr>
<tr>
<td><strong>Hazards:</strong></td>
<td>Disembowelling and death - people have suffered serious injuries or died after sitting on potty shaped open skimmer boxes. Children are at great risk and have been disembowelled after sitting on a skimmer box.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drowning - people have suffered serious injuries and have drowned after their hair or parts of their body have been trapped in an outlet or filter that is not designed to reduce the risk of entrapment.</td>
<td></td>
</tr>
<tr>
<td><strong>Requirements:</strong></td>
<td>Specifies minimum requirements including design, construction, testing and labelling.</td>
<td></td>
</tr>
</tbody>
</table>
## Attachment B – Banned Products

### Toys & novelties

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Banned</th>
<th>Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fire footbags</strong></td>
<td>Permanent ban on the supply of ‘fire footbags’ being balls manufactured from fire resistant material, which are designed to be doused in flammable liquid and ignited for the purpose of amusement by throwing or kicking. Note: ban does not apply where such goods are supplied for use by professional entertainers or for theatrical use and where the purchaser is able to demonstrate such qualifications or intended use.</td>
<td>Serious burns and fire - fire footbags linked to flammable liquid and fire have the potential to ignite flammable items or burn the user.</td>
</tr>
</tbody>
</table>
| **Inflatable toys, novelties & furniture (containing small pellets)** | Permanent ban on toys, novelties and furniture which:  
- are made of soft plastic or other similar material and are designed to be inflated; and  
- contain loose pellets, or small particles, of polystyrene or similar synthetic material that may become accessible through any valve or by the product being opened or damaged in any way. | PVC plastic inflatable products may burst or puncture when in contact with sharp objects, is known to weaken with age may deteriorate to the point where it bursts and the beads fall out.  
**Death** - young children have died after inhaling or swallowing polystyrene beads.  
**Respiratory illness and infections** - children can suffer illness and respiratory infections of the airways and lungs after inhaling beads.  
**Suffocation** - children can suffocate after lightweight beads that are very difficult to dislodge stick in the throat and block the airways.  
**Delayed diagnosis and treatment** - medical experts may have trouble diagnosing the cause of an illness because inhaled or swallowed polystyrene beads do not show up on X-Rays and are difficult to locate inside the body. |
| **Magnets – small, high powered** | Permanent ban on ‘magnets that:  
- are small enough to fit into the small parts cylinder used in the mandatory standard for toys for children up to 3.  
- have a magnetic flux of 50 or more.  
- are marketed by the supplier as, or supplied for use as any of the following:  
  - a toy, game or puzzle (including but not limited to an adult desk toy, an educational toy or game, a toy, game or puzzle for mental stimulation or stress relief)  
  - a construction or modelling kit  
  - jewellery to be worn in or around the mouth or nose. | Death or serious injury and illness - If a child swallows more than one small high powered magnet, the magnets can stick together across the walls of the child's intestine or other digestive tissue. This can lead to tissue death, perforation or fistula formation; and to infection, sepsis and the child's death. |
## Toys & novelties (continued)

<table>
<thead>
<tr>
<th>Product</th>
<th>Banned</th>
<th>Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sky lanterns</strong></td>
<td>Permanent ban on ‘sky lanterns’, being miniature, unmanned hot air balloons that rely on an open flame to heat the air inside the lantern, causing it to lift into the atmosphere.</td>
<td>Fire - sky lanterns pose a risk of starting an uncontrolled fire if the open flame contacts combustible material, particularly in bushfire-prone areas. Sky lanterns are a serious fire risk because you cannot control where they land. They can cause house fires or bushfires, for example, by landing in a tree or on the roof of a building.</td>
</tr>
<tr>
<td><strong>Stationery sets with undeclared knives or cutters</strong></td>
<td>Permanent ban on art, craft and stationery sets for use by a child containing an undeclared knife or cutter with a metal blade. Note: To be legally sold a declaration must appear on the set that it includes a knife or cutter and the declaration must be easily legible and prominently displayed on the outside packaging and the lettering must not be less than 3mm high.</td>
<td>Laceration and puncture wounds - children have limited experience in handling knives, are physically underdeveloped and lack judgement. Children using toy or novelty knives can suffer accidental injuries such as lacerations or punctures that may require surgery but are unlikely to lead to any permanent disability.</td>
</tr>
<tr>
<td><strong>Tongue studs without holes</strong></td>
<td>Permanent ban on tongue studs without holes worn as jewellery on the human tongue without the need for piercing.</td>
<td>Tongue studs without holes are held in pace by suction and can detach from the tongue. It is possible to inhale the stud into the lungs or airways, resulting in internal lodgement that may require surgery.</td>
</tr>
</tbody>
</table>
## Attachment B – Banned Products

### Toys & novelties (continued)

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Banned</th>
<th>Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Novelty cigarette lighters</td>
<td>Permanent ban on toy-like novelty cigarette lighters, being devices which are intended to produce a flame to set alight cigarettes, or other combustible material and are likely to be appealing to children under 5 years if age by appearing to be a toy taking into account the totality of the design which may depict stylised animals, cartoon characters or be of colour(s), or of a scale typical of toys. For example, cigarette lighters that look like toy animals, cartoon characters, cars, boats, aeroplanes, common household items, weapons, cell phones, batteries, food, beverages, musical instruments, watches.</td>
<td>Burns, fire and poisoning - may appeal to children under 5 years old and present a risk of serious burns.</td>
</tr>
<tr>
<td>Yo-yo water balls</td>
<td>Permanent ban on all goods known as “yo-yo water balls” and similar products. These are toys intended to be thrown and returned to the hand, consisting of an elastic cord extendable to at least 500 mm in length, usually with a loop on one end to wear around the finger, and a soft synthetic object on the other. The object may be filled with liquid or air, and/or contain a novelty. This ban excludes outdoor and sporting toys, such as a practice tennis ball retained on an elastic tension cord intended to be anchored, a bat with a ball attached by an elastic cord:</td>
<td>Strangulation - the cord can cause strangulation. Illness and skin reactions - the liquid filled centre may also cause illness and skin reactions.</td>
</tr>
</tbody>
</table>

### Vehicle accessories

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Banned</th>
<th>Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tinted headlight covers</td>
<td>Permanent ban on headlight covers for motor vehicles which allow less than 85% luminous transmittance, as measured using CIE Standard Illuminant A.</td>
<td>Serious injury or death - can occur if tinted headlight covers: • render a vehicle less visible to pedestrians and other drivers • reduce the driver’s road vision.</td>
</tr>
</tbody>
</table>