

## **EXPLANATORY STATEMENT**

### **Consumer Protection Notice No. 10 2008**

Issued by the Authority of the Minister for Competition Policy and Consumer Affairs

Trade Practices Act 1974

#### **Consumer Product Safety Standard – Trolley Jacks**

Subsection 65E(1) of the Trade Practices Act 1974 (the Act) provides that the Minister may, by notice in writing, declare that, in respect of goods of a kind specified in the notice, a particular standard, or a particular part of a standard, prepared or approved by Standards Australia, with additions or variations specified in the notice, is a consumer product safety standard for the purposes of section 65C.

Paragraph 65C(1) of the Act provides that a corporation shall not, in trade or commerce, supply goods that are intended to be used, or are of a kind likely to be used, by a consumer, if the goods are of a kind in respect of which there is a consumer product safety standard and they do not comply with the standard.

This instrument (Consumer Protection Notice No. 10 2008) revokes the previous Consumer Product Safety Standard for Trolley Jacks (Consumer Protection Notice No. 4 of 1997) and declares the Australian/New Zealand Standards for Hydraulic Trolley Jacks (AS/NZS 2615:1995 and AS/NZS 2615:2004), as varied, to be a Consumer Product Safety Standard for the purposes of section 65C. The purpose of the safety standard is to ensure that trolley jacks have key safety features that address the product's known safety hazards and so reduce the associated risk of injury.

The Australian/New Zealand Standard specifies safety requirements relating to the design, construction, and performance of trolley jacks, together with instructions and warnings for their use.

The Consumer Product Safety Standard adopts only those parts of the Australian/New Zealand Standard considered necessary to address the critical safety hazards of the product, and comprises requirements that include performance requirements, markings and directions for safe use, and construction requirements. Clauses of this Australian/New Zealand Standard that are not considered primary safety requirements have not been included in the Consumer Product Safety Standard.

A Regulation Impact Statement (RIS) for this Consumer Product Safety Standard is at [Attachment 1](#). This mandatory standard has been reviewed concurrently with the mandatory standard for vehicle support stands because they relate to products used together in vehicle maintenance. The RIS identifies the product safety issues and considers the options for addressing those issues. The case is presented for updating the mandatory safety standards for both vehicle support stands and trolley jacks, and the rationale for the content of the new standards is explained.

A draft RIS was circulated for consideration by interested parties including manufacturers and suppliers of trolley jacks, State and Territory Fair Trading/Consumer Affairs agencies, consumer groups and testing bodies. Comment received supported the proposed update of the mandatory standard and supported the variations from the voluntary Australian/New Zealand Standard. Consultation proceedings are reported in the RIS.

This Consumer Product Safety Standard is a legal instrument for the purposes of the Legislative Instruments Act 2003.

The Consumer Product Safety Standard commences on the day after it is registered on the Federal Register of Legislative Instruments, but in order to allow a reasonable period of time for suppliers to ensure that all stock complies with the new safety standard, a choice between the current and the new product safety standards is available until 31 July 2009. From 1 August 2009 only the new Consumer Product Safety Standard for Trolley Jacks will apply.