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FAIR TRADING ACT 2010

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

**Consumer Goods (Portable Non-aerosol Fire
Extinguishers) Safety Standard 2021**

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Consumer Goods (Portable Non-aerosol Fire Extinguishers) Safety Standard 2021

I, Michael Sukkar, Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and Community Housing, make the following safety standard.

Dated 15 December 2021

Michael Sukkar

Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and
Community Housing

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Portable Non-aerosol Fire Extinguishers) Safety Standard 2021*.

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 this instrument is registered.	21 December 2021

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 104(1) 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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

aerosol fire extinguisher has the same meaning as in AS/NZS 4353:1995.

AS/NZS 1841.1:2007 means the Australian/New Zealand Standard AS/NZS 1841.1:2007 *Portable fire extinguishers Part 1: General requirements*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.2:2007 means the Australian/New Zealand Standard AS/NZS 1841.2:2007 *Portable fire extinguishers Part 2: Specific requirements for water type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.3:2007 means the Australian/New Zealand Standard AS/NZS 1841.3:2007 *Portable fire extinguishers Part 3: Specific requirements for wet chemical type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.4:2007 means the Australian/New Zealand Standard AS/NZS 1841.4:2007 *Portable fire extinguishers Part 4: Specific requirements for foam type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.5:2007 means the Australian/New Zealand Standard AS/NZS 1841.5:2007 *Portable fire extinguishers Part 5: Specific requirements for powder type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.6:2007 means the Australian/New Zealand Standard AS/NZS 1841.6:2007 *Portable fire extinguishers Part 6: Specific requirements for carbon dioxide type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.7:2007 means the Australian/New Zealand Standard AS/NZS 1841.7:2007 *Portable fire extinguishers Part 7: Specific requirements for vaporizing liquid type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 1841.8:2007 means the Australian/New Zealand Standard AS/NZS 1841.8:2007 *Portable fire extinguishers Part 8: Specific requirements for non-rechargeable type extinguishers*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

AS/NZS 4353:1995 means the Australian/New Zealand Standard AS/NZS 4353:1995 *Portable fire extinguishers—Aerosol type*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

Australian/New Zealand Standard means an Australian/New Zealand Standard published jointly by, or on behalf of, Standards Australia and Standards New Zealand.

incorporated has the meaning given by subsection 7(2).

portable fire extinguisher means an appliance that:

- (a) contains an extinguishant that can be discharged onto a fire by the action of internal pressure; and
- (b) is designed to be carried and operated by hand; and
- (c) is designed to have a gross mass of not more than 23 kilograms.

portable non-aerosol fire extinguisher means an appliance that:

- (a) is a portable fire extinguisher; and
- (b) is not an aerosol fire extinguisher.

transitional period means the period of 12 months beginning on the day this instrument commences.

6 Application

- (1) This instrument applies to portable non-aerosol fire extinguishers.

Note: For portable fire extinguishers that are aerosol fire extinguishers, see the Consumer Product Safety Standard for Portable Fire Extinguishers: Aerosol Type (Consumer Protection Notice No. 9 of 2004). This standard could in 2021 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) However, except as provided by subsection (3), this instrument does not apply to second-hand portable non-aerosol fire extinguishers.

- (3) This instrument applies to a second-hand portable non-aerosol fire extinguisher if:
- (a) the fire extinguisher has been imported into Australia; and
 - (b) the fire extinguisher is being supplied, or offered for supply, to a person or persons within Australia for the first time after being imported.

Note: In this instrument, *supply* has the same meaning as in the Australian Consumer Law.

7 Incorporation of Australian/New Zealand Standards

- (1) If this instrument incorporates an Australian/New Zealand Standard, the Standard is incorporated as in force or existing at the beginning of 1 October 2021.

- (2) An Australian/New Zealand Standard is *incorporated* by or under this instrument if any matter contained in the Standard is applied, adopted or incorporated by this instrument.

Note 1: See section 14 of the *Legislation Act 2003*.

Note 2: Australian/New Zealand Standards could in 2021 be purchased from SAI Global's website (<https://www.saiglobal.com>). The Australian Competition and Consumer Commission can make a copy of any such Standard incorporated by this instrument available for viewing at one of its offices, subject to licensing conditions.

Part 2—Basic requirements

8 Requirements during the transitional period

- (1) During the transitional period, a portable non-aerosol fire extinguisher must comply with either:
 - (a) the requirements in Part 3; or
 - (b) the Consumer Product Safety Standard for Portable Fire Extinguishers (Consumer Protection Notice No. 3 of 2004), as in force immediately before the commencement of this instrument.

Note 1: On request by the regulator, a supplier of a portable non-aerosol fire extinguisher may be required to nominate the applicable requirements under subsection (1): see section 108 of the Australian Consumer Law.

Note 2: The Consumer Product Safety Standard for Portable Fire Extinguishers (Consumer Protection Notice No. 3 of 2004) could in 2021 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) This section is repealed at the end of the last day of the transitional period.

9 Requirements after the transitional period

After the transitional period, a portable non-aerosol fire extinguisher must comply with the requirements in Part 3.

Part 3—Details of requirements

10 Main requirements

- (1) A portable non-aerosol fire extinguisher complies with the requirements in this Part if it complies with:
 - (a) AS/NZS 1841.1:2007 (as modified by section 11); and
 - (b) the following standards, to the extent that they apply to the fire extinguisher:
 - (i) AS/NZS 1841.2:2007;
 - (ii) AS/NZS 1841.3:2007 (as modified by section 12);
 - (iii) AS/NZS 1841.4:2007;
 - (iv) AS/NZS 1841.5:2007;
 - (v) AS/NZS 1841.6:2007 (as modified by section 13);
 - (vi) AS/NZS 1841.7:2007;
 - (vii) AS/NZS 1841.8:2007 (as modified by section 14).
- (2) If a standard mentioned in subsection (1) contains a reference to another standard mentioned in subsection (1), that reference is taken to be a reference to the other standard with any modifications mentioned in subsection (1).

11 Modification of AS/NZS 1841.1:2007

AS/NZS 1841.1:2007 is modified by:

- (a) omitting the second sentence in clause 4.1.5; and
- (b) omitting section 7; and
- (c) omitting clause 8.2 and substituting the following clause:

“8.2 BODY COLOUR

For extinguishers other than those with polished stainless steel cylinders (which need not be painted), the exterior surface of the cylinder, including any skirt, boot or foot ring shall be coloured red (R13), and any hose clip retaining band shall be red unless it has a width of 10 mm or less.”; and

- (d) in clause 8.3, after “a coloured band shall be used on extinguishers”, inserting “(including extinguishers with polished stainless steel cylinders)”; and
- (e) omitting clause 9.7; and
- (f) omitting paragraph 10.2(a); and
- (g) omitting clause 10.3.

12 Modification of AS/NZS 1841.3:2007

AS/NZS 1841.3:2007 is modified by omitting the note in clause 1.

13 Modification of AS/NZS 1841.6:2007

AS/NZS 1841.6:2007 is modified by:

- (a) in clause 3, omitting “Hazardous Substances (Compressed Gases) Regulations 2001 (New Zealand)” and “Hazardous Substances and Noxious Organisms Regulations 2001 (New Zealand)”; and
- (b) in clause 7, omitting “and the Hazardous Substances and Noxious Organisms Regulations 2001 (Class 2-Gases) (New Zealand), or Hazardous Substances (Compressed gases) regulations 2001 (New Zealand)”.

14 Modification of AS/NZS 1841.8:2007

AS/NZS 1841.8:2007 is modified by:

- (a) in clause 3, omitting the following text:
“AS
1851 Maintenance of fire protection systems and equipment”; and
- (b) in clause 3, omitting the following text:
“NZS
4503 The distribution, installation and maintenance of hand operated fire fighting equipment for use in buildings”; and
- (c) omitting clause 7; and
- (d) in clause 8, omitting “In addition to the requirements of AS/NZS 1841.1 (with the exception of the requirements of Clauses 9.5(d), 9.5(g), 9.5 (i) and 9.7), every” and substituting “Every”.

Schedule 1—Repeals

***Consumer Product Safety Standard for Portable Fire Extinguishers
(Consumer Protection Notice No. 3 of 2004) (Federal Register
of Legislation No. F2005B01048)***

1 The whole of the instrument

Repeal the instrument.