

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

PROPOSED BAN NOTICE: INTERIM BAN ON DECORATIVE ALCOHOL FUELLED BURNERS

I, MICHAEL McCORMACK, Minister for Small Business, pursuant to section 132 of the *Competition and Consumer Act 2010* (Cth), issue this proposed ban notice.

DRAFT NOTICE FOR THE IMPOSITION OF AN INTERIM BAN ON DECORATIVE ALCOHOL FUELLED BURNERS

A draft notice for the imposition of the interim ban is attached (*Draft Notice*).

The Draft Notice proposes to impose a national interim ban on devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose, excluding each of the following:

- those with a power output of more than 4.5 kW;
- those that require installation in a fixed position; and
- those designed for food warming.

Interpretation:

Devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose are used for heating and display purposes. The fuel is typically ethanol in liquid or (less commonly) gel form. The most common form is methylated spirits (ethanol and around 10% methanol) which may also be marketed as bio-ethanol or eco-fuel.

SUMMARY OF THE REASONS FOR THE PROPOSED IMPOSITION OF AN INTERIM BAN ON DECORATIVE ALCOHOL FUELLED BURNERS

On 20 December 2016, the Hon. Michael Mischin MLC, Western Australian Minister for Commerce imposed an interim ban by written notice published on the internet on 20 December 2016 on certain decorative alcohol fuelled burners pursuant to section 109(1)(a) of the Australian Consumer Law because it appeared to him that these goods, or a reasonably foreseeable use of these goods, may cause injury to any person. The interim ban started on 21 December 2016 and is in force in the State of Western Australia.

Section 109(1)(b) of the Australian Consumer Law allows a responsible Minister to impose an interim ban on consumer goods of a particular kind if another Minister has imposed, under section 109(1)(a) of the Australian Consumer Law, an interim ban on consumer goods of the same kind, or on consumer goods of a kind that include those goods, and the ban is still in force.

The proposed interim ban outlined in the Draft Notice relates to consumer goods of the same kind as the interim ban imposed by the Western Australian Minister for Commerce and in force in the State of Western Australia.

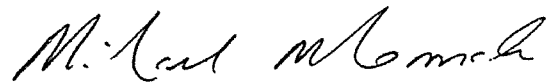
INVITATION TO PERSONS WHO SUPPLY, OR PROPOSE TO SUPPLY, CONSUMER GOODS OF A KIND SPECIFIED IN THE DRAFT NOTICE

Pursuant to subsection 132(3)(e) of the *Competition and Consumer Act 2010* (Cth), I invite any person who supplies, or proposes to supply, consumer goods of the kind specified in the Draft Notice to notify the Australian Competition and Consumer Commission (ACCC) that they wish the ACCC to hold a conference in relation to the proposed imposition of the interim ban. Notices requesting that the ACCC hold a conference should be given to the ACCC in writing and sent to the postal address or email address specified below within 30 days after the date this proposed ban notice is published:

Postal address: General Manager
 Consumer Product Safety Branch
 Australian Competition and Consumer Commission
 GPO Box 3131
 CANBERRA ACT 2601

Email address: productsafety.regulation@acc.gov.au

Dated this *21ST* day of *December* 2016



MICHAEL McCORMACK
Minister for Small Business

DRAFT NOTICE FOR THE IMPOSITION OF AN INTERIM BAN

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

IMPOSITION OF INTERIM BAN ON DECORATIVE ALCOHOL FUELLED BURNERS

I, MICHAEL McCORMACK, Minister for Small Business, pursuant to section 109(1) of the Australian Consumer Law, which is Schedule 2 to the *Competition and Consumer Act 2010*, impose an interim ban on consumer goods of a kind specified below, following the imposition of an interim ban by the Hon. Michael Mischin MLC, Western Australian Minister for Commerce, which is in force in Western Australia.

This Notice commences on the day after it is registered on the Federal Register of Legislation.

The effect of this Notice is to ban the supply of such consumer goods for a period of 60 days from the day after this Notice is registered on the Federal Register of Legislation.

Particulars of Consumer Goods

Devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose, excluding each of the following:

- those with a power output of more than 4.5 kW;
- those that require installation in a fixed position; and
- those designed for food warming.

Interpretation:

Devices designed for domestic use producing a flame using alcohol as fuel, primarily for decorative purpose are used for heating and display purposes. The fuel is typically ethanol in liquid or (less commonly) gel form. The most common form is methylated spirits (ethanol and around 10% methanol) which may also be marketed as bio-ethanol or eco-fuel.

Dated this XXXXXXXXXXXX day of XXXXXXXXXXXXXXXXXXXX 2017

NOT FOR SIGNATURE XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

MICHAEL McCORMACK
Minister for Small Business