

**2002**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**FAIR TRADING (CONSUMER PRODUCT STANDARDS)  
REGULATION 2002  
Subordinate Law No SL 2002-39**

**EXPLANATORY MEMORANDUM**

Circulated by authority of the  
Attorney General  
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## FAIR TRADING (CONSUMER PRODUCT STANDARDS) REGULATION 2002

### EXPLANATORY MEMORANDUM

#### Overview

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 goods.

Accordingly, the purpose of the Fair Trading (Consumer Product Safety Standards) Regulation 2002 (the regulations) is to prescribe consumer product safety standards for a number of products. These standards are based on the Australian best practice standards produced by the standard setting organisation Standards Australia and on the Commonwealth standards prescribed under the Trade Practices Regulations.

The regulations prescribe standards in relation to the design, performance, testing, labelling and other specifications, as required, for consumer products sold within the Australian Capital Territory.

These regulations will bring the ACT into conformity with the States and Commonwealth and will ensure that dangerous and unsafe products will not be available for sale in the Territory.

#### Regulations

##### Part 1 – Preliminary

###### Regulations 1 & 2 – Name of regulations and commencement

Regulations 1 & 2 are formal requirements of all regulations, specifying the title of the regulations and commencement date.

###### Regulation 3 – Dictionary

This regulation provides that the dictionary is part of the regulations

###### Regulation 4 – Notes

This regulation provides that a note included in the regulations is explanatory and not part of the regulations.

###### Regulation 5 – Compliance with specifications

This regulation provides that goods do not fail to comply with a standard where a provision of a standard is stated to be recommendatory or the words “should” or “preferably” are used to indicate the provision is advisory.

##### Part 2 – Product Safety Standards

###### Division 2.1 - Preliminary

###### Regulation 6 – Product safety standards

This regulation provides that the standards in this regulation are prescribed under section 25 of the Act.

###### Regulation 7 – Exceptions

This regulation provides for exceptions to the regulations in certain specified circumstances.

**Division 2.2 – Balloon-blowing kits****Regulations 8 & 9 – Definitions and safety standard**

Regulation 8 provides definitions for this Division and Regulation 9 prescribes the standard for balloon-blowing kits.

**Division 2.3 – Beanbags, beanbag covers and packages containing beanbag filling****Regulations 10 & 11 – Definitions and safety standard**

Regulation 10 provides definitions for this Division and Regulation 10 prescribes the standard for beanbags, beanbag covers and packages containing beanbag filling.

**Division 2.4 – Children’s nightwear and paper patterns for children’s nightwear.****Regulations 12 & 13 – Definitions and safety standard**

Regulation 12 provides definitions for this Division and Regulation 13 prescribes the safety standard for children’s nightwear.

**Regulation 14 – Safety standard for paper patterns for children’s nightwear**

This regulation prescribes the standard for paper patterns for children’s nightwear.

**Regulation 15 – Amendment of AZ/NZS 1249**

This regulation makes amendments to the standard prescribed under Regulation 13.

**Division 2.5 – Children’s toys****Regulations 17 & 18 – Definitions and safety standard**

Regulation 17 provides definitions for this Division and Regulation 18 prescribes the standard for children’s toys.

**Regulation 19 – Amendment of AS 1647.2**

This regulation makes amendments to the standard prescribed under Regulation 18.

**Division 2.6 – Children’s household cots****Regulations 20 & 21 – Definition and safety standard**

Regulation 20 provides definitions for this Division and Regulation 21 prescribes the safety standard for children’s household cots. Sub regulation 21(3) provides that the standard does not apply to an antique or collectable cot provided it is accompanied by a certificate and has a warning attached which states that the cot is for display purposes only.

**Division 2.7 – Child restraints in motor vehicles****Regulations 22 & 23 – Definition and safety standard**

Regulation 22 provides definitions for this Division and Regulation 23 prescribes the standard for child restraints in motor vehicles.

**Regulation 24 – Amendment of AS 1754 – 1991**

This regulation makes amendments to the standard prescribed under Regulation 23.

**Regulation 25 – Supply of components for child restraints complying with AS 1754-1975.**

This regulation provides that where components are made in accordance with requirements of AS 1754-1975, they must comply with the relevant provisions of AS 1754-1975.

**Division 2.8 – Flotation toys and swimming aids****Regulations 26 & 27 – Definitions and safety standard**

Regulation 26 provides definitions for this Division and Regulation 27 prescribes the standard for flotation toys and swimming aids.

**Regulation 28 – Amendments of AS 1900**

This regulation makes an amendment to the standard prescribed under regulation 27.

**Division 2.9 – Disposable cigarette lighters****Subdivision 2.9.2 – Preliminary****Regulations 29 to 31 – Definitions, meaning of lighter and safety standard**

Regulation 29 provides definitions for this Division, Regulation 30 provides for the meaning of lighter and types of lighters, and Regulation 31 prescribes the standard for lighters

**Subdivision 2.9.2 – Flame testing, structural safety and labelling****Regulation 32 – Application of subdiv 2.9.2**

This regulation provides that this subdivision does not apply to a novelty lighter or a lighter that is not a disposable or refillable lighter.

**Regulation 33 to 38 - Testing procedures and structural safety**

Regulations 33 to 38 provide for procedures concerning the testing of the products in relation to matters such as:

- ignitions and adjustment of flame;
- abnormal burning;
- flame height flame extinction; and,
- structural safety.

**Regulation 39 – Labelling**

This regulation provides for prescribed information to be included on lighters or adhesive labels attached to lighters.

**Subdivision 2.9.3 – Child resistance****Regulation 40 – Applicability of subdiv 2.9.3**

This regulation provides that this subdivision only applies to a lighter to which the American standard would apply if the product were imported into the United States of America after 12 July 1994.

**Regulation 41 – Child resistance**

This regulation prescribes the tests that a lighter must pass in order to be considered child resistant.

**Regulation 42 – Certification**

This regulation provides that a certificate of compliance, within the meaning of the American standard, must have been issued for the lighter in accordance with the standard.

**Subdivision 2.9.4 – Indexation****Regulation 43 – Indexed amount**

This regulation provides the formula for determining the indexed amount referred to in Sub regulations 30 (3) & (7).

**Division 2.10 – Laser pointers****Regulations 44 & 45 – Definitions and safety standard**

Regulation 44 provides definitions for this Divisions and Regulation 45 prescribes the standard for laser pointers.

**Division 2.11 - Pedal bicycles****Regulation 46 & 47 – Definitions and safety standard**

Regulation 46 provides definitions for this Division and Regulation 47 prescribes the standard for pedal bicycles.

**Regulation 48 – Amendment of AS/NZS 1927**

This regulation makes amendments to the standard prescribed under Regulation 47.

**Division 2.12 – Projectile toys****Regulations 49 & 50 – Definitions and safety standard**

Regulation 49 provides definitions for this Division and Regulation 50 prescribes the standard for projectile toys.

**Regulation 51 – Exceptions**

This regulation excludes certain toys from the operation of the standard.

**Division 2.13 – Protective helmets for pedal cyclists****Regulations 52 & 53 – Definitions and safety standard**

Regulation 52 provides definitions for this Division and Regulation 53 prescribes the two alternative standards for protective helmets for pedal cyclists.

**Regulation 54 – Exceptions to div 2.13**

This regulation excludes certain helmets from the operation of the standard.

**Regulation 55 – Amendment of AS/NZS 2063**

This regulation makes amendments to the AS/NZS standard prescribed in Regulation 53.

**Regulation – 56 Amendment of Snell Standard**

This regulation makes amendments to the Snell standard prescribed in Regulation 53.

**Division 2.14 – Sunglasses and fashion spectacles****Regulations 57 & 58 – Definitions and safety standard**

Regulation 57 provides definitions for this Division and Regulation 58 prescribes the standard for sunglasses and fashion spectacles.

**Regulation 59 – Amendment of AS 1067.1**

This regulation makes amendments to the standard prescribed in Regulation 58.

**Part 3 - Product information standards for care labelling of certain goods.**

**Regulation 60 – Definitions for pt3**

This regulation provides definitions for this Part.

**Regulation 61 – Application of pt3**

This regulation lists those goods to which this Part applies and provides a definition of excluded goods.

**Regulation 62 – Product information standard**

This regulation prescribes the information standard for goods under this Part.

**Regulation 63 – Amendments of AS/NZS 1957**

This regulation makes amendments to the information standard prescribed under Regulation 62.

**Regulation 64 – Form of information for certain goods**

This regulation prescribes the form and manner in which care instructions for prescribed goods must be provided. Prescribed goods are defined at sub regulation 64(2).

**Regulation 65 – Care instructions for goods unable to be washed or dry-cleaned**

This regulation prescribes the labelling requirements for goods which are unable to be washed or dry-cleaned.

**Schedule 1 – test procedures of lighters**

The schedule sets out the testing procedures for disposable cigarette lighters as established under Division 2.9.