



Australian Capital Territory

Fair Trading (Consumer Product Standards) Regulation 2009

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made under the

Fair Trading (Consumer Affairs) Act 1973

Republication No 1

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Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Fair Trading (Consumer Product Standards) Regulation 2009*, made under the *Fair Trading (Consumer Affairs) Act 1973* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 15 May 2009. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.

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This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

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The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Fair Trading (Consumer Affairs) Act 1973

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Fair Trading (Consumer Product Standards) Regulation 2009*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition '*laser pointer*—see schedule 15, section 15.1.' means that the term 'laser pointer' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Compliance with specification

For this regulation, goods do not fail to comply with a standard in a schedule relating to the goods only because they do not comply with a provision of the standard—

- (a) that is expressed to be a recommendation; or

- (b) in relation to which the word ‘should’ or ‘preferably’ is used to indicate that the provision is only advisory.

6 Displacement of Legislation Act, s 47 (5)

The Legislation Act, section 47 (5) does not apply in relation to an instrument applied, adopted or incorporated as in force at a particular time under this regulation unless the instrument is expressed to be a notifiable instrument.

Example—instrument to which s 47 (5) does not apply

- 1 AS 1182
- 2 AS/NZS 2172
- 3 the American Standard

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 2 Product safety standards

7 Product safety standards

The standards for the goods mentioned in an item in table 7, column 2 that are set out in the schedule mentioned in the item, column 3 are prescribed under the Act, section 25 as the consumer product safety standards for the goods.

Table 7 Product safety standards

| column 1 item | column 2 product | column 3 schedule |
|------------------|------------------------------------------------------------------|----------------------|
| 1 | baby bath aids | 1 |
| 2 | balloon-blowing kits | 2 |
| 3 | basketball rings and backboards | 3 |
| 4 | beanbags, beanbag covers and packages containing beanbag filling | 4 |
| 5 | bunk beds | 5 |
| 6 | children's household cots | 6 |
| 7 | children's nightwear and paper patterns for children's nightwear | 7 |
| 8 | children's portable folding cots | 8 |
| 9 | children's toys | 9 |
| 10 | child restraints in motor vehicles | 10 |
| 11 | corded internal window coverings | 11 |
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| column 1 item | column 2 product | column 3 schedule |
|------------------|---------------------------------------|----------------------|
| 14 | hot water bottles | 14 |
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| 21 | sunglasses and fashion spectacles | 21 |
| 22 | vehicle jacks | 22 |

Note The consequences of failing to comply with a consumer product safety standard are set out in the Act, s 30.

8 Application of standards

A consumer product safety standard does not apply to the supply of goods in the following circumstances:

- (a) for goods supplied under a credit contract (within the meaning of the Consumer Credit (Australian Capital Territory) Code) or under any agreement for the purchase of goods by instalments (for example, a hire-purchase agreement)—if the supplier has at no time had possession of the goods and only became the owner of the goods at or after the time of entering into the agreement;

- (b) for goods let on hire, or supplied to someone else for the purpose of being let on hire by the other person—if the letting is incidental to the letting of premises or if the letting was lawful when it began.

Note 1 The Act, s 30 (2) states other circumstances in which the product safety standards prescribed by this regulation do not apply.

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Part 3 Product information standard— care labelling of certain goods

9 Meaning of *AS/NZS 1957*—pt 3

In this part:

AS/NZS 1957 means the Australian/New Zealand Standard entitled *AS/NZS 1957:1998, Textiles—Care labelling*, as published jointly by Standards Australia and Standards New Zealand on 5 January 1998.

Note *AS/NZS 1957* may be purchased at www.standards.org.au.

10 Application—pt 3

- (1) This part applies to any of the following goods that are made from textiles, plastics, plastic coated fabrics, suede, skins, hides, grain leathers or furs, and that are not excluded goods:
- (a) clothing;
 - (b) household textiles;
 - (c) apparel;
 - (d) furnishings or upholstered furniture;
 - (e) bedding, mattresses or bedbases;
 - (f) piece goods or yarns.

(2) In this section:

excluded goods means—

- (a) second-hand goods; and
- (b) unsupported coats (including overcoats and jackets) made of PVC film, handkerchiefs, braces, garter suspenders, armbands, belts and headwear; and
- (c) all footwear (including textile materials used in the manufacture of footwear but excluding all types of hosiery); and
- (d) drapery consisting of floorcloths, dishcloths, dusters, cleaning cloths and pressing cloths; and
- (e) haberdashery consisting of ornaments, artificial flowers, sewing and embroidery threads and all other small items of haberdashery used in the making of clothing and textile products if instructions are not needed to ensure that the clothing or textile product is not damaged during cleaning or maintenance; and
- (f) furnishings consisting of oil baize, window blinds, shade blinds, sunblinds, awnings, floor coverings, light fittings, lampshades, tapestries, wall-hangings, ornaments, handicraft items, draught excluders, non-upholstered furniture and cushions; and
- (g) cushion covers manufactured from remnants and labelled by the manufacturer with the disclaimer ‘Cushion cover manufactured from remnants, care treatment unknown’; and
- (h) all jute products; and
- (i) all medical and surgical goods (including bandages, dressings, sanitary pads and materials forming part of manufactured medical and surgical goods); and

- (j) canvas beach and garden umbrella coverings; and
- (k) cords, twines, lashings, garden hose, toys, umbrellas and parasols, shoelaces, woven labels, flex coverings, goods manufactured for sporting purposes (including sporting gloves but excluding all other apparel), articles intended for 1 use only, mops, basket hangers, shoe holders, remnants, industrial gloves, polypropylene-webbing furniture and all bags and cases (including handbags, purses, wallets, travel bags, school bags, sports bags, briefcases and washbags).

11 Product information standard

The consumer product information standard for goods to which this part applies is that the goods must comply with AS/NZS 1957 as amended by table 12.

12 Amendment of AS/NZS 1957

For this part, AS/NZS 1957 is taken to be amended as mentioned in table 12.

| Table 12 Amendments of AS/NZS 1957 for pt 3 | |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| [1.1] | Clauses 1.2 to 1.4, 2.1.3 and 2.2 (b) <i>omit</i> |
| [1.2] | Clause 2.2 (c) <i>substitute</i> (c) The wording of the label must be in English and be clearly legible. |
| [1.3] | Clause 2.2, note 1 <i>omit</i> |

Table 12 Amendments of AS/NZS 1957 for pt 3

[1.4] Clause 2.2, note 5

after

attached to that component.

insert

This includes individual pieces of household textile products sold as sets (for example, napkin and tablecloth sets).

[1.5] New clause 2.4

insert

2.4 ALTERNATIVE CARE INSTRUCTIONS If in this standard there is a requirement for care instructions from categories in Tables 1, 2 or 3 to be provided on or with articles, words that have a similar meaning to the care instructions listed in Tables 1, 2 or 3 may be used.

[1.6] Clauses 3.4 and 3.5

omit

each of

[1.7] Clause 3.6

omit 1st mention of

each category

substitute

the categories

Table 12 Amendments of AS/NZS 1957 for pt 3**[1.8] Clause 3.6***omit*

For upholstered furniture, bedding and other furnishings in Table 2, instructions shall be given from each category and a prohibitive instruction given if a cleaning method is unsuitable.

13 Form of information for certain goods

- (1) The care instructions for goods to which this part applies that are prescribed goods may be given—
- (a) on a removable ticket or label attached to the goods; or
 - (b) on a pamphlet accompanying the goods; or
 - (c) as printed instructions on the wrapper or other material in which the goods are packaged.

- (2) In this section:

prescribed goods means—

- (a) adult, children and baby clothing consisting of collars, neckwear, bow ties, gloves, mittens, all types of hosiery, incontinence garments, reversible garments, fur garments, bibs, washable nappies, squares of flannelette, terry towelling or muslin and baby pilchers; or
- (b) drapery consisting of face washers, serviettes, doilies, table cloths, tray cloths, centres, runners, duchess sets, mosquito netting and covers made from mosquito netting, butter muslin and gauze, tea towels, place mats, pot holders, fingertips, appliance covers for teapots, toasters and the like and hot-water bottle covers; or

- (c) haberdashery consisting of elastic, elastic threads, ribbons, zips, iron-on binding patches or trim, velcro-type fasteners, curtain-making kits and all other small items of haberdashery used in the making of clothing and textile products if instructions are needed to ensure that the clothing or textile product is not damaged during cleaning or maintenance; or
- (d) shower curtains; or
- (e) gardening gloves.

14 Care instructions for goods unable to be washed or dry-cleaned

If goods cannot be washed or dry-cleaned, the permanent label must—

- (a) warn that the goods are unable to be washed or dry-cleaned; and
- (b) adequately describe the care treatment for the goods.

Schedule 1 Baby bath aids

(see s 7)

1.1 Definitions—sch 1

In this schedule:

baby bath aid means a baby bath aid to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for baby bath aids by the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* (Cwlth) as in force from time to time.

1.2 Safety standard—baby bath aids

- (1) A baby bath aid must comply with the TPA standard.
- (2) The Legislation Act, section 47 (6) does not apply to the TPA standard.

Note 1 The text of an applied, adopted or incorporated law of another jurisdiction, in force from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (6) is not disapplied (see s 47 (7)).

Note 2 Commonwealth regulations are accessible at www.comlaw.gov.au.

Schedule 2 Balloon-blowing kits

(see s 7)

2.1 Meaning of *balloon-blowing kit*—sch 2

In this schedule:

balloon-blowing kit means goods that contain a substance that can inflate a balloon by blowing all or part of the substance from a tube (other than a container) contained in the goods.

2.2 Safety standard—balloon-blowing kits

- (1) A balloon-blowing kit must comply with subsection (2).
- (2) The substance contained in a balloon-blowing kit that can be used to inflate a balloon must not contain benzene.

Schedule 3 **Basketball rings and backboards**

(see s 7)

3.1 Definitions—sch 3

In this schedule:

basketball backboard means a raised vertical board with a basketball ring attached, used to play or practise basketball.

basketball ring means a raised circular band of metal or other material (with or without a basket attached) used to play or practise basketball or netball.

3.2 Safety standard—warning and symbol for supplied basketball rings and backboards

- (1) A basketball ring and basketball backboard must, when supplied, have—
 - (a) a warning; and
 - (b) a warning symbol.
- (2) The warning mentioned in subsection (1) (a) must comply with the following requirements:
 - (a) it must contain the following warning:

‘WARNING: IMPROPER INSTALLATION OR SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH’;
 - (b) it must be clearly legible, in upper case, in red letters on a white background;
 - (c) the word ‘WARNING’ must be in characters not less than 15mm in height;

- (d) the words other than the word 'WARNING' must be in characters not less than 10mm in height.
- (3) The warning symbol mentioned in subsection (1) (b) must comply with the following requirements:
- (a) it must be in the form of the following graphic:



- (b) the circle that forms part of the graphic must have a diameter of not less than 120mm from outer edge to outer edge;
- (c) the circle and the diagonal line that form part of the graphic must be in red, and drawn with a line not less than 5mm in width;
- (d) the basketball player figure that forms part of the graphic must be entirely black;
- (e) the ring and backboard that form part of the graphic must be outlined in black.
- (4) If a basketball ring or basketball backboard is supplied in a package, the warning and warning symbol mentioned in subsection (1) must accompany the ring or backboard by being marked—
- (a) in a conspicuous position on the package; or
- (b) on a label fixed in a conspicuous position on the package.

- (5) If a basketball ring or basketball backboard is not supplied in a package, the warning and warning symbol mentioned in subsection (1) must accompany the ring or backboard by being marked—
- (a) in a conspicuous position on the ring or backboard; or
 - (b) on a label fixed in a conspicuous position on the ring or backboard; or
 - (c) on a tag attached in a conspicuous position on the ring or backboard.

3.3 Safety standard—permanent warning on basketball backboard

- (1) A basketball backboard must also have a warning permanently marked on it.
- (2) The warning must—
- (a) contain the following warning:
‘WARNING: SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH’; and
 - (b) be clearly legible, in characters not less than 10mm in height; and
 - (c) be marked on the backboard in a conspicuous position—
 - (i) in permanent writing; or
 - (ii) on a label that is permanently fixed to the backboard.

Schedule 4 **Beanbags, beanbag covers and packages containing beanbag filling**

(see s 7)

4.1 **Definitions—sch 4**

(1) In this schedule:

beanbag means a cushion or similar item that consists of a bag or cover surrounding beanbag filling, and includes a beanbag for use in a swimming pool.

beanbag cover means a bag or cover that can be filled with beanbag filling and that, if filled with beanbag filling, would be a beanbag, and includes a bag or cover intended as a separate inner lining.

beanbag filling means pellets, or small particles of polystyrene or other similar synthetic material that can be used as filling for a cushion, but does not include any such pellets or particles when they are mixed with material that cannot be so used.

child-resistant slide fastener means a slide fastener with a sliding piece of a kind mentioned in the definition of *slide fastener* that—

- (a) does not have attached to it a tag, handle or other object that would facilitate the movement of the sliding piece; and
- (b) incorporates a locking mechanism that prevents the sliding piece opening the slide fastener unless a completely separate device is used to disengage the locking mechanism and act as a handle in the moving of the sliding piece between the teeth of the slide fastener.

package means bag, box or other similar container, but does not include a beanbag cover.

4.2 Meaning of *slide fastener*—sch 4

- (1) For this schedule, *slide fastener* means a device consisting of 2 sets of teeth, each set of teeth being located on adjacent edges of the device, and having an attached sliding piece that, when moved between the 2 sets of teeth, causes 1 set of teeth to interlock or cease to interlock with the other set of teeth.
- (2) If a slide fastener has 2 or more sliding pieces of a kind mentioned in subsection (1), a reference to a sliding piece includes, in relation to the slide fastener, a reference to each of the sliding pieces.

4.3 Safety standard—beanbags etc

- (1) A beanbag or a beanbag cover must—
 - (a) have a label that—
 - (i) is secured to the bag or cover in such a way that the label will, despite normal handling, remain fixed to the bag or cover; and
 - (ii) contains the following warning:
‘WARNING. Small Lightweight Beads Present a Severe Danger to Children if Swallowed or Inhaled.’; and
 - (b) be constructed so that any opening through which beanbag filling may be inserted or removed is fitted with a child-resistant slide fastener.
- (2) A package containing beanbag filling must have a label that—
 - (a) is secured to the package in such a way that the label will, despite normal handling, remain fixed to the package; and
 - (b) contains the warning mentioned in subsection (1) (a) (ii).

- (3) The warning mentioned in subsection (1) (a) (ii) must—
- (a) be printed in red letters at least 5mm high on a white background; and
 - (b) have the word ‘WARNING’ printed in capital letters and the remaining words printed in capital and non-capital letters.

Schedule 5 Bunk beds

(see s 7)

5.1 Definitions—sch 5

In this schedule:

bunk bed means a bunk bed to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for bunk beds under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 1 of 2003.

5.2 Safety standard—bunk beds

- (1) A bunk bed must comply with the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 6 Children's household cots

(see s 7)

6.1 Definitions—sch 6

In this schedule:

AS/NZS 2172 means the Australian/New Zealand Standard entitled *AS/NZS 2172:1995, Cots for household use—Safety requirements*, as published jointly by Standards Australia and Standards New Zealand on 5 April 1995.

Note AS/NZS 2172 may be purchased at www.standards.org.au.

children's household cot means a cot designed for use in household situations, but does not include—

- (a) a folding portable cot; or
- (b) a carrycot; or
- (c) a cradle.

6.2 Safety standard—children's household cots

- (1) A child's household cot must comply with AS/NZS 2172, clauses 5, 6, 8, 9, 11 and 12.
- (2) The definitions in AS/NZS 2172, clause 3 apply for this section.
- (3) Subsection (1) does not apply to a household cot that is an antique or collectable cot, but only if the antique or collectable cot—
 - (a) is accompanied by a certificate from the supplier to the consumer stating that it is not safe to place a child in the cot; and

- (b) has 2 clearly visible warning statements (1 external and 1 internal) permanently attached to the cot in the form of a metal plaque glued or attached by nails or screws to the upper half of the side or end of the cot and containing the following warning in the form required by subsection (4):

WARNING: this cot does not meet the mandatory safety standard. For display purposes only. It is dangerous to place a child in this cot.

- (4) The warning mentioned in subsection (3) (b) must—
- (a) contain the capital letters and underlining shown in that paragraph; and
 - (b) have capital letters at least 5mm high and non-capital letters at least 2.5mm high; and
 - (c) have lettering that is in sharp contrast to its background.

Schedule 7 Children's nightwear and paper patterns for children's nightwear

(see s 7)

7.1 Definitions—sch 7

In this schedule:

AS 1182 means the Australian Standard entitled AS 1182–1997, *Size coding scheme for infants' and children's clothing—Underwear and outerwear*, as published by Standards Australia on 5 March 1997.

AS/NZS 1249 means the Australian/New Zealand Standard entitled AS/NZS 1249:2003, *Children's nightwear and limited daywear having reduced fire hazard*, as published jointly by Standards Australia and Standards New Zealand on 29 December 2003.

Note AS 1182 and AS/NZS 1249 may be purchased at www.standards.org.au.

children's nightwear includes children's dressing-gowns, pyjamas, pyjama-style overgarments, nightdresses, nightshirts, bathrobes and infant sleeping-bags, and garments such as all-in-ones and boxer shorts that may be suitable for daywear or nightwear, of any of the sizes 00–14 (as specified in AS 1182), but does not include T-shirts and any article of headwear, leggings (either with or without feet), footwear or handwear.

ISO 6941 means the International Standard entitled *Textile fabrics— Burning behaviour—Measurement of flame spread properties of vertically oriented specimens* and numbered ISO 6941:1984, published by the International Organization for Standardization on 15 August 1984, as amended by Amendment No 1 of 15 October 1992.

Note ISO 6941 may be purchased at www.iso.org.

7.2 Safety standard—children's nightwear

Children's nightwear must comply with AS/NZS 1249 as amended by table 7.4.1.

7.3 Safety standard—paper patterns for children's nightwear

- (1) A paper pattern for children's nightwear must comply with AS/NZS 1249, clauses 0.2 and 5.6 as amended by table 7.4.2.
- (2) The definitions in AS/NZS 1249, clauses 0.5.2, 0.5.3, 0.5.6 and 0.5.10 apply for this section.

7.4 Amendment of AS/NZS 1249

- (1) For section 7.2, AS/NZS 1249 is taken to be amended as mentioned in table 7.4.1.

| Table 7.4.1 Amendments of AS/NZS 1249 for s 7.2 | |
|--------------------------------------------------------|-------------------------------------------------------------------------------------|
| [7.1] | Clause 0.1 |
| | <i>omit</i> |
| | It also covers requirements for the labelling of paper patterns for these garments. |

| Table 7.4.1 Amendments of AS/NZS 1249 for s 7.2 | |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [7.2] | <p>Clause 1.2 (a)</p> <p><i>after 1st paragraph, insert</i></p> <p>If there is insufficient fabric for 3 lengthwise and 3 widthwise test specimens, as cited in ISO 6941, clause 8.7, the flame spread time is to be decided on 3 lengthwise test specimens only.</p> <p>If the textile material or garments are constructed with one fabric overlaying another (for example, quilted fabrics), specimens must be cut and tested as a combination, that is, as if the overlay were applied to the under fabric.</p> |
| [7.3] | <p>Clause 1.2 (a), 3rd paragraph</p> <p><i>omit</i></p> <p>four or more of six specimens</p> <p><i>substitute</i></p> <p>3 or more specimens</p> |
| [7.4] | <p>Clause 1.2 (a), note</p> <p><i>substitute</i></p> <p>NOTE: ISO 6941 is to have effect for this division as if it states that, if in any 1 set of 3 specimens, 1 result exceeds the lowest result by 50% for no apparent reason, or, if 1 or 2 specimens fail to reach 1 of the marker threads, another specimen is required to be tested for that direction or face.</p> |

| Table 7.4.1 Amendments of AS/NZS 1249 for s 7.2 | |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [7.5] | Clause 1.3 <i>after</i> use of trims. <i>insert</i> The outer fabric of a composite or appliqued area must be considered the fabric face and must be tested so that the flame impinges on that surface. |
| [7.6] | Clause 5.6 <i>omit</i> |

- (2) For section 7.3, AS/NZS 1249 is taken to be amended as mentioned in table 7.4.2.

| Table 7.4.2 Amendments of AS/NZS 1249 for s 7.3 | |
|--------------------------------------------------------|-------------------------------------------------------------------|
| [7.7] | Clause 0.5.3, notes <i>omit</i> |
| [7.8] | Clause 0.5.10 <i>omit</i> (See Note 1 to Clause 0.1) |

Table 7.4.2 Amendments of AS/NZS 1249 for s 7.3

[7.9] Clause 5.6

after

shall bear a

insert

clearly visible

7.5 Amendment of ISO 6941

For this schedule, ISO 6941 is taken to be amended as mentioned in table 7.5.

Table 7.5 Amendments of ISO 6941 for sch 7

[7.10] Clause 8.8

omit

test another set of three specimens for that direction or face

substitute

test another specimen for that direction or face

[7.11] Clause 10 k) 4)

substitute

4) if only 4 specimens are tested, determine the mean from all the results that burn to the respective marker threads. Report the number of specimens that failed to burn to the marker.

Schedule 8 Children's portable folding cots

(see s 7)

8.1 Definitions—sch 8

In this schedule:

children's portable folding cot means a children's portable folding cot to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for children's portable folding cots under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 4 of 2008.

8.2 Safety standard—children's portable folding cots

- (1) A child's portable folding cot must comply with the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 9 Children's toys

(see s 7)

9.1 Definitions—sch 9

In this schedule:

children's toy means a child's toy to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for children's toys under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 14 of 2003.

Note The standard applies only to toys for children up to and including 36 months old.

9.2 Safety standard—children's toys

- (1) A child's toy must comply with the TPA standard as in force on 1 July 2005.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 10 Child restraints in motor vehicles

(see s 7)

10.1 Definitions—sch 10

In this schedule:

AS 1754–1975 means the Australian Standard entitled AS 1754–1975, *Child restraints for passenger cars and derivatives*, as amended by Amendment No 1 of February 1976, Amendment No 2 of March 1978, Amendment No 3 of July 1979, the Corrigendum of October 1979 and Amendment No 4 of July 1985.

AS 1754–1991 means the Australian Standard entitled AS 1754–1991, *Child restraint systems for use in motor vehicles* published on 24 December 1991, as amended by Amendment No 1 of 12 October 1992 and Amendment No 2 of 15 February 1993.

Note AS 1754–1975 and AS 1754–1991 may be purchased at www.standards.org.au.

chaise means a device—

- (a) used for raising a child's position in a motor vehicle or adapting an adult seatbelt to make it suitable for a child; and
- (b) having a back above the seating plane.

child restraint means a device designed to reduce the risk of bodily injury to a child passenger in a motor vehicle in the event of a motor vehicle impact, and includes—

- (a) components designed to restrain the child in the device; and
- (b) components to anchor the device to the motor vehicle; and
- (c) (if supplied) components to restrain a motor vehicle seat; and

(d) chaises; and

(e) cushions;

but does not include a child restraint that is an integrated feature of a motor vehicle.

cushion means a device having no back above the seating plane that is used to—

(a) raise a child’s position in a motor vehicle; or

(b) place a child in a position in a motor vehicle in which an adult seatbelt can be used properly for the child.

10.2 Safety standard—child restraints

A child restraint must comply with AS 1754–1991 as amended by table 10.3.

10.3 Amendment of AS 1754–1991

For this schedule, AS 1754–1991 is taken to be amended as mentioned in table 10.3.

| Table 10.3 Amendments of AS 1754–1991 for sch 10 | |
|---------------------------------------------------------|--------------------------------------|
| [10.1] | Clause 1.1 |
| | <i>omit</i> |
| | passenger cars and their derivatives |
| | <i>substitute</i> |
| | motor vehicles |

| Table 10.3 Amendments of AS 1754–1991 for sch 10 | |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| [10.2] | Clause 1.1 <i>omit</i> The devices may also have application to other types of vehicles. |
| [10.3] | Clause 2.4 <i>omit</i> |

10.4 Supply of components for child restraints complying with AS 1754–1975

For this schedule, components for child restraints that are made to the requirements of AS 1754–1975 must comply with the relevant requirements of AS 1754–1975.

Schedule 11 Corded internal window coverings

(see s 7)

11.1 Definitions—sch 11

In this schedule:

corded internal window covering means a corded internal window covering to which the NSW standard applies.

NSW standard means the consumer product safety standard prescribed for window coverings in the *Fair Trading Regulation 2007* (NSW), division 19 (Corded internal window coverings) as in force when this division commenced.

Note The *Fair Trading Regulation 2007* (NSW) is accessible at www.legislation.nsw.gov.au.

11.2 Safety standard—corded internal window coverings

- (1) A corded internal window covering must comply with the NSW standard.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 12 Disposable cigarette lighters

(see s 7)

Part 12.1 Preliminary

12.1 Definitions—sch 12

In this schedule:

adjustable lighter means a lighter with provision for flame height adjustment.

American standard means the Consumer Product Safety Standard for Cigarette Lighters (16 CFR 1210)—

- (a) set out in the *Code of Federal Regulations*, title 16, part 1210; and
- (b) published in the Federal Register of the United States of America, volume 58, No 131, on 12 July 1993 and revised as at 1 January 2001.

Note The American standard is accessible at www.gpoaccess.gov/cfr.

customs value, for a device, means the customs value determined for the device under the *Customs Act 1901* (Cwlth), section 159.

disposable lighter—see section 12.2 (4).

ex-works agreement means an agreement for the supply of goods under which the supplier's obligation to deliver the goods is fulfilled when the supplier makes the goods available to the buyer at the supplier's premises.

indexed amount—see section 12.15.

lighter—see section 12.2 (1).

non-adjustable lighter means a lighter with no provision for flame height adjustment.

novelty lighter—see section 12.2 (5).

refillable lighter—see section 12.2 (6).

safe operation, for a lighter, means operation of the lighter so that it—

- (a) does not spit or sputter; and
- (b) does not produce an abnormal or unsafe flame; and
- (c) cannot be operated easily by a young child.

spit or sputter, for a flame produced by a lighter, means the escape of liquid fuel from the lighter producing burning liquid droplets that separate from the flame.

young child means a child who is younger than 5 years old.

12.2 Meaning of *lighter* and types of lighters

- (1) A *lighter* is a flame producing device that—
 - (a) is designed to light cigarettes, cigars and pipes; and
 - (b) is an eligible device.
- (2) For subsection (1), a flame producing device is an *eligible device* if—
 - (a) it is intended to be discarded when its fuel supply is exhausted; or
 - (b) it has a separate container of fuel intended to be discarded when it is empty; or

- (c) it is designed to have an entertaining audio or visual effect (other than production of a flame); or

Example

a device that plays musical notes or displays flashing lights

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (d) it is designed to depict or resemble, in physical form or function, an article commonly recognised as appealing to, or intended for use by, a young child.

Examples

a beverage, cartoon character, food, gun, musical instrument, toy, toy animal, watch or vehicle

- (3) For subsection (1), a flame producing device is also an **eligible device** if—
- (a) it is designed to be refilled with fuel; and
 - (b) its value is less than the relevant amount.
- (4) A **disposable lighter** is a lighter that is an eligible device mentioned in subsection (2) (a) or (b).
- (5) A **novelty lighter** is a lighter that is an eligible device mentioned in subsection (2) (c) or (d).
- (6) A **refillable lighter** is a lighter that is an eligible device mentioned in subsection (3).

(7) For subsection (3):

relevant amount means—

- (a) for a device imported into Australia, or supplied under an ex-works agreement, before 1 August 2003—\$5; or
- (b) for a device imported into Australia, or supplied under an ex-works agreement, on or after 1 August 2003—the indexed amount.

Note **Indexed amount**—see s 12.15.

value, for a device, means—

- (a) for a device imported into Australia—its customs value; or
- (b) for another device—its supply price.

12.3 Safety standard—lighters

A lighter must comply with the requirements of this schedule.

Part 12.2 Flame testing, structural safety and labelling

12.4 Application—pt 12.2

This part does not apply to a lighter that—

- (a) is a novelty lighter; and
- (b) is not a disposable lighter or a refillable lighter.

12.5 Testing procedures

When a lighter is tested in accordance with the procedures described in section 12.17, 12.18, 12.19, 12.20 or 12.21 the test must be performed in accordance with the procedures described in section 12.16.

12.6 Ignition and adjustment of flame

- (1) A lighter must be designed so that deliberate action is necessary to ignite and sustain a flame.
- (2) An adjustable lighter must be designed so that deliberate action is necessary to adjust the height of the flame.

12.7 Abnormal burning

After being tested in accordance with sections 12.19, 12.20 and 12.21, a lighter must not spit or sputter or produce an abnormal or unsafe flame when tested in accordance with sections 12.17 and 12.18.

12.8 Flame height

- (1) A lighter must comply with subsection (2) when tested in accordance with section 12.17 after being tested in accordance with—
 - (a) section 12.19 or 12.20; or
 - (b) sections 12.19 and 12.20.
- (2) For subsection (1), the height of the flame produced by a lighter must not exceed—
 - (a) for a non-adjustable lighter—50mm; and
 - (b) for an adjustable lighter—
 - (i) if the lighter is adjusted to produce the maximum flame height—150mm; and

- (ii) if the lighter is adjusted to produce the minimum flame height—100mm.
- (3) If the flame height of an adjustable lighter has not been adjusted after being supplied in trade or commerce, the lighter must not, when first used after being supplied, produce a flame exceeding 125mm in height.

12.9 Flame extinction

- (1) A non-adjustable lighter must comply with subsection (2) after being tested in accordance with the procedures described in sections 12.18, 12.19 and 12.20.
- (2) After the lighter has produced a flame for 10 seconds, the flame produced must extinguish after cessation of the action sustaining the flame within 2 seconds if the lighter has no flameguard or 4 seconds if it has a flameguard.
- (3) An adjustable lighter must comply with subsection (4) after being tested in accordance with the procedures described in sections 12.18, 12.19 and 12.20.
- (4) After the lighter has produced a flame for 5 seconds at the maximum flame height adjustment, or a flame for 10 seconds at the minimum flame height adjustment, the flame produced must extinguish after cessation of the action sustaining the flame within 2 seconds if the lighter has no flameguard or 4 seconds if it has a flameguard.

12.10 Structural safety

- (1) A lighter must have no sharp external edges.
- (2) A lighter, when tested in accordance with section 12.18, 12.19 or 12.20, must not be damaged so as to affect its safe operation.
- (3) A lighter, when tested in accordance with section 12.19 must not spontaneously ignite.

- (4) The internal pressure of the fuel reservoir of a lighter when tested in accordance with section 12.21 must not suddenly decrease.

12.11 Labelling

- (1) A lighter must incorporate (as a permanent part of the lighter) in a legible form—
- (a) the name or other identification of the manufacturer or distributor of the lighter; and
 - (b) if the lighter is an adjustable lighter—symbols indicating the direction in which force is to be applied to increase or decrease the flame height and the effect of the application of force in that direction.
- (2) A lighter must also have either—
- (a) the following information that is enclosed by inverted commas displayed in a legible form on the lighter or on an adhesive label that is attached to the lighter:
 - (i) ‘WARNING’ in capital letters and adjacent to the words that must be displayed under subparagraphs (ii) to (ix);
 - (ii) ‘KEEP AWAY FROM CHILDREN’ or ‘KEEP OUT OF REACH OF CHILDREN’ in capital letters;
 - (iii) ‘Ignite lighter away from face and clothing’;
 - (iv) ‘Never expose to heat above 50 °C or to prolonged sunlight’;
 - (v) ‘Never puncture or put in fire’;
 - (vi) for a lighter that contains flammable gas under pressure—‘Contains flammable gas under pressure’;
 - (vii) for a lighter that contains flammable liquid—‘Contains flammable liquid’;

- (viii) for a self-extinguishing lighter—‘Be sure flame is out after use’;
- (ix) for a non-self-extinguishing lighter—‘This lighter does not extinguish itself—close the cover to put out’; or
- (b) if the lighter is sold at retail in a package—the information required to be displayed by paragraph (a) in a legible form on the package in a way that complies with that paragraph.

Part 12.3 Child resistance

12.12 Application—pt 12.3

This part applies only to a lighter to which the American standard would apply if the lighter were imported into the United States of America after 12 July 1994.

12.13 Child resistance

- (1) A lighter must be of a kind that has been—
 - (a) tested in the way set out in the American standard, section 1210.4; and
 - (b) shown to be resistant to successful operation by at least 85% of the child-test panel when tested in that way.
- (2) The mechanism or system of a lighter that is designed or intended to make the lighter resistant to successful operation by at least 85% of the child-test panel must—
 - (a) reset itself automatically after each operation of the ignition mechanism of the lighter; and
 - (b) not impair safe operation of the lighter when used in a normal and convenient way; and
 - (c) be effective for the functional life of the lighter; and

(d) not be easily overridden or deactivated.

12.14 Certification

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

Part 12.4 Indexation

12.15 Indexed amount

(1) The *indexed amount* is the amount worked out as follows:

$$\frac{\$5 \times \text{latest CPI number}}{\text{March 2003 CPI number}}$$

(2) If, apart from this subsection, the indexed amount under this section would be an amount of dollars and cents, the amount must be rounded to the nearest 25 cents and, if the amount to be rounded is 12.5 cents, rounded up.

(3) In this section:

CPI number means the All Groups Consumer Price Index number (that is the weighted average of the 8 capital cities) published by the Australian Statistician.

latest CPI number means the CPI number for the most recent quarter.

March 2003 CPI number means the CPI number for the quarter beginning on 1 January 2003.

Part 12.5 Test procedures for lighters

12.16 General test procedures

- (1) The lighter must be maintained at a temperature of 23 ± 2 °C for at least 10 hours immediately before testing in accordance with sections 12.17, 12.18 and 12.19.
- (2) The area in which tests are carried out must be maintained at a temperature of 23 ± 2 °C during testing in accordance with sections 12.17, 12.19 and 12.20.
- (3) The lighter to be tested must be new, free of mechanical damage and must not (except if required by this schedule) have been previously tested.

12.17 Flame height test procedures

- (1) The test must be carried out inside a draught-free chamber constructed from suitable nonflammable material.
- (2) The flame height must be measured to the nearest 10mm.
- (3) Adjustable lighters must be tested with the lighter adjusted to produce the maximum flame height and then with the lighter adjusted to produce the minimum flame height.
- (4) The lighter must produce a flame for a continuous 5-second period and the flame height must be decided by measuring from the tip of the flame to the top of the flameguard or to the base of the flame (for a lighter that does not have a flameguard) by means of a board positioned at least 25mm behind the lighter and marked with 10mm increments.

12.18 Inversion test procedures

The lighter (adjustable lighters adjusted to produce a 50mm flame) must be operated to produce a flame, for a continuous 10-second period in a draught-free chamber, while being held at 45° below the horizontal.

12.19 Drop test procedures

- (1) The lighter must be allowed to fall 3 times onto a concrete surface from a point 1.5m above it, from the following positions:
 - (a) 1st—an upright position;
 - (b) 2nd—an inverted position;
 - (c) 3rd—a horizontal position.
- (2) The lighter must be inspected after every fall and any spontaneous ignition or damage must be recorded.

12.20 Temperature test procedures

- (1) An oven that can withstand the explosion of a lighter when being tested and of maintaining a temperature of 54 ± 2 °C must be used in the test.
- (2) The lighter must be placed in the oven for 4 hours during which time the oven temperature must be maintained at 54 ± 2 °C.
- (3) The lighter, when removed from the oven and allowed to become cool, must be tested in accordance with section 12.18.

12.21 Pressure test procedures

- (1) The test apparatus must consist of a device that can produce gauge pressure of 2MPa.
- (2) The lighter must be emptied of fuel.
- (3) The fuel reservoir of the lighter must be subjected to an internal pressure equal to twice the vapour pressure at 54 °C of the fuel normally used in the lighter.
- (4) The pressure rise must not exceed a rate of 69kPa per second.

Schedule 13 Flotation toys and swimming aids

(see s 7)

13.1 Definitions—sch 13

In this schedule:

AS 1499 means the Australian Standard entitled AS 1499–1996, *Personal flotation devices—Type 2*, as published by Standards Australia on 5 January 1996.

AS 1512 means the Australian Standard entitled AS 1512–1996, *Personal flotation devices—Type 1*, as published by Standards Australia on 5 January 1996.

AS 1900 means the Australian Standard entitled AS 1900–1991, *Flotation toys and swimming aids for children* published by Standards Australia on 16 September 1991, as amended by Amendment No 1 of 16 August 1993.

Note AS 1499, AS 1512 and AS 1900 may be purchased at www.standards.org.au.

children's flotation toy and swimming aid means a flotation toy and swimming aid likely to be used by children of any age younger than 15 years in recreational activities or to assist in swimming tuition, including, for example—

- (a) rings, partial rings, armbands, and kickboards, that are inflatable, hollow moulded or made substantially from expanded foam; and
- (b) inflatable toy boats having fewer than 3 separate chambers, or having a length and width the total of which is less than 3m; and

- (c) swimming vests and flotation bubbles;
but not including—
- (d) goods for therapeutic use by people with a disability; or
- (e) goods for use as life jackets that comply, or that comply substantially, with AS 1512; or
- (f) goods for use as buoyancy vests that comply, or that comply substantially, with AS 1499; or
- (g) goods for use mainly as a means of flotation for people in water and in need of rescue, including goods carried in or on ships or boats for such a purpose.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

13.2 Safety standard—children’s flotation toys etc

A child’s flotation toy and swimming aid must comply with AS 1900 as amended by table 13.3.

13.3 Amendment of AS 1900

For this schedule, AS 1900 is taken to be amended as mentioned in table 13.3.

| Table 13.3 Amendment of AS 1900 for sch 13 | |
|---------------------------------------------------|-------------------|
| [13.1] | Clause 1.1 |
| | <i>omit</i> |

Schedule 14 Hot water bottles

(see s 7)

14.1 Definitions—sch 14

In this schedule:

hot water bottle means a hot water bottle to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for hot water bottles by the *Trade Practices (Consumer Product Safety Standard) (Hot Water Bottles) Regulations 2008* (Cwlth) as in force from time to time.

14.2 Safety standard—hot water bottles

- (1) A hot water bottle must comply with the TPA standard.
- (2) The Legislation Act, section 47 (6) does not apply to the TPA standard.

Note 1 The text of an applied, adopted or incorporated law of another jurisdiction, in force from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (6) is not disapplied (see s 47 (7)).

Note 2 Commonwealth regulations are accessible at www.comlaw.gov.au.

Schedule 15 Laser pointers

(see s 7)

15.1 Definitions—sch 15

In this schedule:

AS/NZS 2211 means the Australian/New Zealand Standard entitled AS/NZS 2211.1:1997, *Laser safety, Part 1: Equipment classification, requirements and user's guide*, as published jointly by Standards Australia and Standards New Zealand on 5 March 1997.

Note AS/NZS 2211 may be purchased at www.standards.org.au.

Class 1 laser product has the same meaning as in AS/NZS 2211, clause 3.15.

Class 2 laser product has the same meaning as in AS/NZS 2211, clause 3.16.

laser means any device that can be made to produce or amplify electromagnetic radiation in the wavelength range from 100 nanometres to 1mm primarily by the process of controlled stimulation emission.

laser pointer means a hand-held laser product that is battery-operated and produces a beam of electromagnetic radiation, but does not include any such product that is a therapeutic good within the meaning of the *Therapeutic Goods Act 1989* (Cwlth) and listed or registered in the Australian Register of Therapeutic Goods maintained under that Act.

laser product means any product or assembly of components that constitutes, incorporates or is intended to incorporate a laser or laser system, and that is not intended for sale to another manufacturer for use as a component (or replacement for a component) of an electronic product.

laser system means a laser in combination with an appropriate laser energy source with or without additional incorporated components.

15.2 Safety standard—laser pointers

A laser pointer must be a Class 1 laser product or a Class 2 laser product.

Schedule 16 Monkey bikes

(see s 7)

16.1 Definitions—sch 16

In this schedule:

applicable vehicle standards means the standards under the *Road Transport (Vehicle Registration) Regulation 2000* with which a vehicle must comply to be eligible to be registered without conditions.

monkey bike means a scaled down cruising or sports motorcycle that—

- (a) is commonly known as a monkey bike, mini-bike or pocket bike; and
- (b) is powered by an internal combustion engine; and
- (c) does not comply with the applicable vehicle standards that would apply to the motorcycle if it were to be driven on a road or road related area (within the meaning of the *Road Transport (Vehicle Registration) Act 1999*).

16.2 Safety standard—monkey bikes

- (1) A monkey bike must have—
 - (a) a self-closing, hand-operated throttle that—
 - (i) returns in a clockwise direction to allow the bike's motor to idle when a person riding the bike releases the person's grip on the throttle; and
 - (ii) is mounted on the right handlebar of the bike; and

- (b) a braking system that—
 - (i) is capable of acting on the front and rear wheels of the bike; and
 - (ii) automatically distributes the braking effort applied by a person riding the bike to the braking system's control lever equally onto each brake lining without the need for an adjuster at the brake calliper; and
 - (iii) unless the bike is fitted with a drum-type braking system—incorporates a floating or sliding type brake calliper that compensates for any increased movement of its components arising from wear; and
 - (c) 2 foot pegs, each capable of holding a static load of—
 - (i) the maximum carrying capacity recommended by the manufacturer of the bike; or
 - (ii) if a maximum carrying capacity is not recommended by the manufacturer—70kg; and
 - (d) a functioning, thumb-operated device on the right or left handlebar that is—
 - (i) capable of stopping the motor; and
 - (ii) clearly visible to a person riding the bike.
- (2) The steering head system for the monkey bike—
- (a) must not exhibit free play; or
 - (b) must move freely under its own weight from right lock to left lock when the front wheel of the bike is raised off the ground.

Schedule 17 Pedal bicycles

(see s 7)

17.1 Definitions—sch 17

In this schedule:

AS/NZS 1927 means the Australian/New Zealand Standard entitled AS/NZS 1927:1998, *Pedal bicycles—Safety requirements*, as published jointly by Standards Australia and Standards New Zealand on 5 September 1998.

Note AS/NZS 1927 may be purchased at www.standards.org.au.

pedal bicycle means a 2-wheeled pedal vehicle that is designed to be solely human powered, and includes a fully assembled or partially assembled bicycle, but does not include any such vehicle—

- (a) that has a wheelbase of less than 640mm; or
- (b) that is designed, promoted and supplied primarily for use in cycling competitions; or
- (c) that is a one of a kind bicycle that has been uniquely constructed to the specifications of an individual consumer; or
- (d) that is designed to be hinged or folded, or to be taken apart (beyond removal of the front wheel), for ease of storage or portability; or
- (e) that is a tandem bicycle; or
- (f) that is a second-hand bicycle.

17.2 Safety standard—pedal bicycles

A pedal bicycle must comply with AS/NZS 1927 as amended by table 17.3.

17.3 Amendment of AS/NZS 1927

For this schedule, AS/NZS 1927 is taken to be amended as mentioned in table 17.3.

| Table 17.3 Amendments of AS/NZS 1927 for sch 17 | |
|--------------------------------------------------------|--------------------------------------------------------------------------|
| [17.1] | Clause 1.2 <i>omit</i> |
| [17.2] | Clause 1.3 <i>omit</i> New Zealand Traffic Regulations 1976 |
| [17.3] | Clause 1.5 (a) <i>omit</i> or New Zealand |
| [17.4] | Clause 2.15.1 <i>omit</i> |
| [17.5] | Clause 2.16, note <i>omit</i> |
| [17.6] | Clause 2.17.1 <i>omit</i> |

Schedule 18 Prams and strollers

(see s 7)

18.1 Definitions—sch 18

In this schedule:

prams and strollers means prams and strollers to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for prams and strollers under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 8 of 2007.

18.2 Safety standard—prams and strollers

- (1) Prams and strollers must comply with the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 19 Projectile toys

(see s 7)

19.1 Definitions—sch 19

In this schedule:

AS/NZS ISO 8124.1:2002 means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties* (ISO 8124-1:2000, MOD) published jointly by Standards Australia and Standards New Zealand on 16 May 2002, as amended by Amendment No 1 of 25 May 2007.

Note AS/NZS ISO 8124.1:2002 may be purchased at www.standards.org.au.

projectile toy means a toy to which AS/NZS ISO 8124.1:2002, clause 4.18 applies.

19.2 Safety standard—projectile toys

A projectile toy must comply with AS/NZS ISO 8124.1:2002, clauses 4.18, 5.2, 5.15, 5.24.5, 5.24.6.4, C.2.15 and E.32.

19.3 Exceptions—sch 19

- (1) This schedule does not apply to the toys mentioned in subsection (2) if—
 - (a) the toys do not have any protective tips or protective covers fitted to them; or
 - (b) any protective tips or protective covers fitted to the toys comply with the requirements of AS/NZS ISO 8124.1:2002, clause 4.18.2 (a) (1) and (2).

(2) The toys to which this schedule does not apply in the circumstances mentioned in subsection (1) (a) and (b) are the following:

- (a) gliders that are thrown by hand or propelled by a rubber band;
- (b) propeller-driven aeroplanes;
- (c) propeller-driven helicopters;
- (d) boomerangs;
- (e) flying discs;

Example

a saucer-type throwing disc

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (f) balls (other than a ball intended for use with a discharge mechanism).

Schedule 20 Protective helmets for pedal cyclists

(see s 7)

20.1 Definitions—sch 20

In this schedule:

AS/NZS 2063 means the Australian/New Zealand Standard entitled AS/NZS 2063:1996, *Pedal cycle helmets* published jointly by Standards Australia and Standards New Zealand on 5 May 1996, as amended by Amendment No 1 of 5 November 1996.

AS/NZS 2512.1 means the Australian/New Zealand Standard entitled AS/NZS 2512.1:1998, *Methods of testing protective helmets, Method 1: Definitions and headforms*, as published jointly by Standards Australia and Standards New Zealand on 5 September 1998.

Note AS/NZS 2063 and AS/NZS 2512.1 may be purchased at www.standards.org.au.

protective helmet means a helmet designed to mitigate the adverse effects of a blow to the head.

Snell standard means the standard entitled *1995 Standard for Protective Headgear for Use in Bicycling* including the Child Helmet Addendum to Standards for Protective Headgear published by the Snell Memorial Foundation of the United States of America.

Note The Snell standard is accessible at www.smf.org.

20.2 Safety standard—protective helmets

A protective helmet for pedal cyclists must comply with—

- (a) AS/NZS 2063 as amended by table 20.4; or
- (b) the Snell standard as amended by section 20.5.

20.3 Exceptions—sch 20

- (1) This schedule does not apply to the following helmets:
 - (a) helmets that are of a size too small to be fitted to Headform A (as specified in AS/NZS 2512.1, table 2);
 - (b) helmets that are designed and constructed principally for use by cyclists engaged in competitive racing and that are marked in accordance with subsection (2);
 - (c) helmets that are designed and constructed principally for use as toys and that are marked in accordance with subsection (3), or that are not so marked but are unlikely to be mistaken for helmets providing significant protection against impact.
- (2) A helmet mentioned in subsection (1) (b) is marked in accordance with this subsection if it has the words ‘WARNING: racing headgear only—inadequate impact protection for normal road use’ marked clearly and legibly in a conspicuous position—
 - (a) on the helmet or on a label attached to the helmet; and
 - (b) on a main outer display face of any packaging in which the helmet is supplied.
- (3) A helmet mentioned in subsection (1) (c) is marked in accordance with this subsection if it has the words ‘WARNING: toy helmet only—do not use as safety headgear’ marked clearly and legibly in a conspicuous position—
 - (a) on the helmet or on a label attached to the helmet; and
 - (b) on a main outer display face of any packaging in which the helmet is supplied.
- (4) The word ‘WARNING’ to be marked on a helmet under subsection (2) or (3) must be in capital letters at least 5mm high and the remaining words to be marked on a helmet under the subsection must be in letters at least 2.5mm high.

20.4 Amendment of AS/NZS 2063

For this schedule, AS/NZS 2063 is taken to be amended as mentioned in table 20.4.

| Table 20.4 Amendments of AS/NZS 2063 for sch 20 | |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [20.1] | Clause 1 <i>omit</i> |
| [20.2] | New clause 5.7 <i>insert</i> 5.7 BMX Helmets Helmets designed and constructed mainly for use by cyclists engaged in BMX competition racing need not comply with provisions regarding ventilation openings or type testing. |
| [20.3] | Clause 8.1 (e) <i>omit</i> |

20.5 Amendment of Snell standard

A person is not required to comply with a provision of the Snell standard that requires the person to obtain third-party certification of a helmet.

Schedule 21 Sunglasses and fashion spectacles

(see s 7)

21.1 Definitions—sch 21

In this schedule:

sunglasses and fashion spectacles means sunglasses and fashion spectacles to which the TPA standard applies.

TPA standard means the consumer product safety standard prescribed for sunglasses and fashion spectacles under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 13 of 2003.

21.2 Safety standard—sunglasses and fashion spectacles

- (1) Sunglasses and fashion spectacles must comply with the TPA standard as in force on 1 April 2005.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Schedule 22 Vehicle jacks

(see s 7)

22.1 Definitions—sch 22

In this schedule:

TPA standard means the consumer product safety standard prescribed for vehicle jacks under the *Trade Practices Act 1974* (Cwlth), section 65E because of Consumer Protection Notice No 15 of 2003.

vehicle jack means a vehicle jack to which the TPA standard applies.

22.2 Safety standard—vehicle jacks

- (1) A vehicle jack must comply with the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this regulation.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Consumer Credit (Australian Capital Territory) Code
- in relation to
- Standards Australia.

Note 3 Terms used in this regulation have the same meaning that they have in the *Fair Trading (Consumer Affairs) Act 1973* (see Legislation Act, s 148). For example, the following terms are defined in the *Fair Trading (Consumer Affairs) Act 1973*, dict:

- consumer product safety standard
- goods
- supply.

adjustable lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

American standard, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

applicable vehicle standards, for schedule 16 (Monkey bikes)—see schedule 16, section 16.1.

AS 1182, for schedule 7 (Children’s nightwear and paper patterns for children’s nightwear)—see schedule 7, section 7.1.

AS 1499, for schedule 13 (Flotation toys and swimming aids)—see schedule 13, section 13.1.

AS 1512, for schedule 13 (Flotation toys and swimming aids)—see schedule 13, section 13.1.

AS 1754–1975, for schedule 10 (Child restraints in motor vehicles)—see schedule 10, section 10.1.

AS 1754–1991, for schedule 10 (Child restraints in motor vehicles)—see schedule 10, section 10.1.

AS 1900, for schedule 13 (Flotation toys and swimming aids)—see schedule 13, section 13.1.

AS/NZS 1249, for schedule 7 (Children’s nightwear and paper patterns for children’s nightwear)—see schedule 7, section 7.1.

AS/NZS 1927, for schedule 17 (Pedal bicycles)—see schedule 17, section 17.1.

AS/NZS 1957, for part 3 (Product information standard—care labelling of certain goods)—see section 9.

AS/NZS 2063, for schedule 20 (Protective helmets for pedal cyclists)—see schedule 20, section 20.1.

AS/NZS 2172, for schedule 6 (Children’s household cots)—see schedule 6, section 6.1.

AS/NZS 2211, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

AS/NZS 2512.1, for schedule 20 (Protective helmets for pedal cyclists)—see schedule 20, section 20.1.

AS/NZS ISO 8124.1:2002, for schedule 19 (Projectile toys)—see schedule 19, section 19.1.

baby bath aid—see schedule 1, section 1.1.

balloon-blowing kit—see schedule 2, section 2.1.

basketball backboard—see schedule 3, section 3.1.

basketball ring—see schedule 3, section 3.1.

beanbag—see schedule 4, section 4.1.

beanbag cover—see schedule 4, section 4.1.

beanbag filling—see schedule 4, section 4.1.

bunk bed—see schedule 5, section 5.1.

chaise, for schedule 10 (Child restraints in motor vehicles)—see schedule 10, section 10.1.

children's flotation toy and swimming aid—see schedule 13, section 13.1.

children's nightwear—see schedule 7, section 7.1.

children's portable folding cot—see schedule 8, section 8.1.

children's toy—see schedule 9, section 9.1.

child-resistant slide fastener—see schedule 4, section 4.1.

child restraint—see schedule 10, section 10.1.

Class 1 laser product, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

Class 2 laser product, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

corded internal window covering—see schedule 11, section 11.1.

cushion, for schedule 10 (Child restraints in motor vehicles)—see schedule 10, section 10.1.

customs value, for a device, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

disposable lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.2 (4).

ex-works agreement, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

hot water bottle—see schedule 14, section 14.1.

household cot—see schedule 6, section 6.1.

indexed amount, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.15.

ISO 6941, for schedule 7 (Children's nightwear and paper patterns for children's nightwear)—see schedule 7, section 7.1.

laser, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

laser pointer, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

laser product, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

laser system, for schedule 15 (Laser pointers)—see schedule 15, section 15.1.

lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.2 (1).

monkey bike—see schedule 16, section 16.1.

non-adjustable lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

novelty lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.2 (5).

NSW standard, for schedule 11 (Corded internal window coverings)—see schedule 11, section 11.1.

package—see schedule 4, section 4.1.

pedal bicycle—see schedule 17, section 17.1.

prams and strollers—see schedule 18, section 18.1.

projectile toy—see schedule 19, section 19.1.

protective helmet—see schedule 20, section 20.1.

refillable lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.2 (6).

safe operation, for a lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

slide fastener, for schedule 4 (Beanbags, beanbag covers and packages containing beanbag filling)—see schedule 4, section 4.2.

Snell standard, for schedule 20 (Protective helmets for pedal cyclists)—see schedule 20, section 20.1.

spit or sputter, for a flame produced by a lighter, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

sunglasses and fashion spectacles—see schedule 21, section 21.1.

TPA standard—

- (a) for schedule 1 (Baby bath aids)—see schedule 1, section 1.1; and
- (b) for schedule 5 (Bunk beds)—see schedule 5, section 5.1; and
- (c) for schedule 8 (Children’s portable folding cots)—see schedule 8, section 8.1; and
- (d) for schedule 9 (Children’s toys)—see schedule 9, section 9.1; and
- (e) for schedule 14 (Hot water bottles)—see schedule 14, section 14.1; and
- (f) for schedule 18 (Prams and strollers)—see schedule 18, section 18.1; and
- (g) for schedule 21 (Sunglasses and fashion spectacles)—see schedule 21, section 21.1; and
- (h) for schedule 22 (Vehicle jacks)—see schedule 22, section 22.1.

vehicle jack—see schedule 22, section 22.1.

young child, for schedule 12 (Disposable cigarette lighters)—see schedule 12, section 12.1.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|-----------------------------------------------------|-------------------------------------------------------------------|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | pt = part |
| exp = expires/expired | r = rule/subrule |
| Gaz = gazette | renum = renumbered |
| hdg = heading | reloc = relocated |
| IA = Interpretation Act 1967 | R[X] = Republication No |
| ins = inserted/added | RI = reissue |
| LA = Legislation Act 2001 | s = section/subsection |
| LR = legislation register | sch = schedule |
| LRA = Legislation (Republication) Act 1996 | sdiv = subdivision |
| mod = modified/modification | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

Fair Trading (Consumer Product Standards) Regulation 2009 SL2009-19

notified LR 14 May 2009

s 1, s 2 commenced 14 May 2009 (LA s 75 (1))

remainder commenced 15 May 2009 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Repeal

pt 4 hdg om LA s 89 (3)

Legislation repealed

s 15 om LA s 89 (3)

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