

Australian Capital Territory

# Fair Trading (Children's Toys) Standard 2004 (No 1)

Notifiable instrument NI2004— 235

made under the

**Fair Trading (Consumer Product Standards) Regulations 2002, regulation no 18**

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**1 Name of instrument**

This instrument is the *Fair Trading (Children's Toys) Standard 2004 (No 1)*.

**2 Commencement**

This instrument commences on the day after it is notified.

**3 Children's toys standard**

The standard specified in Regulation 18 of the Fair Trading (Consumer Product Standards) Regulations 2002, at Schedule 1, is notified as the standard to apply to children's toys in the ACT.

Jon Stanhope  
Attorney General  
19 July 2004

## Schedule 1

### COMMONWEALTH OF AUSTRALIA

#### *Trade Practices Act 1974*

Consumer Protection Notice No 14 of 2003

#### **CONSUMER PRODUCT SAFETY STANDARD: TOYS FOR CHILDREN UP TO AND INCLUDING 36 MONTHS OF AGE**

I, Ross Cameron, Parliamentary Secretary to the Treasurer, pursuant to subsection 65E(1) of the Trade Practices Act 1974 and for the purposes of section 65C of that Act, hereby

REVOKE, with effect from 17 December 2003, the consumer product safety standard in respect of toys for children under three years of age declared by Consumer Protection Notice No. 10 of 1997 published in the Commonwealth of Australia Gazette No GN15 of 16 April 1997;

AND DECLARE that:

FROM 17 DECEMBER 2003 UP TO AND INCLUDING 30 JUNE 2005 the consumer product safety standard for toys for children up to and including thirty six months of age specified in the Schedule following, is:

#### **EITHER**

Clauses 4.2 to 4.5 (inclusive), Clauses 4.9 to 4.12 (inclusive), Clause 4.16, Clauses 4.20 to 4.26 (inclusive), Clauses 7.1 to 7.2 (inclusive). Clause 7.10(d), 7.15.6 (a) (iv), Clause 9.4, Clause 10 and Appendix A, Appendices D to S (inclusive) and Appendices U and V of Australian Standard 1647.2-1992 Children's Toys (Safety Requirements) Part 2: Constructional Requirements, approved by the Standards Association of Australia (Standards Australia) on 14 September 1992 as amended by Amendment No. 1 published on 5 March 1995, varied as follows:

- i. Clause 7:2: Omit the clause, replace with: "**7.2 Stuffed toys** Stuffed toys must not produce an ingestion or inhalation hazard when tested in accordance with Appendix O";
- ii. Clauses 10.2.1, 10.3.1 to 10.3.7 (inclusive), 10.3.10, 10.3.11 and 10.3.13: omit all the words between "produce" and "an";
- iii. Clauses 10.3.9 and 10.3.15: Omit all the words after "not" replace with "produce an ingestion or inhalation hazard";
- iv. Clause 10.3.14: Omit "from the toy", replace with "from the toy, and which produce an ingestion or inhalation hazard.";

- v. Clause D5: Omit “If” replace with “Subject to Clause 9.4, if”;
- vi. Paragraphs F5(d), G6(i), H5(f), I5(g) J5(e), K5(h), L5(f), M5(h), N6(i), Q5(g) and R5(h). Omit all the words after “with” replace with “Appendix D”;
- vii. Omit: paragraphs F6(d)(i), F6(d)(ii), G7(c)(i), G7(c)(ii), H6(c)(i), H6(c)(ii), I6(d)(i), I6(d)(ii), J6(b)(i), J6(b)(ii), K6(a), K6(b), L6(b)(i), L6(b)(ii), M6(d)(i), M6(d)(ii), N7(d)(i), N7(d)(ii), Q6(a)(i), Q6(a)(ii), R6(d)(i), and R6(d)(ii);
- viii. Paragraphs L5(b) and L5(g): Omit all the words between “produce” and “an”;
- ix. Clause N2: Omit “neither developed a hazardous sharp edge nor a hazardous sharp point, nor, if applicable, produced”, replace with “did not produce”;
- x. Paragraph U6(b): After “outlet” insert “and whether these objects produced an ingestion or inhalation hazard”;
- xi. Paragraph V6(a): Omit “fractured through the entire thickness or matter visible to the naked eye has become detached from any portion of the test specimen”, replace with “produced an ingestion or inhalation hazard.”

**OR**

Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD), as approved by Standards Australia International Ltd on 30 April 2002, varied as follows:

- i. Delete clauses 1 and 2;
- ii. Clause 3.21 delete “or damage to property or the environment”;
- iii. Delete clauses 3.52 and 4.3;
- iv. Clause 4.4.1 delete “intended” from the first sentence and delete the third paragraph “The following are exempted.....elastic and string.”;
- v. Delete clause 4.4.2;
- vi. Clause 4.5.1 delete “intended” from the first dot point;
- vii. Clause 4.5.2 delete “intended” from the second sentence and delete paragraph b) “Toys intended for children from 37 months ..... for guidance].” ;
- viii. Clause 4.5.3 delete “intended” from the first sentence;

- ix. Clause 4.5.4 delete “intended” from the first sentence;
- x. Clause 4.5.5 delete “intended” from the first sentence and delete the note;
- xi. Delete clauses 4.5.6 to 4.24 and clauses 4.25(d), 4.26 and 4.27;
- xii. Clause 5.1 General, paragraph 4 delete the third dot point “*from 37 months up to and including 96 months of age*”, paragraph 6 delete “intended or” and delete “96 months” and substitute “36 months”, and delete the second last paragraph “Toys reasonably intended to be assembled.....only by an adult”;
- xiii. Clause 5.2 Small parts test, heading, delete reference to 4.3.2 and 4.18.2, and first line, delete the words “*any orientation*” and substitute “*all possible orientations*”;
- xiv. Delete clauses 5.7 to 5.19 and clauses 5.21 and 5.22;
- xv. Clause 5.23 third paragraph, delete the word “intended”, and delete Note 1;
- xvi. Clause 5.24.1 delete the second paragraph;
- xvii. Clause 5.24.2 Table 4, in the second row delete “96 months” and substitute “36 months”;
- xviii. Delete clause 5.24.4;
- xix. Clause 5.24.6.2 first paragraph, delete “beanbags” and substitute “beanbag-type toys ( ie a toy that contains plastic pellets, beads, polystyrene balls or similar materials)”;
- xx. Delete clause 5.24.6.4;
- xxi. Clause 5.24.7 second paragraph, delete “according to the age group for which the toy is intended”, Table 5, delete the row headed “*37 months up to and including 96 months*”, and second last paragraph, delete “required force” and substitute “force in Table 5”;
- xxii. Delete clause 5.24.8;
- xxiii. Delete Annexes A.1, A.2.1, A.2.2;
- xxiv. Annex A.2.3 delete the second sentence, “The batteries shall not be accessible when tested according to 5.7 (accessibility of a part or component).”
- xxv. Delete Annex A.2.4 to A.2.10 inclusive;

- xxvi. Annex B.1 fourth paragraph delete “[12]” and replace with “the publication issued by the United States Consumer Product Safety Commission (CPSC) *Age Determination Guidelines*”;
- xxvii. Annex B.4.1 delete the second paragraph “Age grades are indicators.....a particular toy”;
- xxviii. Delete Annexes B4.4, C, D;
- xxix. Delete Annex F to Appendix ZZ;

AND THAT FROM 1 JULY 2005, the consumer product safety standard for toys for children up to and including 36 months of age is the Australian New Zealand Standard AS/NZS ISO 8124.1:2002 Safety of Toys Part 1: Safety aspects relating to mechanical and physical properties (ISO 8124-1:2000, MOD) as approved by Standards Australia on 30 April 2002, varied as specified in clauses i to xxix above.

## **THE SCHEDULE**

Particulars of the goods to which this Notice refers:

Toys for children up to and including 36 months of age\*, being objects manufactured, designed, labelled or marketed as playthings, **including, but not limited to:**

- (a) rattles, toy dummies, teethingers and squeeze toys;
- (b) toys to be attached to a crib, stroller, playpen or baby carriage;
- (c) pull and push toys;
- (d) pounding toys;
- (e) blocks and stacking toys;
- (f) toys for use in a bath tub;
- (g) rocking, spring and stick horses and figures;
- (h) musical chime toys;
- (i) jacks-in-the-box;
- (j) stuffed, plush and flocked animals and figures;
- (k) toys with pompoms
- (l) games;
- (m) puzzles;
- (n) dolls;
- (o) toy cars, trucks and other vehicles;

### **but NOT including**

- (a) balloons;
- (b) marbles;
- (c) tapes and compact discs;
- (d) books;
- (e) writing materials (including crayons, chalk, pencils and pens);

