

Australian Capital Territory

Fair Trading (Consumer Product Standards) (Children's Toys) Standard 2009 (No 1)*

Notifiable instrument NI2009–226

made under the

Fair Trading (Consumer Product Standards) Regulation 2009, regulation 9.2 (Safety standard – children's toys)

1 Name of instrument

This instrument is the *Fair Trading (Consumer Product Standards) (Children's Toys) Standard 2009 (No 1)*.

2 Commencement

This instrument commences on the day that the Fair Trading (Consumer Product Standards) Regulation 2009 commences.

3 Children's toys standard

The standard specified in regulation 9.2 of the Fair Trading (Consumer Product Standards) Regulation 2009, at Schedule 1, is notified as the standard to apply to children's toys in the ACT.

Simon Corbell
Attorney General
30. 4. 2009

*Name amended under Legislation Act, s 60

Schedule 1

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No 14 of 2003 [see Note 1]

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;
- 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;
- 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. 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”;
- xxvi. Annex B.4.1 delete the second paragraph “Age grades are indicators.....a particular toy”;
- xxvii. 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, teethers 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);
- (f) paints (including finger paints and water paints), paint brushes and other painting implements;

- (g) modelling materials (including clay, plasticine and play dough);
- (h) bicycles having a wheel base of not less than 640mm;
- (i) playground equipment for parks, schools and domestic use (including swings, see-saws, slides, agility apparatus, climbing, swinging, rotating and rocking apparatus, cubby houses, sand pits, apparatus for use in sand, sliding poles and ladders);
- (j) goods supplied wholly or partially unassembled for assembly by an adult after supply, provided that, when assembled in accordance with instructions supplied in writing with the goods, the goods comply with the specified standards;
- (k) flotation toys;
- (k) pacifiers;
- (l) toys made wholly from highly porous material (for example cheesecloth), except toys with pompoms;
- (n) toys made from closed cell polyethylene, ethylene vinyl acetate or like material which are labelled with the word “WARNING” in red upper case letters at least 5 millimetres high on a white background adjacent to the words “NOT SUITABLE FOR CHILDREN UNDER 3 YEARS AS FOAM PIECES MAY BREAK OFF AND CAUSE A CHOKING HAZARD” in red upper case letters at least 2.5 millimetres high on a white background. Toys should be marked legibly in a conspicuous position either on the toys or, if the toys are displayed in packaging for retail sale, on a principal outer display face of the packaging in which the toys are displayed.

*** NOTE:** Guidance for establishing age grades within the scope of the consumer product safety standards prescribed in this notice can be found in Annex B of *AS/NZS ISO 8124.1:2002 Safety of Toys*. Guidance is also available in the publication issued by the United States Consumer Product Safety Commission (CPSC) *Age Determination Guidelines*. The most recent edition of this publication is available from the CPSC site on the Internet and can be downloaded free of charge. (www.cpsc.gov)

Dated this 1st day of December 2003

ROSS CAMERON
Parliamentary Secretary to the Treasurer