



Australian Capital Territory

# **Fair Trading (Consumer Product Standards) Regulations 2002    No 39**

made under the

**Fair Trading (Consumer Affairs) Act 1973**

**Republication No 1**

**Effective: 13 December 2002**

Republication date: 13 December 2002

Regulations not amended up to this date

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Fair Trading (Consumer Product Standards) Regulations 2002*, 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 13 December 2002. 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.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

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.

### Modifications

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.

### Penalties

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.



Australian Capital Territory

# Fair Trading (Consumer Product Standards) Regulations 2002

made under the

**Fair Trading (Consumer Affairs) Act 1973**

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Australian Capital Territory

# Fair Trading (Consumer Product Standards) Regulations 2002

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made under the

**Fair Trading (Consumer Affairs) Act 1973**

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Fair Trading (Consumer Product Standards) Regulations 2002*.

### 3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations.

For example, the signpost definition '*laser pointer*—see regulation 45 (Definitions for div 2.10).' means that the expression 'laser pointer' is defined in that regulation.

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

### 4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

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

### 5 Compliance with specification

For these regulations, goods do not fail to comply with a standard mentioned in a division 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.

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## **Part 2                      Product safety standards**

### **Division 2.1              Preliminary**

#### **6              Product safety standards**

The standards set out in the other divisions of this part are prescribed under the Act, section 25 as consumer product safety standards for the goods to which those divisions apply.

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

#### **7              Exceptions**

The consumer product safety standards prescribed by these regulations do 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 that are let on hire, or that are 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*              The Act, s 30 (2) states other circumstances in which the product safety standards prescribed by these regulations do not apply.

## Division 2.2                      Balloon-blowing kits

### 8                      Definition for div 2.1

In this division:

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

### 9                      Safety standard

- (1) The consumer product safety standard for balloon-blowing kits is that they must comply with subregulation (2).
- (2) The substance contained in a balloon-blowing kit that is capable of being used to inflate a balloon must not contain benzene.

## Division 2.3                      Beanbags, beanbag covers and packages containing beanbag filling

### 10                      Definitions for div 2.3

- (1) In this division:

*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.

***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 subregulation (1), definition of ***slide fastener***, a reference in the definition to a sliding piece includes, in relation to the slide fastener, a reference to each of the sliding pieces.

## **11 Safety standard**

- (1) The consumer product safety standard for a beanbag or a beanbag cover is that—
  - (a) it must 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) it must be constructed so that any opening through which beanbag filling may be inserted or removed is fitted with a child resistant slide fastener.
- (2) The consumer product safety standard prescribed for a package containing beanbag filling is that it 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 subregulation (1) (a) (ii).
- (3) The warning mentioned in subregulation (1) (a) (ii)—
- (a) must be printed in red letters at least 5mm high on a white background; and
  - (b) must have the word ‘WARNING’ printed in capital letters and the remaining words printed in capital and non-capital letters.

## **Division 2.4 Childrens nightwear and paper patterns for childrens nightwear**

### **12 Definitions for div 2.4**

In this division:

*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 1249:1999, *Children's nightwear and limited daywear having reduced fire hazard*, as published jointly by Standards Australia and Standards New Zealand on 5 April 1999.

*Note* Standards AS 1182 and AS/NZS 1249 are available on the internet at web site [www.standards.com.au](http://www.standards.com.au).

**childrens nightwear** includes childrens 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* This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

### **13 Safety standard for childrens nightwear**

The consumer product safety standard for childrens nightwear is that it must comply with AS/NZS 1249.

### **14 Safety standard for paper patterns for childrens nightwear**

- (1) The consumer product safety standard for paper patterns for childrens nightwear is that they must comply with AS/NZS 1249, clauses 0.2 and 5.6.
- (2) The definitions in AS/NZS 1249, clauses 0.5.2, 0.5.3, 0.5.6 and 0.5.10 apply for this clause.

## 15 Amendment of AS/NZS 1249

- (1) For regulation 13, AS/NZS 1249 is taken to be amended as mentioned in table 1.

**Table 1 Amendments of AS/NZS 1249 for reg 13**

<b>[1.1] Clause 0.1</b> <i>omit</i>  It also covers requirements for the labelling of paper patterns for these garments.
<b>[1.2] Clause 1.2 (a)</b> <i>insert after 1st paragraph</i>  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.  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.
<b>[1.3] Clause 1.2 (a), 3rd paragraph</b> <i>omit</i>  four or more of six specimens  <i>substitute</i>  3 or more specimens



**Table 1 Amendments of AS/NZS 1249 for reg 13**

<b>[1.4] Clause 1.2 (a), note</b> <i>substitute</i>  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.
<b>[1.3] Clause 1.3</b> <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.
<b>[1.4] Clause 5.6</b> <i>omit</i>

- (2) For regulation 14, AS/NZS 1249 is taken to be amended as mentioned in table 2.

**Table 2 Amendments of AS/NZS 1249 for reg 14**

<b>[2.1] Clause 0.5.3, notes</b> <i>omit</i>
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**Table 2      Amendments of AS/NZS 1249 for reg 14**

<b>[2.2] Clause 0.5.10</b> <i>omit</i> (See Note 1 to Clause 0.1)
<b>[2.3] Clause 5.6</b> <i>after</i> shall bear a <i>insert</i> clearly visible

## **16      Amendment of ISO 6941**

ISO 6941 is taken to be amended as mentioned in table 3.

**Table 3      Amendments of ISO 6941 for div 2.4**

<b>[3.1] Clause 8.8</b> <i>omit</i> test another set of three specimens for that direction or face <i>substitute</i> test another specimen for that direction or face
<b>[3.2] Clause 10 k) 4)</b> <i>substitute</i> 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.

## **Division 2.5                      Childrens toys**

### **17       Definitions for div 2.5**

In this division:

**AS 1647.2** means the Australian Standard entitled AS 1647.2—1992, *Children's toys (safety requirements), Part 2: Constructional requirements* published by Standards Australia on 14 September 1992, as amended by Amendment No 1 of 5 March 1995.

*Note*       This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

**childrens toys** means articles designed, manufactured, labelled or marketed as playthings for children less than 3 years old including, for example—

- (a) rattles, dummies, toy dummies, teethingers and squeeze toys; and
  - (b) toys to be attached to a crib, stroller, playpen or baby carriage; and
  - (c) pull and push toys, pounding toys, blocks and stacking toys; and
  - (d) toys for use in bath tubs; and
  - (e) rocking, spring and stick horses and other figures; and
  - (f) musical chime toys and jacks-in-the-box; and
  - (g) stuffed, plush and flock animals and other figures; and
  - (h) games, puzzles and dolls; and
  - (i) toy cars, trucks and other vehicles;
- but not including—
- (j) balloons, marbles and gramophone records; or

- (k) books; or
- (l) writing materials, including crayons, chalk, pencils and pens;  
or
- (m) paints (including finger-paints and waterpaints), paintbrushes  
and other painting implements; or
- (n) modelling materials, including clay, plasticine and playdough;  
or
- (o) flotation aid toys; or
- (p) bicycles with a wheelbase of at least 640mm; or
- (q) toys that are made entirely from highly porous fabric material  
such as cheesecloth; or
- (r) projectile toys within the meaning of division 2.12; or
- (s) playground equipment for parks, schools and domestic use  
(including swings, seesaws, slides, agility apparatus, climbing,  
swinging, rotating and rocking apparatus, cubbyhouses,  
sandpits, apparatus for use in sand, sliding poles and ladders);  
or
- (t) goods supplied in an entirely or partially unassembled state for  
assembly by an adult after supply, if, when assembled in  
accordance with written instructions supplied with the goods,  
the goods comply with the requirements of this division; or
- (u) toys made from closed cell polyethylene, ethylene vinyl acetate  
or similar material with the word 'WARNING' in red capital  
letters at least 5mm 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 capital letters at least  
2.5mm high on a white background marked legibly in a  
conspicuous position—
  - (i) on the toys; or

- (ii) if the toys are displayed in packaging for retail sale—on a main outer display face of the packaging in which the toys are displayed.

## **18 Safety standard**

- (1) The consumer product safety standard for childrens toys is that they must comply with AS 1647.2, clauses 7.1, 7.2, 7.10 (d), 7.15.6 (a) (iv), 9.4 and 10 and Appendix A, Appendices D to S and Appendices U and V.
- (2) The definitions in AS 1647.2, clauses 4.2 to 4.5, 4.9 to 4.12, 4.16 and 4.20 to 4.26 apply for this regulation.

## **19 Amendment of AS 1647. 2**

For this division, AS 1647.2 is taken to be amended as mentioned in table 4.

**Table 4 Amendments of AS 1647.2 for div 2.5**

<b>[4.1] Clause 7.2</b> <i>substitute</i> <b>7.2 Stuffed toys</b> Stuffed toys must not produce an ingestion or inhalation hazard if tested in accordance with Appendix O.
<b>[4.2] Clauses 10.2.1 and 10.3.1 to 10.3.4</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or, if applicable,
<b>[4.3] Clause 10.3.5</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or

**Table 4       Amendments of AS 1647.2 for div 2.5**

<b>[4.4]    Clauses 10.3.6 and 10.3.7</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or, if applicable,
<b>[4.5]    Clause 10.3.9</b> <i>omit</i> fracture or break <i>substitute</i> produce an ingestion or inhalation hazard
<b>[4.6]    Clause 10.3.10</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or, if applicable,
<b>[4.7]    Clause 10.3.11</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or
<b>[4.8]    Clause 10.3.13</b> <i>omit</i> a hazardous sharp edge, a hazardous sharp point or, if applicable,

**Table 4 Amendments of AS 1647.2 for div 2.5**

<b>[4.9] Clause 10.3.14</b> <i>after 2nd mention of</i> toy <i>insert</i> and that produce an ingestion or inhalation hazard
<b>[4.10] Clause 10.3.15</b> <i>substitute</i> <b>10.3.15</b> <i>Impact test for toys that cover the eyes</i> When tested in accordance with Appendix V, a toy that covers the eyes (for example, goggles, a space helmet, a face mask and the like) must not produce an ingestion or inhalation hazard.
<b>[4.11] Clause D5</b> <i>omit</i> If <i>substitute</i> Subject to clause 9.4, if
<b>[4.12] Clause F5 (d)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.

**Table 4       Amendments of AS 1647.2 for div 2.5**

<b>[4.13] Clause F6 (d) (i) and (ii)</b> <i>omit</i>
<b>[4.14] Clause G6 (i)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.15] Clause G7 (c) (i) and (ii)</b> <i>omit</i>
<b>[4.16] Clause H5 (f)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.17] Clause H6 (c) (i) and (ii)</b> <i>omit</i>
<b>[4.18] Clause I5 (g)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.



**Table 4 Amendments of AS 1647.2 for div 2.5**

<b>[4.19] Clause I6 (d) (i) and (ii)</b> <i>omit</i>
<b>[4.20] Clause J5 (e)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.21] Clause J6 (b) (i) and (ii)</b> <i>omit</i>
<b>[4.22] Clause K5 (h)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.23] Clause K6 (a) and (b)</b> <i>omit</i>
<b>[4.24] Clause L5 (b)</b> <i>omit</i> a hazardous sharp edge, hazardous sharp point or

**Table 4       Amendments of AS 1647.2 for div 2.5**

<b>[4.25] Clause L5 (f)</b> <i>omit everything after</i>  with  <i>substitute</i>  Appendix D.
<b>[4.26] Clause L5 (g)</b>  <i>omit</i>  a hazardous sharp edge, hazardous sharp point or
<b>[4.27] Clause L6 (b) (i) and (ii)</b>  <i>omit</i>
<b>[4.28] Clause M5 (h)</b>  <i>omit everything after</i>  with  <i>substitute</i>  Appendix D.
<b>[4.29] Clause M6 (d) (i) and (ii)</b>  <i>omit</i>

**Table 4 Amendments of AS 1647.2 for div 2.5**

<b>[4.30] Clause N2</b> <i>omit</i> neither developed a hazardous sharp edge nor a hazardous sharp point, nor, if applicable, produced <i>substitute</i> did not produce
<b>[4.31] Clause N6 (i)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.32] Clause N7 (d) (i) and (ii)</b> <i>omit</i>
<b>[4.33] Clause Q5 (g)</b> <i>omit everything after</i> with <i>substitute</i> Appendix D.
<b>[4.34] Clause Q6 (a) (i) and (ii)</b> <i>omit</i>

**Table 4       Amendments of AS 1647.2 for div 2.5**

<b>[4.35] Clause R5 (h)</b> <i>omit everything after</i>  with  <i>substitute</i>  Appendix D.
<b>[4.36] Clause R6 (d) (i) and (ii)</b>  <i>omit</i>
<b>[4.37] Clause U6 (b)</b>  <i>after</i>  outlet  <i>insert</i>  and whether these objects produced an ingestion or inhalation hazard
<b>[4.38] Clause V6 (a)</b>  <i>substitute</i>  Whether the toy produced an ingestion or inhalation hazard.

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## **Division 2.6                      Childrens household cots**

### **20        Definitions for div 2.6**

In this division:

**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*        This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

**household cot** means a cot designed for use in household situations, but does not include—

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

### **21        Safety standard**

- (1) The product safety standard prescribed for childrens household cots is that they 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 regulation.
- (3) Subregulation (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 subregulation (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 subregulation (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.

## Division 2.7                      Child restraints in motor vehicles

### 22      Definitions for div 2.7

In this division:

**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*      Standards AS 1754—1975 and AS 1754—1991 are available on the internet at web site [www.standards.com.au](http://www.standards.com.au).

***chaise*** means a device—

- (a) used for raising a child's position in a motor vehicle or adapting an adult seat belt 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.

## **23 Safety standard**

The consumer product safety standard for child restraints is that they must comply with AS 1754—1991.

**24      Amendment of AS 1754—1991**

For this division, AS 1754—1991 is taken to be amended as mentioned in table 5.

**Table 5      Amendments of AS 1754—1991 for div 2.7**

<b>[5.1]    Clause 1.1</b> <i>omit</i>  passenger cars and their derivatives  <i>substitute</i>  motor vehicles
<b>[5.2]    Clause 1.1</b> <i>omit</i>  The devices may also have application to other types of vehicles.
<b>[5.3]    Clause 2.4</b> <i>omit</i>

**25      Supply of components for child restraints complying with AS 1754—1975**

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



## Division 2.8 Flotation toys and swimming aids

### 26 Definitions for div 2.8

In this division:

**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* Standards AS 1499, AS 1512 and AS 1900 are available on the internet at web site [www.standards.com.au](http://www.standards.com.au).

**childrens flotation toys and swimming aids** means flotation toys and swimming aids likely to be used by children of any age less 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 sum 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.

## 27 Safety standard

The consumer product safety standard for childrens flotation toys and swimming aids is that they must comply with AS 1900.

## 28 Amendment of AS 1900

For this division, AS 1900 is taken to be amended as mentioned in table 6.

Table 6 Amendments of AS 1900 for div 2.8

<b>[6.1] Clause 1.1</b>
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<i>omit</i>
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## Division 2.9 Disposable cigarette lighters

### Subdivision 2.9.1 Preliminary

## 29 Definitions for div 2.9

In this division:

***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 of 1 January 2001.

*Note* This standard is available on the internet at the web site <http://lula.law.cornell.edu/cfr/cfr.php>

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

***disposable lighter***—see regulation 30 (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 regulation 44.

***lighter***—see regulation 30.

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

***novelty lighter***—see regulation 30 (5).

***refillable lighter***—see regulation 30 (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 less than 5 years old.

### 30      **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 subregulation (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) 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

- (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

*Note*      An example is part of the Act, 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).

- (3) For subregulation (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 subregulation (2) (a) or (b).
- (5) A *novelty lighter* is a lighter that is an eligible device mentioned in subregulation (2) (c) or (d).
- (6) A *refillable lighter* is a lighter that is an eligible device mentioned in subregulation (3).
- (7) For subregulation (3):
- relevant amount* means—
- (a) for a device imported into Australia before 1 October 2002—\$2; or
  - (b) for another device supplied by its manufacturer under an ex-works agreement before 1 October 2002—\$2; or
  - (c) in any other case—the indexed amount.
- value*, for a device, means—
- (a) for a device imported into Australia—its customs value; or
  - (b) for another device—its supply price.

### **31 Safety standard**

The consumer product safety standard for lighters is that they must comply with the requirements of this division.

### **Subdivision 2.9.2 Flame testing, structural safety and labelling**

#### **32 Application of subdiv 2.9.2**

This subdivision does not apply to a lighter that—

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

#### **33 Testing procedures**

When a lighter is tested in accordance with the procedures described in schedule 1, part 1.2, 1.3, 1.4, 1.5 or 1.6 the test must be performed in accordance with the procedures described in schedule 1, part 1.1.

#### **34 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.

#### **35 Abnormal burning**

After being tested in accordance with schedule 1, parts 1.4, 1.5 and 1.6, a lighter must not spit or sputter or produce an abnormal or unsafe flame when tested in accordance with schedule 1, parts 1.2 and 1.3.

#### **36 Flame height**

- (1) A lighter must comply with subregulation (2) when tested in accordance with schedule 1, part 1.2 —
  - (a) after being tested in accordance with schedule 1, part 1.4 or 1.5; or

- (b) after being tested in accordance with schedule 1, parts 1.4 and 1.5.
- (2) For subregulation (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.

### **37 Flame extinction**

- (1) A non-adjustable lighter must comply with subregulation (2) after being tested in accordance with the procedures described in schedule 1, parts 1.3, 1.4 and 1.5 .
- (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 subregulation (4) after being tested in accordance with the procedures described in schedule 1, parts 1.3, 1.4 and 1.5.

- (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.

### **38 Structural safety**

- (1) A lighter must have no sharp external edges.
- (2) A lighter, when tested in accordance with schedule 1, part 1.3, 1.4 or 1.5, must not be damaged so as to affect its safe operation.
- (3) A lighter, when tested in accordance with schedule 1, part 1.4 must not spontaneously ignite.
- (4) The internal pressure of the fuel reservoir of a lighter when tested in accordance with schedule 1, part 1.6 must not suddenly decrease.

### **39 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.

### **Subdivision 2.9.3 Child resistance**

#### **40 Application of subdiv 2.9.3**

This subdivision 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.

## **41      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.

## **42      Certification**

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

## **Subdivision 2.9.4      Indexation**

### **43      Indexed amount**

- (1) The *indexed amount* is the amount worked out in accordance with the formula:

$$\frac{\$2 \times \text{latest CPI number}}{\text{earlier CPI number.}}$$

- (2) If, apart from this subregulation, the indexed amount under this regulation would be an amount of dollars and cents, the amount is to be rounded to the nearest 25 cents and, if the amount to be rounded is 12.5 cents, rounded up.
- (3) If at any time the Australian Statistician publishes for a particular July quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for the quarter, the publication of the later CPI number is to be disregarded for this regulation.
- (4) However, if at any time the Australian Statistician changes the reference base for the Consumer Price Index, then, in applying this regulation after the change is made, regard is to be had only to numbers published in terms of the new reference base.
- (5) In this regulation:

***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.

***earlier CPI number*** means the CPI number for the July quarter in 1997.

***July quarter*** means the 3 months starting on 1 July in a year.

***latest CPI number*** means the CPI number for the July quarter in 2002.

## Division 2.10                      Laser pointers

### 44        Definitions for div 2.10

In this division:

**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*        This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.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.

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

#### **45 Safety standard**

The consumer product safety standard prescribed for laser pointers is that they must be a Class 1 laser product or a Class 2 laser product.

### **Division 2.11 Pedal bicycles**

#### **46 Definitions for div 2.11**

In this division:

*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* This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.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.

**47      Safety standard**

The consumer product safety standard for pedal bicycles is that they must comply with AS/NZS 1927.

**48      Amendment of AS/NZS 1927**

For this division, AS/NZS 1927 is taken to be amended as mentioned in table 7.

**Table 7      Amendments of AS/NZS 1927 for div 2.11**

<b>[7.1]    Clause 1.2</b> <i>omit</i>
<b>[7.2]    Clause 1.3</b> <i>omit</i> New Zealand Traffic Regulations 1976
<b>[7.3]    Clause 1.5 (a)</b> <i>omit</i> or New Zealand
<b>[7.4]    Clause 2.15.1</b> <i>omit</i>
<b>[7.5]    Clause 2.16, note</b> <i>omit</i>
<b>[7.6]    Clause 2.17.1</b> <i>omit</i>

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## **Division 2.12          Projectile toys**

### **49      Definitions for div 2.12**

In this division:

**AS/NZS ISO 8124.1:2002** means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, *Safety aspects related to mechanical and physical properties* published jointly by Standards Australia and Standards New Zealand on 16 May 2002.

*Note*      This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

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

### **50      Safety standard**

The consumer product safety standard for projectile toys is that they 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.

### **51      Exceptions**

- (1) This division does not apply to the toys mentioned in subregulation (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 division does not apply in the circumstances mentioned in subregulation (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 Act, 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).

## **Division 2.13 Protective helmets for pedal cyclists**

### **52 Definitions for div 2.13**

In this division:

**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/NZ 2512.1** means the Australian/New Zealand Standard entitled AS 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* Standards AS/NZS 2063 and AS/NZS 2512.1 are available on the internet at web site [www.standards.com.au](http://www.standards.com.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* This standard is available on the Internet as the document [www.smf.org/standards/b95std.html](http://www.smf.org/standards/b95std.html).

### **53 Safety standard**

The consumer product safety standard for protective helmets for pedal cyclists is that they must comply with—

- (a) AS/NZS 2063; or
- (b) the Snell standard.

### **54 Exceptions to div 2.13**

- (1) This division 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 subregulation (2);
  - (c) helmets that are designed and constructed principally for use as toys and that are marked in accordance with subregulation (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 subregulation (1) (b) is marked in accordance with this subregulation 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 subregulation (1) (c) is marked in accordance with this subregulation 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 subregulation (2) or (3) must be in capital letters at least 5mm high and the remaining words to be marked on a helmet under the subregulation must be in letters at least 2.5mm high.

## 55 Amendment of AS/NZS 2063

For this division, AS/NZS 2063 is taken to be amended as mentioned in table 8.

**Table 8 Amendments of AS/NZS 2063 for div 2.13**

<b>[8.1] Clause 1</b>
<i>omit</i>
<b>[8.2] New clause 5.7</b>
<i>insert</i>
<b>5.7 BMX Helmets</b> 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.
<b>[8.3] Clause 8.1 (e)</b>
<i>omit</i>

**56 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.

**Division 2.14 Sunglasses and fashion spectacles**

**57 Definitions for div 2.14**

In this division:

*AS 1067.1* means the Australian Standard entitled AS 1067.1—1990, *Sunglasses and fashion spectacles, Part 1: Safety requirements* published by Standards Australia on 17 September 1990, as amended by Amendment No 1 of 10 December 1990 and Amendment No 2 of 12 July 1993.

*Note* This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

*sunglasses and fashion spectacles* means sunglasses and fashion spectacles having lenses of nominally zero refractive power, and includes sunglasses and fashion spectacles of the one-piece or visor type and clip-on sunglasses, but does not include—

- (a) glasses for special use (for example, glasses for use while target shooting) that do not primarily provide protection against sunglare or radiation from natural sunlight in the circumstances set out in AS 1067.1, clause 1.3.7.2 or 1.3.7.3; or
- (b) goggles that are held in position by means of a strap passing around the back of the head; or
- (c) glasses that, in industrial environments, provide protection from radiation other than solar radiation or protection from physical impact; or

- (d) glasses for use as toys that are clearly and legibly labelled as toys.

**58 Safety standard**

The consumer product safety standard for sunglasses and fashion spectacles is that they must comply with AS 1067.1.

**59 Amendment of AS 1067.1**

For this division, AS 1067.1 is taken to be amended as mentioned in table 9.

**Table 9 Amendments of AS 1067.1 for div 2.14**

<b>[9.1] Clause 1.1</b>
<i>omit</i>
<b>[9.2] Clause 2.2.1 (b)</b>
<i>after</i> this point <i>insert</i> except for childrens sunglasses.  Childrens sunglasses with frames too small for measurement from 32mm from the centreline of the frame are to be measured at 6 selected points within a circle of 30mm diameter around the datum centre of each lens

**Table 9 Amendments of AS 1067.1 for div 2.14**

<b>[9.3] Clause 2.2.1 (c)</b> <i>after</i> these points <i>insert</i> except for childrens sunglasses.  Childrens sunglasses with frames too small for measurement from 32mm from the centreline of the sunglass are to be measured from a point 25% of the width of the lens measured on either side of the centreline that lies in the horizontal plane that would bisect the eyes when the visor is worn and at 6 selected points within a circle of 30mm diameter centred on these points
<b>[9.4] Clause 4.2.1</b> <i>omit</i>  classification of the eye wear and other relevant
<b>[9.5] Clause 4.2.2</b> <i>substitute</i>  <b>4.2.2 Fashion spectacles</b> The marking for fashion spectacles shall be as follows:  <b>‘FASHION SPECTACLES These glasses are not intended to provide protection against sun glare.’</b>

**Table 9       Amendments of AS 1067.1 for div 2.14**

<b>[9.6]   Clause 4.2.3</b>	
<i>omit</i>	
The marking for general-purpose sunglasses shall be as follows:	
<b>‘SUNGLASSES   These glasses are intended to reduce sun glare in ordinary circumstances.’</b>	
<b>[9.7]   Clause 4.2.4</b>	
<i>omit</i>	
For Type (a)	<b>‘SPECIFIC-PURPOSE SUNGLASSES for protection against very intense glare.’</b>
For Type (b)	<b>‘SPECIFIC-PURPOSE SUNGLASSES for protection against ultraviolet radiation in sunlight for specified environments.’</b>
<i>substitute</i>	
For Type (a)	<b>‘SPECIFIC-PURPOSE SUNGLASSES for protection against very intense glare.’</b>
For Type (b)	<b>‘SPECIFIC-PURPOSE SUNGLASSES for protection against ultraviolet radiation in sunlight for specified environments.’</b>

## Part 3

# Product information standard for care labelling of certain goods

### 60 Definitions for 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* This standard is available on the internet at the web site [www.standards.com.au](http://www.standards.com.au).

### 61 Application of 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 regulation:

***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, sun blinds, 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 wash bags).

## 62 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.

## 63 Amendment of AS/NZS 1957

For this part, AS/NZS 1957 is taken to be amended as mentioned in table 10.

**Table 10 Amendments of AS/NZS 1957 for pt 3**

<b>[10.1] Clauses 1.2 to 1.4, 2.1.3 and 2.2 (b)</b>
<i>omit</i>
<b>[10.2] Clause 2.2 (c)</b>
<i>substitute</i>
(c) The wording of the label must be in English and be clearly legible.
<b>[10.3] Clause 2.2, note 1</b>
<i>omit</i>

**Table 10 Amendments of AS/NZS 1957 for pt 3****[10.4] 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).

**[10.5] 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.

**[10.6] Clauses 3.4 and 3.5***omit*

each of

**[10.7] Clause 3.6***omit 1st mention of*

each category

*substitute*

the categories

**Table 10 Amendments of AS/NZS 1957 for pt 3****[10.8] 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.

**64 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 regulation:

***prescribed goods*** means—

- (a) adults, childrens 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, finger tips, 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.

**65 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      Test procedures for lighters**

(see regs 33 and 35-38)

### **Part 1.1      General test procedures**

- 1 The lighter must be maintained at a temperature of  $23\pm 2^{\circ}\text{C}$  for at least 10 hours immediately before testing in accordance with parts 1.2, 1.3 and 1.4.
- 2 The area in which tests are carried out must be maintained at a temperature of  $23\pm 2^{\circ}\text{C}$  during testing in accordance with parts 1.2, 1.4 and 1.5.
- 3 The lighter to be tested must be new, free of mechanical damage and must not (except if required by division 2.9) have been previously tested.

### **Part 1.2      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 determined 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.

## **Part 1.3 Inversion test procedures**

- 1 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.

## **Part 1.4 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) first, an upright position;
  - (b) second, an inverted position;
  - (c) third, a horizontal position;
- 2 The lighter must be inspected after every fall and any spontaneous ignition or damage must be recorded.

## **Part 1.5 Temperature test procedures**

- 1 An oven capable of withstanding the explosion of a lighter when being tested and of maintaining a temperature of  $54\pm 2^{\circ}\text{C}$  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  $54\pm 2^{\circ}\text{C}$ .
- 3 The lighter, when removed from the oven and allowed to become cool, must be tested in accordance with part 1.3.

## **Part 1.6                      Pressure test procedure**

- 1 The test apparatus must consist of a device capable of producing 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.

## Dictionary

(see reg 3)

***adjustable lighter***—see regulation 29.

***American standard***—see regulation 29.

***AS 1067.1***—see regulation 57.

***AS 1182***—see regulation 12.

***AS 1499***—see regulation 26.

***AS 1512***—see regulation 26.

***AS 1647.2***—see regulation 17.

***AS 1754—1975***—see regulation 22.

***AS 1754—1991***—see regulation 22.

***AS 1900***—see regulation 26.

***AS/NZS 1249***—see regulation 12.

***AS/NZS 1927***—see regulation 46.

***AS/NZS 1957***—see regulation 60.

***AS/NZS 2063***—see regulation 52.

***AS/NZS 2172***—see regulation 20.

***AS/NZS 2211***—see regulation 44.

***AS/NZ 2512.1***—see regulation 52.

***AS/NZS ISO 8124.1:2002***—see regulation 49.

***balloon-blowing kit***—see regulation 8.

***beanbag***—see regulation 10.

***beanbag cover***—see regulation 10.



***beanbag filling*** —see regulation 10.

***chaise***—see regulation 22.

***childrens flotation toys and swimming aids***—see regulation 26.

***childrens nightwear***—see regulation 12.

***child resistant slide fastener***—see regulation 10.

***child restraint***—see regulation 22.

***childrens toys***—see regulation 17.

***Class 1 laser product***—see regulation 44.

***Class 2 laser product***—see regulation 44.

***CPI number***—see regulation 43 (5).

***cushion***, for division 2.7 (Child restraints in motor vehicles)—see regulation 22.

***customs value***, for a device—see regulation 29.

***disposable lighter***—see regulation 30 (4).

***earlier CPI number***—see regulation 43 (5)

***ex-works agreement***—see regulation 29.

***household cot***—see regulation 20.

***indexed amount***—see regulation 43.

***ISO 6941***—see regulation 12.

***July quarter***—see regulation 43 (5).

***latest CPI number***—see regulation 43 (5).

***laser***—see regulation 44.

***laser pointer***—see regulation 44.

***laser product***—see regulation 44.

***laser system***—see regulation 44.

***lighter***—see regulation 30.

***non-adjustable lighter***—see regulation 29.

***novelty lighter***—see regulation 30 (5).

***package***, for division 2.3 (Beanbags, beanbag covers and packages containing beanbag filling)—see regulation 10.

***pedal bicycle***—see regulation 46.

***projectile toy***—see regulation 49.

***protective helmet***—see regulation 52.

***refillable lighter***—see regulation 30 (6).

***safe operation***, for a lighter—see regulation 29.

***slide fastener***—see regulation 10.

***Snell standard***—see regulation 52.

***spit or sputter***, for a flame produced by a lighter—see regulation 29.

***sunglasses and fashion spectacles***—see regulation 57.

***young child***—see regulation 29.

## 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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	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

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### 3 Legislation history

#### **Fair Trading (Consumer Product Standards) Regulations 2002 SL2002-39**

notified LR 12 December 2002

reg 1, reg 2 commenced 12 December 2002 (LA s 75)

remainder commenced 13 December 2002 (reg 2)

### 4 Amendment history

#### **Commencement**

reg 2 om LA s 89 (4)

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