



Australian Capital Territory

# **Fair Trading (Consumer Product Standards) Regulation 2002**

**SL2002-39**

made under the

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

**Republication No 3**

**Effective: 4 November 2004 – 1 July 2005**

Republication date: 4 November 2004

Last amendment made by SL2004-28  
(replication includes editorial amendments  
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Fair Trading (Consumer Product Standards) Regulation 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 4 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 4 November 2004.

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.

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### Editorial changes

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 includes 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) Regulation 2002

made under the

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

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Australian Capital Territory

# Fair Trading (Consumer Product Standards) Regulation 2002

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Fair Trading (Consumer Product Standards) Regulation 2002*.

### 2 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 section 46.' 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)).

### 3 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.

### 4 Compliance with specification

For this regulation, 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.

## Part 2 Product safety standards

### Division 2.1 Preliminary

#### 5 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.

#### 6 Exceptions to consumer product standards generally

The consumer product safety standards prescribed by this regulation 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 this regulation do not apply.

## **Division 2.2 Balloon-blowing kits**

### **7 Definition for div 2.2**

In this division:

*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.

### **8 Safety standard—balloon-blowing kits**

- (1) The consumer product safety standard for balloon-blowing kits is that they 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.

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

### **9 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 subsection (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.

## 10 Safety standard—beanbags etc

- (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 subsection (1) (a) (ii).
- (3) The warning mentioned in subsection (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            Bunk beds**

### **11            Definitions for div 2.4**

In this division:

***bunk beds*** means bunk beds 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.

## 12 Safety standard—bunk beds

- (1) The consumer product safety standard for bunk beds is the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

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

## Division 2.5 Children's nightwear and paper patterns for children's nightwear

### 13 Definitions for div 2.5

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).

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

**14 Safety standard—children's nightwear**

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

**15 Safety standard—paper patterns for children's nightwear**

- (1) The consumer product safety standard for paper patterns for children's 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 section.

**16 Amendment of AS/NZS 1249**

- (1) For section 14, AS/NZS 1249 is taken to be amended as mentioned in table 16.1.

**Table 16.1 Amendments of AS/NZS 1249 for s 14**

<b>[1.1]</b>	<b>Clause 0.1</b>
	<i>omit</i>
	It also covers requirements for the labelling of paper patterns for these garments.

**Table 16.1 Amendments of AS/NZS 1249 for s 14**

<b>[1.2]</b>	<b>Clause 1.2 (a)</b> <i>after 1st paragraph, insert</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]</b>	<b>Clause 1.2 (a), 3rd paragraph</b> <i>omit</i>  four or more of six specimens  <i>substitute</i>  3 or more specimens
<b>[1.4]</b>	<b>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.

**Table 16.1 Amendments of AS/NZS 1249 for s 14**

<b>[1.3]</b>	<b>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]</b>	<b>Clause 5.6</b> <i>omit</i>

- (2) For section 15, AS/NZS 1249 is taken to be amended as mentioned in table 16.2.

**Table 16.2 Amendments of AS/NZS 1249 for s 15**

<b>[2.1]</b>	<b>Clause 0.5.3, notes</b> <i>omit</i>
<b>[2.2]</b>	<b>Clause 0.5.10</b> <i>omit</i> (See Note 1 to Clause 0.1)

**Table 16.2 Amendments of AS/NZS 1249 for s 15**

<b>[2.3]</b>	<b>Clause 5.6</b>
	<i>after</i>
	shall bear a
	<i>insert</i>
	clearly visible

**17 Amendment of ISO 6941**

ISO 6941 is taken to be amended as mentioned in table 16.3.

**Table 16.3 Amendments of ISO 6941 for div 2.5**

<b>[3.1]</b>	<b>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]</b>	<b>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 2.6 Children's toys**

### **18 Definitions for div 2.6**

In this division:

*children's toys* means children's toys 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.

### **19 Safety standard—children's toys**

- (1) The consumer product safety standard for children's toys is the TPA standard as in force on 1 July 2005.
- (2) However, until 1 July 2005, the consumer product safety standard for children's toys is the TPA standard as in force when this division commences.
- (3) The standard under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.
- (4) Subsection (2) and this subsection expire on 1 July 2005.

## Division 2.7 Children's household cots

### 20 Definitions for div 2.7

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 carrycot; or
- (c) a cradle.

### 21 Safety standard—household cots

- (1) The product safety standard prescribed for children's 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 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.

## **Division 2.8                      Child restraints in motor vehicles**

### **22                      Definitions for div 2.8**

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 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.

## 23 Safety standard—child restraints

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 24.

**Table 24 Amendments of AS 1754—1991 for div 2.8**

<b>[5.1]</b>	<b>Clause 1.1</b> <i>omit</i> passenger cars and their derivatives <i>substitute</i> motor vehicles
<b>[5.2]</b>	<b>Clause 1.1</b> <i>omit</i> The devices may also have application to other types of vehicles.
<b>[5.3]</b>	<b>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 2.9 Corded internal window coverings

### 26 Definitions for div 2.9

In this division:

*corded internal window coverings* means corded internal window coverings to which the NSW standard applies.

*NSW standard* means the consumer product safety standard prescribed for window coverings in the *Fair Trading (General) Regulation 2002* (NSW), division 19 (Corded internal window coverings) as in force when this division commences.

*Note* For the *Fair Trading (General) Regulation 2002* (NSW), see <http://www.legislation.nsw.gov.au>.

### 27 Safety standard—corded internal window coverings

- (1) The consumer product safety standard for corded internal window coverings is the NSW standard.
- (2) The standard under subsection (1) is a notifiable instrument.

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

## Division 2.10 Flotation toys and swimming aids

### 28 Definitions for div 2.10

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).

**children's flotation toys and swimming aids** means flotation toys and swimming aids 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.

**29 Safety standard—children’s flotation toys etc**

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

**30 Amendment of AS 1900**

For this division, AS 1900 is taken to be amended as mentioned in table 30.

**Table 30 Amendments of AS 1900 for div 2.10**

<b>[6.1]</b>	<b>Clause 1.1</b>
	<i>omit</i>

**Division 2.11 Disposable cigarette lighters**

**Subdivision 2.11.1 Preliminary**

**31 Definitions for div 2.11**

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 section 32 (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 45.

**lighter**—see section 32.

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

**novelty lighter**—see section 32 (5).

**refillable lighter**—see section 32 (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.

### 32 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) 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 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).

- (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.

**value**, for a device, means—

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

### **33 Safety standard—lighters**

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

### **Subdivision 2.11.2 Flame testing, structural safety and labelling**

#### **34 Application of subdiv 2.11.2**

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.

**35 Testing procedures**

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

**36 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.

**37 Abnormal burning**

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

**38 Flame height**

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

### **39 Flame extinction**

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

### **40 Structural safety**

- (1) A lighter must have no sharp external edges.

- (2) A lighter, when tested in accordance with schedule 1, part 1.3, part 1.4 or part 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.

#### **41 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 2.11.3 Child resistance**

#### **42 Application of subdiv 2.11.3**

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.

#### **43 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.

#### 44 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 2.11.4 Indexation

#### 45 Indexed amount

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

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

- (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.

## **Division 2.12      Laser pointers**

### **46      Definitions for div 2.12**

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.

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

#### 47 Safety standard—laser points

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 2.13 Pedal bicycles

#### 48 Definitions for div 2.13

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.

**49 Safety standard—pedal bicycles**

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

**50 Amendment of AS/NZS 1927**

For this division, AS/NZS 1927 is taken to be amended as mentioned in table 50.

**Table 50 Amendments of AS/NZS 1927 for div 2.13**

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

## Division 2.14 Projectile toys

### 51 Definitions for div 2.14

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.

### 52 Safety standard—projectile toys

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.

### 53 Exceptions to div 2.14

- (1) This division 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 division 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).

## **Division 2.15 Protective helmets for pedal cyclists**

### **54 Definitions for div 2.15**

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).

**55 Safety standard—protective helmets**

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.

**56 Exceptions to div 2.15**

- (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 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.

## **57 Amendment of AS/NZS 2063**

For this division, AS/NZS 2063 is taken to be amended as mentioned in table 57.

**Table 57 Amendments of AS/NZS 2063 for div 2.15**

<b>[8.1]</b>	<b>Clause 1</b> <i>omit</i>
<b>[8.2]</b>	<b>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.

**Table 57 Amendments of AS/NZS 2063 for div 2.15**

<b>[8.3]</b>	<b>Clause 8.1 (e)</b> <i>omit</i>
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**58 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 2.16 Sunglasses and fashion spectacles**

**59 Definitions for div 2.16**

In this division:

*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.

**60 Safety standard—sunglasses and fashion spectacles**

- (1) The consumer product safety standard for sunglasses and fashion spectacles is the TPA standard as in force on 1 April 2005.
- (2) However, until 1 April 2005, the consumer product safety standard for sunglasses and fashion spectacles is the TPA standard as in force when this division commences.
- (3) The standard under subsection (1) is a notifiable instrument.

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

- (4) Subsection (2) and this subsection expire on 1 July 2005.

## **Division 2.17      Vehicle jacks**

### **61      Definitions for div 2.17**

In this division:

*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 jacks* means vehicle jacks to which the TPA standard applies.

### **62      Safety standard—vehicle jacks**

- (1) The consumer product safety standard for vehicle jacks is the TPA standard.
- (2) The standard under subsection (1) is a notifiable instrument.

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

## Part 3 Product information standard for care labelling of certain goods

### 63 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).

### 64 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 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).

**65 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.

**66 Amendment of AS/NZS 1957**

For this part, AS/NZS 1957 is taken to be amended as mentioned in table 66.

**Table 66 Amendments of AS/NZS 1957 for pt 3**

<b>[10.1]</b>	<b>Clauses 1.2 to 1.4, 2.1.3 and 2.2 (b)</b> <i>omit</i>
<b>[10.2]</b>	<b>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]</b>	<b>Clause 2.2, note 1</b> <i>omit</i>



**Table 66 Amendments of AS/NZS 1957 for pt 3**

<b>[10.4] Clause 2.2, note 5</b>
<p><i>after</i></p> <p>attached to that component.</p> <p><i>insert</i></p> <p>This includes individual pieces of household textile products sold as sets (for example, napkin and tablecloth sets).</p>
<b>[10.5] New clause 2.4</b>
<p><i>insert</i></p> <p><b>2.4 ALTERNATIVE CARE INSTRUCTIONS</b> 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.</p>
<b>[10.6] Clauses 3.4 and 3.5</b>
<p><i>omit</i></p> <p>each of</p>
<b>[10.7] Clause 3.6</b>
<p><i>omit 1st mention of</i></p> <p>each category</p> <p><i>substitute</i></p> <p>the categories</p>

**Table 66 Amendments of AS/NZS 1957 for pt 3**

<b>[10.8]</b>	<b>Clause 3.6</b>
	<i>omit</i>
	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.

**67 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.

**68 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 part 1.2, part 1.3 and part 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 part 1.2, part 1.4 and part 1.5.
- 3 The lighter to be tested must be new, free of mechanical damage and must not (except if required by division 2.11) 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 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.

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## **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 that can withstand 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 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.

## 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.

***adjustable lighter***—see section 31.

***American standard***—see section 31.

***AS 1067.1***—see section 59.

***AS 1499***—see section 28.

***AS 1512***—see section 28.

***AS 1754—1975***—see section 22.

***AS 1754—1991***—see section 22.

***AS 1900***—see section 28.

***AS/NZS 1249***—see section 13.

***AS/NZS 1927***—see section 48.

***AS/NZS 1957***—see section 63.

***AS/NZS 2063***—see section 54.

***AS/NZS 2172***—see section 20.

***AS/NZS 2211***—see section 46.

***AS/NZ 2512.1***—see section 54.

**AS/NZS ISO 8124.1:2002**—see section 51.

**balloon-blowing kit**—see section 7.

**beanbag**—see section 9.

**beanbag cover**—see section 9.

**beanbag filling**—see section 9.

**chaise**—see section 22.

**children's flotation toys and swimming aids**—see section 28.

**children's nightwear**—see section 13.

**child-resistant slide fastener**—see section 9.

**child restraint**—see section 22.

**children's toys**—see section 18.

**Class 1 laser product**—see section 46.

**Class 2 laser product**—see section 46.

**cushion**, for division 2.8 (Child restraints in motor vehicles)—see section 22.

**customs value**, for a device—see section 31.

**disposable lighter**—see section 32 (4).

**ex-works agreement**—see section 31.

**household cot**—see section 20.

**indexed amount**—see section 45.

**ISO 6941**—see section 13.

**laser**—see section 46.

**laser pointer**—see section 46.

**laser product**—see section 46.



*laser system*—see section 46.

*lighter*—see section 32.

*non-adjustable lighter*—see section 31.

*novelty lighter*—see section 32 (5).

*package*, for division 2.3 (Beanbags, beanbag covers and packages containing beanbag filling)—see section 9.

*pedal bicycle*—see section 48.

*projectile toy*—see section 51.

*protective helmet*—see section 54.

*refillable lighter*—see section 32 (6).

*safe operation*, for a lighter—see section 31.

*slide fastener*—see section 9.

*Snell standard*—see section 54.

*spit or sputter*, for a flame produced by a lighter—see section 31.

*sunglasses and fashion spectacles*—see section 59.

*young child*—see section 31.

## Endnotes

1 About the endnotes

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## 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

### 3 Legislation history

This regulation was originally the *Fair Trading (Consumer Product Standards) Regulations 2002*. It was renamed under the *Legislation Act 2001*.

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

notified LR 12 December 2002  
s 1, s 2 commenced 12 December 2002 (LA s 75)  
remainder commenced 13 December 2002 (s 2)

as amended by

#### **Fair Trading (Consumer Product Standards) Amendment Regulations 2004 (No 1) SL2004-28**

notified LR 22 July 2004  
s 1, s 2 commenced 22 July 2004 (LA s 75 (1))  
remainder commenced 23 July 2004 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R3 LA

#### **Dictionary**

s 2 orig s 2 om LA s 89 (4)  
(prev s 3) renum R2 LA (see SL2004-28 s 10)

#### **Notes**

s 3 orig s 3 renum as s 2  
(prev s 4) renum R2 LA (see SL2004-28 s 10)

#### **Compliance with specification**

s 4 orig s 4 renum as s 3  
(prev s 5) renum R2 LA (see SL2004-28 s 10)

#### **Product safety standards**

s 5 orig s 5 renum as s 4  
(prev s 6) renum R2 LA (see SL2004-28 s 10)

#### **Exceptions to consumer product standards generally**

s 6 orig s 6 renum as s 5  
(prev s 7) renum R2 LA (see SL2004-28 s 10)

## Endnotes

### 4 Amendment history

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#### **Definition for div 2.2**

s 7 orig s 8 renum as s 6  
(prev s 8) renum R2 LA (see SL2004-28 s 10)

#### **Safety standard—balloon-blowing kits**

s 8 orig s 8 renum as s 7  
(prev s 9) renum R2 LA (see SL2004-28 s 10)

#### **Definitions for div 2.3**

s 9 orig s 9 renum as s 8  
(prev s 10) renum R2 LA (see SL2004-28 s 10)

#### **Safety standard—beanbags etc**

s 10 orig s 10 renum as s 9  
(prev s 11) renum R2 LA (see SL2004-28 s 10)

#### **Bunk beds**

div 2.3A hdg renum as div 2.4 hdg

#### **Bunk beds**

div 2.4 hdg orig div 2.4 hdg renum as div 2.5 hdg  
(prev div 2.3A hdg) ins SL2004-28 s 4  
renum R2 LA (see SL2004-28 s 10)

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

s 11 orig s 11 renum as s 10  
(prev s 11A) ins SL2004-28 s 4  
renum R2 LA (see SL2004-28 s 10)  
def **bunk beds** ins SL2004-28 s 4  
def **TPA standard** ins SL2004-28 s 4

#### **Definitions for div 2.3A**

s 11A renum as s 11

#### **Safety standard—bunk beds**

s 11B renum as s 12

#### **Safety standard—bunk beds**

s 12 orig s 12 renum as s 13  
(prev s 11B) ins SL2004-28 s 4  
renum R2 LA (see SL2004-28 s 10)

#### **Children's nightwear and paper patterns for children's nightwear**

div 2.5 hdg orig div 2.5 hdg renum as div 2.6 hdg  
(prev div 2.4 hdg) renum R2 LA (see SL2004-28 s 10)

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

s 13 orig s 13 renum as s 14  
(prev s 12) renum R2 LA (see SL2004-28 s 10)

**Safety standard—children’s nightwear**

s 14 orig s 14 renum as s 15  
(prev s 13) renum R2 LA (see SL2004-28 s 10)

**Safety standard—paper patterns for children’s nightwear**

s 15 orig s 15 renum as s 16  
(prev s 14) renum R2 LA (see SL2004-28 s 10)

**Amendment of AS/NZS 1249**

s 16 orig s 16 renum as s 17  
(prev s 15) renum R2 LA (see SL2004-28 s 10)  
tables renum R2 LA

**Amendment of ISO 6941**

s 17 orig s 17 renum as s 18  
(prev s 16) renum R2 LA (see SL2004-28 s 10)

**Children’s toys**

div 2.6 hdg orig div 2.6 hdg renum as div 2.7 hdg  
(prev div 2.5 hdg) sub SL2004-28 s 5  
renum R2 LA (see SL2004-28 s 10)

**Definitions for div 2.6**

s 18 orig s 18 renum as s 19  
(prev s 17) sub SL2004-28 s 5  
renum R2 LA (see SL2004-28 s 10)  
def **AS 1647.2BI** om SL2004-28 s 5  
def **children’s toys** sub SL2004-28 s 5  
def **TPA standard** ins SL2004-28 s 5

**Safety standard—children’s toys**

s 19 orig s 19 om SL2004-28 s 5  
(prev s 18) sub SL2004-28 s 5  
renum R2 LA (see SL2004-28 s 10)  
(2), (4) exp 1 July 2005 (s 19 (4))

**Children’s household cots**

div 2.7 hdg orig div 2.7 hdg renum as div 2.8 hdg  
(prev div 2.6 hdg) renum R2 LA (see SL2004-28 s 10)

**Corded internal window coverings**

div 2.7A hdg renum as div 2.9 hdg

**Child restraints in motor vehicles**

div 2.8 hdg orig div 2.8 hdg renum as div 2.10 hdg  
(prev div 2.7 hdg) renum R2 LA (see SL2004-28 s 10)

**Amendment of AS 1754—1991**

s 24 table renum R2 LA

## Endnotes

### 4 Amendment history

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#### **Corded internal window coverings**

div 2.9 hdg orig div 2.9 hdg renum as div 2.11 hdg  
(prev div 2.7A hdg) ins SL2004-28 s 6  
renum R2 LA (see SL2004-28 s 10)

#### **Preliminary**

sdiv 2.9.1 hdg renum as sdiv 2.11.1 hdg

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

sdiv 2.9.2 hdg renum as sdiv 2.11.2 hdg

#### **Child resistance**

sdiv 2.9.3 hdg renum as sdiv 2.11.3 hdg

#### **Indexation**

sdiv 2.9.4 hdg renum as sdiv 2.11.4 hdg

#### **Definitions for div 2.7A**

s 25A renum as s 26

#### **Safety standard**

s 25B renum as s 27

#### **Definitions for div 2.7A**

s 26 orig s 26 renum as s 28  
(prev s 25A) ins SL2004-28 s 6  
renum R2 LA (see SL2004-28 s 10)  
def **corded internal window coverings** ins SL2004-28 s 6  
def **NSW standard** ins SL2004-28 s 6

#### **Safety standard**

s 27 orig s 27 renum as s 29  
(prev s 25B) ins SL2004-28 s 6  
renum R2 LA (see SL2004-28 s 10)

#### **Flotation toys and swimming aids**

div 2.10 hdg orig div 2.10 hdg renum as div 2.12 hdg  
(prev div 2.8 hdg) renum R2 LA (see SL2004-28 s 10)

#### **Definitions for div 2.10**

s 28 orig s 28 renum as s 30  
(prev s 26) renum R2 LA (see SL2004-28 s 10)

#### **Safety standard—children's flotation toys**

s 29 orig s 29 renum as s 31  
(prev s 27) renum R2 LA (see SL2004-28 s 10)

#### **Amendment of AS 1900**

s 30 orig s 30 renum as s 32  
(prev s 28) renum R2 LA (see SL2004-28 s 10)  
table renum R2 LA

**Disposable cigarette lighters**

div 2.11 hdg orig div 2.11 hdg renum as div 2.13 hdg  
(prev div 2.9 hdg) renum R2 LA (see SL2004-28 s 10)

**Preliminary**

sdiv 2.11.1 hdg (prev sdiv 2.9.1 hdg) renum R2 LA (see SL2004-28 s 10)

**Definitions for div 2.11**

s 31 orig s 31 renum as s 33  
(prev s 29) renum R2 LA (see SL2004-28 s 10)

**Meaning of *lighter* and types of lighters**

s 32 orig s 32 renum as s 34  
(prev s 30) am SL2004-28 s 7  
renum R2 LA (see SL2004-28 s 10)

**Safety standard**

s 33 orig s 33 renum as s 35  
(prev s 31) renum R2 LA (see SL2004-28 s 10)

**Flame testing, structural safety and labelling**

sdiv 2.11.2 hdg (prev sdiv 2.9.2 hdg) renum R2 LA (see SL2004-28 s 10)

**Application of subdiv 2.11.2**

s 34 orig s 34 renum as s 36  
(prev s 32) renum R2 LA (see SL2004-28 s 10)

**Testing procedures**

s 35 orig s 35 renum as s 37  
(prev s 33) renum R2 LA (see SL2004-28 s 10)

**Ignition and adjustment of flame**

s 36 orig s 36 renum as s 38  
(prev s 34) renum R2 LA (see SL2004-28 s 10)

**Abnormal burning**

s 37 orig s 37 renum as s 39  
(prev s 35) renum R2 LA (see SL2004-28 s 10)

**Flame height**

s 38 orig s 38 renum as s 40  
(prev s 36) renum R2 LA (see SL2004-28 s 10)

**Flame extinction**

s 39 orig s 39 renum as s 41  
(prev s 37) renum R2 LA (see SL2004-28 s 10)

**Structural safety**

s 40 orig s 40 renum as s 42  
(prev s 38) renum R2 LA (see SL2004-28 s 10)

## Endnotes

### 4 Amendment history

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#### **Labelling**

s 41 orig s 41 renum as s 43  
(prev s 39) renum R2 LA (see SL2004-28 s 10)

#### **Child resistance**

sdiv 2.11.3 hdg (prev sdiv 2.9.3 hdg) renum R2 LA (see SL2004-28 s 10)

#### **Application of subdiv 2.11.3**

s 42 orig s 42 renum as s 44  
(prev s 40) renum R2 LA (see SL2004-28 s 10)

#### **Child resistance**

s 43 orig s 43 renum as s 45  
(prev s 41) renum R2 LA (see SL2004-28 s 10)

#### **Certification**

s 44 orig s 44 renum as s 46  
(prev s 42) renum R2 LA (see SL2004-28 s 10)

#### **Indexation**

sdiv 2.11.4 hdg (prev sdiv 2.9.4 hdg) renum R2 LA (see SL2004-28 s 10)

#### **Indexed amount**

s 45 orig s 45 renum as s 47  
(prev s 43) sub SL2004-28 s 8  
renum R2 LA (see SL2004-28 s 10)

#### **Laser pointers**

div 2.12 hdg orig div 2.12 hdg renum as div 2.14 hdg  
(prev div 2.10 hdg) renum R2 LA (see SL2004-28 s 10)

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

s 46 orig s 46 renum as s 48  
(prev s 44) renum R2 LA (see SL2004-28 s 10)

#### **Safety standard—laser pointers**

s 47 orig s 47 renum as s 49  
(prev s 45) renum R2 LA (see SL2004-28 s 10)

#### **Pedal bicycles**

div 2.13 hdg orig div 2.13 hdg renum as div 2.15 hdg  
(prev div 2.11 hdg) renum R2 LA (see SL2004-28 s 10)

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

s 48 orig s 48 renum as s 50  
(prev s 46) renum R2 LA (see SL2004-28 s 10)

#### **Safety standard—pedal bicycles**

s 49 orig s 49 renum as s 51  
(prev s 47) renum R2 LA (see SL2004-28 s 10)



**Amendment of AS/NZS 1927**

s 50 orig s 50 renum as s 52  
(prev s 48) renum R2 LA (see SL2004-28 s 10)  
table renum R2 LA

**Projectile toys**

div 2.14 hdg orig div 2.14 hdg renum as div 2.16 hdg  
(prev div 2.12 hdg) renum R2 LA (see SL2004-28 s 10)

**Definitions for div 2.14**

s 51 orig s 51 renum as s 53  
(prev s 49) renum R2 LA (see SL2004-28 s 10)

**Safety standard—projectile toys**

s 52 orig s 52 renum as s 54  
(prev s 50) renum R2 LA (see SL2004-28 s 10)

**Exceptions to div 2.14**

s 53 orig s 53 renum as s 55  
(prev s 51) renum R2 LA (see SL2004-28 s 10)

**Protective helmets for pedal cyclists**

div 2.15 hdg orig div 2.15 hdg renum as div 2.17 hdg  
(prev div 2.13 hdg) renum R2 LA (see SL2004-28 s 10)

**Definitions for div 2.15**

s 54 orig s 54 renum as s 56  
(prev s 52) renum R2 LA (see SL2004-28 s 10)

**Safety standard—protective helmets**

s 55 orig s 55 renum as s 57  
(prev s 53) renum R2 LA (see SL2004-28 s 10)

**Exceptions to div 2.15**

s 56 orig s 56 renum as s 58  
(prev s 54) renum R2 LA (see SL2004-28 s 10)

**Amendment of AS/NZS 2063**

s 57 orig s 57 renum as s 59  
(prev s 55) renum R2 LA (see SL2004-28 s 10)  
table renum R2 LA

**Amendment of Snell standard**

s 58 orig s 58 renum as s 60  
(prev s 56) renum R2 LA (see SL2004-28 s 10)

**Sunglasses and fashion spectacles**

div 2.16 hdg (prev div 2.14 hdg) sub SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)

## Endnotes

### 4 Amendment history

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#### Definitions for div 2.16

s 59 orig s 59 renum as s 61  
(prev s 57) sub SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)  
def **AS 1067.1** om SL2004-28 s 9  
def **sunglasses and fashion spectacles** sub SL2004-28 s 9  
def **TPA standard** ins SL2004-28 s 9

#### Safety standard—vehicle jacks

s 59A renum as s 62

#### Safety standard—sunglasses and fashion spectacles

s 60 orig s 60 renum as s 63  
(prev s 58) sub SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)  
(2), (4) exp 1 July 2005 (s 60 (4))

#### Vehicle jacks

div 2.17 hdg (prev div 2.15 hdg) ins SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)

#### Definitions for div 2.17

s 61 orig s 61 renum as s 64  
(prev s 59) sub SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)  
def **TPA standard** ins SL2004-28 s 9  
def **vehicle jacks** ins SL2004-28 s 9

#### Safety standard—vehicle jacks

s 62 orig s 62 renum as s 65  
(prev s 59A) ins SL2004-28 s 9  
renum R2 LA (see SL2004-28 s 10)

#### Definitions for pt 3

s 63 orig s 63 renum as s 66  
(prev s 60) renum R2 LA (see SL2004-28 s 10)

#### Application of pt 3

s 64 orig s 64 renum as s 67  
(prev s 61) renum R2 LA (see SL2004-28 s 10)

#### Product information standard

s 65 orig s 65 renum as s 68  
(prev s 62) renum R2 LA (see SL2004-28 s 10)

#### Amendment of AS/NZS 1957

s 66 (prev s 63) renum R2 LA (see SL2004-28 s 10)  
table renum R2 LA

**Form of information for certain goods**

s 67 (prev s 64) renum R2 LA (see SL2004-28 s 10)

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

s 68 (prev s 65) renum R2 LA (see SL2004-28 s 10)

**Dictionary**

dict

def **AS 1182** om R3 LAdef **AS 1647.2** om R3 LAdef **CPI number** om R3 LAdef **earlier CPI number** om R3 LAdef **July quarter** om R3 LAdef **latest CPI number** om R3 LA**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 13 Dec 2002	13 Dec 2002– 22 July 2004	not amended	new regulation
R2 23 July 2004	23 July 2004– 3 Nov 2004	SL2004-28	amendments by SL2004-28 and general renumbering

## Endnotes

6 Renumbered provisions

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## 6 Renumbered provisions

as made by *Fair Trading (Consumer Product Standards) Amendment Regulation 2004 (No 1)* SL2004-28 s 10 and under the *Legislation Act 2001*

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7	Exceptions to product safety standards generally	6
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<b>Division 2.3</b>	<b>Beanbags, beanbag covers and packages containing beanbag filling</b>	<b>Division 2.3</b>
10	Definitions for div 2.3	9
11	Safety standard—beanbags etc	10
<b>Division 2.3A</b>	<b>Bunk beds</b>	<b>Division 2.4</b>
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13	Safety standard—children's nightwear	14
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## Endnotes

6 Renumbered provisions

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