

1995—No. 479

FAIR TRADING ACT 1987—REGULATION
(Fair Trading (Product Safety Standards) Regulation 1995)
NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

FAYE LO PO' MP
Minister for Consumer Affairs.

Citation

1. This Regulation may be cited as the Fair Trading (Product Safety Standards) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**Australian Standard**” means a standard, code or specification published by the Standards Association of Australia;

“**the Act**” means the Fair Trading Act 1987.

Safety standards

4. (1) The standards set out in the Schedules to this Regulation are prescribed (under section 26 of the Act) as product safety standards for the goods to which those Schedules apply.

(2) The consequences of failing to comply with a product safety standard are set out in section 27 of the Act.

Exceptions

5. The product safety standards prescribed by this Regulation do not apply to the supply of goods in the following circumstances:

- (a) if the supplier reasonably believes that the goods will not be used in New South Wales;
- (b) if the goods are supplied as scrap, that is to say, for the value of the materials of which the goods are composed and not for use as finished articles;
- (c) in the case of goods supplied under a credit sale contract (within the meaning of the Credit Act 1984) or under 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;
- (d) in the case of goods that are damaged, if the goods are supplied to a person who carries on a business of buying damaged goods and repairing or reconditioning them for resale, or to a person by whom the goods were insured against damage;
- (e) in the case of goods that are let on hire, or that are supplied to another person 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 at the time when it began.

Compliance with specification

6. For the purposes of this Regulation, goods do not fail to comply with an Australian Standard 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 of an advisory nature only.

Repeal

7. The Product Safety Regulation 1988 is repealed.

SCHEDULE 1—SWIMMING POOLS: OUTLETS**Definitions**

1. In this Schedule:

“AS 1926 (Part 3)” means the Australian Standard entitled “Swimming pool safety—Part 3: Water recirculation and filtration systems” and numbered AS 1926.3–1993, as in force on 26 July 1993;

“outlet” means an opening in a swimming pool wall or floor through which water leaves the pool;

“potty skimmer” means an outlet attached to or set in a pool wall at water level:

- (a) that is used as the main suction point for the filter pump and is intended to draw water from the pool surface to remove and collect debris; and
- (b) that resembles a child’s chamber-pot and is commonly known as a potty skimmer;

“swimming pool” means any excavation or structure containing water to a depth greater than 300 millimetres and used primarily for swimming, wading, paddling or the like, and includes a bathing or wading pool, but does not include a spa.

Safety standard

2. The product safety standard prescribed for swimming pools having outlets in the form of potty skimmers is that each such outlet must comply with Clause 4.2 of AS 1926 (Part 3).

SCHEDULE 2—SPAS: OUTLETS**Definitions**

1. In this Schedule:

“ANSI A112” means the American National Standard entitled “Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances” and numbered ASME/ANSI A112.19.8M–1987, of the American Society of Mechanical Engineers, as in force on 31 December 1987;

“AS 1926 (Part 3)” means the Australian Standard entitled “Swimming pool safety—Part 3: Water recirculation and filtration systems” and numbered AS 1926.3–1993, as in force on 26 July 1993;

“outlet” means an opening in a spa wall or floor through which the water leaves the spa;

“potty skimmer” means a surface mounted outlet that resembles a child’s chamber-pot and is commonly known as a potty skimmer;

“spa” means a water-retaining structure with a capacity of at least 680 litres with which is associated the facility for heating the water contained in it and injecting air bubbles or jets of turbulent water;

“surface mounted outlet” means an outlet mounted at or near the water surface level of the spa for the purpose of surface skimming.

Safety standard

2. The product safety standard prescribed for spas having outlets in the form of potty skimmers is that the spas are constructed so that:

- (a) each pump is connected to at least 2 outlets from the spa by means of a common line; and
- (b) the pipes of all outlets connected to the common line have the same diameter; and
- (c) at least 2 outlets on the common line function at the same time (except when the spa is being cleaned); and
- (d) each outlet connected to the common line is at least 600 millimetres distant from every other outlet connected to that line; and
- (e) each potty skimmer:
 - (i) is fitted with a lid complying with clause 3; and
 - (ii) passes the single blockage and total blockage tests set out in clauses 5 and 6; and
- (f) each outlet other than a potty skimmer:
 - (i) is fitted with a protective cover that can be removed only with the use of a tool; and
 - (ii) complies with clause 4.

Requirements for lids for potty skimmers

3. (1) A lid for a potty skimmer must carry the following warning:

WARNING: LID IS NOT TO BE REMOVED WHILE SPA IS OPERATING

(2) The warning:

- (a) must be visible on the upper surface of the lid; and
- (b) must be moulded or engraved in (or otherwise permanently attached to) the lid in such a way that it will remain legible despite normal use and handling of the lid; and
- (c) must show the word “WARNING” in upper case letters at least 5 millimetres high; and
- (d) must show the remaining words in upper case letters at least 2.5 millimetres high.

Requirements for outlets other than potty skimmers

4. An outlet other than a potty skimmer (whether surface mounted or not):
 - (a) must pass the Hair Entrapment Test set out at Clauses 5.1–5.3 of ANSI A112 (in which an outlet is referred to as a “suction fitting”); or
 - (b) must comply with Clause 5.1 (a) of AS 1926 (Part 3).

Single blockage test for potty skimmers

5. (1) The single blockage test for a potty skimmer is to be conducted as follows:
 - (a) the potty skimmer lid, and any other safety features of the potty skimmer that can be removed without the use of a tool or excessive force, is to be removed;
 - (b) the spa is to be operating with other normal safety features (such as cut-out switches, if supplied, and protective covers on outlets other than potty skimmers) functioning or in place;
 - (c) after the spa has been operating for at least one minute, the potty skimmer is to be blocked.
- (2) Suction in the blocked potty skimmer is to be measured for at least 15 seconds after the blockage.
- (3) The suction must not exceed 12 kilopascals.

Total blockage test for potty skimmers

6. (1) The total blockage test for a potty skimmer is to be conducted as follows:
 - (a) the potty skimmer lid, and any other safety features of the potty skimmer that can be removed without the use of a tool or excessive force, is to be removed;
 - (b) the spa is to be operating with other normal safety features (such as cut-out switches, if supplied, and protective covers on outlets other than potty skimmers) functioning or in place;
 - (c) after the spa has been operating for at least one minute, all outlets are to be blocked simultaneously, with outlets other than surface mounted outlets being sealed.
- (2) Suction in the blocked potty skimmer is to be measured for at least 15 seconds, beginning one second after blockage.
- (3) The suction must not exceed 1 kilopascal.

SCHEDULE 3—SUNGLASSES AND FASHION SPECTACLES**Definitions**

1. In this Schedule:

“**AS 1067 (Part 1)**” means the Australian Standard entitled “Sunglasses and fashion spectacles—Part 1: Safety requirements” and numbered AS 1067.1–1990, published on 17 September 1990 as amended by Amendment No. 1 of 10 December 1990 and Amendment No. 2 of 12 July 1993;

“**sunglasses**” and “**fashion spectacles**” mean sunglasses and fashion spectacles having lenses of nominally zero refractive power and include sunglasses and fashion spectacles of the one-piece or visor type and clip-on sunglasses, but do not include:

- (a) glasses for special use (such as 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 Clause 1.3.7.2 or 1.3.7.3 of AS 1067 (Part 1); 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.

Safety standard

2. The product safety standard prescribed for sunglasses and fashion spectacles is that they must comply with AS 1067 (Part 1).

Variation of AS 1067 (Part 1)

3. For the purposes of this Schedule, AS 1067 (Part 1) is taken to have been amended as follows:

- (a) by omitting Clause 1.1;
- (b) by inserting in Clause 2.2.1 (b) after the words “this point” the following words:

except for children’s sunglasses.

Children’s sunglasses with frames too small for measurement from 32 millimetres from the centreline of the frame are to be measured at 6 selected points within a circle of 30 millimetres diameter around the datum centre of each lens.

- (c) by inserting in Clause 2.2.1 (c) after the words “these points” the following words:

except for children’s sunglasses.

Children’s sunglasses with frames too small for measurement from 32 millimetres 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 30 millimetres diameter centred on the points.

- (d) by omitting the boxes around the markings set out in Clauses 4.2.2, 4.2.3 and 4.2.4 (both Type (a) and Type (b)).

SCHEDULE 4—PEDAL BICYCLES

Definitions

1. In this Schedule:

“AS 1927” means the Australian Standard entitled “Pedal Bicycles for Normal Road Use—Safety Requirements” and numbered AS 1927–1989, as in force on 19 May 1989;

“pedal bicycle” means a two-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 640 millimetres; or
- (b) that is designed, promoted and supplied primarily for use in cycling competitions; or
- (c) that is a one-of-a-kind bicycle, being a bicycle that is 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.

Safety standard

2. The product safety standard prescribed for pedal bicycles is that they must comply with AS 1927.

Variation of AS 1927

3. For the purposes of this Schedule, AS 1927 is taken to have been amended as follows:

- (a) by omitting from Clauses 1.1, 2.1, 2.2, 3.1 and 4.1 the word “sale” wherever occurring and by inserting instead the word “supply”;

- (b) by omitting Clause 1.2;
- (c) by omitting Clause 1.5 (a) and by inserting instead the following paragraph:
 - (a) The registered name and address of the Australian manufacturer or assembler or the registered name and address of the Australian distributor of the pedal bicycle.
- (d) by omitting from Clause 2.14.2.8 the word “provided” and by inserting instead the word “fitted”.

SCHEDULE 5—REFLECTORS FOR PEDAL BICYCLES

Definitions

- 1. In this Schedule:
 - “AS 2142” means the Australian Standard entitled “Reflectors for Pedal Bicycles” and numbered AS 2142–1978, as in force at 1 January 1986;
 - “pedal bicycle” means a two-wheeled pedal vehicle that is designed to be solely human-powered;
 - “reflector” means a retro-reflective device that is intended to be attached to a pedal bicycle.

Safety standard

- 2. The product safety standard prescribed for reflectors is that they must comply with AS 2142.

SCHEDULE 6—PROTECTIVE HELMETS FOR PEDAL CYCLISTS

Definitions

- 1. In this Schedule:
 - “AS 2063 (Part 1)” means the Australian Standard entitled “Lightweight Protective Helmets (For Use In Pedal Cycling, Horse Riding And Other Activities Requiring Similar Protection)—Part 1: Basic Performance Requirements” and numbered AS 2063.1–1986, as in force on 4 August 1986;
 - “AS 2063 (Part 2)” means the Australian Standard entitled “Lightweight Protective Helmets (For Use In Pedal Cycling, Horse Riding And Other Activities Requiring Similar Protection)—Part 2: Helmets for Pedal Cyclists” and numbered AS 2063.2–1990, as in force on 15 April 1991;
 - “AS 2512 (Part 1)” means the Australian Standard entitled “Methods Of Testing—Protective Helmets—Part 1: Definitions and Headforms” and numbered AS 2512.1–1984, as in force on 6 April 1984;
 - “protective helmet” means a helmet designed to mitigate the adverse effects of a blow to the head.

Safety standard

2. The product safety standard prescribed for protective helmets for pedal cyclists is that:

- (a) they must comply with AS 2063 (Part 2); and
- (b) they must be marked, in the manner set out in Clause 8 of AS 2063 (Part 2), with the matter specified in Clauses 7.1, 7.2 and 7.3 of AS 2063 (Part 1).

Exceptions

3. (1) This Schedule does not apply to the following helmets:

- (a) helmets that are of a size too small to be fitted to the headform A as defined in AS 2512 (Part 1);
- (b) helmets that are designed and constructed principally for use by cyclists engaged in competitive racing and that are marked in accordance with subclause (2);
- (c) helmets that are designed and constructed principally for use as toys and that are marked in accordance with subclause (3), or that are not so marked but are unlikely to be mistaken for helmets providing significant protection against impact.

(2) In the case of a helmet of the kind referred to in subclause (1) (b), the words “WARNING: racing headgear only—inadequate impact protection for normal road use” must be marked clearly and legibly in a conspicuous position:

- (a) on the helmet or on a label attached to the helmet; and
- (b) on a principal outer display face of any packaging in which the helmet is supplied,

with the word “WARNING” in capital letters at least 5 millimetres high and the remaining words in letters at least 2.5 millimetres high.

(3) In the case of a helmet of the kind referred to in subclause (1) (c), the words “WARNING: toy helmet only—do not use as safety headgear” must be marked clearly and legibly in a conspicuous position:

- (a) on the helmet or on a label attached to the helmet; and
- (b) on a principal outer display face of any packaging in which the helmet is supplied,

with the word “WARNING” in capital letters at least 5 millimetres high and the remaining words in letters at least 2.5 millimetres high.

SCHEDULE 7—PROTECTIVE HELMETS FOR MOTOR CYCLISTS**Definitions**

1. In this Schedule:

“AS 1698” means the Australian Standard entitled “Protective Helmets for Vehicle Users” and numbered AS 1698–1988, as in force on 9 May 1988;

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

Safety standard

2. The product safety standard prescribed for protective helmets for use by motor cyclists is that they must comply with AS 1698.

Variation of AS 1698

3. For the purposes of this Schedule, AS 1698 is taken to have been amended as follows:

- (a) by omitting from Clause 4.4 the matter “AS 1609” and by inserting instead the matter “AS 1609–1981”;
- (b) by omitting Clause 8 (g).

SCHEDULE 8—CHILDREN’S TOYS**Definitions**

1. In this Schedule:

“AS 1647 (Part 2)” means the Australian Standard entitled “Children’s Toys (Safety Requirements)—Part 2: Constructional Requirements”, and numbered AS 1647, Part 2–1981, as in force on 1 May 1981;

“children’s toys” means toys for children under 3 years of age, being objects or groups of objects manufactured, designed, labelled or marketed as playthings for a child or children of an age less than 3 years, including but not limited to:

- (a) rattles, dummies, teething toys and squeeze toys; and
- (b) toys to be affixed 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, wading pools and sand; 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 and other articles made of paper; or
- (l) writing materials, including crayons, chalk, pencils and pens; or
- (m) finger paints, water colour paints and other paints; or
- (n) modelling materials, including clay, plasticine and play-dough; or
- (o) flotation aid toys for use as a means of providing buoyancy in water; or
- (p) bicycles having a wheelbase of at least 640 millimetres; or

- (q) toys that are made wholly from highly porous fabric material such as cheesecloth;
- (r) playground equipment for parks, schools and domestic use (including swings, see-saws, slides, agility apparatus, climbing, swinging, rotating and rocking apparatus, cubby houses, sand pits, apparatus for use in sand, sliding poles and ladders);
- (s) goods supplied in a wholly or partially unassembled state for assembly by an adult after supply, provided that, when assembled in accordance with the instructions supplied in writing with the goods, the goods comply with the requirements of this Schedule.

Safety standard

2. The product safety standard prescribed for children's toys is that they must comply with Clauses 3.2, 3.3, 3.4, 3.5, 3.9, 3.10, 3.11, 3.12, 3.16, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 6.2, 6.8 (d), 6.12.4 (a) (iv), 8.4 and 9, and Appendix A, Appendices D to T inclusive, and Appendices V and W of AS 1647 (Part 2).

Variation of AS 1647 (Part 2)

3. For the purposes of this Schedule, AS 1647 (Part 2) is taken to have been amended as follows:

- (a) by omitting Clause 6.2 and by inserting instead the following Clause:
6.2 Stuffed Toys. Stuffed toys must not produce an ingestion or inhalation hazard when tested in accordance with Appendix P.
- (b) by omitting the matter "Q" from Clause 6.8 (d) and by inserting instead the matter "O";
- (c) by inserting in Clause 8.4 after the word "made" the word "wholly" and after the word "porous" wherever occurring the word "fabric";
- (d) by omitting from Clauses 9.2.1 (Part 1), 9.2.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6, 9.3.7, 9.3.9, 9.3.10 and 9.3.12 all words after the word "produce" wherever occurring except the words "an ingestion or inhalation hazard";
- (e) by omitting from Clauses 9.3.8 and 9.3.14 all words after "not" wherever occurring and by inserting instead the words "produce an ingestion or exhalation hazard";
- (f) by inserting in Clause 9.3.13 after the word "toy" where lastly occurring the words "so as to produce an ingestion or inhalation hazard";
- (g) by inserting in paragraph D6 after the word "hazard" the words ", except that components or pieces consisting solely of paper, fabric, yarn, fuzz, elastic or string are not considered ingestion or inhalation hazards";

- (h) by omitting from paragraphs F5 (d), G6 (j), H5 (f), J5 (g), K5 (e), L5 (h), M5 (f), N5 (h), O6 (j), R5 (g) and S5 (h) all words after the word “with” wherever occurring and by inserting instead the words “Appendix D”;
- (i) by omitting paragraphs F6 (d) (i), F6 (d) (ii), G7 (c) (i), G7 (c) (ii), H6 (c) (i), H6 (c) (ii), J6 (d) (i), J6 (d) (ii), K6 (b) (i), K6 (b) (ii), L6 (i), L6 (ii), M6 (b) (i), M6 (b) (ii), N6 (d) (i), N6 (d) (ii), O7 (d) (i), O7 (d) (ii), R6 (i), R6 (ii), S6 (d) (i) and S6 (d) (ii);
- (j) by omitting from paragraphs M5 (b) and (g) the words “a hazardous sharp edge, hazardous sharp point or” wherever occurring;
- (k) by omitting from paragraph O2 the words “neither developed a hazardous sharp edge or hazardous sharp point, nor, if applicable, produced” and by inserting instead the words “did not produce”;
- (l) by omitting from paragraph P1 the word “fabric” and by inserting instead the words “covering material”;
- (m) by omitting from paragraphs P3 and P5 (b) the words “fabric holding”;
- (n) by inserting after paragraph P6 (b) the following subparagraph:
 - (c) Whether an ingestion or inhalation hazard was produced.
- (o) by inserting in paragraph V6 (b) after the word “outlet” the words “, and whether those objects produced an ingestion or inhalation hazard”;
- (p) by omitting paragraphs W6 and W7 and by inserting instead the following paragraph:

W7 REPORT. The report must state whether or not the toy produced an ingestion or inhalation hazard.

SCHEDULE 9—FLOTATION TOYS

Definitions

1. In this Schedule:

- “**AS 1499**” means the Australian Standard entitled “Personal Flotation Devices—Type 2” and numbered AS 1499–1988, as in force on 16 September 1991;
- “**AS 1512**” means the Australian Standard entitled “Personal Flotation Devices—Type 1” and numbered AS 1512–1988, as in force on 16 September 1991;
- “**AS 1900**” means the Australian Standard entitled “Flotation toys and swimming aids for children” and numbered AS 1900–1991, as in force on 16 September 1991;
- “**children’s 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 but not limited to:
 - (a) rings, partial rings, arm bands, and kick boards, 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 3 metres; and
 - (c) swimming vests and flotation bubbles,

but not including:

- (d) goods for therapeutic use by disabled persons; 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 primarily as a means of flotation for persons in water and in need of rescue, including goods carried in or on ships or boats for such a purpose.

Safety standard

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

Variation of AS 1900

3. For the purposes of this Schedule, AS 1900 is taken to have been amended by omitting Clause 1.1.

**SCHEDULE 10—CHILDREN'S NIGHTCLOTHES AND PAPER PATTERNS
FOR CHILDREN'S NIGHTCLOTHES**

Definitions

1. In this Schedule:

“AS 1182” means the Australian Standard entitled “Size Coding Scheme for Infants' and Children's Clothing (Underwear and Outerwear)” and numbered AS 1182–1980, as in force on 1 September 1980;

“AS 1249” means the Australian Standard entitled “Children's nightclothes having reduced fire hazard” and numbered AS 1249–1990, as in force on 16 April 1992;

“AS 2755 (Part 2)” means the Australian Standard entitled “Measurement of flame spread properties of vertically oriented specimens” and numbered AS 2755.2–1985, as in force on 4 March 1985;

“children's nightclothes” includes children's pyjamas, pyjama-style overgarments, nightdresses, dressing gowns and infant sleepbags of any of the sizes 0–14 (as specified in AS 1182), but not does not include any article of headwear, footwear or handwear.

Safety standard for children's nightclothes

2. The product safety standard prescribed for children's nightclothes is that they must comply with AS 1249.

Safety standard for paper patterns for children's nightclothes

3. The product safety standard prescribed for paper patterns for children's nightclothes is that they must comply with Clause 5.3 of AS 1249.

Variation of AS 1249

4. (1) For the purposes of clause 2 of this Schedule, AS 1249 is taken to have been amended:

- (a) by omitting Clause 1.1;
- (b) by inserting in Clause 2.1 (a), after the first paragraph, the following paragraphs:

If there is insufficient fabric for three lengthwise and three widthwise test specimens, as cited in Clause 8.8 of AS 2755 (Part 2), the flame spread time is to be determined on three lengthwise test specimens only.

If there is insufficient of the sample to cut test specimens into one piece, not more than two pieces cut in the same direction may be butt-jointed, but not overlapped. The butt joint must be secured with five lightweight staples, spaced evenly across the test specimen. The joint must not be below the centre of the specimen when attached to the vertical test frame specified in AS 2755 (Part 2).

If areas of the garment are appliqued, and the applique is made from fabric other than that of the body of the garment, the test specimens must be cut from both appliqued and non-appliqued areas. If the applique is confined to a particular area, then at least one of the test specimens must include as much of the applique as possible. The appliqued area of the test specimen must be mounted at the base of the test frame, and must be tested so that the flame impinges on the applique.

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 to say as if the overlay were appliqued to the under fabric.

- (c) by omitting from the second paragraph of Clause 2.1 (a) the words "four or more of six specimens" wherever occurring and by inserting instead the words "three or more of four specimens";
- (d) by omitting from the note after the second paragraph of Clause 2.1 (a) the words "another set of three specimens" and by inserting instead the words "another specimen";
- (e) by inserting at the end of Clause 2.2 (e) the following words:

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.

- (f) by omitting Clause 5.3.

(2) For the purposes of clause 3 of this Schedule, Clause 5.3 of AS 1249 is taken to have been amended by omitting the words "within the scope of this Standard".

Variation of AS 2755

5. For the purposes of clause 4 (b) of this Schedule, AS 2755 (Part 2) is taken to have been amended:

- (a) by omitting from the last sentence of Clause 7.3 the words “another set of three specimens” and by inserting instead the words “another specimen”;
- (b) by omitting the last sentence from Clause 8.7;
- (c) by omitting from Clause 8.8 the words “test another set of three specimens for that direction or face.” and by inserting instead the words “test another one additional test specimen for that direction or face.”;
- (d) by omitting Clause 10 (j) (iv) and by inserting instead the following subparagraph:
 - (i) If only four specimens are tested (as referred to in Clause 8.8 as taken to have been amended by clause 5 (c) of Schedule 10 to the Fair Trading (Product Safety) Regulation 1995), determine the mean from all the results that burn to the respective marker threads. Report the number of specimens that failed to burn to the marker.

SCHEDULE 11—CHILD RESTRAINTS**Definitions**

1. In this Schedule:

“AS 1754–1975” means the Australian Standard entitled “Child Restraints for Passenger Cars and Derivatives” and numbered AS 1754–1975, as in force on 1 July 1986;

“AS 1754–1991” means the Australian Standard entitled “Child restraint systems for use in motor vehicles” and numbered AS 1754–1991, as in force on 15 February 1993;

“chaise” means a device used for raising a child’s position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, being a device having a back above the seating plane;

“child restraint” means a device designed to minimise 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 used for raising a child’s position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, being a device having no back above the seating plane.

Safety standard for child restraints

2. (1) The product safety standard prescribed for child restraints up to and including 31 December 1995 is that they must comply with AS 1754–1975 or AS 1754–1991.

(2) The product safety standard prescribed for child restraints after 31 December 1995 is that they must comply with AS 1754–1991.

Variation of AS 1754–1975

3. For the purposes of this Schedule, AS 1754–1975 is taken to be amended:

- (a) by omitting from Clause 1.1 the words “passenger cars and their derivatives” and by inserting instead the words “motor vehicles”; and
- (b) by omitting the second sentence from Clause 1.1; and
- (c) by omitting from Clause 1.2 the words “covered by this specification”.

Variation of AS 1754–1991

4. For the purposes of this Schedule, AS 1754–1991 is taken to be amended:

- (a) by omitting from Clause 1.1 the words “passenger cars and their derivatives” and by inserting instead the words “motor vehicles”; and
- (b) by omitting the second sentence from Clause 1.1; and
- (c) by omitting Clauses 2.4 and 2.5.

SCHEDULE 12—BEAN BAGS

Definitions

1. (1) In this Schedule:

“**bean bag**” means a cushion or similar item that consists of a bag or cover surrounding bean bag filling;

“**bean bag cover**” means a bag or cover capable of being filled with bean bag filling and that, if filled with bean bag filling, would constitute a bean bag and includes a bag or cover intended as a separate inner lining;

“**bean bag filling**” means pellets, or small particles, of polystyrene or other similar synthetic material capable of being used as filling for a cushion, but does not include any such pellets or particles when they are mixed with material that is not capable of being so used;

“**child resistant slide-fastener**” means a slide-fastener having a sliding piece of a kind referred to in the definition of “slide-fastener” that:

- (a) does not have attached to it any 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 wholly 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 bean bag cover;

“**slide-fastener**” means a device comprising 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 more than one sliding piece of a kind referred to in the definition of “slide-fastener” in subclause (1), a reference in the definition of “child resistant slide-fastener” in that subclause to a sliding piece includes, in relation to that slide-fastener, a reference to each of those sliding pieces.

Safety standard

2. (1) The product safety standard prescribed for a bean bag or a bean bag cover, is that:

- (a) it must bear a label that:
 - (i) is secured to the bag or cover in such a manner that the label will, despite normal handling, remain fixed to the bag or cover; and
 - (ii) contains the following warning:

WARNING. Small Light-weight Beads Present A Severe Danger To Children If Swallowed Or Inhaled.
- (b) it must be constructed so that any opening through which bean bag filling may be inserted or removed is fitted with:
 - (i) a child resistant slide-fastener; or
 - (ii) some other closing device approved in writing by the Commissioner.

(2) The product safety standard prescribed for a package containing bean bag filling is that it must bear a label that:

- (a) is secured to the package in such a manner that the label will, despite normal handling, remain fixed to the package; and
- (b) contains the warning referred to in subclause (1) (a).

(3) The warning:

- (a) must be printed in red letters at least 5 millimetres high on a white background; and
- (b) must have the word “**WARNING**” printed in capital letters and the remaining words printed in upper and lower case letters.

SCHEDULE 13—ELASTIC LUGGAGE STRAPS**Definition**

1. In this Schedule:

“**elastic luggage strap**” means an elastic strap or cord or 2 or more elastic straps or cords permanently joined and:

- (a) having a hook, buckle or other fastening device at each extremity; and
- (b) designed to be used for the purpose of securing luggage or other objects.

Safety standard

2. (1) The product safety standard prescribed for elastic luggage straps is that they are to have a label affixed to them bearing the following warning:

WARNING. Avoid eye injury. Do not overstretch. Strap may rebound.

(2) A label referred to in subclause (1):

- (a) must be permanently affixed; and
- (b) must bear the word “**WARNING**” in upper case red letters of at least 5 millimetres in height on a white background; and
- (c) must bear the remaining words in upper or lower case letters of at least 2.5 millimetres in height; and
- (d) must be conspicuously displayed.

SCHEDULE 14—CELLULOSIC FIBRE THERMAL INSULATION**Definitions**

1. In this Schedule:

“**AS 1530**” means the Australian Standard entitled “Methods for fire tests on building materials, components and structures” and numbered AS 1530–1989, as in force on 1 December 1992;

“**AS 2462**” means the Australian Standard entitled “Australian Standard for Cellulosic Fibre Thermal Insulation” and numbered AS 2462–1981, as in force on 1 December 1992.

Safety standard

2. (1) The product safety standard prescribed for cellulosic fibre thermal insulation is that it must comply with Clause 2.5 of AS 2462.

(2) For the purpose of subclause (1), a reference in AS 2462 to AS 1530 Part 3 is taken to be a reference to Part 3 (Simultaneous determination of ignitability, flame propagation, heat release and smoke release) of AS 1530.

SCHEDULE 15—PROJECTILE TOYS**Definitions**

1. In this Schedule:

“AS 1647 (Part 2)” means the Australian Standard entitled “Children’s Toys (Safety Requirements)—Part 2: Constructional Requirements”, and numbered AS 1647.2–1992, as in force on 22 September 1992;

“projectile toy” means any toy to which Clause 7.15 of AS 1647 (Part 2) applies.

Safety standard

2. The product safety standard prescribed for projectile toys is that they must comply with the requirements of Clause 7.15 (including Clauses 7.15.1 (paragraph (i) excepted), 7.15.2, 7.15.3, 7.15.4 (paragraph (a) excepted), 7.15.5 and 7.15.6) of AS 1647 (Part 2).

SCHEDULE 16—BABY WALKERS**Definition**

1. In this Schedule:

“baby walker” means a device that consists of a frame on wheels designed to support, inside the frame and with the child’s feet touching the ground, a child who has not learned to walk, being a device that is propelled by the movement of the child.

Safety standard

2. (1) The product safety standard prescribed for baby walkers is that:

(a) they have affixed to them a label bearing the following warning:

WARNING: Avoid injuries. Baby can move fast in this walker. Never leave baby unattended. Do not allow near steps, stairs, heaters, electrical cords or hot objects.

(b) they are accompanied by legible written instructions and warnings in the English language that contain the matters referred to in subclause (3).

(2) The label referred to in subclause (1) (a):

(a) must be permanently affixed; and

(b) must bear the word “WARNING” in upper case red letters at least 5 millimetres high on a white background; and

(c) must bear the remaining words in upper or lower case letters at least 2.5 millimetres high; and

(d) must be conspicuously displayed.

- (3) The matters referred to in subclause (1) (b) are the following:
- (a) instructions on how the walker is to be assembled (if it is not fully assembled when sold) and the recommended position for use;
 - (b) instructions on how the walker is to be maintained and cleaned;
 - (c) instructions on how the walker is to be folded and unfolded (if it is capable of being folded);
 - (d) a warning (if the walker is capable of being folded) that care must be taken while folding and unfolding the walker to prevent fingers being caught;
 - (e) instructions on how to adjust the height of the walker (if the height is adjustable);
 - (f) a warning (if the walker is capable of being adjusted) that the walker should never be adjusted with a child in it;
 - (g) instructions on how to secure the latching or locking mechanism of the walker (if it is equipped with a latching or locking mechanism);
 - (h) instructions on how to use the restraint system;
 - (i) a warning that both feet of a child who is in the walker should be able to touch the ground;
 - (j) instructions on the maximum and minimum weights and heights of children for whom the walker is designed;
 - (k) a warning that the walker should not be used by a child who can walk unaided;
 - (l) a warning that the walker should not be used by a child who cannot sit unaided;
 - (m) a warning that a child should never be left unattended in the walker;
 - (n) a warning that doors to stairways should be closed and barriers should be in place across open stairways and steps while a child is using the walker;
 - (o) a warning that electrical cords and heaters, fireplaces and other hot objects, as well as any other objects or substances that may be dangerous, should be guarded or put out of reach of a child using the walker;
 - (p) a warning that the walker should not be used (whether indoors or outdoors) on surfaces that have any obstructions that could cause the walker to tip over;
 - (q) a warning that the walker should never be carried with a child in it;
 - (r) a warning that the walker should not be used if it is damaged or broken.
- (4) The instructions and warnings must be provided with the baby walker in the form of an accompanying leaflet or swing tag.
- (5) The instructions are to be accompanied by line drawings, photographs or symbols if those instructions are not by themselves sufficient to explain the steps required.
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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Product Safety Regulation 1988. The new Regulation imposes safety standards for the various products referred to in the Schedules to the Regulation.

This Regulation is made under the Fair Trading Act 1987, including section 92 (the general regulation making power) and section 26.

The provisions of Schedules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 comprise or relate to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth (namely, the Trade Practices Act 1974).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
