



New South Wales

## Fair Trading (General) Regulation 2002

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

JOHN AQUILINA, M.P.,

Minister for Fair Trading

### Explanatory note

The object of this Regulation is to consolidate the following Regulations:

- (a) the *Fair Trading (Product Safety Standards) Regulation 2000*,
- (b) the *Fair Trading (Product Information Standards) Regulation 1997*,
- (c) the *Fair Trading (Penalty Notices) Regulation 1998*,
- (d) the *Fair Trading (Savings and Transitional) Regulation 1997*.

The *Fair Trading (Product Information Standards) Regulation 1997* is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. The other three Regulations are repealed on that date by this Regulation so as to permit the consolidation.

The changes made by the new Regulation are not substantial, consisting mainly of the omission of various transitional provisions that are now spent, and the updating of references to such Australian, American and International Standards adopted by the Regulation as have been replaced or amended since their adoption by the *Fair Trading (Product Information Standards) Regulation 1997* or the *Fair Trading (Product Safety Standards) Regulation 2000*.

This Regulation does the following:

- (a) it prescribes safety standards for various goods (such as spa outlets, children's toys and protective helmets for cyclists),

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Explanatory note

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- (b) it prescribes the product information standards to be used for:
  - (i) textile products, and
  - (ii) the “care” labelling of clothing and certain other softgoods, and
  - (iii) the retail sale of regular unleaded petrol at petrol stations,
- (c) it prescribes certain offences under the *Fair Trading Act 1987* as offences in respect of which penalty notices may be issued,
- (d) it provides a savings provision in respect of the four repealed Regulations,
- (e) it makes other provisions of a formal nature (such as the commencement provision).

This Regulation refers to the following standards:

- (a) Australian Standards:
  - AS 1754—1991, *Child restraint systems for use in motor vehicles*,
  - AS 1754—1975, *Child Restraints for Passenger Cars and Derivatives*,
  - AS 1647.2—1992, *Children’s toys (safety requirements)*, Part 2: *Constructional requirements*,
  - AS 1900—1991, *Flotation toys and swimming aids for children*,
  - AS 1512—1996, *Personal flotation devices—Type 1*,
  - AS 1499—1996, *Personal flotation devices—Type 2*,
  - AS 1698—1988, *Protective helmets for vehicle users*,
  - AS 1182—1997, *Size coding scheme for infants’ and children’s clothing—Underwear and outerwear*,
  - AS 1067.1—1990, *Sunglasses and fashion spectacles*, Part 1: *Safety requirements*,
  - AS 1926.3—1993, *Swimming pool safety*, Part 3: *Water recirculation and filtration systems*.
- (b) Australian/New Zealand Standards:
  - AS/NZS 1249:1999, *Children’s nightwear and limited daywear having reduced fire hazard*,
  - AS/NZS 2172:1995, *Cots for household use—Safety requirements*,
  - AS/NZS 2392:1999, *Textiles—Labelling of clothing, household textiles and furnishings*,
  - AS/NZS 2211.1:1997, *Laser safety*, Part 1: *Equipment classification, requirements and user’s guide*,

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AS/NZS 2512.1:1998, *Methods of testing protective helmets*, Method 1: *Definitions and headforms*,

AS/NZS 1927:1998, *Pedal bicycles—Safety requirements*,

AS/NZS 2063:1996, *Pedal cycle helmets*,

AS/NZS 1957:1998, *Textiles—Care labelling*,

AS/NZS 2450:1994, *Textiles—Natural and man-made fibres—Generic names*,

AS/NZS 2622:1996, *Textile products—Fibre content labelling*.

(c) American and International Standards:

American National Standard ASME/ANSI A112.19.8M—1987, *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances* of the American Society of Mechanical Engineers,

*Consumer Product Safety Standard for Cigarette Lighters* (16CFR1210) published in the Federal Register of the United States of America, Volume 58, No 131,

International Standard ISO 6941 *Textile fabrics—Burning behaviour—Measurement of flame spread properties of vertically oriented specimens* of the International Organization for Standardization,

*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,

United States standard entitled *Standard Consumer Safety Specification for Infant Walkers* of the American Society for Testing and Materials.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*—namely, matters of a machinery nature, direct repeals, matters of a savings nature, matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or territory, and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

In so far as it replaces the *Fair Trading (Product Information Standards) Regulation 1997*, this Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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This Regulation is made under the *Fair Trading Act 1987* and, in particular, under sections 26 (Safety standards), 38 (Prescribing of product information standards), 64 (Penalty notices for certain offences) and 92 (the general regulation-making power).

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Clause 1 Fair Trading (General) Regulation 2002

Part 1 Preliminary

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# **Fair Trading (General) Regulation 2002**

## **Part 1 Preliminary**

### **1 Name of Regulation**

This Regulation is the *Fair Trading (General) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 September 2002.

### **3 Definition**

In this Regulation:

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

### **4 Notes**

Notes in the text of this Regulation do not form part of this Regulation.

### **5 Compliance with specification**

For the purposes of this Regulation, goods do not fail to comply with a standard referred to in a Division relating to those goods merely 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.

## Part 2 Product safety standards

### Division 1 Preliminary

#### 6 Product safety standards

The standards set out in the other Divisions to this Part are prescribed under section 26 of the Act as product safety standards for the goods to which those Divisions apply.

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

#### 7 Exceptions

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

- (a) if the goods are supplied as scrap, that is, for the value of the materials of which the goods are composed and not for use as finished articles,
- (b) in the case of goods supplied under a credit sale contract (within the meaning of the *Credit Act 1984*) or a credit contract (within the meaning of the *Consumer Credit (New South Wales) Code*) or under any agreement for the purchase of goods by instalments (such as 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,
- (c) 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,
- (d) 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.

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Clause 8 Fair Trading (General) Regulation 2002

Part 2 Product safety standards

Division 2 Swimming pools: outlets

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### Division 2 Swimming pools: outlets

#### 8 Definitions

In this Division:

**AS 1926.3** means the Australian Standard entitled AS 1926.3—1993, *Swimming pool safety, Part 3: Water recirculation and filtration systems*, as published by Standards Australia 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.

#### 9 Safety standard

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 1926.3.

### Division 3 Spas: outlets

#### 10 Definitions

In this Division:

**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 published on 31 December 1987.

**AS 1926.3** means the Australian Standard entitled AS 1926.3—1993, *Swimming pool safety, Part 3: Water recirculation and filtration systems*, as published by Standards Australia 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 in a spa 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.

## 11 Safety standard

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 12, and
  - (ii) passes the single blockage and total blockage tests set out in clauses 14 and 15, 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 13.

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Part 2 Product safety standards

Division 3 Spas: outlets

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### 12 Requirements for lids for potty skimmers

- (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.

### 13 Requirements for outlets other than potty skimmers

An outlet other than a potty skimmer (whether surface mounted or not):

- (a) must pass the Hair Entrapment Test set out in 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 1926.3.

### 14 Single blockage test for potty skimmers

- (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.

## 15 Total blockage test for potty skimmers

- (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.

## Division 4 Sunglasses and fashion spectacles

### 16 Definitions

In this Division:

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

***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 1067.1, or
- (b) goggles that are held in position by means of a strap passing around the back of the head, or

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Division 4 Sunglasses and fashion spectacles

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- (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.

### 17 Safety standard

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

### 18 Variation of AS 1067.1

For the purposes of this Division, AS 1067.1 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 these points.

- (d) by omitting the words “classification of the eyewear and other relevant” from the second sentence in Clause 4.2.1,
- (e) by omitting the box around the marking set out in Clause 4.2.2,
- (f) by omitting the words “The marking for general-purpose sunglasses shall be as follows:” and the box and the words contained in the box from Clause 4.2.3,



- (g) by omitting the box around the markings specified for Type (a) and Type (b) specific purpose sunglasses in Clause 4.2.4.

## Division 5 Pedal bicycles

### 19 Definitions

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.

*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.

### 20 Safety standard

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

### 21 Variation of AS/NZS 1927

For the purposes of this Division, AS/NZS 1927 is taken to have been amended as follows:

- (a) by omitting Clause 1.2,
- (b) by omitting from Clause 1.3 the words “New Zealand Traffic Regulations 1976”,
- (c) by omitting from Clause 1.5 (a) the words “or New Zealand”,

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Part 2 Product safety standards

Division 5 Pedal bicycles

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- (d) by omitting Clause 2.15.1,
- (e) by omitting from Clause 2.16 the words “NOTE: There is no regulatory requirement in New Zealand for a warning device to be fitted to a bicycle.”,
- (f) by omitting Clause 2.17.1.

## Division 6 Protective helmets for pedal cyclists

### 22 Definitions

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.

**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).

### 23 Safety standard

The product safety standard prescribed for protective helmets for pedal cyclists is that they must comply with:

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

## 24 Exceptions

- (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 Table 2 in AS/NZS 2512.1),
  - (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.

## 25 Variation of AS/NZS 2063

For the purposes of this Division, AS/NZS 2063 is taken to have been amended follows:

- (a) by omitting Clause 1,

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Part 2 Product safety standards

Division 6 Protective helmets for pedal cyclists

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(b) by inserting after Clause 5.6 the following:

**5.7 BMX helmets** Helmets designed and constructed principally for use by cyclists engaged in BMX competition racing need not comply with provisions regarding ventilation openings or type testing.

(c) by omitting Clause 8.1 (e).

### 26 Variation 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 7 Protective helmets for motor cyclists

### 27 Definitions

In this Division:

*AS 1698* means the Australian Standard entitled AS 1698—1988, *Protective helmets for vehicle users*, as published by Standards Australia on 9 May 1988.

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

### 28 Safety standard

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

### 29 Variation of AS 1698

For the purposes of this Division, 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).

**Division 8 Children's toys****30 Definitions**

In this Division:

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

**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, toy dummies, teething rings 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, and
- (e) rocking, spring and stick horses and other figures, and
- (f) musical chime toys and jacks-in-the-box, and
- (g) stuffed, plush and flock animals and other figures, and
- (h) games, puzzles and dolls, and
- (i) toy cars, trucks and other vehicles,

but not including:

- (j) balloons, marbles and gramophone records, or
- (k) books, or
- (l) writing materials, including crayons, chalk, pencils and pens, or
- (m) paints (including finger paints and water paints), paint brushes and other painting implements, or
- (n) modelling materials, including clay, plasticine and play-dough, or
- (o) flotation aid toys, or
- (p) bicycles having a wheelbase of at least 640 millimetres, or

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Part 2 Product safety standards

Division 8 Children's toys

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- (q) toys that are made wholly from highly porous fabric material such as cheesecloth, or
- (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), or
- (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 Division, or
- (t) toys made from closed cell polyethylene, ethylene vinyl acetate or like material with the word "WARNING" in red upper case letters at least 5 millimetres high on a white background adjacent to the words "NOT SUITABLE FOR CHILDREN UNDER 3 YEARS AS FOAM PIECES MAY BREAK OFF AND CAUSE A CHOKING HAZARD" in red upper case letters at least 2.5 millimetres high on a white background marked legibly in a conspicuous position:
  - (i) on the toys, or
  - (ii) if the toys are displayed in packaging for retail sale—on a principal outer display face of the packaging in which the toys are displayed.

### 31 Safety standard

- (1) The product safety standard prescribed for children's toys is that they must comply with Clauses 7.1, 7.2, 7.10 (d), 7.15.6 (a) (iv), 9.4 and 10 and Appendix A, Appendices D to S inclusive and Appendices U and V of AS 1647.2.
- (2) The definitions in Clause 4.2, 4.3, 4.4, 4.5, 4.9, 4.10, 4.11, 4.12, 4.16, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25 and 4.26 of AS 1647.2 apply for the purposes of this clause.

### 32 Variation of AS 1647. 2

For the purposes of this Division, AS 1647.2 is taken to have been amended as follows:

- (a) by omitting Clause 7.2 and by inserting instead the following Clause:

**7.2 Stuffed toys** Stuffed toys must not produce an ingestion or inhalation hazard if tested in accordance with Appendix O.

- (b) by omitting from Clauses 10.2.1, 10.3.1–10.3.7, 10.3.10 and 10.3.13 the words “a hazardous sharp edge, a hazardous sharp point or, if applicable,” wherever occurring,
- (c) by omitting from Clause 10.3.9 the words “fracture or break” and by inserting instead the words “produce an ingestion or inhalation hazard”,
- (d) by omitting from Clause 10.3.11 the words “a hazardous sharp edge, a hazardous sharp point or”,
- (e) by inserting in Clause 10.3.14 the words “and that produce an ingestion or inhalation hazard” after the word “toy” where secondly occurring,
- (f) by omitting from Clause 10.3.15 the words “shall not—” and paragraphs (a) and (b) and by inserting instead the words “shall not produce an ingestion or inhalation hazard.”,
- (g) by omitting the word “If” from Clause D5 and by inserting instead the words “Subject to Clause 9.4, if”,
- (h) by omitting from Clauses F5 (d), G6 (i), H5 (f), I5 (g), J5 (e), K5 (h), L5 (f), M5 (h), N6 (i), Q5 (g) and R5 (h) all words after the word “with” wherever occurring and by inserting instead the matter “Appendix D”,
- (i) by omitting Clauses F6 (d) (i), F6 (d) (ii), G7 (c) (i), G7 (c) (ii), H6 (c) (i), H6 (c) (ii), I6 (d) (i), I6 (d) (ii), J6 (b) (i), J6 (b) (ii), K6 (a), K6 (b), L6 (b) (i), L6 (b) (ii), M6 (d) (i), M6 (d) (ii), N7 (d) (i), N7 (d) (ii), Q6 (a) (i), Q6 (a) (ii), R6 (d) (i) and R6 (d) (ii),
- (j) by omitting from Clauses L5 (b) and L5 (g) the words “a hazardous sharp edge, hazardous sharp point or” wherever occurring,
- (k) by omitting from Clause N2 the words “neither developed a hazardous sharp edge nor a hazardous sharp point, nor, if applicable, produced” and by inserting instead the words “did not produce”,
- (l) by inserting in Clause U6 (b) the words “and whether these objects produced an ingestion or inhalation hazard” after the word “outlet”,

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- (m) by omitting from Clause V6 (a) the words “fractured through the entire thickness or matter visible to the naked eye has become detached from any portion of the test specimen” and by inserting instead the words “produced an ingestion or inhalation hazard”.

## Division 9 Flotation toys and swimming aids

### 33 Definitions

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.

**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.

#### 34 Safety standard

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

#### 35 Variation of AS 1900

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

### Division 10 Children's nightwear and paper patterns for children's nightwear

#### 36 Definitions

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.

**children's nightwear** includes children's dressing-gowns, pyjamas, pyjama-style overgarments, nightdresses, nightshirts, bathrobes and infant sleepbags, 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 not 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

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Standardization on 15 August 1984, as amended by Amendment No 1 of 15 October 1992.

### 37 Safety standard for children's nightwear

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

### 38 Safety standard for paper patterns for children's nightwear

- (1) The product safety standard prescribed for paper patterns for children's nightwear is that they must comply with Clauses 0.2 and 5.6 of AS/NZS 1249.
- (2) The definitions in Clause 0.5.2, 0.5.3, 0.5.6, 0.5.10 of AS/NZS 1249 apply for the purposes of this clause.

### 39 Variation of AS/NZS 1249

- (1) For the purposes of clause 37, AS/NZS 1249 is taken to have been amended as follows:

- (a) by omitting the second sentence from Clause 0.1,
- (b) by inserting in Clause 1.2 (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 8.7 of ISO 6941, the flame spread time is to be determined on three 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 to say as if the overlay were applied to the under fabric.

- (c) by omitting from the third paragraph of Clause 1.2 (a) the words "four or more of six specimens" wherever occurring and by inserting instead the words "three or more specimens",
- (d) by omitting from the note after the third paragraph of Clause 1.2. (a) the words "another set of three specimens are" and by inserting instead the words "another specimen is",

- (e) by inserting after “use of trims.” in Clause 1.3 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 5.6.
- (2) For the purposes of clause 38, AS/NZS 1249 is taken to have been amended as follows:
- (a) by omitting the notes from Clause 0.5.3,
  - (b) by omitting the words “(See Note 1 to Clause 0.1)” from Clause 0.5.10,
  - (c) by inserting the words “clearly visible” between the words “shall bear a” and “warning paragraph” in Clause 5.6.

#### **40 Variation of ISO 6941**

ISO 6941 is taken to have been amended as follows:

- (a) by omitting the words “test another set of three specimens for that direction or face” from Clause 8.8 wherever occurring and by inserting instead “test another specimen for that direction or face”,
- (b) by omitting Clause 10 k) 4) and by inserting instead the following:

if only four 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 11 Child restraints**

#### **41 Definitions**

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.

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Division 11 Child restraints

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*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.

*chaise* means a device used for raising a child’s position in a motor vehicle or 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 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 used for raising a child’s position in a motor vehicle or adapting an adult seat belt to make it suitable for a child, being a device having no back above the seating plane.

### 42 Safety standard for child restraints

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

### 43 Variation of AS 1754—1991

For the purposes of this Division, AS 1754—1991 is taken to be amended as follows:

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

#### 44 Supply of components for child restraints complying with AS 1754—1975

For the purposes of 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 12 Bean bags

#### 45 Definitions

(1) In this Division:

**bean bag** means a cushion or similar item that consists of a bag or cover surrounding bean bag filling, and includes a bean bag for use in a swimming pool.

**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 two 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 two sets of teeth, causes one set of teeth to interlock or cease to interlock with the other set of teeth.

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Division 12 Bean bags

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- (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.

### 46 Safety standard

- (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 a child resistant slide-fastener.
- (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) (ii).
- (3) The warning referred to in subclause (1) (a) (ii):
- (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.

## Division 13 Elastic luggage straps

### 47 Definition

In this Division:

*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.

#### 48 Safety standard

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

WARNING. Avoid eye injury. DO NOT overstretch. ALWAYS keep face and body out of recoil path. DO NOT use when strap has visible signs of wear or damage.

- (2) A label referred to in subclause (1):
- (a) must bear the word “WARNING” in upper case black letters of at least 4 millimetres in height on a yellow background, and
  - (b) must bear the words “do not” and “always” in upper case black letters at least 2 millimetres in height on a yellow background, and
  - (c) must bear the remaining words in lower case black letters at least 2 millimetres in height on a yellow background, and
  - (d) must be clearly displayed.

### Division 14 Projectile toys

#### 49 Definitions

In this Division:

*AS 1647.2* means the Australian Standard entitled AS 1647.2—1992, *Children’s toys (safety requirements), Part 2: Constructional requirements*, as published by Standards Australia on 14 September 1992.

*projectile toy* means any toy to which Clause 7.15 of AS 1647.2 applies.

#### 50 Safety standard

The product safety standard prescribed for projectile toys is that they must comply with the requirements of Clause 7.15 (including

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Division 15 Baby walkers

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Clause 7.15.1 (subparagraph (i) excepted), 7.15.2, 7.15.3, 7.15.4 (paragraph (a) excepted), 7.15.5 and 7.15.6) of AS 1647.2.

### Division 15 Baby walkers

#### 51 Definition

In this Division:

***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.

***F 977-00*** means the United States standard entitled *Standard Consumer Safety Specification for Infant Walkers* approved on 10 April 2000 and published in July 2000 by ASTM (the American Society for Testing and Materials).

#### 52 Safety standard

The product safety standard prescribed for baby walkers is that they must comply with Sections 6.1, 6.4 and 9.3 of F 977-00.

### Division 16 Disposable cigarette lighters

#### Subdivision 1 Preliminary

#### 53 Definitions

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 Part 1210, Title 16 of the *Code of Federal Regulations*, 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.



**customs value** for a device means the customs value determined for the device under section 159 of the *Customs Act 1901* of the Commonwealth.

**disposable lighter**—see clause 54 (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 clause 68.

**lighter**—see clause 54.

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

**novelty lighter**—see clause 54 (5).

**refillable lighter**—see clause 54 (6).

**safe operation** means the operation of a 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.

**the Table** means the Table to this Division.

**young child** means an individual who is under 5 years of age.

#### 54 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 the purposes of subclause (1), a flame producing device is an **eligible device** if:
  - (a) it is designed to be discarded when its fuel supply is exhausted, or
  - (b) it is designed to incorporate a separate container of fuel that is designed to be discarded when empty, or

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Division 16 Disposable cigarette lighters

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- (c) it is designed to have an entertaining audio or visual effect (other than production of a flame), or

**Note.** An example of paragraph (c) is 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.

**Note.** Examples of paragraph (d) include a beverage, cartoon character, food, gun, musical instrument, toy, toy animal, watch or vehicle.

- (3) For the purposes of subclause (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 subclause (2) (a) or (b).

- (5) A *novelty lighter* is a lighter that is an eligible device mentioned in subclause (2) (c) or (d).

- (6) A *refillable lighter* is a lighter that is an eligible device mentioned in subclause (3).

- (7) For the purposes of subclause (3):

*relevant amount* means:

- (a) for a device imported into Australia before 1 October 2002—\$2, or  
(b) for another device supplied by its manufacturer under an ex works agreement before 1 October 2002—\$2, or  
(c) in any other case—the indexed amount.

*value* for a device means:

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

### 55 Safety standard

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

**Subdivision 2 Flame testing, structural safety and labelling****56 Application of this Subdivision**

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.

**57 Testing procedures**

When a lighter is tested in accordance with the procedures described in Part 2, 3, 4, 5 or 6 of the Table, the test must be performed in accordance with the procedures described in Part 1 of the Table.

**58 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.

**59 Abnormal burning**

A lighter, after being tested in accordance with Parts 4, 5 and 6 of the Table, must not, when tested in accordance with Parts 2 and 3 of the Table, spit or sputter or produce an abnormal or unsafe flame.

**60 Flame height**

- (1) A lighter must comply with subclause (2) when tested in accordance with Part 2 of the Table:
  - (a) after being tested in accordance with Part 4 or 5 of the Table, or
  - (b) after being tested in accordance with Parts 4 and 5 of the Table.
- (2) For the purposes of subclause (1), the height of the flame produced by a lighter must not exceed:
  - (a) in the case of a non-adjustable lighter, 50 millimetres, and
  - (b) in the case of an adjustable lighter:
    - (i) where the lighter is adjusted to produce the maximum flame height, 150 millimetres, and

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- (ii) where the lighter is adjusted to produce the minimum flame height, 100 millimetres.
- (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 125 millimetres in height.

### 61 Flame extinction

- (1) A lighter must comply with subclause (2) after being tested in accordance with the procedures described in Parts 3, 4 and 5 of the Table.
- (2) For the purposes of subclause (1), where:
  - (a) a non-adjustable lighter produces a flame for 10 seconds, or
  - (b) an adjustable lighter:
    - (i) produces a flame for 5 seconds at the maximum flame height adjustment, or
    - (ii) produces 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 two seconds if the lighter has no flameguard or four seconds if it has a flameguard.

### 62 Structural safety

- (1) A lighter must have no sharp external edges.
- (2) A lighter, when tested in accordance with Part 3, 4 or 5 of the Table, must not be damaged so as to affect its safe operation.
- (3) A lighter, when tested in accordance with Part 4 of the Table, must not spontaneously ignite.
- (4) The internal pressure of the fuel reservoir of a lighter when tested in accordance with Part 6 of the Table must not suddenly decrease.

### 63 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) where 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) In addition to subclause (1), either:
- (a) the following information that is enclosed by inverted commas must be displayed in a legible form on a lighter, or on an adhesive label that is affixed to the lighter:
- (i) “WARNING” in capital letters and adjacent to the words that must be displayed under subparagraphs (ii)–(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 a lighter is contained in a package when it is sold at retail—the information in paragraph (a) must be displayed in a legible form on the package.

### Subdivision 3 Child resistance

#### 64 Application of this Subdivision

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.

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### 65 Child resistance

- (1) A lighter must be of a kind that has been:
  - (a) tested in the manner set out in section 1210.4 of the American Standard, and
  - (b) shown to be resistant to successful operation by at least 85 per cent of the child-test panel when tested in that manner.
- (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 per cent 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 manner, and
  - (c) be effective for the functional life of the lighter, and
  - (d) not be easily overridden or deactivated.

### 66 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 4 Indexation

### 67 Definitions

In this Division:

***CPI number*** means the All Groups Consumer Price Index number (that is the weighted average of the 8 capital cities) published by the Australian Statistician.

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

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

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

**68 Indexed amount**

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

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

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

**Table Test procedures for lighters****Part 1 General test procedures**

- (1) The lighter must be maintained at a temperature of  $23 \pm 2$  degrees Celsius for at least 10 hours immediately preceding testing in accordance with Parts 2, 3 and 4 of this Table.
- (2) The area in which tests are carried out must be maintained at a temperature of  $23 \pm 2$  degrees Celsius during testing in accordance with Parts 2, 4 and 5 of this Table.
- (3) The lighter to be tested must be new, free of mechanical damage and must not (except where required by this Division) have been previously tested.

**Part 2 Flame height test procedures**

- (1) The test must be carried out inside a draught-free chamber constructed from suitable non-flammable material. The flame height must be measured to the nearest 10 millimetres.

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- (2) 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.
- (3) The lighter must produce a flame for a continuous 5 second period and the flame height must be determined by measuring from the tip of the flame to the top of the flameguard or to the base of the flame (in the case of a lighter that does not have a flameguard) by means of a board positioned at least 25 millimetres behind the lighter and marked with 10 millimetre increments.

### Part 3 Inversion test procedures

The lighter (adjustable lighters adjusted to produce a 50 millimetre flame) must be operated to produce a flame, for a continuous 10 second period in a draught-free chamber, while being held at 45 degrees below the horizontal.

### Part 4 Drop test procedures

- (1) The lighter must be allowed to fall three times onto a concrete surface from a point 1.5 metres above it, from the following positions:
  - (a) firstly, an upright position,
  - (b) secondly, an inverted position,
  - (c) thirdly, a horizontal position.
- (2) The lighter must be inspected after every fall and any spontaneous ignition or damage must be recorded.

### Part 5 Temperature test procedures

- (1) An oven capable of withstanding the explosion of a lighter when being tested and of maintaining a temperature of  $54\pm 2$  degrees Celsius must be used in the test.
- (2) The lighter must be placed in the oven for four hours during which time the oven temperature must be maintained at  $54\pm 2$  degrees Celsius.
- (3) The lighter when removed from the oven must, when cool, be tested in accordance with Part 3 of this Table.

### Part 6 Pressure test procedure

- (1) The test apparatus must consist of a device capable of producing gauge pressure of 2 (MPa).



- (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 degrees Celsius of the fuel normally used in the lighter. The pressure rise must not exceed a rate of 69 kPa per second.

## Division 17 Children's household cots

### 69 Definitions

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.

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

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

### 70 Safety standard

- (1) The product safety standard prescribed for children's household cots is that they must comply with Clauses 5, 6, 8, 9, 11 and 12 of AS/NZS 2172.
- (2) The definitions in Clause 3 of AS/NZS 2172 apply for the purposes of this clause.
- (3) Subclause (1) does not apply in respect of 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 two clearly visible warning statements (one external, one internal) permanently attached to the cot in the form of a metal plaque glued or affixed 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 subclause (4):

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**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 referred to in subclause (3) (b) must:
- (a) contain the upper case and underlining shown in that paragraph, and
  - (b) have upper case lettering at least 5 mm high and lower case letters at least 2.5 mm high, and
  - (c) have lettering that is in sharp contrast to its background.

## Division 18 Laser pointers

### 71 Definitions

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.

*Class 1 laser product* has the same meaning as it has in Clause 3.15 of AS/NZS 2211.

*Class 2 laser product* has the same meaning as it has in Clause 3.16 of AS/NZS 2211.

*laser* means any device that can be made to produce or amplify electromagnetic radiation in the wavelength range from 100 nanometres to 1 millimetre 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 (as defined in the *Therapeutic Goods Act 1989* of the Commonwealth) 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.

**72 Safety standard**

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

**73 Testing of laser pointers**

A person who, in trade or commerce, supplies a laser pointer must hold a test report issued by a laboratory indicating:

- (a) that the laser pointer has been tested, or is part of a batch from which samples have been tested, by the laboratory, and
- (b) the method used to carry out the test and the results of the test, and
- (c) that the results of the test show that each laser pointer tested is a Class 1 laser product or Class 2 laser product.

**74 Production of reports**

A person who, in trade or commerce, supplies laser pointers must, on request, make available for inspection by an investigator any report required under clause 73.

Maximum penalty: 10 penalty units.

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Part 3 Product information standards

Division 1 Preliminary

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## Part 3 Product information standards

### Division 1 Preliminary

#### 75 Information standards

The standards set out in the other Divisions to this Part are prescribed under section 38 of the Act as product information standards for the goods to which those Divisions apply.

**Note.** The consequences of failing to comply with a product information standard are set out in section 39 of the Act.

### Division 2 Fibre content labelling of textile products

#### 76 Definitions

In this Division:

*AS/NZS 2392* means the Australian/New Zealand Standard entitled AS/NZS 2392:1999, *Textiles—Labelling of clothing, household textiles and furnishings*, as published jointly by Standards Australia and Standards New Zealand on 5 July 1999.

*AS/NZS 2450* means the Australian/New Zealand Standard entitled AS/NZS 2450:1994, *Textiles—Natural and man-made fibres—Generic names*, as published jointly by Standards Australia and Standards New Zealand on 17 October 1994.

*AS/NZS 2622* means the Australian/New Zealand Standard entitled AS/NZS 2622:1996, *Textile products—Fibre content labelling*, as published jointly by Standards Australia and Standards New Zealand on 5 September 1996.

*textile product* has the same meaning as it has in Clause 5.3 of AS/NZS 2622.

#### 77 Product information standard

The product information standard for textile products is that they must comply with AS/NZS 2622.

**78 Form of information**

The label in which any statement required for a textile product by AS/NZS 2622 is contained must comply with AS/NZS 2392 and AS/NZS 2450.

**Division 3 Care labelling of certain goods****79 Definitions**

In this Division:

*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.

**80 Application of Division**

- (1) This Division 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 bed bases,
  - (f) piece goods or yarns.
- (2) In this clause:

*excluded goods* means:

  - (a) second-hand goods,
  - (b) the following kinds of clothing (namely, unsupported coats (including overcoats, jackets and the like) of PVC film, handkerchiefs, braces, garter suspenders, arm bands, belts and headwear),
  - (c) all footwear (including textile materials used in the manufacture of footwear but excluding all types of hosiery),
  - (d) the following kinds of drapery (namely, floor cloths, dish cloths, dusters, cleaning cloths and pressing cloths),

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Division 3 Care labelling of certain goods

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- (e) the following kinds of haberdashery (namely, ornaments, artificial flowers, sewing and embroidery threads and all other small items of haberdashery used in the making of clothing and textile products where instructions are not needed to ensure that the clothing or textile product is not damaged during cleaning and maintenance),
- (f) the following kinds of furnishings (namely, oil baize, window blinds, shade blinds, sun blinds, awnings, floor coverings, light fittings, lampshades, tapestries, wall hangings, ornaments, handicraft items, draught excluders, non-upholstered furniture and cushions and cushion covers manufactured from remnants and labelled by the manufacturer with the following disclaimer “cushion cover manufactured from remnants, care treatment unknown”),
- (g) all jute products,
- (h) all medical and surgical goods (namely, bandages, dressings, sanitary pads and materials forming part of manufactured medical and surgical goods),
- (i) the following kinds of canvas goods (namely, beach and garden umbrella coverings),
- (j) the following kinds of miscellaneous goods (namely, 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 one-time use only, mops, basket hangers, shoe holders, remnants, industrial gloves, polypropylene webbing furniture and all bags and cases (including handbags, purses, wallets, travel bags, school bags, sports bags, briefcases and wash bags)).

### 81 Product information standard

The product information standard for goods to which this Division applies is that the goods must comply with AS/NZS 1957.

### 82 Variation of product information standards

For the purposes of this Division, AS/NZS 1957 is taken to have been amended as follows:

- (a) by omitting Clauses 1.2, 1.3, 1.4, 2.1.3 and 2.2 (b),

- (b) by omitting Clause 2.2 (c) and by inserting instead:
  - (c) The wording of the label shall be in English and be clearly legible.
- (c) by omitting Note 1 to Clause 2.2,
- (d) by inserting “This includes individual pieces of household textile products sold as sets (eg napkin and tablecloth sets).” at the end of Note 5 to Clause 2.2,
- (e) by inserting after Clause 2.3:
 

**2.4 Alternative care instructions** Where 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.
- (f) by omitting “each of” from Clause 3.4,
- (g) by omitting “each of” from Clause 3.5,
- (h) by omitting “each category” from Clause 3.6 and inserting “the categories” instead,
- (i) by omitting “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.” from Clause 3.6.

### 83 Form of information for prescribed goods

- (1) The care instructions for goods to which this Division 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 matter in which the goods are packaged.
- (2) In this clause:
 

***prescribed goods*** means:

  - (a) the following kinds of adult’s, children’s and baby clothing (namely, 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),

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- (b) the following kinds of drapery (namely, face washers, serviettes, doilies, table cloths, tray cloths, centres, runners, duchess sets, mosquito netting and covers made from mosquito netting, butter muslin and gauze, tea towels, place mats, pot holders, finger tips, appliance covers for teapots, toasters and the like and hot water bottle covers),
- (c) the following kinds of haberdashery (namely, 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 where instructions are needed to ensure that the clothing or textile product is not damaged during cleaning and maintenance),
- (d) all shower curtains,
- (e) all gardening gloves.

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

Where goods are unable to be washed or dry-cleaned, the permanent label must include appropriate instructions in words that:

- (a) warn that the goods are unable to be washed or dry-cleaned, and
- (b) adequately describe the care treatment for the goods.

## Division 4 Petrol price signs

### 85 Definitions

In this Division:

*consent authority, development application* and *development consent* have the same meanings as they have in the *Environmental Planning and Assessment Act 1979*.

*petrol station* means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, whether or not any other fuel or other product is sold there and whether or not the building or place is used for any other purpose, but does not include a place where the primary business is the hiring, leasing or sale of motor vehicles.



**86 Product information standard**

The product information standard for regular unleaded petrol supplied at a petrol station is that the price at which that petrol is supplied to retail customers at the petrol station must be disclosed by being displayed at the petrol station on one or more signs (*petrol price signs*) that comply with the following requirements:

- (a) a petrol price sign must be so positioned and lit that any price and other matter that it displays will be readily seen by motorists approaching the petrol station at any time that the petrol station is open for business for the supply of petrol,
- (b) a price displayed on a petrol price sign must be a price per litre of petrol.

**87 Planning restriction not affected**

The product information standard specified in clause 86 does not apply to the extent of any inconsistency with:

- (a) a requirement or prohibition imposed by or under the *Environmental Planning and Assessment Act 1979* or the *Local Government Act 1993* (other than a requirement that development consent be obtained), or
- (b) a requirement under the *Environmental Planning and Assessment Act 1979* that development consent be obtained, but only if that development consent has been applied for and refused.

## **2002 No 623**

Clause 88 Fair Trading (General) Regulation 2002

Part 4 Penalty notice offences

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### **Part 4 Penalty notice offences**

#### **88 Penalty notice offences: section 64**

For the purposes of section 64 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1.

## Part 5 Miscellaneous

### 89 Repeal and savings

- (1) The following Regulations are repealed:
- (a) the *Fair Trading (Penalty Notices) Regulation 1998*,
  - (b) the *Fair Trading (Product Safety Standards) Regulation 2000*,
  - (c) the *Fair Trading (Savings and Transitional) Regulation 1997*.
- (2) Any act, matter or thing that, immediately before the repeal of:
- (a) a Regulation referred to in subclause (1), or
  - (b) the *Fair Trading (Product Information Standards) Regulation 1997*,

had effect under (or was done for the purposes of) any of those Regulations continues to have effect under (or is taken to have been done for the purposes of) this Regulation.

**Note.** This provision operates to preserve (among other things) the effect of clause 4 of the *Fair Trading (Savings and Transitional) Regulation 1997*, which provides that a person appointed by the Property Services Council under section 83 of the *Property, Stock and Business Agents Act 1941* (as in force immediately before 1 August 1997) to examine the trusts and other accounts kept by a licensee (within the meaning of that Act) in connection with the licensee's business is taken to have been appointed under section 64S of that Act by the Director-General of the Department of Fair Trading to examine the accounts kept by that licensee (or former licensee) in connection with the licensee's business.

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Fair Trading (General) Regulation 2002

Schedule 1      Penalty notice offences

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**Schedule 1    Penalty notice offences**

(Clause 88)

<b>Column 1</b>	<b>Column 2</b>
<b>Offences under the Fair Trading Act 1987</b>	
Section 27 (1)	\$550
Section 32 (1)	\$550
Section 32 (2)	\$550
Section 34 (9)	\$550
Section 34 (10)	\$550
Section 39 (1)	\$550
Section 40 (1)	\$550

BY AUTHORITY