



New South Wales

Fair Trading Amendment (Children's Toys) Regulation 2010

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*.

VIRGINIA JUDGE, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Fair Trading Regulation 2007* to prescribe a product safety standard for the amount of lead and other toxic elements contained in children's toys (often in the painted coatings of those toys).

The product safety standard:

- (a) for children's toys is that they must comply with the Australian/New Zealand Standard entitled AS/NZS ISO 8124.3:2003, *Safety of toys, Part 3: Migration of certain elements* as published by Standards Australia and as in force on 23 May 2003, and
- (b) for finger paints is that they must comply with the relevant provision in the Australian Standard entitled AS 8124.7—2003, *Safety of toys, Part 7: Finger paints—requirements and test methods* as published by Standards Australia and as in force on 26 June 2003.

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

2010 No 225

Clause 1 Fair Trading Amendment (Children's Toys) Regulation 2010

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under the

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1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Children's Toys) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Fair Trading Regulation 2007

[1] Clause 29 Definitions

Omit the definition of *AS/NZS ISO 8124*. Insert instead:

AS/NZS ISO 8124.1:2002 means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties* as published jointly by Standards Australia and Standards New Zealand and as in force on 16 May 2002.

AS/NZS ISO 8124.3:2003 means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.3:2003, *Safety of toys, Part 3: Migration of certain elements* as published jointly by Standards Australia and Standards New Zealand and as in force on 23 May 2003.

[2] Clause 30 Safety standard

Omit "AS/NZS ISO 8124".

Insert instead "AS/NZS ISO 8124.1:2002 and AS/NZS ISO 8124.3:2003".

[3] Clause 30 (2)

Insert at the end of clause 30:

- (2) Despite subclause (1), the following items are not required to comply with AS/NZS ISO 8124.3:2003:
- (a) sporting goods,
 - (b) camping goods,
 - (c) bicycles,
 - (d) trampolines,
 - (e) electronic game units,
 - (f) models powered by combustion or steam engines,
 - (g) fashion jewellery intended for use in play by children.

[4] Clause 31 Variation of AS/NZS ISO 8124.1:2002

Omit "AS/NZS ISO 8124". Insert instead "AS/NZS ISO 8124.1:2002".

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Schedule 1 Amendment of Fair Trading Regulation 2007

[5] Clause 31AA

Insert after clause 31 (before Division 9):

31AA Variation of AS/NZS ISO 8124.3:2003

For the purposes of this Division, AS/NZS ISO 8124.3:2003 is taken to have been amended by omitting “When appropriate, the toy shall be subjected to relevant tests in accordance with ISO 8124-1, before the accessibility is considered.” from clause 7.

[6] Part 2, Division 8A

Insert after Division 8:

Division 8A Finger paints

31A Definitions

In this Division:

AS 8124.7—2003 means the Australian Standard entitled AS 8124.7—2003, *Safety of toys, Part 7: Finger paints—requirements and test methods* as published by Standards Australia and as in force on 26 June 2003.

finger paints has the same meaning as in AS 8124.7—2003.

31B Safety standard

The product safety standard prescribed for finger paints is that they must comply with the requirements of clause 4.4 of AS 8124.7—2003.