

# Fair Trading (Product Safety Standards) Regulation 2000

[2000-520]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 September 2000 to 31 August 2002 (accessed 10 January 2025 at 10:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by the *Fair Trading (General) Regulation 2002*, cl 89 (1) (b) with effect from 1.9.2002.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 3 September 2002

# Fair Trading (Product Safety Standards) Regulation 2000



New South Wales

## Contents

1 Name of Regulation .....	4
2 Commencement .....	4
3 Definition .....	4
4 Notes .....	4
5 Safety standards.....	4
6 Exceptions .....	5
7 Compliance with specification .....	5
<b>Schedule 1 Swimming pools: outlets.....</b>	<b>5</b>
<b>Schedule 2 Spas: Outlets.....</b>	<b>6</b>
<b>Schedule 3 Sunglasses and fashion spectacles .....</b>	<b>8</b>
<b>Schedule 4 Pedal bicycles.....</b>	<b>10</b>
<b>Schedule 5 Protective helmets for pedal cyclists .....</b>	<b>11</b>
<b>Schedule 6 Protective helmets for motor cyclists .....</b>	<b>15</b>
<b>Schedule 7 Children’s toys .....</b>	<b>16</b>
<b>Schedule 8 Flotation toys and swimming aids.....</b>	<b>18</b>
<b>Schedule 9 Children’s nightclothes and paper patterns for children’s nightclothes</b>	

.....	19
<b>Schedule 10 Child restraints</b> .....	23
<b>Schedule 11 Bean bags</b> .....	24
<b>Schedule 12 Elastic luggage straps</b> .....	26
<b>Schedule 13 Projectile toys</b> .....	27
<b>Schedule 14 Baby walkers</b> .....	27
<b>Schedule 15 Disposable cigarette lighters</b> .....	28
<b>Schedule 16 Children’s household cots</b> .....	36
<b>Schedule 17 Laser pointers</b> .....	36

# Fair Trading (Product Safety Standards) Regulation 2000



New South Wales

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

JOHN WATKINS, M.P., Minister for Fair Trading

## 1 Name of Regulation

This Regulation is the *Fair Trading (Product Safety Standards) Regulation 2000*.

## 2 Commencement

This Regulation commences on 1 September 2000.

### Note—

This Regulation replaces the *Fair Trading (Product Safety Standards) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

## 3 Definition

In this Regulation:

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

## 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## 5 Safety standards

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.

### Note—

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

## 6 Exceptions

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, 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.

## 7 Compliance with specification

For the purposes of this Regulation, goods do not fail to comply with a standard referred to in a Schedule relating to those goods only because they do not comply with a provision of the standard:

- (a) that is expressed to be a recommendation, or
- (b) in relation to which the word “should” or “preferably” is used to indicate that the provision is of an advisory nature only.

## Schedule 1 Swimming pools: outlets

### 1 Definitions

In this Schedule:

**AS 1926.3** means the Australian Standard entitled *Swimming pool safety—Part 3: Water recirculation and filtration systems* and numbered AS 1926.3-1993, 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.

## 2 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.

## Schedule 2 Spas: Outlets

### 1 Definitions

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 published on 31 December 1987.

**AS 1926.3** means the Australian Standard entitled *Swimming pool safety—Part 3: Water recirculation and filtration systems* and numbered AS 1926.3-1993, 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 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.

### 2 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 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.

### **3 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.

### **4 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 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 1926.3.

## 5 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.

## 6 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.

## Schedule 3 Sunglasses and fashion spectacles

### 1 Definitions

In this Schedule:

**AS 1067.1** means the Australian Standard entitled *Sunglasses and fashion spectacles—Part 1: Safety requirements* and numbered AS 1067.1-1990, 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
- (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.

## **2 Safety standard**

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

## **3 Variation of AS 1067.1**

For the purposes of this Schedule, 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 the points.

- (d) by omitting the box around the marking set out in Clause 4.2.2,
- (e) by omitting the box and the words contained in the box from Clause 4.2.3.

## Schedule 4 Pedal bicycles

### 1 Definitions

In this Schedule:

**AS 1927-1989** means the Australian Standard entitled *Pedal Bicycles for Normal Road Use—Safety Requirements* and numbered AS 1927:1989, as published by Standards Australia on 19 May 1989.

**AS/NZS 1927-1998** means the Australian Standard entitled *Pedal Bicycles—Safety Requirements* and numbered AS/NZS 1927:1998, as published by Standards Australia 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.

### 2 Safety standard

The product safety standard prescribed for pedal bicycles is that:

- (a) until the end of 31 October 2000, they must comply with AS/NZS 1927-1989, and
- (b) from 1 November 2000, they must comply with AS/NZS 1927-1998.

### 3 Variation of AS/NZS 1927-1989

For the purposes of this Schedule, AS/NZS 1927-1989 is taken to have been amended as follows:

- (a) by omitting clause 1.2,
- (b) by omitting clause 1.5 (a) and inserting instead:

- (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.

- (c) by omitting from clauses 1.1, 2.1, 3.1 and 4.1 the word “sale” and inserting instead “supply”,
- (d) by omitting from clause 2.14.2.8 the word “provided” and inserting instead the word “fitted”.

#### 4 Variation of AS/NZS 1927-1998

For the purposes of this Schedule, AS/NZS 1927-1998 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”,
- (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) omitting clause 2.17.1.

### Schedule 5 Protective helmets for pedal cyclists

#### 1 Definitions

In this Schedule:

**AS/NZS 2063.1-1986** 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/NZS 2063.1: 1986, published by Standards Australia on 4 August 1986 as amended by Amendment No 2 of 9 May 1988.

**AS/NZS 2063.2-1990** 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/NZS 2063.2: 1990, published by Standards Australia on 9 April 1990 as amended by Amendment No 1 of 20 August 1990 and Amendment No 2 of 15 April 1991.

**AS/NZS 2063-1996** means the Australian Standard entitled *Pedal Cycle Helmets* and numbered AS/NZS 2063: 1996, published by Standards Australia on 5 May 1996 as amended by Amendment No 1 of 5 November 1996.

**AS 2512.1-1984** means the Australian Standard entitled *Methods Of Testing Protective Helmets—Definitions and Headforms* and numbered AS 2512.1:1984, published by Standards Australia on 6 April 1984.

**AS 2512.1-1996** means the Australian Standard entitled *Methods Of Testing Protective Helmets—Definitions and Headforms* and numbered AS 2512.1:1996, published by Standards Australia on 5 May 1996.

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

**Snell standards** means the standard entitled *1995 Standard for Protective Headgear for Use with Bicycles* 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).

## **2 Safety standard until 31 August 2001**

The product safety standard prescribed for protective helmets for pedal cyclists is that, until the end of 31 August 2001, they must comply with:

- (a) both:
  - (i) Part 1 of AS 2063.1-1986, and
  - (ii) Part 3 of AS 2063.2-1990, or
- (b) Part 1 of AS/NZS 2063-1996, or
- (c) Snell standards.

## **3 Safety standard on and from 1 September 2001**

The product safety standard prescribed for protective helmets for pedal cyclists is that, on and from 1 September 2001, they must comply with:

- (a) Part 1 of AS/NZS 2063-1996, or
- (b) Snell standards.

## **4 Exceptions**

- (1) This Schedule does not apply to the following helmets:
  - (a) helmets that are of a size too small to be fitted to Headform A as defined in AS 2512.1-1984,
  - (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.

## 5 Variation of AS 2063.1-1986

For the purposes of this Schedule, AS 2063.1-1986 is taken to have been amended follows:

- (a) by inserting after Clause 3 the following Clause:

### 3A Interpretation

For the purposes of the Standard the following meanings apply:

**Helmet** means a devise worn on the head, designed to mitigate the adverse effects of a blow to the head within a specified area.

**Positioning index** means the distance, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

- (b) by inserting after Clause 6.2.1 the following Clause:

**6.2.1.1** A helmet when tested to the requirements of Clause 6.2.2 is to be conditioned to one of the conditioning procedures specified in AS 2512.2 for ambient temperature, low temperature, high temperature and water immersion and is to comply with the requirements of Clause 6.2.2 irrespective of which conditioning procedure specified in AS 2512.2 has been applied.

## **6 Variation of AS 2063.2-1990**

For the purposes of this Schedule, AS 2063.2-1990 is taken to have been amended follows:

- (a) by omitting Clause 1,
- (b) by omitting Clause 3 and by inserting instead:

### **3 Basic performance requirements**

Helmets for pedal cyclists, other than BMX helmets, are to comply with AS 2063.1-1990, but need not comply with provisions regarding:

- (a) hard shell, or
- (b) ventilation openings, or
- (c) resistance to penetration, or
- (d) type testing.

### **3A BMX Helmets**

Helmets designed and constructed principally for use by cyclists engaged in BMX competition racing are to comply with AS 2063.2-1990 but need not comply with clause 4 of AS 2063.3-1990. Such helmets are to comply with AS 2063.1-1986, but need not comply with clause 7.3.2 of AS 2063.1-1986 or with those provisions of AS 2063.1-1986 regarding ventilation openings or type testing.

- (c) by omitting the note to Clause 8.

## **7 Variation of AS 2063 1996**

For the purposes of this Schedule, AS 2063-1996 is taken to have been amended follows:

- (a) by omitting Clause 1,
- (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 “or load distribution (Clause 7.6)” from Clause 7.1.2 (a),
- (d) by omitting Clause 7.1.3 and by inserting instead:

### 7.1.3 Test sites

For the purpose of the impact energy attenuation test the helmets are to be tested at four sites above the test line defined in AS/NZS 2512.1-1996.

**Note—**

Test sites should be marked on the helmet prior to testing.

- (e) by omitting Clause 7.6,
- (f) by omitting Clause 8.1 (e).

## Schedule 6 Protective helmets for motor cyclists

### 1 Definitions

In this Schedule:

**AS 1698** means the Australian Standard entitled *Protective Helmets for Vehicle Users* and numbered AS 1698-1988, 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.

### 2 Safety standard

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

### 3 Variation of AS 1698

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 7 Children's toys

### 1 Definitions

In this Schedule:

**AS 1647.2** means the Australian Standard entitled *Children's Toys (Safety Requirements)—Constructional Requirements*, and numbered AS 1647.2-1992, 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, teethingers 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
- (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 Schedule, 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.

## **2 Safety standard**

The product safety standard prescribed for children’s toys is that they must comply with Clauses 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, 4.26, 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.

## **3 Variation of AS 1647. 2**

For the purposes of this Schedule, 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, 10.3.1–10.3.4, 10.3.6, 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 Clauses 10.3.5 and 10.3.11 the words “a hazardous sharp edge, a hazardous sharp point or”,
- (d) by omitting from Clause 10.3.9 the words “fracture or break” and by inserting instead

the words “produce an ingestion or inhalation hazard”,

- (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, or”,
- (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 paragraphs 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 paragraphs K6 (a) and K6 (b) and subparagraphs 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), 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 paragraphs 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 paragraph U6 (b) the words “and whether these objects produced an ingestion or inhalation hazard” after the word “outlet”,
- (m) by omitting from paragraph 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”.

## **Schedule 8 Flotation toys and swimming aids**

### **1 Definitions**

In this Schedule:

**AS 1499** means the Australian Standard entitled *Personal Flotation Devices—Type 2* and numbered AS 1499-1996, as published on 5 January 1996.

**AS 1512** means the Australian Standard entitled *Personal Flotation Devices—Type 1* and numbered AS 1512-1996, as published by Standards Australia on 5 January 1996.

**AS 1900** means the Australian Standard entitled *Flotation Toys and Swimming Aids for Children* and numbered AS 1900-1991, published by Standards Australia on 16 September 1991 as amended by Amendment No 1 of 15 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.

## 2 Safety standard

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

## 3 Variation of AS 1900

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

# Schedule 9 Children's nightclothes and paper patterns for children's nightclothes

## 1 Definitions

In this Schedule:

**AS 1182-1980** means the Australian Standard entitled *Size Coding Scheme for Infants' and Children's Clothing (Underwear and Outerwear)* and numbered AS 1182-1980, as published by Standards Australia on 1 September 1980.

**AS 1182-1997** means the Australian Standard entitled *Size Coding Scheme for Infants'*

and *Children's Clothing—Underwear and Outerwear* and numbered AS 1182-1997, as published by Standards Australia on 5 March 1997.

**AS 1249-1990** means the Australian Standard entitled *Children's Nightclothes Having Reduced Fire Hazard* and numbered AS 1249-1990, published by Standards Australia on 7 May 1990, as amended by Amendment No 1 of 16 April 1992.

**AS/NZS 1249-1999** means the Australian Standard entitled *Children's nightclothes having reduced fire hazard* and numbered AS/NZS 1249-1999, as published by Standards Australia on 5 April 1999.

**AS 2755.2-1985** means the Australian Standard entitled *Textile Fabrics—Burning Behaviour—Measurement of flame spread properties of vertically oriented specimens* and numbered AS 2755.2-1985, as published by Standards Australia 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 1182-1980), but does not include any article of headwear, footwear or handwear.

**children's nightwear** includes children's 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 1182-1997), but does not include t-shirts and any article of headwear, leggings (either with or without foot), footwear or handwear.

**ISO 6941: 1984** means the International Standard entitled *Textile Fabrics-Burning Behaviour: Measurement of Flame Spread Properties of Vertically Oriented Specimens*, published by Standards Australia on 15 August 1984, as amended by Amendment No 1 of 15 October 1992.

## **2 Safety standard for children's nightclothes and nightwear**

The product safety standard prescribed for children's nightclothes and children's nightwear is that they must comply with AS 1249-1990 or with AS/NZS 1249-1999.

## **3 Safety standard for paper patterns for children's nightclothes and nightwear**

The product safety standard prescribed for paper patterns for children's nightclothes and children's nightwear is that they must comply with Clause 5.6 of AS 1249-1990 or with Clause 5.6 of AS/NZS 1249-1999.

## **4 Variation of AS 1249-1990**

For the purposes of this Schedule, AS 1249-1990 is taken to have been amended as follows:

- (a) by omitting Clause 1.1,

- (b) by inserting in Clause 2.1 (a), after the first paragraph, the following words:

If there is insufficient fabric for three lengthwise and three widthwise test specimens, as cited in Clause 8.8 of AS 2755.2-1985, the flame spread time is to be determined on three lengthwise test specimens only.

Where 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 join must not be below the centre of the specimen when attached to the vertical test frame specified in AS 2755.2-1985.

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.

## **5 Variation of AS/NZS 1249-1999**

- (1) For the purposes of this Schedule, AS/NZS 1249-1999 is taken to have been amended:
- (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: 1984, 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 of four specimens”,
- (d) by omitting from the note after the third paragraph of Clause 1.2. 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 applied 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 3 (2) of this Schedule, Clause 5.6 of AS 1249-1990 and AS 1249-1999 is taken to have been amended by omitting the words “within the scope of this Standard”.

## **6 Variation of ISO 6941: 1984**

For the purposes of 1.2 (a) of AS 1249-1999 (as amended by clause 5 of this Schedule), ISO 6941: 1984 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.

## **7 Variation of AS 2755.2-1985**

For the purposes of clause 4 (b) of this Schedule, AS 2755.2-1985 is taken to have been amended as follows:

- (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:
  - (iv) If only four specimens are tested (as referred to in Clause 8.8 as taken to have been amended by clause 6 (a) of Schedule 9 to the *Fair Trading (Product Safety Standards) Regulation 2000* 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.

## **8 AS 1249-1990 as standard ceases effect on 1 September 2001**

Clauses 2 (1), 3 (1) and 4 of this Schedule cease to have effect on 1 September 2001.

## **9 More than one standard for particular goods**

Where more than one standard is prescribed as a product safety standard in this Schedule in respect of a particular class of goods, the goods need comply with only one of the standards so prescribed.

## **Schedule 10 Child restraints**

### **1 Definitions**

In this Schedule:

**AS 1754-1975** means the Australian Standard entitled *Child Restraints for Passenger Cars and Derivatives* and numbered AS 1754-1975, as amended by Amendment No 1 of February 1976, Amendment No 2 of March 1978, Amendment No 3 of July 1979, the Corrigendum of October 1979 and Amendment No 4 of July 1985.

**AS/NZS 1754-1991** means the Australian Standard entitled *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754-1991, published on 26 November 1991 as amended by Amendment No 1 of 12 October 1992 and Amendment No 2 of 15 February 1992.

**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 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 or adapting an adult seat belt to make it suitable for a child, being a device having no back above the seating plane.

## 2 Safety standard for child restraints

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

## 3 Variation of AS/NZS 1754-1991

For the purposes of this Schedule, AS/NZS 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 Clauses 2.4 and 2.5.

## 4 Supply of components for child restraints complying with AS 1754-1975

For the purposes of this Schedule, components may be supplied for child restraints that are made to the requirements of AS 1754-1975, in which case the components must comply with the relevant requirements of AS 1754-1975.

# Schedule 11 Bean bags

## 1 Definitions

(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.

## 2 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:

- (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 12 Elastic luggage straps**

### **1 Definition**

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.

### **2 Safety standard**

- (1) The product safety standard prescribed for elastic luggage straps is that they are to 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.

### 3 Safety standard until 31 May 2001

- (1) For the purposes of this Regulation, compliance with subclauses (2) and (3) is taken to be compliance with clause 2 of this Schedule until the end of 31 May 2001.
- (2) The product safety standard prescribed for elastic luggage straps is that they are to have a label permanently affixed to them bearing the following warning.

WARNING. Avoid eye injury. Do not overstretch. Strap may rebound.
- (3) A label referred to in subclause (2):
  - (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 13 Projectile toys

### 1 Definitions

In this Schedule:

**AS 1647.2** means the Australian Standard entitled *Children’s Toys (Safety Requirements)—Part 2: Constructional Requirements*, and numbered AS 1647.2–1992, as published by Standards Australia on 14 September 1992.

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

### 2 Safety standard

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 1647.2.

## Schedule 14 Baby walkers

### 1 Definition

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.

**F 977-97** means the United States standard entitled *Standard Consumer Safety Specification for Infant Walkers* approved on 10 October 1997 and published August 1998.

## 2 Safety standard

(1) The product safety standard prescribed for baby walkers is that they must comply with Sections 6.1, 6.4 and 9.3 of F 977-97.

(2) However, a person may supply:

(a) by wholesale until the end of 30 November 2000, or

(b) by retail until the end of 28 February 2001,

a baby walker that complies with clause 2 of Schedule 16 to the *Fair Trading (Product Safety Standards) Regulation 1995* (as in force immediately before the repeal of that Regulation by the operation of section 10 (2) of the *Subordinate Legislation Act 1989*).

(3) For the purposes of subclause (1), compliance with clause 2 (1) (a) and (2), and so much of clause 2 (4) as relates to clause 2 (1) (a) and (2), of Schedule 16 to the *Fair Trading (Product Safety Standards) Regulation 1995* (as in force immediately before the repeal of that Regulation by the operation of section 10 (2) of the *Subordinate Legislation Act 1989*) is taken to be compliance with Section 9.3 of F 977-97.

## Schedule 15 Disposable cigarette lighters

### Part 1 Preliminary

#### 1 Definitions

In this Schedule:

**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.

**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 2 (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 16.

**lighter** see clause 2.

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

**novelty lighter** see clause 2 (5).

**refillable lighter** see clause 2 (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 Schedule.

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

## 2 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
- (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) it is imported into Australia after 30 September 1997, or it is not imported into Australia but is supplied by its manufacturer under an ex works agreement after that date, and
  - (c) 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.

### 3 Safety standard

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

## Part 2 Flame testing, structural safety and labelling

### 4 Application of this Part

This Part does not apply to a lighter that:

- (a) is a novelty lighter, and

(b) is not a disposable lighter or a refillable lighter.

## **5 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.

## **6 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.

## **7 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.

## **8 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
    - (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.

## **9 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.

## **10 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.

## **11 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.

### **Part 3 Child resistance**

#### **12 Application of this Part**

This Part only applies 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.

#### **13 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.

## 14 Certification

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

## Part 4 Indexation

### 15 Definitions

In this Part:

**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.

### 16 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, whether before or after 1 October 1997, 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, whether before or after 1 October 1997, 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.
- (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.

- (3) The lighter to be tested must be new, free of mechanical damage and must not (except where required by this Schedule) have been previously tested.

## **Part 2 Flame height test procedures**

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

## **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.

## **Schedule 16 Children's household cots**

### **1 Definitions**

In this Schedule:

**AS/NZS 2172** means the Australian and New Zealand Standard entitled *Cots for household use—Safety requirements*, and numbered AS/NZS 2172: 1995, as published by Standards Australia 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.

### **2 Safety standard**

The product safety standard prescribed for children's household cots is that they must comply with clauses 3, 5, 6, 8, 9, 11 and 12 of AS/NZS 2172.

## **Schedule 17 Laser pointers**

### **1 Definitions**

In this Schedule:

**AS/NZS 2211** means the Australian and New Zealand Standard entitled *Laser safety—Part 1: Equipment classification, requirements and user's guide*, and numbered AS/NZS 2211.1:1997, as published by Standards Australia 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.

## **2 Safety standard**

The product safety standard prescribed for laser pointers is that they must comply with the requirements of clause 3 of this Schedule.

## **3 Laser pointers to be Class 1 or Class 2 laser product**

- (1) A laser pointer must be a Class 1 laser product or a Class 2 laser product.
- (2) 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.

## **4 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 3 of this Schedule.

Maximum penalty: 10 penalty units.