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FAIR TRADING ACT 1987

FAIR TRADING (PRODUCT SAFETY STANDARD) AMENDMENT REGULATIONS 2010

Fair Trading Act 1987

Fair Trading (Product Safety Standard) Amendment Regulations 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fair Trading (Product Safety Standard) Amendment Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Fair Trading (Product Safety Standard) Regulations 2001*.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 4

4. Part 2 replaced

Delete Part 2 and insert:

Part 2 — Lighters

Division 1 — Preliminary

2. Terms used

(1) In these regulations —

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, Vol. 58, No. 131, on 12 July 1993;

customs value, for a device, means the customs value determined for the device under the *Customs Act 1901* (Commonwealth) section 159;

disposable lighter has the meaning given in subregulation (6);

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 has the meaning given in regulation 15;

lighter has the meaning given in subregulation (2);

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 4

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

novelty lighter has the meaning given in subregulation (7);

refillable lighter has the meaning given in subregulation (8);

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;

young child means an individual who is under 5 years.

- (2) A **lighter** is a flame producing device that —
 - (a) is designed to light cigarettes, cigars and pipes; and
 - (b) is an eligible device.
- (3) For the purposes of subregulation (2), 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

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 4**

- (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.
- (4) For the purposes of subregulation (2), a flame producing device is also an **eligible device** if —
 - (a) it is designed to be refilled with fuel; and
 - (b) its value is not more than the relevant amount.
- (5) In subregulation (4) —
relevant amount means —
 - (a) for a device imported into Australia, or supplied under an ex works agreement, before 1 August 2003 — \$5; or
 - (b) for a device imported into Australia, or supplied under an ex works agreement, on or after 1 August 2003 — the indexed amount;**value**, for a device, means —
 - (a) for a device imported into Australia — its customs value; or
 - (b) for another device — its supply price.
- (6) A **disposable lighter** is a lighter that is an eligible device mentioned in subregulation (3)(a) or (b).
- (7) A **novelty lighter** is a lighter that is an eligible device mentioned in subregulation (3)(c) or (d).
- (8) A **refillable lighter** is a lighter that is an eligible device mentioned in subregulation (4).

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 4**Division 2 — Flame testing, structural safety and labelling****3. Application of this Division**

This Division does not apply to a lighter that —

- (a) is a novelty lighter; and
- (b) is not a disposable lighter or a refillable lighter.

4. Testing procedures

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

5. 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.

6. Abnormal burning

A lighter, after being tested in accordance with Schedule 1 Divisions 4, 5 and 6, must not, when tested in accordance with Schedule 1 Divisions 2 and 3, spit or sputter or produce an abnormal or unsafe flame.

7. Flame height

- (1) A lighter must comply with subregulation (2) when tested in accordance with Schedule 1 Division 2 —
 - (a) after being tested in accordance with Schedule 1 Division 4 or 5; or

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 4**

- (b) after being tested in accordance with of Schedule 1 Divisions 4 and 5.
- (2) For subregulation (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.

8. Flame extinction

- (1) A lighter must comply with subregulation (2) after being tested in accordance with the procedures described in Schedule 1 Divisions 3, 4 and 5.
- (2) For subregulation (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 2 seconds if the

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 4

lighter has no flameguard or 4 seconds if it has a flameguard.

9. Structural safety

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

10. 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 subregulation (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

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 4**

- displayed under subparagraphs (ii) to (ix);
- (ii) 'KEEP AWAY FROM CHILDREN' or 'KEEP OUT OF REACH OF CHILDREN' in capital letters;
 - (iii) 'Ignite lighter away from face and clothing';
 - (iv) 'Never expose to heat above 50°C or to prolonged sunlight';
 - (v) 'Never puncture or put in fire';
 - (vi) for a lighter that contains flammable gas under pressure — 'Contains flammable gas under pressure';
 - (vii) for a lighter that contains flammable liquid — 'Contains flammable liquid';
 - (viii) for a self-extinguishing lighter — 'Be sure flame is out after use';
 - (ix) for a non-self-extinguishing lighter — 'This lighter does not extinguish itself — close the cover to put out';

or

- (b) if 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.

Division 3 — Child resistance**11. Application of this Division**

This Division 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.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 4**12. 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 percent 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 percent 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.

13. Certification

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

Note: The importation into Australia of a lighter is prohibited unless —

- (a) the person importing the lighter has —
 - (i) completed a statutory declaration stating that a certificate of compliance, within the meaning of the American Standard, has been issued in accordance with that standard; and
 - (ii) produced that declaration to the Collector;
- or

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 4**

- (b) the Minister has granted a permission in writing for the lighter to be imported; or
- (c) the lighter is imported by a passenger at least 18 years old on a ship or aircraft, if the passenger is importing no more than 5 lighters.

See the *Customs (Prohibited Imports) Regulations 1956* (Commonwealth) regulation 4S.

Division 4 — Indexation**14. Terms used**

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 Statistician;

latest CPI number means the CPI number for the most recent quarter;

March 2003 CPI number means the CPI number for the quarter beginning on 1 January 2003;

quarter means 3 months beginning on 1 January, 1 April, 1 July or 1 October in a year;

Statistician has the meaning given by the *Australian Bureau of Statistics Act 1975* (Commonwealth) section 3.

15. Indexed amount

- (1) The indexed amount is the amount —
 - (a) worked out in accordance with the formula mentioned in subregulation (2); and
 - (b) if the amount worked out is an amount of dollars and cents, rounded in accordance with subregulation (3).

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 5

- (2) The formula is —

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

- (3) The indexed amount must be rounded to the nearest 25 cents and, if the amount to be rounded is 12.5 cents, rounded up.

5. Regulation 24 replaced

Delete regulation 24 and insert:

24. Product safety standard for a trolley jack

The product safety standard for a trolley jack consists of the standard set out in Schedule 4 Division 1, as varied by Schedule 4 Division 2.

6. Regulation 28 replaced

Delete regulation 28 and insert:

28. Product safety standard for a vehicle support stand

The product safety standard for a vehicle support stand consists of the standard set out in Schedule 6 Division 1, as varied by Schedule 6 Division 2.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 7

7. Parts 11 and 12 replaced

Delete Parts 11 and 12 and insert:

Part 11 — Children’s nightwear and paper patterns for children’s nightwear

32. Term used: children’s nightwear

In this Part —

children’s nightwear means a garment that is —

- (a) of a size in the range 00 to 14 (the number scheme used in Australian Standard 1182:1997 — Size coding scheme for infants’ and children’s clothing — Underwear and outerwear, published by Standards Australia on 5 March 1997; and
- (b) of a type that is suitable for nightwear; and
- (c) is not a second-hand garment,

and includes a garment that is mentioned in paragraphs (a) to (e) of clause 0.2 of *Australian/New Zealand Standard AS/NZS 1249:2003 Children’s nightwear and limited daywear having reduced fire hazard*.

33. Product safety standard for children’s nightwear

The product safety standard for children’s nightwear consists of the standard set out in Schedule 9 Division 1, as varied by Schedule 9 Division 2.

34. Product safety standard for paper patterns for children’s nightwear

The product safety standard for paper patterns for children’s nightwear consists of the standard set out in

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 8

Schedule 10 Division 1, as varied by Schedule 10
Division 2.

8. Regulation 36 replaced

Delete regulation 36 and insert:

36. Term used: pedal bicycles

In this Part —

pedal bicycles includes fully assembled or partially assembled bicycles but does not include —

- (a) bicycles having a wheel base of less than 640 mm; or
- (b) bicycles that are designed, promoted and supplied primarily for use in competition; or
- (c) one of a kind bicycles, being bicycles that are uniquely constructed to the order of an individual consumer; or
- (d) bicycles that are 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) tandem bicycles; or
- (f) power assisted bicycles; or
- (g) bicycles showing signs of appreciable wear or second-hand bicycles; or
- (h) recumbent bicycles.

9. Regulation 38 amended

- (1) Delete regulation 38(1).

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 10**

(2) Delete regulation 38(4)(e) and insert:

- (e) glasses or goggles for special use, including medical shields especially designed for use by vision impaired persons.

10. Regulation 39 amended

(1) Delete regulation 39(1).

(2) In regulation 39(2) after “toys” insert:

for children up to and including but not limited to 36 months of age, being objects manufactured, designed, labelled or marketed as playthings,

(3) In regulation 39(5) delete “if a label, that complies with subregulation (4)(n), is attached to the toy in a conspicuous position” and insert:

if a toy is marked legibly in a conspicuous position either on the toy

11. Regulation 44 amended

(1) In regulation 44 delete “(2) The label or notice must be displayed on the goods in a conspicuous position.”.

(2) Before regulation 44(3) insert:

- (3A) A warning label or notice referred to in subregulation (1) must be conspicuously displayed.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 12**12. Regulation 47 amended**

In regulation 47 in the definition of *AS/NZS 2172:2003* delete “2005 as amended by Amendment No. 1 of 9 January 2006;” and insert:

2003;

13. Regulation 48 amended

(1) Delete regulation 48(2) and insert:

(2) The product safety standard for new cots consists of *AS/NZS 2172:2003* varied in the following manner —

(a) delete clauses 1, 2, 4, 6.1(f), 7, 8, 9.2(c), and 10;

(b) delete clause 6.1(g) and insert:

(g) With the dropside in the closed position and the mattress base in the lower position, when tested in accordance with Appendix A with a force of 50 N it must not be possible for a 30 mm probe to pass through any aperture between the mattress base and the sides and between the mattress base and the ends.

(c) at the end of clause 6.3(e) insert:

For a lift and push dropside release mechanism, either the lift or push action must comply with clause 6.3(d).

(d) in clause 6.7 delete note 1;

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 13**

- (e) delete Paragraph A5(h) and A5(i) and insert:
- (h) For any gaps recorded in Step (g) between the mattress base in the lower position and the sides and ends with the dropside in the closed position, insert the 30 mm diameter probe and apply a force of 50 N.
 - (i) For any gaps recorded in Step (g) except for the gaps tested in Step (h), insert the 30 mm diameter probe and apply a force of 100 N.
 - (j) Record all gaps that allowed the passage of the 30 mm diameter probe when tested in accordance with A5(h) and A5(i) except for the following:
 - (i) Gaps formed between —
 - (A) fixed sides and the mattress base in the upper position; and
 - (B) fixed ends and the mattress base in the upper position.
 - (ii) Gaps formed between the dropside in both open and closed positions and the mattress base in the upper position.
 - (iii) Gaps formed between the dropside in the open position and the mattress base in the lower position.
- (f) renumber the succeeding A5 paragraphs;

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 14

- (g) in Paragraph A6(b) delete “but not the 50 mm diameter probe as noted in Paragraphs A5(i) and A5(g) respectively” and insert:

as recorded in Paragraph A5(j)

- (2) In regulation 48(3)(b) delete ““ 8 mm ”.” and insert:

“ 8 mm ”; and

- (c) deleting note 1.

14. Regulation 49 amended

Delete regulation 49(1)(b) and insert:

- (b) has clearly visible external and internal warning statements permanently attached to the cot by means of gluing or mechanical fixing (nails or screws) of a metal plaque displayed on the upper half of the side or end of the cot.

15. Parts 28 to 34 inserted

After Part 27 insert:

Part 28 — Baby bath aids**76. Terms used**

In this Part —

baby bath aid means a device designed to support a baby while the baby is being bathed;

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 15**

safety alert symbol means a symbol consisting of an exclamation mark inside an equilateral triangle with a base of at least 30 millimetres, as depicted in Schedule 2 to the notice under paragraph 31(1)(a) of the *Fair Trading Act 1987* (NSW) published in the New South Wales *Government Gazette* No. 63 on 26 March 2004, at page 1721.

77. Product safety standard for baby bath aids

The product safety standard for a baby bath aid consists of the standard set out in Schedule 20.

Part 29 — Balloon-blowing kits**78. Term used: balloon-blowing kits**

In this Part —

balloon-blowing kits means goods that contain a substance capable of being used to make inflated balloons by the action of blowing the whole or a portion of the substance from a tube (not being a container) contained in the goods.

79. Product safety standard for balloon-blowing kits

- (1) The product safety standard for balloon-blowing kits consists of the standard set out in subregulation (2).
- (2) The consumer product safety standard referred to in subregulation (1) consists of the requirement that the substance contained in balloon-blowing kits that is capable of being used to make inflated balloons must not contain benzene.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 15

Part 30 — Exercise cycles

80. Term used: exercise cycle

In this Part —

exercise cycle means a stationary device designed to be used for personal physical exercise by means of an activity simulating bicycle riding.

81. Product safety standard for exercise cycles

The product safety standard for exercise cycles consists of the standard set out in Schedule 21 Division 1, as varied by Schedule 21 Division 2.

Part 31 — Flotation toys and aquatic toys

82. Toys covered by this safety standard

- (1) Flotation toys and aquatic toys that are —
- (a) designed or clearly intended for use in play by children under 14 years of age; and
 - (b) intended to bear the mass of a child in water, whether inflatable or not,

whether or not worn or otherwise attached to the body, including but not limited to —

- (c) inflatable novelty shapes; and
- (d) inflatable toy boats, which by virtue of their size and design are intended for use in shallow water; and
- (e) unattached complete or partial rings,

are flotation toys and aquatic toys to which the standard in this Part applies.

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 15**

- (2) The following flotation toys and aquatic toys are toys to which the standard in this Part does not apply —
- (a) beach balls;
 - (b) surfboards;
 - (c) body/boogie boards;
 - (d) inflatable air beds;
 - (e) inflatable boats, which by virtue of their size and design are intended for use in deep water;
 - (f) kickboards.

83. Product safety standard for flotation toys and aquatic toys

- (1) On or before 31 March 2010, the product safety standard for flotation toys and aquatic toys consists of the standard set out in —
- (a) Schedule 22 Division 1, as varied by Schedule 22 Division 2; or
 - (b) Schedule 22 Division 3, as varied by Schedule 22 Division 4.
- (2) On and after 1 April 2010, the product safety standard for flotation toys and aquatic toys consists of the standard set out in Schedule 22 Division 3, as varied by Schedule 22 Division 4.

Part 32 — Swimming aids and flotation aids**84. Buoyancy aides covered by this safety standard**

- (1) Swimming aids and flotation aids designed for children under 14 years of age, worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 15

buoyancy through swimming tuition, including, but not limited to —

- (a) arm bands;
- (b) attached rings;
- (c) swimming aid vests,

are swimming aids and flotation aids to which the standard in this Part applies.

- (2) The following swimming aids and flotation aids are buoyancy aids to which the standard in this Part does not apply —
 - (a) inflatable novelty shapes;
 - (b) unattached complete or partial rings;
 - (c) kickboards;
 - (d) articles designed for therapeutic use by disabled persons;
 - (e) articles, including life jackets or other personal flotation devices, which are within the scope of AS 4758 *Personal flotation devices*, as at 8 April 2009.

85. Product safety standard for swimming aids and flotation aids

- (1) On or before 31 March 2010, the product safety standard for swimming aids and flotation aids consists of the standard set out in —
 - (a) Schedule 23 Division 1, as varied by Schedule 23 Division 2; or
 - (b) Schedule 23 Division 3, as varied by Schedule 23 Division 4.
- (2) On and after 1 April 2010, the product safety standard for swimming aids and flotation aids consists of the

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 15**

standard set out in Schedule 23 Division 3, as varied by Schedule 23 Division 4.

Part 33 — Protective helmets for motor cyclists**86. Product safety standard for protective helmets for motor cyclists**

The product safety standard for protective helmets for motor cyclists consists of the Australian Standard 1698-1988, "*Protective Helmets for Vehicle Users*" published by the Standards Association of Australia on 9 May 1988, as varied by regulation 87.

87. Variation of safety standard

The product safety standard for protective helmets for motor cyclists set out in regulation 86 is varied in the following manner —

- (a) in clause 4.4 delete "AS 1609" and insert:

AS 1609-1981

- (b) delete clause 8(g).

Part 34 — Portable ramps for vehicles**88. Application of Part**

This Part applies to portable ramps for vehicles with a nominated capacity up to and including 1.5 tonnes.

89. Product safety standard for portable ramps for vehicles

The product safety standard for portable ramps for vehicles consists of the Australian Standard 2640-1994,

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 16

“Portable Ramps for Vehicles” approved by Standards Australia on 10 February 1994.

16. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Test procedures for lighters

[Pt. 2]

Division 1 — General test procedures

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

Division 2 — Flame height test procedures

4. 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.
5. 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.
6. 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

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 16**

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.

Division 3 — Inversion test procedures

7. 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.

Division 4 — Drop test procedures

8. 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.
9. The lighter must be inspected after every fall and any spontaneous ignition or damage must be recorded.

Division 5 — Temperature test procedures

10. An oven capable of withstanding the explosion of a lighter when being tested and of maintaining a temperature of 54 ± 2 degrees Celsius must be used in the test.
11. The lighter must be placed in the oven for four hours during which time the oven temperature must be maintained at 54 ± 2 degrees Celsius.
12. The lighter when removed from the oven must, when cool, be tested in accordance with Division 3.

Division 6 — Pressure test procedure

13. The test apparatus must consist of a device capable of producing gauge pressure of 2 (MPa).
14. The lighter must be emptied of fuel.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 17

15. 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.

17. Schedule 4 replaced

Delete Schedule 4 and insert:

Schedule 4 — Standards for trolley jacks

[r. 24]

Division 1 — AS/NZS 2615:2004**1. The Standard**

Australian/New Zealand Standard AS/NZS 2615:2004
Hydraulic Trolley Jacks, approved on behalf of the Council of Standards Australia on 7 April 2004.

Division 2 — Variations to AS/NZS 2615:2004**2. Clause 1**

Delete clause 1 and insert:

1 SCOPE

This Standard specifies requirements for the design, construction, performance and labelling of hydraulic trolley jacks up to and including 2.5 tonnes, designed to lift vehicles. It does not include devices that raise an entire vehicle.

Requirements for vehicle jacks, i.e. jacks in which the load is directly transferred from the head cap to the base, are specified in AS/NZS 2693.

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 18**

3. Clause 5.4

Delete clause 5.4(a).

4. Clause 6.3

Delete clause 6.3 and insert:

6.3 Ease of operation

When the hydraulic trolley jack is tested in accordance with Appendix A and the operating force exceeds 450 N, Appendix F shall be used to determine the maximum capacity of the hydraulic trolley jack using a maximum operating force of 450 N.

5. Clause 8

Delete clause 8(d).

18. Schedule 6 replaced

Delete Schedule 6 and insert:

Schedule 6 — Standards for vehicle support stands

[r. 28]

Division 1 — AS/NZS 2538:2004**1. The Standard**

Australian/New Zealand Standard AS/NZS 2538:2004
Vehicle Support Stands, approved on behalf of the Council
of Standards Australia on 7 April 2004.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 19**Division 2 — Variations to AS/NZS 2538:2004****2. Clause 1**

In clause 1 after “stands” insert:

up to and including 1.5 tonnes

19. Schedule 9 replaced

Delete Schedule 9 and insert:

Schedule 9 — Standard for children’s nightwear

[r. 33]

Division 1 — AS/NZS 1249:2003**1. AS/NZS 1249:2003**

Australian/New Zealand AS/NZS 1249:2003 “*Children’s nightwear and limited daywear having reduced fire hazard*” published by Standards Australia on 29 December 2003.

Division 2 — Variations to AS/NZS 1249:2003**2. Clause 0.1**

Delete “It also covers requirements for the labelling of paper patterns for these garments.”.

3. Clause 1.2

Delete clause 1.2(a) and the note and insert:

- (a) *Flame spread time* When tested in accordance with ISO 6941 the flame spread time must be 12 s or greater in the lengthwise direction and the widthwise direction, and no one determination of the time to

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 19**

burn a test specimen must be less than 10 s in either the lengthwise direction or the widthwise direction. These requirements must be met before and after washing in accordance with Appendix D.

Where there is insufficient length of sample to cut test specimens in one piece, not more than two pieces per specimen, cut in the same direction, may be butt jointed but not overlapped. The butt joint must be secured with five light weight staples spaced evenly across the test specimen. The joint must not be below the centre of the specimen when attached to the vertical test frame specified in ISO 6941.

If, after a repeat test, as required by the relevant clause of ISO 6941, three or more specimens fail to burn to the third marker thread in the lengthwise direction, and three or more specimens fail to burn to the third marker thread in the widthwise direction, the material is deemed to have passed the flame spread time test.

NOTE: If in any one set of three specimens, one result exceeds the lowest result by 50 percent for no apparent reason, or, if one or two specimens fail to reach one of the marker threads, another specimen is required to be tested for that direction or face.

4. Clause 1.3

In clause 1.3 delete “Other trims shall meet the following requirements:” and insert:

The outer fabric of a composite or appliquéd area shall be considered the fabric face and shall be tested so that the flame impinges on that surface. Other trims shall meet the following requirements:

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 20**5. Clause 5.4**

In clause 5.4(b)(iii) delete “Grey Scale 4.” and insert:

Grey Scale 3.

6. Clause 5.5

In clause 5.5(g) delete “not less than 4.” and insert:

not less than 3.

7. Clause 5.6

Delete clause 5.6.

20. Schedule 10 replaced

Delete Schedule 10 and insert:

Schedule 10 — Standard for paper patterns for children’s nightwear

[r. 34]

Division 1 — AS/NZS 1249:2003**1. AS/NZS 1249:2003**

Australian/New Zealand AS/NZS 1249:2003 “*Children’s nightwear and limited daywear having reduced fire hazard*” published by Standards Australia on 29 December 2003.

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 21**

Division 2 — Variations to AS/NZS 1249:2003**2. Clause 0.5**

- (1) Delete clause 0.5.3 including the notes.
- (2) Delete clause 0.5.10 including the notes.

3. Clause 5.6

In clause 5.6 delete “shall bear a warning paragraph” and insert:

shall bear a clearly legible warning paragraph

21. Schedule 11 amended

Delete Schedule 11 clause 2 and insert:

2. Clauses 1.1 and 1.2

Delete clauses 1.1 and 1.2.

22. Schedule 12 amended

- (1) Delete Schedule 12 Division 1 clause 1.
- (2) In Schedule 12 Division 2:
 - (a) delete Subdivision 1;
 - (b) delete clause 9 and insert:

9. Clause 2.6

Clause 2.6 insert a new paragraph:

Only lenses with labels, decorations or markings
(other than those intended to be removed before

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 23

use) within the area of the 2 ellipses defined in clause 3.2.1 shall meet the requirements of clause 2.6 when tested in accordance with Appendix G (see also clause 3.2.2).

23. Schedule 13 amended

- (1) Delete Schedule 13 Division 1 clause 1.
- (2) In Schedule 13 Division 2:
 - (a) delete Subdivision 1;
 - (b) delete clause 42 and insert:

42. Clause B.4.1

Delete the third sentence, which commences “Age grades...”.

24. Schedules 20, 21, 22 and 23 inserted

After Schedule 19 insert:

Schedule 20 — Standard for baby bath aids

[r. 77]

1. Form and content of warning

- (1) Subject to subclause (4), a baby bath aid and any packaging in which the baby bath aid is supplied must bear a warning containing —
 - (a) a notice stating “WARNING — Children have DROWNED while using bath aids. This is NOT a safety device. ALWAYS keep baby within arm’s reach. NEVER leave baby in care of children.”; and

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 24**

- (b) 2 safety alert symbols, placed immediately to the left and right of the notice.
- (2) On both a baby bath aid and any packaging in which the baby bath aid is supplied —
 - (a) that part of the warning consisting of the notice must include —
 - (i) the word “WARNING” in capital letters at least 10 mm high; and
 - (ii) the words “DROWNED”, “NOT”, “ALWAYS” and “NEVER” in capital letters at least 5 mm high; and
 - (iii) the remaining words in lower case letters at least 2.5 mm high;
 - and
 - (b) the warning must be —
 - (i) permanently affixed to the baby bath aid and any packaging; and
 - (ii) prominently and conspicuously displayed; and
 - (iii) in a contrasting colour to the colour of the baby bath aid and of any packaging.
- (3) The warning on the baby bath aid must —
 - (a) be on the upper surface of the baby bath aid; and
 - (b) be visible to a person when a baby is in the baby bath aid; and
 - (c) not contain any ink, colouring or other material that may run or fade when the baby bath aid is subjected to bathing conditions.
- (4) If the packaging in which a baby bath aid is supplied is colourless and transparent, and the warning on the baby bath aid is clearly legible to a person through the packaging, the warning is not required on that packaging.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 24**Schedule 21 — Standard for exercise cycles**

[r. 81]

Division 1 — AS 4092:1993**1. AS 4092:1993**

Australian Standard 4092:1993 “*Exercise cycles — Safety requirements*” approved by the Standards Association of Australia on 26 August 1993 and published on 11 October 1993.

Division 2 — Variations to AS 4092:1993**2. Variations**

The Standard specified in clause 1 is varied by deleting clauses 1.1, 1.2, 1.3.1, 3.3 and 4.1.

Schedule 22 — Standard for flotation toys and aquatic toys

[r. 83]

Division 1 — AS 1900-1991**1. AS 1900-1991**

Australian Standard AS 1900-1991 *Flotation toys and swimming aids for children*, approved by Standards Australia on 12 July 1991 and incorporating all amendments approved by Standards Australia as at 8 April 2009.

Division 2 — Variations to AS 1900-1991**2. Variations**

The Standard specified in clause 1 is varied in the following manner —

- (a) delete the text in clause 1.1 and insert:

SCOPE This Standard specifies requirements for flotation toys which are:

- (a) designed or clearly intended for use in play by children under 14 years of age; and

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 24**

- (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.

- (b) delete clause 1.3.5;
- (c) delete the text in clause 1.3.6 and insert:

Flotation toy – an article which is:

- (a) designed or clearly intended for use in play by children under 14 years of age; and
- (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.

(See Figure 1.1)

- (d) delete clause 1.3.7;
- (e) in Figure 1.1:
 - (i) delete the text “Kickboards” as it appears in relation to “Flotation toys”; and
 - (ii) delete the text “**AND SWIMMING AIDS**” as it appears in the heading; and
 - (iii) delete the part of the figure relating to the classification of “Swimming aids”;
- (f) in clause 2.5 delete the text “, and swimming aid vests shall retain sufficient buoyancy to comply with Clause 7.2.3”;
- (g) delete clause 2.8;
- (h) delete clause 2.10;
- (i) in clause 3.1 delete the text:

- (a) kickboards;
- (b) inflatable novelty shapes;

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 24

- (c) inflatable toy boats (see Clause 1.3.8) and;
- (d) inflatable pontoon shoes.

and insert:

- (a) inflatable novelty shapes;
 - (b) inflatable toy boats (see Clause 1.3.8) and;
 - (c) inflatable pontoon shoes.
- (j) delete clause 5;
 - (k) delete clause 6;
 - (l) delete clause 7;
 - (m) in clause 8.1.1 delete the text “and swimming aids”;
 - (n) in clause 8.1.2 delete the text “Any flotation toy, including all inflatable novelty shapes, inflatable toy boats and all flotation rings but excluding kickboards,” and insert:

All flotation toys

- (o) delete clause 8.1.3;
- (p) delete clause 8.1.4;
- (q) delete clause 8.1.5;
- (r) in clause 8.1.6 delete the text “Clauses 8.1.2 to 8.1.5” and insert:

Clause 8.1.2

- (s) in clause 8.2 delete the text “Clauses 8.1.2 to 8.1.5” and insert:

Clause 8.1.2

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 24**

- (t) in Appendix A delete the text “or swimming aid” in the first paragraph;
- (u) delete Appendix B.

Division 3 — AS/NZS ISO 8124.1:2002**3. AS/NZS ISO 8124.1:2002**

The following parts of Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD)* approved by Standards Australia on 30 April 2002 —

- (a) clauses 3.2, 4.19, C.2.6, and E.33;
- (b) the variations to clauses 4.19, C.2.6, and E.33 contained in Appendix ZZ.

Division 4 — Variations to AS/NZS ISO 8124.1:2002**4. Variations**

The Standard specified in clause 3 is varied by —

- (a) delete the text in clause 3.2 and insert:

aquatic toy

article, which is:

- (a) designed or clearly intended for use in play by children under 14 years of age; and
- (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.

- (b) in Appendix ZZ, for the variation to Clause C.2.6, insert the text “indelible” after the word “following” and before the word “warning”;

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 24

- (c) in Appendix ZZ, for the variation to Clause E.33, insert the text “of the first paragraph” after the text “last sentence”.

Schedule 23 — Standard for swimming aids and flotation aids

[r. 85]

Division 1 — AS 1900-1991**1. AS 1900-1991**

Australian Standard AS 1900-1991 *Flotation toys and swimming aids for children*, approved by Standards Australia on 12 July 1991 and incorporating all amendments approved by Standards Australia as at 8 April 2009.

Division 2 — Variations to AS 1900-1991**2. Variations**

The Standard specified in clause 1 is varied in the following manner —

- (a) delete the text in clause 1.1 and insert:

SCOPE This Standard specifies requirements for swimming aids designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.

- (b) delete the text in clause 1.3.5 and insert:

Swimming aid – an article which is designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 24**

of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition (see Figure 1.1).

- (c) delete clause 1.3.6;
- (d) delete clause 1.3.8;
- (e) in Figure 1.1:
 - (i) delete the text “**FLOTATION TOYS AND**” as it appears in the heading; and
 - (ii) delete the part of the Figure relating to the classification of flotation toys;
- (f) delete clause 2.10;
- (g) delete clause 3;
- (h) delete clause 4;
- (i) in clause 8.1.1 delete the text “flotation toys and”;
- (j) delete clause 8.1.2;
- (k) delete clause 8.1.5;
- (l) in clause 8.1.6 delete the text “8.1.2 to 8.1.5” and insert:

8.1.3 and 8.1.4
- (m) in clause 8.2 delete the text “8.1.2 to 8.1.5” and insert:

8.1.3 and 8.1.4
- (n) in Appendix A in the first paragraph delete the text “flotation toy or”.

Fair Trading (Product Safety Standard) Amendment Regulations 2010

r. 24**Division 3 — AS 1900-2002****1. AS 1900-2002**

Australian Standard AS 1900-2002 *Flotation aids for water familiarization and swimming tuition*, approved by Standards Australia on 30 November 2001.

Division 4 — Variations to AS 1900-2002**2. Variations**

The Standard specified in clause 3 is varied in the following manner —

- (a) delete the text in clause 1.1 and insert:

SCOPE This Standard specifies requirements for flotation aids designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.

- (b) delete the text in clause 1.4.1 and insert:

Flotation aid

An article which is designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.

- (c) delete clause 1.4.4;
(d) delete clause 2.1.1;

Fair Trading (Product Safety Standard) Amendment Regulations 2010**r. 24**

- (e) in clause 2.7, delete “Failure or deflation of any chamber shall not affect the security of fit of the aid, as required by Clause 2.1.1.”.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.