
CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Fair Trading Act 1987

**Fair Trading (Product Safety Standard)
Amendment Regulations (No. 4) 2008**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fair Trading (Product Safety Standard) Amendment Regulations (No. 4) 2008*.

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. The regulations amended

The amendments in these regulations are to the *Fair Trading (Product Safety Standard) Regulations 2001*.

4. Regulation 29 replaced

Regulation 29 is repealed and the following regulations are inserted instead —

“

29A. Term used in this Part

In this Part “**bunk bed**” means —

- (a) a set of components that are assembled or are ready for assembly into single beds or double/single combination beds which will be stacked one over the other; or
- (b) any single bed, other than a hospital bed, where the upper surface of the mattress base is at least 800 mm above the floor surface.

29B. Application of this Part

This Part applies to bunk beds supplied as an item of furniture or part of an item of furniture, not including —

- (a) portable bunk beds designed for camping; or
- (b) bunk beds that are built-in fittings in caravans, camper trailers, tent trailers, camper vans, motor homes, trains, ships, aircraft and other types of conveyances.

29. Product safety standard for bunk beds to which this Part applies

Until the end of 31 March 2016, the product safety standard for bunk beds to which this Part applies consists of the standard set out in Schedule 7 Division 1 as varied by Schedule 7 Division 2.

5. Part 27 inserted

Before Schedule 1 the following Part is inserted —

“

Part 27 — Children’s portable folding cots**74. Term used in this Part**

In this Part “**folding cot**” means —

- (a) an enclosure which can be used for sleeping and which can be folded when not in use; and
- (b) an enclosure designed to retain a child while playing which has a floor, but not such an enclosure which has no floor.

75. Product safety standard for children’s portable folding cots

On and after 1 March 2009 until the end of 31 March 2019, the product safety standard for children’s portable folding cots consists of the standard set out in Schedule 19 Division 1 as varied by Schedule 19 Division 2.

6. Schedule 7 amended

- (1) Schedule 7 clause 1 is amended by deleting “approved by Standards Australia on 8 June 1994” and inserting instead —
“ published by Standards Australia on 29 August 1994 ”.

- (2) Schedule 7 Division 2 is repealed and the following Division is inserted instead —

“

Division 2 — Variations to AS/NZS 4220:1994

2. Clauses 1 and 2

Delete clauses 1 and 2.

3. Clause 3.1

Delete clause 3.1 and insert instead —

“

3.1 Bunk bed —

- (a) a set of components that are assembled or are ready for assembly into single beds or double/single combination beds which will be stacked one over the other; or
- (b) any single bed, other than a hospital bed, where the upper surface of the mattress base is at least 800 mm above the floor surface.

”

4. Clauses 4, 5, 6.1, 6.2, 6.5, 6.6, 6.7 and 6.9

Delete clauses 4, 5, 6.1, 6.2, 6.5, 6.6, 6.7 and 6.9.

5. Clause 7.1

- (1) In clause 7.1(b) delete “75 mm” and insert instead —
“ 95 mm ”.
- (2) Delete clause 7.1(c).

6. Clauses 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10 and 8

Delete clauses 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10 and 8.

7. Clause 9

- (1) Delete clause 9(b)(i).
- (2) Insert at the beginning of clause 9(c) —

“

For the upper bed, where the height of the guard rail is less than 360 mm above the mattress base:

”

- (3) Delete clause 9(d).

8. Appendix A

- (1) In Appendix A clause A3(a)(iv) delete “75 ± 0.5 mm” and insert instead —
“ 95 ± 0.5 mm ”.
- (2) Delete Appendix A clause A3(b).

- (3) In Appendix A clause A5(a) delete “Place a mattress on each of the mattress bases of the bunk bed.”.
- (4) In Appendix A clauses A5(e) and A6(c) delete “75 mm” and insert instead —
“ 95 mm ”.

9. Appendices B, C, D, E, F, G, H, I and J

Delete Appendices B, C, D, E, F, G, H, I and J.

7. Schedule 19 inserted

After the last Schedule, the following Schedule is inserted —

“

**Schedule 19 — Product safety standard for
children’s portable folding cots**

[r. 75]

Division 1 — AS/NZS 2195:1999

1. AS/NZS 2195:1999

Australian/New Zealand Standard AS/NZS 2195:1999
“Folding cots — Safety requirements” published by
Standards Australia on 15 November 1999.

Division 2 — Variations to AS/NZS 2195:1999

2. Foreword

Delete the second paragraph of the foreword.

3. Clause 1

In clause 1 delete all of the text after “for folding cots”.

4. Clauses 2, 3, 5 and 6

Delete clauses 2, 3, 5 and 6.

5. Clause 7

Delete clause 7 and insert the following clause instead —

“

7 CONSTRUCTION AND ASSEMBLY

The cot mattress and components within the cot shall not be
of inflatable construction.

”.

6. Clause 8

- (1) In clause 8.1(b) delete the Note.

- (2) In clause 8.1(d) —
 - (a) delete “on warning labels specified in Clauses 12.1(i), 12.2 and 13.2(b) (measured horizontally)”;
 - (b) delete Note 2.
 - (3) In clause 8.3(a) delete the Note.
 - (4) Delete clause 8.3(b).
 - (5) In clause 8.3(c) delete the Note.
 - (6) In clause 8.4.1 delete “distinct locking position.” and insert instead —

“ clearly distinct locked position. ”.
 - (7) Delete clause 8.4.2 including Figure 1.
 - (8) In clause 8.4.3 —
 - (a) in paragraph (e) delete “before and after being tested in accordance with Appendix G”;
 - (b) delete the Note.
 - (9) Delete clauses 8.5, 8.6 and 8.7.
- 7. Clause 9**
Delete clause 9.
- 8. Clause 10**
- (1) Delete clauses 10.1 and 10.2 including Figure 2 and insert the following clauses instead —

“

10.1 General The applicable tests specified in clauses 10.2, 10.5, 10.13 and 10.14 shall be performed on the same folding cot assembled in accordance with the manufacturer’s instructions and without any accessories fitted.

10.2 Entrapment hazard test The folding cot shall be tested in accordance with Appendix A using the 95 mm probe. All gaps accessible within the folding cot shall not allow the 95 mm probe to pass through.

”.
 - (2) Delete clauses 10.3, 10.4, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11 and 10.12.
 - (3) In clause 10.13(c) delete “500 mm” and insert instead —

“ 400 mm ”.
 - (4) Delete clauses 10.15 and 10.16.
- 9. Clauses 11 and 12**
Delete clauses 11 and 12.

10. Clause 13

- (1) Delete clause 13.1.
- (2) Delete clause 13.2 and insert instead —

“

13.2 Safety marking The cot shall be permanently, prominently and legibly marked on the inside of the cot with at least:

- (a) instructions for assembly and locking procedures;
- (b) a warning to check before each use that the cot is correctly assembled and locking devices are fully engaged;
- (c) either a warning to use a mattress of specified dimensions or a warning to use the mattress supplied by the manufacturer; and
- (d) a warning not to add an extra mattress as this may cause suffocation.

”

- (3) Delete clauses 13.3 and 13.4.

11. Appendix A

- (1) In Appendix A clause A1 delete the words “finger, limb and”.
- (2) In Appendix A clause A2 —
 - (a) delete “A series of probes are” and insert instead —
“ A probe is ”; and
 - (b) delete “to the probes” and insert instead —
“ to the probe ”; and
 - (c) delete Notes 1 and 2.
- (3) Delete Appendix A clause A3 and insert instead —

“

A3 APPARATUS The following apparatus is required:

- (a) A spherical probe made of a suitably rigid material having a diameter of 95 ± 0.5 mm. The probe may be mounted on a rod of diameter not greater than 15 mm for the purpose of applying the specified force.
- (b) A means of applying a force of 50 ± 5 N.

”

- (4) In Appendix A delete clause A4 (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o).
- (5) In Appendix A delete clause A5 (b), (c) and (d).

12. Appendices B, D, E, F, G, H, I, J, M and N

Delete Appendices B, D, E, F, G, H, I, J, M and N.

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By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.