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FAIR TRADING ACT 2010

The following instrument is published under the *Fair Trading Act 2010*
section 21



**Consumer Goods (Children's Nightwear and
Limited Daywear and Paper Patterns for
Children's Nightwear) Safety Standard 2017**

I, Michael McCormack, Minister for Small Business, make the following safety standard.

Dated 18 April 2017

MICHAEL McCORMACK
Minister for Small Business

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Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017*.

2 Commencement

This instrument commences on the day after this instrument is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under sections 104 and 105 of the Australian Consumer Law.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Australian Standard means Australian/New Zealand Standard AS/NZS 1249:2014 *Children's nightwear and limited daywear having reduced fire hazard*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force immediately before the commencement of this instrument.

Note: The Australian Standard could in 2017 be purchased from SAI Global's website (<https://www.saiglobal.com>). The Australian Competition and Consumer Commission can make a copy of the standard available for viewing at one of its offices, subject to licensing conditions.

Australian Standard children's nightwear means nightwear or limited daywear to which the Australian Standard applies, other than second-hand nightwear and second-hand limited daywear.

old safety standard means the *Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007*, as in force immediately before the commencement of this instrument.

Note 1: The Regulations could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

Note 2: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the Regulations continued in force from the start of 1 January 2011 as if they were a safety standard made under section 104 of the Australian Consumer Law.

old safety standard children's nightwear means children's nightwear as defined in the old safety standard, other than children's nightwear (as defined in that standard) that is second-hand.

Part 2—Safety standards

6 Requirements for old safety standard children’s nightwear before 1 January 2020

- (1) Before 1 January 2020, old safety standard children’s nightwear must comply with:
 - (a) the consumer product safety standard that was prescribed by regulation 6 of (and Parts 3 and 4 of Schedule 1 to) the old safety standard; or
 - (b) the Australian Standard.
- (2) This section is repealed at the start of 1 January 2020.

7 Safety standard for Australian Standard children’s nightwear on and after 1 January 2020

On and after 1 January 2020, the Australian Standard is declared to be a safety standard for Australian Standard children’s nightwear.

8 Requirements for paper patterns for old safety standard children’s nightwear before 1 January 2020

- (1) Before 1 January 2020, a paper pattern for old safety standard children’s nightwear must:
 - (a) comply with the consumer product safety standard that was prescribed by regulation 8 of (and Parts 3 and 4 of Schedule 2 to) the old safety standard; or
 - (b) be contained in retail packaging whose outside bears a clearly legible warning with the wording specified in subsection 10(1) of this instrument in the lettering described in subsection 10(2).
- (2) This section is repealed at the start of 1 January 2020.

9 Requirement for paper patterns for Australian Standard children’s nightwear on and after 1 January 2020

On and after 1 January 2020, a paper pattern for Australian Standard children’s nightwear must be contained in retail packaging whose outside bears a clearly legible warning with the wording specified in subsection 10(1) in the lettering described in subsection 10(2).

10 Form of warning on packaging of paper patterns

- (1) The wording of the warning on the packaging of a paper pattern is to be as follows:

FIRE WARNING

Regardless of the fabrics recommended on this package as suitable for this garment, for the safety of your children, do not make loose-fitting or nightdress styles from fabrics which burn readily. Avoid chenille, molleton and flannelette fabrics made from 100% cotton, and acrylic fabrics.

- (2) The lettering of the warning:
 - (a) must be at least 2 millimetres high; and
 - (b) must be in bold and upper-case for the words “**FIRE WARNING**”.

Schedule 1—Repeals

Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007

1 The whole of the Regulations

Repeal the Regulations.

Note: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the Regulations continued in force from the start of 1 January 2011 as if they were a safety standard made under section 104 of the Australian Consumer Law.
