



**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

ISSN 1448-949X (print) ISSN 2204-4264 (online)  
PRINT POST APPROVED PP665002/00041



**PERTH, FRIDAY, 26 MAY 2017 No. 99 SPECIAL**

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 11.30 AM  
© STATE OF WESTERN AUSTRALIA

**FAIR TRADING ACT 2010**

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



**Consumer Goods (Babies' Dummies and Dummy  
Chains) Safety Standard 2017**

---

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

Dated 8 May 2017

MICHAEL McCORMACK  
Minister for Small Business

---

# Contents

## Part 1—Preliminary

- 1 Name
- 2 Commencement
- 3 Authority
- 4 Schedules
- 5 Definitions

## Part 2—Basic requirements

- 6 Requirements before 1 July 2019
- 7 Requirements on and after 1 July 2019

## Part 3—Details of requirements

- 8 Requirements for babies' dummies – Australian standard option
- 9 Requirements for babies' dummies – European standard option
- 10 Requirements for dummy chains - European standard option
- 11 Requirements of Consumer Protection Notice No. 4 of 2006
- 12 Requirements of Consumer Protection Notice No. 33 of 2011
- 13 Requirements of Consumer Protection Notice No. 34 of 2011

## Schedule 1—Repeals

*Consumer Product Safety Standard: Babies Dummies (Consumer Protection Notice No. 4 of 2006 made under section 65E of the Trade Practices Act 1974) (Federal Register of Legislation No. F2006L03455)*

*Consumer Product Safety Ban: Revocation of interim ban and imposition of permanent ban on certain babies' dummies to which there are crystals, beads or other similar ornaments attached (Consumer Protection Notice No. 33 of 2011 made under subsection 114(1)(b) of the Australian Competition and Consumer Act 2010) (Federal Register of Legislation No. F2011L01874)*

*Consumer Product Safety Ban: Revocation of interim ban and imposition of permanent ban on certain pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar ornaments attached, which are designed to be attached to babies dummies (Consumer Protection Notice No. 34 of 2011 made under subsection 114(1)(b) of the Australian Competition and Consumer Act 2010) (Federal Register of Legislation No. F2011L01877)*

## Part 1—Preliminary

### 1 Name

This instrument is the *Consumer Goods (Babies' Dummies and Dummy Chains) Safety Standard 2017*.

### 2 Commencement

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

### 3 Authority

This instrument is made under subsection 104(1) 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 Standard *AS 2432:2015 - Babies' dummies* published by, or on behalf of, Standards Australia, as in force on the commencement of this instrument.

Note: The Australian standard could in 2017 be purchased from the SAI Global website ([www.saiglobal.com](http://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.

***babies' dummy*** means an article intended to satisfy the non-nutritive sucking needs of a baby, which includes a teat that the baby sucks.

Note: A babies' dummy is also known as a 'pacifier' or 'soother'.

***dummy chain*** means pins, ribbons, strings, cords, chains, twines, leathers, yarns or any other similar article that is designed to be attached to babies' dummies.

***European soother standard*** means European Standard *EN 1400:2013+A1:2014 - Child use and care article - Soothers for babies and young children - Safety requirements and test methods* published by the European Committee for Standardization, as in force on the commencement of this instrument.

Note: The European soother standard could in 2017 be purchased from the European Committee for Standardization's website ([standards.cen.eu](http://standards.cen.eu)). 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.

***European soother holder standard*** means European Standard *EN 12586:2007+A1:2011 – Child use and care articles – Soother holder – Safety requirements and test methods* published by the European Committee for Standardization, as in force on the commencement of this instrument.

Note: The European soother holder standard could in 2017 be purchased from the European Committee for Standardization's website ([www.standards.cen.eu](http://www.standards.cen.eu)). 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.

## **Part 2— Basic requirements**

### **6 Requirements before 1 July 2019**

- (1) A babies' dummy must meet the requirements set out in:
  - (a) section 8;
  - (b) section 9; or
  - (c) section 11 and section 12.
- (2) A dummy chain must meet the requirements set out in section 10 or section 13.
- (3) This section is repealed at the start of 1 July 2019.

### **7 Requirements on and after 1 July 2019**

- (1) On and after 1 July 2019, a babies' dummy must meet the requirements set out in section 8 or section 9.
- (2) On and after 1 July 2019, a dummy chain must meet the requirements set out in section 10.

## Part 3—Details of requirements

### 8 Requirements for babies' dummies – Australian Standard option

#### *General requirements*

- (1) A babies' dummy must comply with clause 5.1 of the Australian Standard.

#### *Size and integrity of dummy shield*

- (2) A babies' dummy must comply with the following clauses of the Australian Standard, tested as specified in Appendix C and Appendix E to that Standard:

- (a) 5.3;
- (b) 5.5.2;
- (c) 6.2.

- (3) For the purposes of subsections (1) and (2), assume that clause 5.5.2 of the Australian Standard does not include paragraph 5.5.2(a).

#### *Strength of the teat*

- (4) A babies' dummy must comply with clauses 5.5.1 and 6.6 of the Australian Standard, tested as specified in Appendix I to that Standard, and conditioned as per Appendix B to that Standard.

#### *Size and integrity of the ring, handle and plug*

- (5) A babies' dummy must comply with the following clauses of the Australian Standard, tested as specified in Appendix E to that Standard, and conditioned as specified in Appendix B to that Standard:

- (a) 5.5.3;
- (b) 5.5.4;
- (c) 5.5.5;
- (d) 6.2.

#### *Decoration*

- (6) A babies' dummy must comply with clause 5.2 of the Australian Standard.

#### *Packaging*

- (7) The packaging for a babies' dummy must comply with clause 7(a) of the Australian Standard.

#### *Product information*

- (8) The product identification, warning label and instructions for a babies' dummy must comply with clause 8 of the Australian Standard.

## 9 Requirements for babies' dummies – European Standard option

### *General requirements*

- (1) A babies' dummy must comply with clause 8.1 of the European soother standard.

### *Size and integrity of dummy shield*

- (2) A babies' dummy must comply with the following clauses of the European soother standard, and conditioned as per clause 6.3.
  - (a) 8.3, using the shield template specified as per clause 5.1;
  - (b) 8.4, using the test sphere A specified as per clause 5.2;
  - (c) 9.7.

### *Strength of teat*

- (3) A babies' dummy must comply with clause 8.2 of the European soother standard, and conditioned as per clause 6.3.

### *Size and integrity of the ring, handle and plug*

- (4) A babies' dummy must comply with the following clauses of the European soother standard, and conditioned as per clause 6.3:
  - (a) 8.5, using the test sphere D specified as per clause 5.2;
  - (b) 8.6;
  - (c) 8.7, using the shield template specified as per clause 5.1;
  - (d) 8.8, using the shield template specified as per clause 5.1;
  - (e) 9.4;
  - (f) 9.7.

### *Decoration*

- (5) A babies' dummy must comply with clause 7 of the European soother standard.

### *Packaging*

- (6) The packaging for a babies' dummy must comply with clause 12 of the European soother standard.
- (7) For the purposes of subsection (6), assume that clause 12 of the European soother standard does not include paragraph 5.

### *Product Information*

- (8) A babies' dummy must comply with the following clauses of the European soother standard:
  - (a) 13.1;
  - (b) 13.2.1;
  - (c) 13.3.1;
  - (d) 13.3.2;
  - (e) 13.3.5.

## 10 Requirements for dummy chains

- (1) A dummy chain must comply with the following clauses of the European soother holder standard, tested as specified in clauses 6.1.3, 6.1.5, 6.1.6 and 6.1.7 of that Standard:
  - (a) 5.1.5;
  - (b) 5.1.6;
  - (c) 5.2.1;
  - (d) 5.2.2;
  - (e) 5.2.3.

## 11 Requirements of Consumer Protection Notice No. 4 of 2006

- (1) If a babies' dummy does not comply with section 8 or section 9, the babies' dummy must comply with the standard set by Consumer Protection Notice No. 4 of 2006 (Federal Register of Legislation No. F2006L03455) made under section 65E of the *Trade Practices Act 1974*, as that notice was in force immediately before the commencement of this instrument.

Note 1: The notice could in 2017 be viewed on the Federal Register of Legislation website ([www.legislation.gov.au](http://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 standard set by the notice continued in force from the start of 1 January 2011 as if it were a safety standard made under section 104 of the Australian Consumer Law (because it was taken under section 65E of the *Trade Practices Act 1974* to be a prescribed consumer product safety standard for the purposes of section 65C of that Act immediately before 1 January 2011).

- (2) This section is repealed at the start of 1 July 2019.

## 12 Requirements of Consumer Protection Notice No. 33 of 2011

- (1) If a babies' dummy does not comply with section 8 or section 9, the babies' dummy must comply with the ban set by Consumer Protection Notice No. 33 of 2011 (Federal Register of Legislation No. F2011L01874) made under subsection 114(1)(b) of Schedule 2 to the *Competition and Consumer Act 2010*, as that notice was in force immediately before the commencement of this instrument.

Note 1: The notice could in 2017 be viewed on the Federal Register of Legislation website ([www.legislation.gov.au](http://www.legislation.gov.au)).

- (2) This section is repealed at the start of 1 July 2019.

## 13 Requirements of Consumer Protection Notice No. 34 of 2011

- (1) If a dummy chain does not comply with section 10, the dummy chain must comply with the ban set by Consumer Protection Notice No. 34 of 2011 (Federal Register of Legislation F2011L01877) as made under subsection 114(1)(b) of Schedule 2 to the *Competition and Consumer Act 2010*, as that notice was in force immediately before the commencement of this instrument.

Note 1: The notice could in 2017 be viewed on the Federal Register of Legislation website ([www.legislation.gov.au](http://www.legislation.gov.au)).

- (2) This section is repealed at the start of 1 July 2019.



## Schedule 1—Repeals

***Consumer Product Safety Standard: Babies Dummies (Consumer Protection Notice No. 4 of 2006 made under section 65E of the Trade Practices Act 1974) (Federal Register of Legislation No. F2006L03455)***

### **1 The whole of the standard**

Repeal the standard.

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

***Consumer Product Safety Ban: Revocation of interim ban and imposition of permanent ban on certain babies' dummies to which there are crystals, beads or other similar ornaments attached (Consumer Protection Notice No. 33 of 2011 made under subsection 114(1)(b) of Schedule 2 to the Australian Competition and Consumer Act 2010) (Federal Register of Legislation No. F2011L01874)***

***Consumer Product Safety Ban: Revocation of interim ban and imposition of permanent ban on certain pins, ribbons, strings, cords, chains, twines, leathers, yarns, or any other similar article to which there are crystals, beads or similar ornaments attached, which are designed to be attached to babies dummies (Consumer Protection Notice No. 34 of 2011 made under subsection 114(1)(b) of Schedule 2 to the Australian Competition and Consumer Act 2010) (Federal Register of Legislation No. F2011L01877)***

### **2 The whole of the bans**

Repeal the bans.

---