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FAIR TRADING ACT 2010

The following instruments are published under the *Fair Trading Act 2010*
section 21

**Consumer Goods (Baby Bath Aids) Safety
Standard 2017**

**Consumer Goods (Sunglasses and Fashion
Spectacles) Safety Standard 2017**

FAIR TRADING ACT 2010

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



Consumer Goods (Baby Bath Aids) Safety Standard 2017

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

Dated 19 October 2017.

MICHAEL McCORMACK,
Minister for Small Business.

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Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Baby Bath Aids) 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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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:

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

transitional period means the period of 12 months beginning on the day this instrument commences.

US Standard means the American Society for Testing and Materials Standard ASTM F1967-13 *Standard Consumer Safety Specification for Infant Bath Seats*, as in force or existing at the time when this instrument commences.

Note: The US 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.

Part 2—Requirements

Division 1—Basic requirements

6 Requirements during transitional period

- (1) During the transitional period, a baby bath aid and any packaging in which the baby bath aid is supplied must meet the requirements set out in Division 2 or 3.
- (2) This section is repealed at the end of the last day of the transitional period.

7 Requirements after transitional period

After the transitional period, a baby bath aid and any packaging in which the baby bath aid is supplied must meet the requirements set out in Division 2.

Division 2—Details of requirements

8 Baby bath aid to have warning statement

- (1) A baby bath aid must have a warning statement.
- (2) Subject to subsection (3), the warning statement must be in the following form:



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.



- (3) In the warning statement:
 - (a) the letters of the word “WARNING” must be at least 10 millimetres high; and
 - (b) upper case letters (other than in the word “WARNING”) must be at least 5 millimetres high; and
 - (c) lower case letters must be at least 2.5 millimetres high; and
 - (d) the letters must be clearly legible; and
 - (e) each side of the triangle must be at least 30 millimetres in length; and
 - (f) the exclamation mark in the triangle must be at least 13 millimetres high; and
 - (g) the letters, triangles and exclamation marks must be in a colour that contrasts with the background of the warning statement to allow for the warning statement to be easily read.
- (4) The warning statement must:
 - (a) be fixed permanently onto the baby bath aid; and
 - (b) be located on the baby bath aid in a conspicuous place; and
 - (c) be clearly visible when a baby is in the baby bath aid.

- (5) For the purposes of paragraph (4)(a), a warning statement is considered to be fixed permanently onto a baby bath aid if, when conditioned as per subclause 7.3.1 of the US Standard, the warning statement complies with subclause 7.3.3 or 7.3.4 of that standard (as affected by subsection (6)).
- (6) For the purposes of subsection (5), the US Standard is varied by:
 - (a) replacing the words “A nonpaper label (excluding labels attached by a seam)” in subclause 7.3.3 with “A warning statement (excluding warning statements attached by a seam)”; and
 - (b) replacing the words “A warning label” in subclause 7.3.4 with “A warning statement”.

9 Packaging in which baby bath aid supplied to display warning statement

- (1) Packaging in which a baby bath aid is supplied must display a warning statement unless:
 - (a) the packaging is colourless and transparent; and
 - (b) the warning statement described in section 8 is clearly legible through the packaging.
- (2) The warning statement must:
 - (a) be in the form set out in subsection 8(2); and
 - (b) comply with the requirements in subsection 8(3); and
 - (c) be displayed on, or be legible through, the packaging; and
 - (d) be located on the packaging in a conspicuous place.

Division 3—Details of alternative requirements that apply during transitional period

10 Requirements of the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005*

- (1) If a baby bath aid and any packaging in which the baby bath aid is supplied does not comply with Division 2, the baby bath aid and any packaging in which the baby bath aid is supplied must comply with the requirements of the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005*, as in force or existing immediately before the commencement of this instrument.

Note: The *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) This Division is repealed at the end of the last day of the transitional period.

Schedule 1—Repeals

Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005

1 The whole of the instrument

Repeal the instrument.

Note: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* 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.

FAIR TRADING ACT 2010

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



Consumer Goods (Sunglasses and Fashion Spectacles) Safety Standard 2017

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

Dated 18 October 2017.

MICHAEL McCORMACK,
Minister for Small Business.

Contents

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Schedule 1—Repeals

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Sunglasses and Fashion Spectacles) Safety Standard 2017*.

2 Commencement

This instrument commences 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 the Australian/New Zealand standard AS/NZS 1067.1:2016 *Eye and face protection - sunglasses and fashion spectacles* published 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.

sunglasses and fashion spectacles means:

- (a) spectacles comprising nominally afocal (plano power) filters mounted in a spectacle frame; or
- (b) individual nominally afocal (plano power) filters intended for use in sunglasses; or
- (c) rimless sunshields and one-piece visors; or
- (d) clip-on and slip-on type sunglasses; or
- (e) children's sunglasses; or
- (f) fashion spectacles/light tint sunglasses;

but does not include:

- (g) prescription and readymade spectacles; or
- (h) safety glasses and safety goggles intended to provide protection against optical radiation other than from the sun; or
- (i) eyewear for protection against radiation in solaria; or
- (j) eye protectors for sport; or
- (k) sunglasses for use as toys and clearly and legibly labelled as toys.

Part 2—Safety standards

6 Requirements for sunglasses and fashion spectacles before 1 July 2019

- (1) Before 1 July 2019, sunglasses and fashion spectacles must comply with:
- (a) the Consumer Product Safety Standard: Sunglasses and fashion spectacles (Consumer Protection Notice No. 13 of 2003), as in force immediately before the commencement of this instrument; or
 - (b) the Australian standard as varied by section 8 of this instrument.

Note: The Consumer Product Safety Standard: Sunglasses and fashion spectacles could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

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

7 Requirements for sunglasses and fashion spectacles on and after 1 July 2019

On and after 1 July 2019, the Australian standard as varied by section 8 of this instrument is declared to be a safety standard for sunglasses and fashion spectacles.

8 Variations to the Australian standard

For the purposes of this Part, the Australian Standard is varied by deleting the following:

- (a) clause 1;
- (b) clause 4.2;
- (c) clause 4.3;
- (d) clause 7.4;
- (e) clause 7.5;
- (f) clause 7.6;
- (g) clause 8;
- (h) clause 10;
- (i) clause 12.1(c);
- (j) clause 12.2(a);
- (k) clause 12.2(c);
- (l) clause 12.3.2;
- (m) the NOTE to clause 13.1.

Schedule 1—Repeals

Consumer Product Safety Standard: Sunglasses and fashion spectacles (Consumer Protection Notice No.13 of 2003 made under subsection 65E(1) of the Trade Practices Act 1974) (Federal Register of Legislation No. F2008C00606)

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: Sunglasses and fashion spectacles 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).
