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FAIR TRADING ACT 2010

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



**Consumer Goods (Toys Containing Magnets)
Safety Standard 2020**

I, Michael Sukkar, Minister for Housing and Assistant Treasurer, make the following safety standard.

Dated 26 August 2020

Michael Sukkar
Minister for Housing and Assistant Treasurer

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*Consumer Product Safety Standard for Children's Toys Containing Magnets
(Consumer Protection Notice No. 5 of 2010) (Federal Register of Legislation
No. F2010L00195)*

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Toys Containing Magnets) Safety Standard 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	28 August 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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/New Zealand Standard means the Australian/New Zealand Standard *AS/NZS ISO 8124.1:2019 Safety of toys Part 1: Safety aspects related to mechanical and physical properties*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force or existing at the time when this instrument commences.

Note: The Australian/New Zealand Standard could in 2020 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.

European Standard means the European Standard *EN 71-1:2014+A1:2018: Safety of toys - Part 1: Mechanical and physical properties*, published by the European Committee for Standardization, as in force or existing at the time when this instrument commences.

Note: The European Standard could in 2020 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.

International Standard means the International Standard *ISO 8124-1:2018 Safety of toys — Part 1: Safety aspects related to mechanical and physical properties*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International Standard could in 2020 be purchased from the International Organization for Standardization's website (<https://www.iso.org>). 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.

magnetic toy means a product or material supplied new that:

- (a) is designed or clearly intended for use in play by a child under 14 years of age; and
- (b) is supplied with one or more magnets or magnetic components.

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 F963 - 17 Standard Consumer Safety Specification for Toy Safety, published by the American Society for Testing and Materials International, as in force or existing at the time when this instrument commences.

Note: The US Standard could in 2020 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.

6 Application

- (1) This instrument applies to magnetic toys.

Note: A permanent ban has been imposed on small, high powered magnets under subsection 114(1) of the Australian Consumer Law. Notice of the ban (Consumer Protection Notice No. 5 of 2012 - Imposition of Permanent Ban on Small, High Powered Magnets) could in 2020 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) However, this instrument does not apply to the following:

- (a) sporting goods;
- (b) camping goods;
- (c) bicycles;
- (d) home and public playground equipment;
- (e) trampolines;
- (f) electronic game units;
- (g) models powered by combustion or steam engines;
- (h) fashion jewellery.

Part 2—Basic requirements

7 Requirements during the transitional period

- (1) During the transitional period, a magnetic toy must comply with either:
- (a) one of the following:
 - (i) the requirements in section 9 (Australian/New Zealand Standard);
 - (ii) the requirements in section 10 (European Standard);
 - (iii) the requirements in section 11 (International Standard);
 - (iv) the requirements in section 12 (US Standard); or
 - (b) the Consumer Product Safety Standard for Children’s Toys Containing Magnets (Consumer Protection Notice No. 5 of 2010), as in force immediately before the commencement of this section.

Note 1: On request by the regulator, a supplier of magnetic toys may be required to nominate the applicable requirements under paragraph (a): see section 108 of the Australian Consumer Law.

Note 2: The Consumer Product Safety Standard for Children’s Toys Containing Magnets (Consumer Protection Notice No. 5 of 2010) could in 2020 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

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

8 Requirements after the transitional period

After the transitional period, a magnetic toy must comply with one of the following:

- (a) the requirements in section 9 (Australian/New Zealand Standard);
- (b) the requirements in section 10 (European Standard);
- (c) the requirements in section 11 (International Standard);
- (d) the requirements in section 12 (US Standard).

Note: On request by the regulator, a supplier of magnetic toys may be required to nominate the applicable requirements under this section: see section 108 of the Australian Consumer Law.

Part 3—Details of requirements

9 Australian/New Zealand Standard

- (1) A magnetic toy complies with the requirements in this section if the magnetic toy complies with the following provisions of the Australian/New Zealand Standard:
 - (a) clause 4.1, as modified by subsection (2);
 - (b) clause 4.31, as affected by the modifications of the subclauses referred to in subsections (3) and (4).
- (2) Clause 4.1 of the Australian/New Zealand Standard is modified by omitting the last 2 sentences of the clause.
- (3) Subclauses 5.24.2, 5.24.5, 5.24.6.1, 5.24.6.2 and 5.24.7 of the Australian/New Zealand Standard are modified by omitting the last sentence of each subclause.
- (4) Subclause 5.24.3 of the Australian/New Zealand Standard is modified by omitting “before continuing to determine whether the toy continues to conform to the relevant requirements of Clause 4 (requirements)”.

10 European Standard

A magnetic toy complies with the requirements in this section if the magnetic toy complies with clause 4.23 of the European Standard.

11 International Standard

- (1) A magnetic toy complies with the requirements in this section if the magnetic toy complies with the following provisions of the International Standard:
 - (a) clause 4.1, as modified by subsection (2);
 - (b) clause 4.31, as affected by the modifications of the subclauses referred to in subsections (3) and (4).
- (2) Clause 4.1 of the International Standard is modified by omitting the last 2 sentences of the clause.
- (3) Subclauses 5.24.2, 5.24.5, 5.24.6.1, 5.24.6.2 and 5.24.7 of the International Standard are modified by omitting the last sentence of each subclause.
- (4) Subclause 5.24.3 of the International Standard is modified by omitting “before continuing to determine whether the toy continues to conform to the relevant requirements of Clause 4 (requirements)”.

12 US Standard

- (1) A magnetic toy complies with the requirements in this section if the magnetic toy complies with the following provisions of the US Standard:
 - (a) clause 4.38;
 - (b) clause 8.5, as modified by subsection (2);
 - (c) clause 8.9, as modified by subsection (3).
- (2) Clause 8.5 of the US Standard is modified by omitting subclause 8.5.1.
- (3) Clause 8.9 of the US Standard is modified by omitting subclause 8.9.2.

Schedule 1—Repeals

Consumer Product Safety Standard for Children’s Toys Containing Magnets (Consumer Protection Notice No. 5 of 2010) (Federal Register of Legislation No. F2010L00195)

1 The whole of the instrument

Repeal the instrument.
