



PERTH, FRIDAY, 27 AUGUST 2021 No. 150 **SPECIAL**

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FAIR TRADING ACT 2010

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

Consumer Goods (Projectile Toys) Amendment Safety Standard 2021

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Consumer Goods (Projectile Toys) Amendment Safety Standard 2021

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

Dated 29 July 2021

Michael Sukkar

Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and
Community Housing

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Schedule 1—Amendments

Consumer Goods (Projectile Toys) Safety Standard 2020

1 Name

This instrument is the *Consumer Goods (Projectile Toys) Amendment Safety Standard 2021*.

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.	3 August 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Consumer Goods (Projectile Toys) Safety Standard 2020

1 Section 5 (definition of *Australian/New Zealand Standard for safety of toys*)

Repeal the definition (not including the note), substitute:

Australian/New Zealand Standard for safety of toys 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* (incorporating amendments 1 and 2), published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force or existing on 18 December 2020.

2 Section 5 (definition of *International Standard for safety of toys*)

Repeal the definition (not including the note), substitute:

International Standard for safety of toys means the International Standard *ISO 8124-1:2018 Safety of toys—Part 1: Safety aspects related to mechanical and physical properties* (incorporating amendments 1 and 2), published by the International Organization for Standardization, as in force or existing on 17 June 2020.

3 Section 5 (definition of *transitional period*)

Omit “12 months”, substitute “24 months”.

4 Paragraph 9(1)(b)

Repeal the paragraph, substitute:

- (b) clause 4.19.1, as modified by subsection (3);
- (c) clause 4.19.2.

5 Paragraph 9(2)(a)

Repeal the paragraph, substitute:

- (a) omitting from paragraph 4.18.3 b) “be accompanied by instructions for use that give the user information on how to use the toy safely (see B.2.15, projectile toys, for guidance). This requirement only applies to projectiles that it might reasonably be possible to aim at the face (see E.32, projectile toys); and”; and

6 At the end of section 9

Add:

- (3) Clause 4.19.1 of the Australian/New Zealand Standard for safety of toys is modified by omitting “Remote-controlled flying toys shall be accompanied by instructions that give the user information on how to use the toy safely (see B.2.26.2).”.

7 Paragraph 11(1)(b)

Repeal the paragraph, substitute:

- (b) clause 4.19.1, as modified by subsection (3);
- (c) clause 4.19.2.

8 Paragraph 11(2)(a)

Repeal the paragraph, substitute:

- (a) omitting from paragraph 4.18.3 b) “be accompanied by instructions for use that give the user information on how to use the toy safely (see B.2.15, projectile toys, for guidance). This requirement only applies to projectiles that it might reasonably be possible to aim at the face (see E.32, projectile toys); and”; and

9 At the end of section 11

Add:

- (3) Clause 4.19.1 of the International Standard for safety of toys is modified by omitting “Remote-controlled flying toys shall be accompanied by instructions that give the user information on how to use the toy safely (see B.2.26.2).”.

10 Subsection 13(1)

Repeal the subsection (not including the heading), substitute:

- (1) This section applies to a projectile toy if it satisfies all of the following:
 - (a) it might reasonably be possible to aim the projectile toy at the eyes or face;
 - (b) the projectile toy is capable of launching a projectile more than 300 millimetres;
 - (c) the projectile toy is capable of launching a projectile with a kinetic energy greater than 0,08 J.

11 Subsection 13(2)

Omit “and the packaging”, substitute “or the packaging”.

12 Subsection 13(3)

Repeal the subsection, substitute:

Determining projectile range and kinetic energy

- (3) For the purposes of subsection (1), in determining whether:
 - (a) a projectile toy is capable of launching a projectile more than 300 millimetres; or
 - (b) a projectile toy is capable of launching a projectile with a kinetic energy greater than 0,08 J;the supplier must use the standard that is the basis for the requirements that the supplier intends to comply with.