

CE301\*

Fair Trading Act 1987

## **Fair Trading (Product Safety Standard) Amendment Regulations 2004**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Fair Trading (Product Safety Standard) Amendment Regulations 2004*.

### **2. The regulations amended**

The amendments in these regulations are to the *Fair Trading (Product Safety Standard) Regulations 2001\**.

[\* *Published in Gazette 15 January 2002, p. 183-228.*

*For amendments to 23 August 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 107.]*

### **3. Parts 14 and 15 inserted**

After regulation 37 the following Parts are inserted —

“

#### **Part 14 — Sunglasses and fashion spectacles**

### **38. Product safety standard for sunglasses and fashion spectacles**

- (1) Until the end of 31 March 2005, the product safety standard for sunglasses and fashion spectacles to which this Part applies consists of either —
  - (a) the standard set out in Schedule 12 Division 1 clause 1, as varied by Schedule 12 Division 2 Subdivision 1; or

- (b) the standard set out in Schedule 12 Division 1 clause 2, as varied by Schedule 12 Division 2 Subdivision 2.
- (2) On and from 1 April 2005, the product safety standard for sunglasses and fashion spectacles to which this Part applies consists of the standard set out in Schedule 12 Division 1 clause 2, as varied by Schedule 12 Division 2 Subdivision 2.
- (3) This Part applies to —
  - (a) spectacles comprising tinted lenses of nominal zero refractive power mounted in a spectacle frame;
  - (b) individual tinted lenses of nominal zero refractive power intended for use in sunglasses;
  - (c) rimless sunshields and one piece visors;
  - (d) clip-on and slip-on type sunglasses; and
  - (e) children's sunglasses.
- (4) This Part does not apply to —
  - (a) safety glasses and safety goggles intended to provide protection against optical radiation;
  - (b) eyewear for protection against radiation in solaria;
  - (c) ski goggles; and
  - (d) glasses for use as toys that are clearly and legibly labelled as toys.

### **Part 15 — Toys for young children up to and including 3 years of age**

#### **39. Product safety standard for toys for young children**

- (1) Until the end of 30 June 2005, the product safety standard for toys to which this Part applies consists of either —
  - (a) the standard set out in Schedule 13 Division 1 clause 1, as varied by Schedule 13 Division 2 Subdivision 1; or
  - (b) the standard set out in Schedule 13 Division 1 clause 2, as varied by Schedule 13 Division 2 Subdivision 2.
- (2) On and from 1 July 2005, the product safety standard for toys to which this Part applies consists of the standard set out in Schedule 13 Division 1 clause 2, as varied by Schedule 13 Division 2 Subdivision 2.
- (3) This Part applies to —
  - (a) rattles, toy dummies, teethingers and squeeze toys;

- (b) toys to be attached to a crib, stroller, playpen or baby carriage;
  - (c) pull and push toys;
  - (d) pounding toys;
  - (e) blocks and stacking toys;
  - (f) toys for use in a bathtub;
  - (g) rocking, spring and stick horses and figures;
  - (h) musical chime toys;
  - (i) jacks-in-the-box;
  - (j) stuffed, plush and flocked animals and figures;
  - (k) toys with pompoms;
  - (l) games;
  - (m) puzzles;
  - (n) dolls; and
  - (o) toy cars, trucks and other vehicles.
- (4) This Part does not apply to —
- (a) balloons;
  - (b) marbles;
  - (c) tapes and compact discs;
  - (d) books;
  - (e) writing materials (including crayons, chalk, pencils and pens);
  - (f) paints (including finger paints and water paints), paint brushes and other painting implements;
  - (g) modelling material (including clay, plasticine and play dough);
  - (h) bicycles having a wheel base of not less than 640 mm;
  - (i) playground equipment for parks, schools and domestic use (including swings, see-saws, slides, agility apparatus, climbing, swinging, rotating and rocking apparatus, cubby houses, sand pits, apparatus for use in sand, sliding poles and ladders);
  - (j) goods supplied wholly or partially unassembled for assembly by an adult after supply if the goods are supplied with written assembly instructions and the goods, when assembled in accordance with instructions, comply with this Part;
  - (k) flotation toys;
  - (l) pacifiers;

- (m) toys made wholly from highly porous material (for example cheesecloth), except toys with pompoms; and
  - (n) toys made with closed cell polyethylene, ethylene vinyl acetate or like material which are labelled with the word “WARNING” in red upper case letters at least 5 mm high on a white background adjacent to the words “NOT SUITABLE FOR CHILDREN UNDER 3 YEARS AS FOAM PIECES MAY BREAK OFF AND CAUSE A CHOKING HAZARD” in red upper case letters at least 2.5 mm high on a white background.
- (5) For the purposes of subregulation (4)(n), a toy is labelled as described in subregulation (4)(n) if a label, that complies with subregulation (4)(n), is attached to the toy in a conspicuous position or, if the toy is displayed in packaging for retail sale, on a principal outer display face of the packaging in which the toy is displayed.

”.

#### 4. Schedules 12 and 13 inserted

After Schedule 11 the following Schedules are inserted —

“

### **Schedule 12 — Standards for sunglasses and fashion spectacles**

[r. 38]

#### **Division 1 — Standards for sunglasses and fashion spectacles**

1. **AS 1067.1:1990**  
Australian Standard AS 1067.1:1990 “Sunglasses and Fashion Spectacles Part 1: Safety Requirements” approved by Standards Australia on 22 June 1990.
2. **AS/NZS 1067:2003**  
Australian/New Zealand Standard AS/NZS 1067:2003 “Sunglasses and Fashion Spectacles” approved by Standards Australia on 31 March 2003.

#### **Division 2 — Variations to Standards**

##### **Subdivision 1 — Variations to AS 1067.1:1990**

3. **Clause 1.1**  
Delete the clause.

**4. Clause 2.2.1**

- (1) In clause 2.2.1, delete the full stop in paragraph (b), insert instead —

“

except in the case of children’s sunglasses. Children’s sunglasses with frames too small for measurement from 32 mm from the centreline of the sunglass shall be measured at 6 selected points within a circle of 30 mm diameter around the datum centre of each lens.

”.

- (2) In clause 2.2.1, delete the full stop in paragraph (c), insert instead —

“

except in the case of children’s sunglasses. Children’s sunglasses with frames too small for measurement from 32 mm from the centreline of the sunglass shall be measured from a point 25% of the width of the lens measured on either side of the centreline which lies in the horizontal plane that would bisect the eyes when the visor is worn and at 6 selected points within a circle of 30 mm diameter centred on those points.

”.

**5. Clause 4.2.1**

Delete “classification of the eyewear and other relevant”.

**6. Clause 4.2.2**

Delete the box around the marking specified for fashion spectacles.

**7. Clause 4.2.3**

- (1) Delete “The marking for general-purpose sunglasses shall be as follows:”.
- (2) Delete the box and the words in it.

**Subdivision 2 — Variations to AS/NZS 1067:2003****8. Clauses 1.1 and 1.2**

Delete the clauses.

**9. Clause 2.6**

- (1) Before “When” insert the clause designation “2.6.1”.
- (2) Insert —

“

**2.6.2**

Only lenses with labels, decorations or markings (other than those intended to be removed before use) within the area of the 2 ellipses defined in Clause 3.2.1 need to meet the requirements of Clause 2.6.1.

NOTE: See also Clause 3.2.2.

”.

**10. Clauses 2.7 and 2.8**

Delete the clauses.

**11. Clause 3.2.2**

After the clause, insert —

“

NOTE: Lenses with holograms or other transparent images applied to the outer (non-eye) side of the lens would generally pass the requirements of Clause 3.2.2 provided that the other requirements of the standard are met, in particular Clause 2.2.2 (Transmittance matching for pairs of sunglass lenses of all types), Clause 2.2.3 (Uniformity of colour for pairs of sunglass lenses of all types), and Clause 2.6 (Scattered light).

”.

**12. Clauses 3.3 and 3.6**

Delete the clauses.

**13. Clause 4.1.1**

Delete clause 4.1.1(c).

**14. Clause 4.2.1**

After “sunglass frame,” insert —

“ or ”.

**15. Clause 4.2.2**

Delete the clause.

**Schedule 13 — Standards for toys for young children up to and including 3 years of age**

[r. 39]

**Division 1 — Standards for toys for young children****1. AS 1647.2:1992**

Clauses 4.2, 4.3, 4.4, 4.5, 4.9, 4.10, 4.11, 4.12, 4.16, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 7.1, 7.2, 7.10(d), 7.15.6(a)(iv), 9.4 and 10 and Appendices A, D to S, U and V of Australian Standard AS 1647.2:1992 “Children’s Toys (Safety Requirements) Part 2: Constructional Requirements” approved by Standards Australia on 14 September 1992, as amended by Amendment No. 1 published on 5 March 1995.

**2. AS/NZS ISO 8124.1:2002**

Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 “Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD)” approved by Standards Australia on 30 April 2002.

**Division 2 — Variations to Standards****Subdivision 1 — Variations to AS 1647.2:1992****3. Clause 7.2**

Delete the clause, insert instead —

“

**7.2 Stuffed Toys** Stuffed toys must not produce an ingestion or inhalation hazard when tested in accordance with Appendix O.

”.

**4. Clauses 10.2.1, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.6, 10.3.7, 10.3.10 and 10.3.13**

Delete “a hazardous sharp edge, a hazardous sharp point or, if applicable,”.

**5. Clauses 10.3.5 and 10.3.11**

Delete “a hazardous sharp edge, a hazardous sharp point or”.

**6. Clause 10.3.9**

Delete “fracture or break”, insert instead —

“ produce an ingestion or inhalation hazard ”.

**7. Clause 10.3.14**

Insert after “from the toy” —

“

, that would produce an ingestion or inhalation hazard

”.

**8. Clause 10.3.15**

Delete all of the clause after “not”, insert instead —

“ produce an ingestion or inhalation hazard. ”.

**9. Clause D5**

Delete “If”, insert instead —

“ Subject to Clause 9.4, if ”.

**10. Clauses F5(d), G6(i), H5(f), I5(g), J5(e), K5(h), M5(h), N6(i) and Q5(g)**

Delete “Appendices B, C and, if applicable,”.

**11. Clauses F6(d)(i) and (ii), G7(c)(i) and (ii), H6(c)(i) and (ii), I6(d)(i) and (ii), J6(b)(i) and (ii), K6(a) and (b), L6(b)(i) and (ii), M6(d)(i) and (ii), N7(d)(i) and (ii), Q6(a)(i) and (ii) and R6(d)(i) and (ii)**

Delete the clauses.

- 12. Clauses L5(b) and L5(g)**  
Delete “a hazardous sharp edge, hazardous sharp point or”.
- 13. Clauses L5(f) and R5(h)**  
Delete “Appendices B, C and D”, insert instead —  
“ Appendix D ”.
- 14. Clause N2**  
Delete “neither developed a hazardous sharp edge nor a hazardous sharp point, nor, if applicable, produced”, insert instead —  
“ did not produce ”.
- 15. Clause U6(b)**  
After “outlet”, insert —  
“  
and whether these objects produced an ingestion or inhalation hazard  
”.
- 16. Clause V6(a)**  
Delete “fractured through the entire thickness or matter visible to the naked eye has become detached from any portion of the test specimen”, insert instead —  
“ produced an ingestion or inhalation hazard ”.
- Subdivision 2 — Variations to AS/NZS ISO 8124.1:2002**
- 17. Clauses 1 and 2**  
Delete the clauses.
- 18. Clause 3.21**  
Delete “or damage to property or the environment”.
- 19. Clauses 3.52 and 4.3**  
Delete the clauses.
- 20. Clause 4.4.1**  
(1) Delete “intended” from the first and fourth sentences, which commence “Toys ... ” and “Guidance ... ” respectively.  
(2) Delete the third sentence, which commences “The following are ... ”.
- 21. Clause 4.4.2**  
Delete the clause.
- 22. Clause 4.5.1**  
Delete “intended” from the first dot point.



**23. Clause 4.5.2**

- (1) Delete “intended” from paragraph (a).
- (2) Delete paragraph (b).

**24. Clauses 4.5.3 and 4.5.4**

Delete “intended” from the first sentence.

**25. Clause 4.5.5**

- (1) Delete “intended” from the first sentence.
- (2) Delete the note.

**26. Clauses 4.5.6 to 4.24, 4.25(d), 4.26 and 4.27**

Delete the clauses.

**27. Clause 5.1**

- (1) In the fifth sentence, which commences “Certain test methods ... ” —
  - (a) in the first dot point, insert after “months” —  
“ and ”;
  - (b) in the second dot point, delete “and” and insert a full stop instead;
  - (c) delete the third dot point.
- (2) In the seventh sentence, which commences “If a toy or its packaging ... ” —
  - (a) delete “intended or”;
  - (b) delete “96 months” and insert instead —  
“ 36 months ”.
- (3) Delete the twelfth sentence, which commences “Toys reasonably intended ... ”.

**28. Clause 5.2**

- (1) In the heading to the clause, delete “4.3.2,” and “, 4.18.2”.
- (2) In the first sentence, which commences “Place the toy ... ”, delete “any orientation” and insert instead —  
“ all possible orientations ”.

**29. Clauses 5.7 to 5.19, 5.21 and 5.22**

Delete the clauses.

**30. Clause 5.23**

- (1) In the third sentence, which commences “Any commercially available ... ”, delete “intended”.
- (2) Delete Note 1.

- 31. Clause 5.24.1**  
Delete the second sentence, which commences “Unless ... ”.
- 32. Clause 5.24.2**  
In Table 4 row 2, delete “96”, insert instead —  
“ 36 ”.
- 33. Clause 5.24.4**  
Delete the clause.
- 34. Clause 5.24.6.2**  
In the first sentence, which commences “For soft-filled ... ”,  
delete “beanbags”, insert instead —  
“  
beanbag-type toys (i.e. a toy that contains plastic pellets,  
beads, polystyrene balls or similar materials)  
”.
- 35. Clause 5.24.6.4**  
Delete the clause.
- 36. Clause 5.24.7**
- (1) In the second sentence, which commences “Determine the  
compression force ... ”, delete “according to the age group  
for which the toy is intended”.
  - (2) Table 5 row 2, delete the row.
  - (3) In the eighth sentence, which commences “Apply the ... ”,  
delete “required force”, insert instead —  
“ force in Table 5 ”.
- 37. Clause 5.24.8**  
Delete the clause.
- 38. Clauses A.1, A.2.1 and A.2.2**  
Delete the clauses.
- 39. Clause A.2.3**  
Delete the second sentence, which commences “The  
batteries ... ”.
- 40. Clauses A.2.4 to A.2.10**  
Delete the clauses.

**41. Clause B.1**

In the fourth sentence, which commences “Further information ...”, delete “[12]”, insert instead —

“

the publication issued by the United States Consumer Product Safety Commission (CPSC) *Age Determination Guidelines*

”.

**42. Clause B.4.1**

Delete the third and fourth sentences, which commence “Age grades ...” and “A parent remains ...” respectively.

**43. Clause B.4.4**

Delete the clause.

**44. Annexes C, D and F**

Delete the Annexes.

**45. Appendix ZZ**

Delete the Appendix.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.