

CE303*

Fair Trading Act 1987

**Fair Trading (Product Safety Standard)
Amendment Regulations (No. 3) 2006**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations are the *Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2006*.

2. The regulations amended

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

[* *Reprint 1 as at 7 October 2005.*

For amendments to 21 September 2006 see Gazette 21 March 2006.]

3. Parts 18 to 20 inserted

After regulation 44 the following Parts are inserted —

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Part 18 — Basketball rings and backboards**45. Warnings labels**

- (1) Every basketball ring or backboard must when supplied be accompanied by —
 - (a) a warning; and
 - (b) a warning symbol.
- (2) The warning mentioned in subregulation (1)(a) —
 - (a) must contain the words —
“WARNING: IMPROPER INSTALLATION
OR SWINGING ON THE RING MAY
CAUSE SERIOUS INJURY OR DEATH”; and
 - (b) must be clearly legible, in upper case, in red letters on a white background; and
 - (c) for the word “WARNING:” — must be in characters not less than 15 mm in height; and
 - (d) for the words other than the word “WARNING:” — must be in characters not less than 10 mm in height.
- (3) The warning symbol mentioned in subregulation (1)(b) —
 - (a) must be in the form of the graphic set out in Schedule 14; and
 - (b) for the circle that forms part of the graphic — must have a diameter of not less than 120 mm from outer edge to outer edge; and
 - (c) for the circle and the diagonal line that form part of the graphic — must be in red, and drawn with a line not less than 5 mm in width; and
 - (d) for the basketball player figure that forms part of the graphic — must be entirely black; and
 - (e) for the ring and backboard that form part of the graphic — must be outlined in black.

- (4) If a basketball ring or backboard is supplied in a package, the warning and warning symbol mentioned in subregulation (1) must accompany the ring or backboard by being marked —
 - (a) in a conspicuous position on the package; or
 - (b) on a label affixed in a conspicuous position on the package.
- (5) If a basketball ring or backboard is not supplied in a package, the warning and warning symbol mentioned in subregulation (1) must accompany the ring or backboard by being marked —
 - (a) in a conspicuous position on the ring or backboard; or
 - (b) on a label affixed in a conspicuous position on the ring or backboard; or
 - (c) on a tag attached in a conspicuous position on the ring or backboard.

46. Permanent warning on backboard

- (1) Every basketball backboard must when supplied be accompanied by a warning that is permanently marked on the backboard.
- (2) A warning mentioned in subregulation (1) —
 - (a) must contain the following words —
“WARNING: SWINGING ON THE RING
MAY CAUSE SERIOUS INJURY OR
DEATH”; and
 - (b) must be clearly legible, in characters not less than 10 mm in height; and
 - (c) must be marked on the backboard in a conspicuous position —
 - (i) in permanent writing; or
 - (ii) on a label that is permanently fixed to the backboard.

Part 19 — Household cots

47. Interpretation

In this Part —

“AS/NZS 2172:2003” means the Australian/New Zealand Standard AS/NZS 2172:2003 “Cots for household use — Safety requirements”, approved by Standards Australia on 19 September 2005 as amended by Amendment No. 1 of 9 January 2006;

“cot” means a cot, as defined in AS/NZS 2172:2003, to which that standard applies.

48. Product safety standard for cots

- (1) This regulation applies on and after 1 November 2006.
- (2) The product safety standard for new cots consists of AS/NZS 2172:2003 varied by deleting clauses 1, 2, 4, 6.1(f), 7, 8, 9.2(c) and 10.
- (3) The product safety standard for second hand cots consists of AS/NZS 2172:2003 varied by —
 - (a) deleting clauses 1, 2, 4, 6.1(f), 6.1(g), 6.8(c), 6.8(d), 6.8(e), 7, 8, 9.2(b), 9.2(c), 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10, 11 and 12; and
 - (b) amending clause 6.7 by deleting “5 mm” and inserting instead —
“ 8 mm ”.

49. Antique or collectable cots

- (1) The product safety standards prescribed by regulation 48 do not apply in relation to an antique or collectable cot if the cot when supplied —
 - (a) is accompanied by a certificate from the supplier to the consumer stating that it is not safe to place a child in the cot; and
 - (b) has clearly visible external and internal warning statements permanently attached (by means of glue, nails or screws) to the upper half of the side or end of the cot.
- (2) A warning statement mentioned in subregulation (1)(b) —
 - (a) must contain the following words —
“WARNING: this cot does not meet the mandatory safety standard.
For display purposes only.
It is dangerous to place a child in this cot.”; and
 - (b) must be capitalised and underlined as set out in paragraph (a); and
 - (c) must have lettering that is in sharp contrast to the background; and
 - (d) for the capital letters — must be in characters not less than 5 mm in height; and
 - (e) for the lower case letters — must be in characters not less than 2.5 mm in height.

Part 20 — External corded blinds

50. Interpretation

In this Part —

“**blind**” includes a screen, shade, awning or other window covering;

“**bottom rail**” of a blind means the rail, rod, batten or other rigid component forming the bottom edge of the blind when it is fully lowered, or if the blind does not have a rigid bottom edge, the bottom edge of the blind;

“**external corded blind**” means a blind that is —

- (a) designed to be raised and lowered by means of a pull cord which forms a closed loop with a circumference exceeding 300 mm; and
- (b) supplied for external use;

“**pull cord**” means a rope, string, cord, strap or other flexible component by means of which a blind is raised and lowered.

51. Design

- (1) Every external corded blind must be designed to incorporate —
 - (a) a device that enables the pull cord to be secured in a manner that —
 - (i) maintains tension on the pull cord; and
 - (ii) holds the pull cord as close as practicable to the blind or to the wall or surface on which the blind is mounted; and
 - (iii) holds the pull cord out of reach of young children;and
 - (b) a device that enables the bottom rail of the blind, when the blind is lowered, to be secured to the ground, a wall or another surface in a manner that maintains tension on the bottom rail.
- (2) Every external corded blind must when supplied be accompanied by all the screws or other fasteners required to install all components of the devices referred to in subregulation (1).

52. Warning labels

- (1) Every external corded blind must when supplied —
 - (a) have attached to the bottom rail a warning label in the form set out in Schedule 15 clause 1; and
 - (b) have attached to the blind a warning label in the form set out in Schedule 15 clause 2; and
 - (c) have attached to each of the devices referred to in regulation 51(1) a warning label in the form set out in Schedule 15 clause 3 containing an explanation of how the device is designed to operate and how it should be used to minimise the risk to young children of strangulation.
- (2) On a warning label referred to in subregulation (1) —
 - (a) the word “WARNING” must be in letters not less than 8 mm in height; and
 - (b) the other capital letters must be not less than 3 mm in height; and
 - (c) the top panel of the label must be orange with the word “WARNING” and triangular symbol in black.

53. Installation instructions

- (1) Every external corded blind must when supplied be accompanied by written information that —
 - (a) explains how to install —
 - (i) the blind; and
 - (ii) each of the devices referred to in regulation 51(1);and
 - (b) incorporates a copy of the warning label referred to in regulation 52(1)(b).
- (2) This regulation does not apply in relation to a blind that is installed by the supplier or a person engaged by the supplier.

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4. **Schedules 14 and 15 inserted**

After Schedule 13 the following Schedules are inserted —

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Schedule 14 — Warning symbol for basketball rings and backboards

[r. 45(1)(b)]



Schedule 15 — Warning labels for external corded blinds

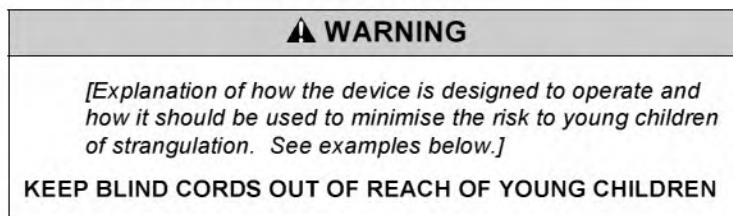
[r. 52]

1. **Bottom rail warning label**

▲ WARNING
Blind cords may create a strangulation hazard for young children. KEEP BLIND CORDS OUT OF REACH OF YOUNG CHILDREN

2. **Blind warning label**

▲ WARNING
Blind cords may create a strangulation hazard for young children.
KEEP BLIND CORDS OUT OF REACH OF YOUNG CHILDREN

3. Tension device warning label

Examples of explanations for tension device warning label to be modified or adapted as required, depending on the type of device used.

Example 1: cleat style pull cord tension device

This cleat is to secure the pull cord and keep it out of reach of young children.

Fix the cleat securely to a wall or other surface out of reach of young children. Pull the cord taut and wind it tightly around the cleat to hold it in place and keep it out of reach of young children.

The cleat should be positioned so that the pull cord will be out of reach of young children.

Example 2: plate and straps style bottom rail tension device

These straps and anchor plates are to secure the bottom rail in place when the blind is lowered.

Fix the anchor plates securely to a wall or other surface. When the blind is lowered use the straps to hold the bottom rail in place and under tension.

Securing the bottom rail reduces the risk of young children becoming entangled in the cords looped around the rail.

By Command of the Lieutenant-Governor and
deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.