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**CONSUMER AND EMPLOYMENT PROTECTION**

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CE301\*

Fair Trading Act 1987

**Fair Trading (Product Safety Standard)  
Amendment Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fair Trading (Product Safety Standard) Amendment Regulations 2003*.

**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 11 March 2003 see Gazette 26 March, 23 April and 1 November 2002.*]

**3. Parts 11, 12 and 13 inserted**

After Part 10 the following Parts are inserted —

“

**Part 11 — Children’s nightwear and limited  
daywear having reduced fire hazard****32. Interpretation**

In this Part —

“**children’s nightwear and limited daywear having reduced fire hazard**” means children’s night wear, including pyjamas, pyjama-style

overgarments, nightdresses, nightshirts, dressing gowns, bathrobes, and infant sleepbags, and garments such as all-in-ones and boxer shorts which may be suitable for daywear or nightwear of any of the sizes 00 to 14 as specified in clause 0.2 of *Australian/New Zealand Standard AS/NZS 1249:1999 Children's nightwear and limited daywear having reduced fire hazard* and *Australian Standard 1182 — 1997 Size coding scheme for infants' and children's clothing — Underwear and outerwear*, published by Standards Australia on 5 March 1997, but excluding T shirts and any articles of headwear, leggings either with or without foot, footwear or handwear.

NOTE: Appendix C of *Australian/New Zealand AS/NZS 1249:1999, Children's nightwear and limited daywear having reduced fire hazard*, provides guidance on classification of garments as nightclothes/nightwear within the scope of the product safety standard prescribed under this Part.

**33. Product safety standard for children's nightwear and limited daywear having reduced fire hazard**

The product safety standard for children's nightwear and limited daywear having reduced fire hazard consists of the standard set out in Schedule 9 Division 1, as varied by Schedule 9 Division 2.

## **Part 12 — Paper patterns for children's nightwear**

**34. Interpretation**

In this Part —

**“paper patterns for children's nightwear”** means paper patterns for garments worn as children's night wear, including pyjamas, pyjama-style overgarments, nightdresses, nightshirts, dressing gowns, bathrobes, and infant sleepbags, and garments such as all-in-ones and boxer shorts which may be suitable for daywear or nightwear of any of the sizes 00 to 14 as specified in clause 0.2 of *Australian/New Zealand Standard AS/NZS 1249:1999 Children's nightwear and limited daywear having reduced fire hazard* and *Australian Standard 1182 — 1997 Size coding scheme for infants' and children's clothing — Underwear and outerwear*, published by Standards Australia on 5 March 1997, but excluding paper patterns for T shirts and any

articles of headwear, leggings either with or without foot, footwear or handwear.

NOTE: Appendix C of *Australian/New Zealand AS/NZS 1249:1999, Children's nightwear and limited daywear having reduced fire hazard*, provides guidance on classification of garments as nightclothes/nightwear within the scope of the product safety standard prescribed under this Part.

**35. Product safety standard for paper patterns for children's nightwear**

The product safety standard for paper patterns for children's nightwear consists of the standard set out in Schedule 10 Division 1, as varied by Schedule 10 Division 2.

### **Part 13 — Pedal bicycles**

**36. Interpretation**

In this Part —

“**pedal bicycles**” includes fully assembled or partially assembled bicycles but does not include —

- (a) bicycles having a wheel base of less than 640 mm;
- (b) bicycles which are designed and intended for use as a competitive bicycle having single crank-to-wheel ratio and no free-wheeling feature between the pedal and the front wheel;
- (c) one of a kind bicycles, being bicycles that are uniquely constructed to the order of an individual consumer;
- (d) bicycles which are designed to be hinged or folded, or to be taken apart beyond removal of the front wheel, for ease of storage or portability;
- (e) tandem bicycles;
- (f) power assisted bicycles; and
- (g) bicycles showing signs of appreciable wear or second hand bicycles.

**37. Product safety standard for pedal bicycles**

The product safety standard for pedal bicycles consists of the standard set out in Schedule 11 Division 1, as varied by Schedule 11 Division 2.

**4. Schedules 9, 10 and 11 inserted**

After Schedule 8 the following Schedules are inserted —

“

**Schedule 9 — Standard for children’s nightwear and limited daywear having reduced fire hazard**

[r. 33]

**Division 1 — AS/NZS 1249:1999****1. AS/NZS 1249:1999**

Australian/New Zealand AS/NZS 1249:1999 “Children’s nightwear and limited daywear having reduced fire hazard” published by Standards Australia on 5 April 1999.

**Division 2 — Variations to AS/NZS 1249:1999****2. Clause 0.1**

Delete the second sentence of clause 0.1.

**3. Clause 1.2**

(1) Insert after the first paragraph of clause 1.2(a) —

“

Where there is insufficient fabric for three lengthwise and three widthwise test specimens, as cited in clause 8.7 of *International Standard ISO 6941:1984/Amendment 1:1992 (E), Textile fabric-burning behaviour-Measurement of flame spread properties of vertically oriented specimens*, of 15 October 1992, the flame spread time shall be determined on three lengthwise test specimens only.

Where the textile material or garments are constructed with one fabric overlaying another (for example quilted fabrics), specimens shall be cut and tested as a combination, that is to say as if the overlay were applied to the under fabric.

”.

(2) In the third paragraph under clause 1.2(a) delete “four or more of six specimens” wherever those words occur and insert instead —

“ three or more specimens ”.

(3) In the note to clause 1.2(a) delete “another set of three specimens are” and insert instead —

“ another specimen is ”.

**4. Clause 1.3**

In clause 1.3 after the first sentence insert —

“

The outer fabric of a composite or appliqued area shall be considered the fabric face and shall be tested so that the flame impinges on that surface.

”.

**5. Clause 5.6**

Delete clause 5.6.

**6. International Standard ISO 6941:1984/Amd.1:1992 (E) as referred to in AS/NZS 1249:1999**

(1) The International Standard ISO 6941:1984/Amd.1:1992 (E) as referred to in AS/NZS 1249:1999 is amended as prescribed in this clause.

(2) In clause 8.8 delete the words “test another set of three specimens for that direction or face” wherever they occur and inserting instead —

“ test another specimen for that direction or face ”.

(3) Clause 10 k) 4) is deleted and the following subclause is inserted instead —

“

4) If only four specimens are tested (refer to amended clause 8.8), determine the mean from all the results that burn to the respective marker threads. Report the number of specimens that failed to burn to the marker.

”.

## **Schedule 10 — Standard for paper patterns for children’s nightwear**

[r. 35]

### **Division 1 — AS/NZS 1249:1999**

**1. AS/NZS 1249:1999**

Clauses 0.2, 0.5.2, 0.5.3, 0.5.6, 0.5.10 and 5.6 of Australian/New Zealand Standard AS/NZS 1249:1999 “Children’s nightwear and limited daywear having reduced fire hazard” published by Standards Australia on 5 April 1999.

### **Division 2 — Variations to AS/NZS 1249:1999**

**2. Clause 0.5.3**

Delete the notes to the clause.

**3. Clause 0.5.10**

Delete the words “(See Note 1 to Clause 0.1)”.

4. **Clause 5.6**  
After “shall bear a” insert —  
“ clearly legible ”.

## **Schedule 11 — Standard for pedal bicycles**

[r. 37]

### **Division 1 — AS/NZS 1927:1998**

1. **AS/NZS 1927:1998**  
Joint Australian and New Zealand Standard AS/NZS 1927:1998 “Pedal bicycles-Safety requirements” published by Standards Australia and Standards New Zealand on 5 September 1998.

### **Division 2 — Variations to AS/NZS 1927:1998**

2. **Clause 1.2**  
Delete clause 1.2.
3. **Clause 1.3**  
Delete “New Zealand Traffic Regulations 1976”.
4. **Clause 1.5**  
In clause 1.5(a) delete “or New Zealand”.
5. **Clause 2.15**  
Delete clause 2.15.1.
6. **Clause 2.16**  
Delete “Note: There is no regulatory requirement in New Zealand for a warning device to be fitted to a bicycle.”.
7. **Clause 2.17**  
Delete clause 2.17.1.

”.

5. ***Fair Trading (Children’s Night Clothes — Product Information Standard) Regulations 1988 repealed***  
  
*The Fair Trading (Children’s Night Clothes — Product Information Standard) Regulations 1988 are repealed.*

By Command of the Governor,

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