

1993—No. 484

FAIR TRADING ACT 1987—REGULATION

(Relating to dust masks and children's nightclothes)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

WENDY MACHIN
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 1 October 1993.

Amendment

2. The Product Safety Regulation 1988 is amended:
 - (a) by omitting clause 11 (a) (iii) and by inserting instead the following subparagraph:
 - (iii) that do not comply with the standards set forth in relation to masks of that description in the Australian Standard entitled "Respiratory protective devices" and numbered AS 1716-1991, of the Standards Association of Australia, as in force on 10 June 1991; and
 - (b) by omitting clause 14 (a)-(g) and by inserting instead the following paragraphs:
 - (a) AS 1841—1983;
 - (b) AS 1842—1983;
 - (c) AS 1844—1983;
 - (d) AS 1845—1983;

- (e) AS 1846—1984;
 - (f) AS 1847—1976; or
 - (g) AS 1848—1983,
- (c) by omitting from clause 22 (2) the words “For the purposes this clause” and by inserting instead the words “For the purposes of this clause”;
- (d) by omitting from clause 43 the definition of “AS 1249–1983” and by inserting instead the following definitions:
- “AS 1249–1990” means the Australian Standard entitled “Children’s nightclothes having reduced fire hazard” and numbered AS 1249–1990, of the Standards Association of Australia, as in force on 16 April 1992;
 - “AS 2755.2–1985” means the Australian Standard entitled “Measurement of flame spread properties of vertically oriented specimens” of the Standards Association of Australia, as in force on 4 March 1985.
- (e) by inserting in clause 44 (2) after the word “handwear” the words “and not including paper patterns imported into Australia before 1 July 1986 or manufactured in Australia before 1 July 1986”;
- (f) by omitting clauses 45 and 46 and by inserting instead the following clauses:

Composition, design and labelling of children’s nightclothes

45. The goods referred to in clause 44 (1) must conform to AS 1249–1990, varied as specified in clause 46A.

Labelling—paper patterns for children’s nightclothes

46. (1) The goods referred to in clause 44 (2) must conform to clause 5.3 of AS 1249–1990, varied as specified in subclause (2).

(2) For the purposes of this clause, clause 5.3 of AS 1249–1990 is taken to have been amended by omitting the words “within the scope of this Standard”.

Variation of AS 1249–1990

46A. For the purposes of clause 45, AS 1249–1990 is taken to have been amended:

- (a) by omitting clause 1.1;
- (b) by inserting in clause 2.1 (a), after the first paragraph, the following paragraphs:

Where there is insufficient fabric for three lengthwise and three widthwise test specimens, as cited in clause 8.8 of AS 2755.2–1985, the flame spread time shall be determined on the lengthwise test specimens only.

Where there is insufficient of the sample to cut test specimens into one piece, not more than two pieces cut in the same direction may be butt-jointed, but not overlapped. The butt joint shall be secured with five lightweight staples, spaced evenly across the test specimen. The joint shall not be below the centre of the specimen when attached to the vertical test frame specified in AS 2755.2–1985.

Where areas of the garment are appliqued, and the applique is made from fabric other than that of the body of the garment, the test specimens shall be cut from both appliqued and non-appliqued areas. Where the applique is confined to a particular area, then at least one of the test specimens shall include as much of the applique as possible. The appliqued area of the test specimen shall be mounted at the base of the test frame, and shall be tested so that the flame impinges on the applique.

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 appliqued to the under fabric.

- (c) by omitting from the second paragraph of clause 2.1 (a) the words “four or more of six specimens” wherever occurring and by inserting instead the words “three or more of four specimens”;
- (d) by omitting from the note after the second paragraph of clause 2.1 (a) the words “another set of three specimens” and by inserting instead the words “another specimen”;
- (e) by inserting at the end of clause 2.2 (e) the following words:

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.

- (f) by omitting clause 5.3.

Variation of AS 2755.2–1985

46B. For the purposes of clause 45, AS 2755.2–1985 (as referred to in AS 1249–1990 (as varied by clause 464)) is taken to have been amended:

- (a) by omitting from the last sentence of clause 7.3 the words “another set of three specimens” and by inserting instead the words “another specimen”;
- (b) by omitting the last sentence from clause 8.7;

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- (c) by omitting from clause 8.8 the words “test another set of three specimens for that direction or face.” and by inserting instead the words “test another one additional test specimen for that direction or face.”;
- (d) by omitting clause 10 (j) (iv) and by inserting instead the following subparagraph:
 - (iv) If only four specimens are tested (as referred to in clause 8.8 as taken to have been amended by clause 46B of the Product Safety Regulation 1988), 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.

EXPLANATORY NOTE

The object of this Regulation is to amend the Product Safety Regulation 1988 to update its references to the Australian Standards which relate to dust masks and to children’s nightclothes which offer a reduced fire hazard.

This is a consequence of the publication by Standards Australia of revised standards relating to those two areas, and of the adoption of the revised standard in relation to children’s nightclothes by the appropriate Product Standards under the Commonwealth Trade Practices Act 1974. (One of the objects of the New South Wales Product Safety Regulation 1988 is to complement those Commonwealth Product Standards.)

In keeping with the Product Standard relating to the composition, design and labelling of children’s nightclothes, this Regulation inserts a series of variations of the Australian Standard to reduce the number of test samples needed in certain cases.

In keeping with the Product Standard relating to the labelling of paper patterns for children’s nightclothes, this Regulation limits the application of the Australian Standard to patterns imported or manufactured on or after 1 July 1986.

This Regulation also makes two unrelated amendments to other provisions of the Product Safety Regulation 1988 by way of general revision.

This Regulation is made under sections 26 (safety standards) and 92 (the general regulation-making power) of the Fair Trading Act 1987.
