1997 No 568

New South Wales

Fair Trading (Product Safety Standards) Amendment (Sunglasses and Fashion Spectacles and Children's Toys) Regulation 1997

under the

Fair Trading Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

Faye Lo Po' MP

Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the product safety standards prescribed in respect of sunglasses and fashion spectacles and children's toys in conformity with similar action taken in respect of the consumer product safety standards for those products published pursuant to the *Trade Practices Act 1974* of the Commonwealth.

In the case of the product safety standard prescribed in respect of sunglasses and fashion spectacles, the amendment omits a labelling requirement for general purpose sunglasses. (See Schedule 1 [1] and [2].)

In the case of the product safety standard prescribed in respect of children's toys, the amendments update the reference to the relevant Australian Standard relating to toys for children under 3 years of age (see Schedule 1 [3]), bring the definition of children's toys into conformity with the language of the consumer product safety standard of the Commonwealth (see Schedule 1 [4]-[8]), exempt foam toys with cautionary labels from that

definition as does the Commonwealth standard (see Schedule 1 [9]) and otherwise bring the standard into conformity with that of the Commonwealth (see Schedule 1 [10]).

This Regulation is made under the *Fair Trading Act 1987,* including sections 26 (Safety standards) and 92 (the general regulation-making power).

Fair Trading (Product Safety Standards) Amendment (Sunglasses and Fashion Spectacles and Children's Toys) Regulation 1997

1 Name of Regulation

This Regulation is the *Fair Trading (Product Safety Standards) Amendment (Sunglasses and Fashion Spectacles and Children's Toys) Regulation 1997*.

2 Amendment of Fair Trading (Product Safety Standards) Regulation 1995

The *Fair Trading (Product Safety Standards) Regulation 1995* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 3 Sunglasses and Fashion Spectacles

Omit ", 4.2.3" from clause 3 (d) of Schedule 3.

[2] Schedule 3, clause 3 (e)

Insert after clause 3 (d):

(e) by omitting the box and the words contained in the box from Clause 4.2.3.

[3] Schedule 8 Children's Toys

Omit "numbered AS 1647, Part 2–1981, as in force on 1 May 1981" from the definition of ***AS 1647 (Part 2)*** in clause 1.
Insert instead "numbered AS 1647.2–1992, as in force on 5 March 1995".

[4] Schedule 8, clause 1, definition of "children's toys", paragraph (a)

Insert "toy dummies," after "dummies,".

[5] Schedule 8, clause 1, definition of "children's toys", paragraph (d)

Omit ", wading pools and sand".

[6] Schedule 8, clause 1, definition of "children's toys", paragraph (k)

Omit "and other articles made of paper".

[7] Schedule 8, clause 1, definition of "children's toys", paragraph (l)

Omit the paragraph. Insert instead:

(l) paints (including finger paints and water paints), paint brushes and other painting implements, or

[8] Schedule 8, clause 1, definition of "children's toys", paragraph (n)

Omit "for use as a means of providing buoyancy in water".

[9] Schedule 8, clause 1, definition of "children's toys", paragraph (s)

Insert after paragraph **(r):**

(s) toys made from closed cell polyethylene, ethylene vinyl acetate or like material with the word "WARNING" in red upper case letters at least 5 millimetres 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 millimetres high on a white background marked legibly in a conspicuous position:

(i) on the toys, or

(ii) if the toys are displayed in packaging for retail sale—on a principal outer display face of the packaging in which the toys are displayed.

[10] Clauses 2 and 3

Omit the clauses. Insert instead:

2 Safety standard

The product safety standard prescribed for children's toys is that they must comply with 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 Appendix A, Appendices D to S inclusive and Appendices U and V of AS 1647 (Part 2).

3 Variation of AS 1647 (Part 2)

For the purposes of this Schedule, AS 1647 (Part 2) is taken to have been amended as follows:

(a) by omitting Clause 7.2 and by inserting instead the following Clause:

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

(b) by omitting from Clauses 10.2.1, 10.3.1–10.3.4, 10.3.6, 10.3.7, 10.3.10 and 10.3.13 the words "a hazardous sharp edge, a hazardous sharp point or, if applicable,,' wherever occurring,

(c) by omitting from Clauses 10.3.5 and 10.3.11 the words "a hazardous sharp edge, a hazardous sharp point or".

(d) by omitting from Clause 10.3.9 the words "fracture or break" and by inserting instead the words "produce an ingestion or inhalation hazard--,

(e) by inserting in Clause 10.3.14 the words "and that produce an ingestion or inhalation hazard" after the word "toy" where secondly occurring.

(f) by omitting from Clause 10.3.15 the words "shall not—" and paragraphs (a) and (b) and by inserting instead the words "shall not produce an ingestion or inhalation hazard, or".

(g) by omitting the word "If" from Clause D5 and by inserting instead the words "Subject to Clause 9.4, if",

(h) by omitting from paragraphs F5 (d), G6 (i), H5 (f) I 5 (g), J5 (e), K5 (h), L5 (f) M5 (h), N6 (i) Q5 (g) and R5 (h) all words after the word "with" wherever occurring and by inserting instead the matter "Appendix D",

(i) by omitting paragraphs K6 (a) and K6 (b) and subparagraphs F6 (d) (i), F6 (d) (ii), G7 (c) (i), G7 (C) (ii), H6 (c) (i), H6 (c) (ii), I6 (d) (i), I6 (d) (ii), J6 (b) (i), J6 (b) (ii), L6 (b) (i), L6 (b) (ii), M6 (d) (i), M6 (d) (ii), N7 (d) (i), N7 (d) (ii), Q6 (a) (i), Q6 (a) (ii), R6 (d) (i) and R6 (d) (ii),

(j) by omitting from paragraphs L5 (b) and L5 (g) the words "a hazardous sharp edge, hazardous sharp point or" wherever occurring,

(k) by omitting from Clause N2 the words "neither developed a hazardous sharp edge nor a hazardous sharp point, nor, if applicable, produced" and by inserting instead the words "did not produce",

(l) by inserting in paragraph U6 (b) the words "and whether these objects produced an ingestion or inhalation hazard" after the word "outlet",

(m) by omitting from paragraph V6 (a) the words "fractured through the entire thickness or matter visible to the naked eye has become detached from any portion of the test specimen" and by inserting instead the words "produced an ingestion or inhalation hazard".