



New South Wales

Fair Trading Amendment (Children's Portable Folding Cots) Regulation 2009

under the

Fair Trading Act 1987

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

VIRGINIA JUDGE MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Fair Trading Regulation 2007* to prescribe a product safety standard for children's portable folding cots.

The product safety standard prescribed is that children's portable folding cots must comply with certain provisions of the Australian/New Zealand Standard entitled AS/NZS 2195:1999, *Folding cots—Safety requirements*.

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

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Clause 1

Fair Trading Amendment (Children's Portable Folding Cots) Regulation
2009

**Fair Trading Amendment (Children's Portable Folding
Cots) Regulation 2009**

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1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Children's Portable Folding Cots) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Fair Trading Regulation 2007

Part 2, Division 17A

Insert after Division 17:

Division 17A Children's portable folding cots

71A Definition

In this Division:

AS/NZS 2195 means the Australian/New Zealand Standard entitled AS/NZS 2195:1999, *Folding cots—Safety requirements* published jointly by Standards Australia and Standards New Zealand on 15 November 1999.

71B Safety standard

The product safety standard prescribed for children's portable folding cots is that they must comply with AS/NZS 2195.

71C Variation of AS/NZS 2195

For the purposes of this Division, AS/NZS 2195 is taken to have been amended as follows:

- (a) by omitting the second paragraph from the Foreword,
- (b) by omitting from clause 1 all matter after the first sentence,
- (c) by omitting clauses 2, 3, 5 and 6,
- (d) by omitting clause 7 and by inserting instead:

7 Construction and assembly

The cot mattress and components within the cot must not be of inflatable construction.

- (e) by omitting the note to clause 8.1 (b),
- (f) by omitting from clause 8.1 (d) the words "on warning labels specified in Clauses 12.1(i), 12.2 and 13.2(b) (measured horizontally)",
- (g) by omitting note 2 to clause 8.1,
- (h) by omitting the note to clause 8.3 (a),
- (i) by omitting clause 8.3 (b),
- (j) by omitting the note to clause 8.3 (c),
- (k) by omitting "distinct locking position" from clause 8.4.1 and by inserting instead "clearly distinct locked position",

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Schedule 1 Amendment of Fair Trading Regulation 2007

- (l) by omitting clause 8.4.2 and Figure 1,
- (m) by omitting “before and after being tested in accordance with Appendix G” from clause 8.4.3 (e),
- (n) by omitting the note to clause 8.4.3,
- (o) by omitting clauses 8.5–8.7,
- (p) by omitting clause 9,
- (q) by omitting clause 10.1 and by inserting instead:
 - 10.1 General** The applicable tests specified in Clauses 10.2, 10.5, 10.13 and 10.14 must be performed on the same folding cot assembled in accordance with the manufacturer's instructions and without any accessories fitted.
- (r) by omitting clause 10.2, including Figure 2, and by inserting instead:
 - 10.2 Entrapment hazard test** The folding cot must be tested in accordance with Appendix A using the 95 mm probe. All gaps accessible within the folding cot must not allow the 95 mm probe to pass through.
- (s) by omitting clauses 10.3, 10.4, 10.6–10.12, 10.15 and 10.16,
- (t) by omitting “500 mm” from clause 10.13 (c) and by inserting instead “400 mm”,
- (u) by omitting clauses 11 and 12,
- (v) by omitting clauses 13.1 and 13.2 and by inserting instead:
 - 13.2 Safety marking** The folding cot must be permanently, prominently and legibly marked on the inside with at least the following:
 - (a) instructions for assembly and locking procedures,
 - (b) a warning to check before each use that the cot is correctly assembled and locking devices are engaged,
 - (c) either a warning to use a mattress of specified dimensions or a warning to use the mattress supplied by the manufacturer,
 - (d) a warning not to add an extra mattress as this may cause suffocation.
- (w) by omitting clauses 13.3 and 13.4,
- (x) by omitting “finger, limb and” from clause A1 of Appendix A,

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- (y) by omitting "A series of probes are" from clause A2 of Appendix A and by inserting instead "A probe is",
 - (z) by omitting "the probes" from clause A2 of Appendix and by inserting instead "the probe",
 - (aa) by omitting notes 1 and 2 to clause A2 of Appendix A,
 - (ab) by omitting clause A3 of Appendix A and by inserting instead:
 - A3 Apparatus** The following apparatus is required:
 - (a) a spherical probe made of a suitable rigid material having a diameter of 95 ± 0.5 mm. The probe may be mounted on a rod of a diameter not greater than 15 mm for the purpose of applying the specified force,
 - (b) a means of applying a force of 50 ± 5 N.
 - (ac) by omitting clause A4 (e)–(o) of Appendix A,
 - (ad) by omitting clause A5 (b)–(d) of Appendix A,
 - (ae) by omitting Appendices B, D–J, M and N.