



# **Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997**

**Statutory Rules 1997 No. 21 as amended**

made under the

*Trade Practices Act 1974*

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This compilation was prepared on 1 March 2003  
taking into account amendments up to SR 2002 No. 343

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Part 1 Preliminary	
<b>1 Name of Regulations</b> [see Note 1]	
These Regulations are the <i>Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997</i> .	
<b>2 Commencement</b>	
These Regulations commence on 1 March 1997.	
<b>4 Interpretation</b>	
In these Regulations, unless the contrary intention appears:	
<b><i>adjustable lighter</i></b> means a lighter with provision for flame height adjustment.	
<b><i>American Standard</i></b> means the Consumer Product Safety Standard for Cigarette Lighters (16 CFR 1210):	
(a) set out in Part 1210, Title 16 of the Code of Federal Regulations; and	
(b) published in the Federal Register of the United States of America, Vol 58, No. 131, on 12 July 1993;	
<b><i>customs value</i></b> , for a device, means the customs value determined for the device under section 159 of the <i>Customs Act 1901</i> .	
<b><i>disposable lighter</i></b> see subregulation 4A (4).	
<b><i>ex works agreement</i></b> means an agreement for the supply of goods under which the supplier's obligation to deliver the goods is fulfilled when the supplier makes the goods available to the buyer at the supplier's premises.	
<b><i>indexed amount</i></b> see regulation 17.	
<b><i>lighter</i></b> see regulation 4A.	
<b><i>non adjustable lighter</i></b> means a lighter with no provision for flame height adjustment.	
<b><i>novelty lighter</i></b> see subregulation 4A (5).	

**Regulation 4A**

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**refillable lighter** see subregulation 4A (6).

**safe operation** means the operation of a lighter so that it:

- (a) does not spit or sputter; and
- (b) does not produce an abnormal or unsafe flame; and
- (c) cannot be operated easily by a young child.

**spit or sputter**, for a flame produced by a lighter, means the escape of liquid fuel from the lighter producing burning liquid droplets that separate from the flame.

**young child** means an individual who is under 5 years.

**4A Meaning of *lighter* and types of lighters**

- (1) A **lighter** is a flame producing device that:
  - (a) is designed to light cigarettes, cigars and pipes; and
  - (b) is an eligible device.
- (2) For subregulation (1), a flame producing device is an **eligible device** if:
  - (a) it is designed to be discarded when its fuel supply is exhausted; or
  - (b) it is designed to incorporate a separate container of fuel that is designed to be discarded when empty; or
  - (c) it is designed to have an entertaining audio or visual effect (other than production of a flame); or
  - (d) it is designed to depict or resemble, in physical form or function, an article commonly recognised as appealing to, or intended for use by, a young child.

*Examples of paragraph (c):*

Playing musical notes or displaying flashing lights.

*Examples of paragraph (d):*

A beverage, cartoon character, food, gun, musical instrument, toy, toy animal, watch or vehicle.

- (3) For subregulation (1), a flame producing device is also an **eligible device** if:
  - (a) it is designed to be refilled with fuel; and
  - (b) its value is not more than the relevant amount.

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**Regulation 4A**

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- (4) A ***disposable lighter*** is a lighter that is an eligible device mentioned in paragraph (2) (a) or (b).
- (5) A ***novelty lighter*** is a lighter that is an eligible device mentioned in paragraph (2) (c) or (d).
- (6) A ***refillable lighter*** is a lighter that is an eligible device mentioned in subregulation (3).
- (7) For subregulation (3):
  - relevant amount*** means:
    - (a) for a device imported into Australia, or supplied under an ex works agreement, before 1 August 2003 — \$5; or
    - (b) for a device imported into Australia, or supplied under an ex works agreement, on or after 1 August 2003 — the indexed amount.
  - value***, for a device, means:
    - (a) for a device imported into Australia — its customs value;  
or
    - (b) for another device — its supply price.

**Regulation 5**

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## **Part 2                      Flame testing, structural safety and labelling**

### **5                      Application of this Part**

This Part does not apply to a lighter that:

- (a) is a novelty lighter; and
- (b) is not a disposable lighter or a refillable lighter.

### **6                      Testing procedures**

When a lighter is tested in accordance with the procedures described in Part 2, 3, 4, 5 or 6 of the Schedule, the test must be performed in accordance with the procedures described in Part 1 of the Schedule.

### **7                      Ignition and adjustment of flame**

- (1) A lighter must be designed so that deliberate action is necessary to ignite and sustain a flame.
- (2) An adjustable lighter must be designed so that deliberate action is necessary to adjust the height of the flame.

### **8                      Abnormal burning**

A lighter, after being tested in accordance with Parts 4, 5 and 6 of the Schedule, must not, when tested in accordance with Parts 2 and 3 of the Schedule, spit or sputter or produce an abnormal or unsafe flame.

### **9                      Flame height**

- (1) A lighter must comply with subregulation (2) when tested in accordance with Part 2 of the Schedule:
  - (a) after being tested in accordance with Part 4 or 5 of the Schedule; or
  - (b) after being tested in accordance with Parts 4 and 5 of the Schedule.

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**Regulation 11**

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- (2) For subregulation (1), the height of the flame produced by a lighter must not exceed:
  - (a) in the case of a non-adjustable lighter, 50 millimetres; and
  - (b) in the case of an adjustable lighter:
    - (i) where the lighter is adjusted to produce the maximum flame height, 150 millimetres; and
    - (ii) where the lighter is adjusted to produce the minimum flame height, 100 millimetres.
- (3) If the flame height of an adjustable lighter has not been adjusted after being supplied in trade or commerce, the lighter must not, when first used after being supplied, produce a flame exceeding 125 millimetres in height.

**10 Flame extinction**

- (1) A lighter must comply with subregulation (2) after being tested in accordance with the procedures described in Parts 3, 4 and 5 of the Schedule.
- (2) For subregulation (1), where:
  - (a) a non-adjustable lighter produces a flame for 10 seconds; or
  - (b) an adjustable lighter:
    - (i) produces a flame for 5 seconds at the maximum flame height adjustment; or
    - (ii) produces a flame for 10 seconds at the minimum flame height adjustment;

the flame produced must extinguish after cessation of the action sustaining the flame within two seconds if the lighter has no flameguard or four seconds if it has a flameguard.

**11 Structural safety**

- (1) A lighter must have no sharp external edges.
- (2) A lighter, when tested in accordance with Part 3, 4 or 5 of the Schedule, must not be damaged so as to affect its safe operation.

**Regulation 12**

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- (3) A lighter, when tested in accordance with Part 4 of the Schedule, must not spontaneously ignite.
- (4) The internal pressure of the fuel reservoir of a lighter when tested in accordance with Part 6 of the Schedule must not suddenly decrease.

**12 Labelling**

- (1) A lighter must incorporate (as a permanent part of the lighter) in a legible form:
  - (a) the name or other identification of the manufacturer or distributor of the lighter; and
  - (b) where the lighter is an adjustable lighter, symbols indicating the direction in which force is to be applied to increase or decrease the flame height and the effect of the application of force in that direction.
- (2) In addition to subregulation (1), either:
  - (a) the following information that is enclosed by inverted commas must be displayed in a legible form on a lighter, or on an adhesive label that is affixed to the lighter:
    - (i) 'WARNING' in capital letters and adjacent to the words that must be displayed under subparagraphs (ii) to (ix);
    - (ii) 'KEEP AWAY FROM CHILDREN' or 'KEEP OUT OF REACH OF CHILDREN' in capital letters;
    - (iii) 'Ignite lighter away from face and clothing';
    - (iv) 'Never expose to heat above 50° C or to prolonged sunlight';
    - (v) 'Never puncture or put in fire';
    - (vi) for a lighter that contains flammable gas under pressure — 'Contains flammable gas under pressure';
    - (vii) for a lighter that contains flammable liquid — 'Contains flammable liquid';
    - (viii) for a self-extinguishing lighter — 'Be sure flame is out after use';



**Regulation 12**

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- (ix) for a non-self-extinguishing lighter — ‘This lighter does not extinguish itself — close the cover to put out’; or
- (b) if a lighter is contained in a package when it is sold at retail — the information in paragraph (a) must be displayed in a legible form on the package.

**Regulation 13**

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**Part 3 Child resistance****13 Application of this Part**

This Part only applies to a lighter to which the American Standard would apply if the lighter were imported into the United States of America after 12 July 1994.

**14 Child resistance**

- (1) A lighter must be of a kind that has been:
  - (a) tested in the manner set out in section 1210.4 of the American Standard; and
  - (b) shown to be resistant to successful operation by at least 85 percent of the child-test panel when tested in that manner.
- (2) The mechanism or system of a lighter that is designed or intended to make the lighter resistant to successful operation by at least 85 percent of the child-test panel must:
  - (a) reset itself automatically after each operation of the ignition mechanism of the lighter; and
  - (b) not impair safe operation of the lighter when used in a normal and convenient manner; and
  - (c) be effective for the functional life of the lighter; and
  - (d) not be easily overridden or deactivated.

**15 Certification**

A certificate of compliance, within the meaning of the American Standard, must have been issued for the lighter in accordance with that standard.

*Note* The importation into Australia of a lighter is prohibited unless:

- (a) the person importing the lighter has:
  - (i) completed a statutory declaration stating that a certificate of compliance, within the meaning of the American Standard, has been issued in accordance with that standard; and
  - (ii) produced that declaration to the Collector; or

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- (b) the Minister has granted a permission in writing for the lighter to be imported; or
- (c) the lighter is imported by a passenger at least 18 years old on a ship or aircraft, if the passenger is importing no more than 5 lighters.

See regulation 4S of the *Customs (Prohibited Imports) Regulations 1956*.

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**Part 4 Indexation****16 Definitions for Part 4**

In this Part:

***CPI number*** means the All Groups Consumer Price Index number (that is the weighted average of the 8 capital cities) published by the Statistician.

***latest CPI number*** means the CPI number for the most recent quarter.

***March 2003 CPI number*** means the CPI number for the quarter beginning on 1 January 2003.

***quarter*** means 3 months beginning on 1 January, 1 April, 1 July or 1 October in a year.

***Statistician*** has the meaning given by section 3 of the *Australian Bureau of Statistics Act 1975*.

**17 Indexed amount**

- (1) The ***indexed amount*** is the amount:
  - (a) worked out in accordance with the formula mentioned in subregulation (2); and
  - (b) if the amount worked out is an amount of dollars and cents, rounded in accordance with subregulation (3).
- (2) The formula is:

$$\frac{\$5 \times \text{latest CPI number}}{\text{March 2003 CPI number}}$$

- (3) The indexed amount must be rounded to the nearest 25 cents and, if the amount to be rounded is 12.5 cents, rounded up.

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## **Schedule                      Test procedures for lighters**

(regulations 6, 8, 9, 10 and 11)

### **Part 1                      General test procedures**

1. The lighter must be maintained at a temperature of  $23 \pm 2$  degrees Celsius for at least 10 hours immediately preceding testing in accordance with Parts 2, 3 and 4.
2. The area in which tests are carried out must be maintained at a temperature of  $23 \pm 2$  degrees Celsius during testing in accordance with Parts 2, 4 and 5.
3. The lighter to be tested must be new, free of mechanical damage and must not (except where required by these Regulations) have been previously tested.

### **Part 2                      Flame height test procedures**

1. The test must be carried out inside a draft free chamber constructed from suitable non-flammable material. The flame height must be measured to the nearest 10 millimetres.
2. Adjustable lighters must be tested with the lighter adjusted to produce the maximum flame height and then with the lighter adjusted to produce the minimum flame height.
3. The lighter must produce a flame for a continuous 5 second period and the flame height must be determined by measuring from the tip of the flame to the top of the flameguard or to the base of the flame (in the case of a lighter that does not have a flame guard) by means of a board positioned at least 25 millimetres behind the lighter which is marked with 10 millimetre increments.

### **Part 3      Inversion test procedures**

1. The lighter (adjustable lighters adjusted to produce a 50 millimetre flame) must be operated to produce a flame, for a continuous 10 second period in a draft free chamber, while being held at 45 degrees below the horizontal.

### **Part 4      Drop test procedures**

1. The lighter must be allowed to fall three times onto a concrete surface from a point 1.5 metres above it, from the following positions:

- (a) firstly, an upright position;
- (b) secondly, an inverted position;
- (c) thirdly, a horizontal position.

2. The lighter must be inspected after every fall and any spontaneous ignition or damage must be recorded.

### **Part 5      Temperature test procedures**

1. An oven capable of withstanding the explosion of a lighter when being tested and of maintaining a temperature of  $54 \pm 2$  degrees Celsius must be used in the test.

2. The lighter must be placed in the oven for four hours during which time the oven temperature must be maintained at  $54 \pm 2$  degrees Celsius.

3. The lighter when removed from the oven must, when cool, be tested in accordance with Part 3.

## **Part 6      Pressure test procedure**

1.      The test apparatus must consist of a device capable of producing gauge pressure of 2 (MPa).
2.      The lighter must be emptied of fuel.
3.      The fuel reservoir of the lighter must be subjected to an internal pressure equal to twice the vapour pressure at 54 degrees Celsius of the fuel normally used in the lighter. The pressure rise must not exceed a rate of 69 kPa per second.

**Table of Statutory Rules**

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**Notes to the *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997***

**Note 1**

The *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997* (in force under the *Trade Practices Act 1974*) as shown in this compilation comprise Statutory Rules 1997 No. 21 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i></b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1997 No. 21	26 Feb 1997	1 Mar 1997	
1997 No. 245	10 Sept 1997	1 Oct 1997	—
2002 No. 343	20 Dec 2002	1 Mar 2003	—



**Table of Amendments**

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
R. 1 .....	rs. 2002 No. 343
R. 3 .....	rep. 2002 No. 343
R. 4 .....	am. 1997 No. 245
R. 4A.....	ad. 1997 No. 245 am. 2002 No. 343
R. 5 .....	rs. 1997 No. 245
Note to r. 15.....	rs. 2002 No. 343
Part 4 .....	ad. 1997 No. 245
Rr. 16, 17 .....	ad. 1997 No. 245 rs. 2002 No. 343