

Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997 No. 21

EXPLANATORY STATEMENT

STATUTORY RULES 1997 NO. 21

Issued by the Authority of the Minister for Small Business and Consumer Affairs

Trade Practices Act 1974

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

Section 172 of the *Trade Practices Act 1974* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Subsection 65C(1) of the Act provides that a corporation shall not, in trade or commerce, supply goods that are intended to be used, or are of a kind likely to be used, by a consumer, if the goods are of a kind:

- (a) in respect of which there is a prescribed consumer product safety standard and which do not comply with that standard;
- (b) in respect of which there is in force a notice under this section declaring goods to be unsafe goods.' or
- (c) in respect of which there is in force a notice under this section imposing a permanent ban on the goods.

Subsection 65C(2) of the Act provides that a regulation may, in respect of goods of a particular kind, prescribe a consumer product safety standard consisting of such requirements as to:

- (a) performance, composition, contents, methods of manufacture or processing, design, construction, finish or packaging of the goods;
- (b) testing of the goods during, or after the completion, of manufacture or processing; and
- (c) the form and content of markings, warnings or instructions to accompany the goods.

as are reasonably necessary to prevent or reduce risk of injury to any person.

The purpose of the regulation is to reduce or eliminate the number of serious injuries and deaths caused by children under five playing with cigarette lighters and to ensure that all cigarette lighters sold in Australia are safe. The regulation incorporates construction and design aspects of the international standard and the United States requirement for lighters to have a child resistant mechanism.

Details of the regulation are as follows:

Regulation 1 is a formal provision providing for the citation of the Regulations.

Regulation 2 specifies the date of commencement of the Regulations.

Regulation 3 specifies the circumstances in which the Regulations will apply, by reference to when the lighters are imported or supplied.

Regulation 4 defines the following terms used in the Regulations: "adjustable lighter", "American Standard", "child", "fighter", "non adjustable lighter", "safe operation" and "spit or sputter".

Regulation 5 provides that regulations 6.12 do not apply to refillable novelty lighters.

Regulation 6 provides that testing of fighters must be conducted in accordance with test procedures described in Part 1 of the Schedule, which require the lighter to be tested to be new and free of mechanical damage. Procedures are specified for tests for flame height, inversion, dropping, temperature and pressure.

Regulation 7 requires design of a lighter must require deliberate action to ignite and adjust a flame.

Regulation 8 requires that the lighter must not spit or sputter or produce an abnormal or unsafe flame.

Regulation 9 provides for maximum flame heights.

Regulation 10 provides for the maximum time within which a flame must extinguish.

Regulation 11 specifies the structural safety of the lighter.

Regulation 12 specifies the labelling to be used on the fighter.

Regulation 13 specifies that Regulations 14 and 15 apply 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.

Regulation 14 requires a lighter to have child resistant features.

Regulation 15 requires a lighter to have a certificate of compliance within the meaning of the American Standard.