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Statutory Rules 1997 No. 1

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

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Trade Practices Act 1974*.

Dated 1 1997.

19 February

1 WILLIAM DEANE
Governor-General

By His Excellency's Command,

1 G.D. PROSSER
Minister for Small Business and Consumer Affairs

PART 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations.

Commencement

2. These Regulations commence on 1 March 1997.

Application

3. (1) Before 1 October 1997, these Regulations only apply to lighters that are imported into Australia on or after 1 March 1997.

(2) On and after 1 October 1997, these Regulations apply to any lighter.

Interpretation

4. In these Regulations, unless the contrary intention appears:

“**adjustable lighter**” means a lighter with provision for flame height adjustment;

“**American Standard**” 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;

“**child**” means an individual who is under 5 years;

“**lighter**” means a flame producing device that:

- (a) is designed to light cigarettes, cigars and pipes; and
- (b) is designed:
 - (i) to be discarded when its supply of fuel is exhausted; or

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- (ii) to incorporate a separate container of fuel that is designed to be discarded when empty; or
- (iii) to have an entertaining audio or visual effect (other than production of a flame), for example, playing musical notes or displaying flashing lights; or
- (iv) to depict or resemble, in physical form or function, an article commonly recognised as appealing to, or intended for use by, a child, for example, a cartoon character, toy, gun, watch, musical instrument, vehicle, toy animal, food or beverage;

“non adjustable lighter” means a lighter with no provision for flame height adjustment;

“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 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.

PART 2—FLAME TESTING, STRUCTURAL SAFETY AND LABELLING

Application of this Part

5. This Part does not apply to a lighter that:

- (a) is designed:
 - (i) to have an entertaining audio or visual effect (other than production of a flame), for example, playing musical notes or displaying flashing lights; or
 - (ii) to depict or resemble, in physical form or function, an article commonly recognised as appealing to, or intended for use by, a child, for example, a cartoon character, toy, gun, watch, musical instrument, vehicle, toy animal, food or beverage; and

- (b) is not designed:
 - (i) to be discarded when its supply of fuel is exhausted; or
 - (ii) to incorporate a separate container of fuel that is designed to be discarded when empty.

Testing procedures

6. 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.

Ignition and adjustment of flame

7. (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.

Abnormal burning

8. 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.

Flame height

9. (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.

(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.

Flame extinction

10. (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.

Structural safety

11. (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.

(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.

Labelling

12. (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”;

- (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.

PART 3—CHILD RESISTANCE

Application of this Part

13. 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.

Child resistance

- 14. (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.

Certification

15. 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 the person importing the lighter has completed a statutory declaration to the effect that a certificate of compliance, within the meaning of the American Standard, has been issued for the lighter in accordance with that standard. See Customs (Prohibited Imports) Regulations.]

SCHEDULE

Regulations 6,
8, 9, 10 and 11

TEST PROCEDURES FOR LIGHTERS

PART 1—GENERAL TEST PROCEDURES

1. The lighter must be maintained at a temperature of 23 ± 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 ± 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.
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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.
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SCHEDULE—continued

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.
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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.
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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 ± 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 ± 2 degrees Celsius.
 3. The lighter when removed from the oven must, when cool, be tested in accordance with Part 3.
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SCHEDULE—continued

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.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

1997. 26 February /