



Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007¹

Select Legislative Instrument 2007 No. 21

I, PHILIP MICHAEL JEFFERY, 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 15 February 2007

P. M. JEFFERY
Governor-General

By His Excellency's Command

CHRIS PEARCE
Parliamentary Secretary to the Treasurer

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1 Name of Regulations

These Regulations are the *Trade Practices (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007*.

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2 Commencement

These Regulations commence on 1 March 2007.

3 Definition

In these Regulations:

children's nightwear:

- (a) means a garment that:
 - (i) is of a size in the range 00 to 14 (the number scheme used in AS 1182:1997 — *Size coding scheme for infants' and children's clothing — Underwear and outerwear*, published by Standards Australia on 5 March 1997); and
 - (ii) is of a type that is suitable for nightwear; and
 - (iii) is not a second-hand garment; and
- (b) includes a garment that is mentioned in:
 - (i) paragraphs (a) to (d) of clause 0.2 of Australian/New Zealand Standard *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 5 April 1999; or
 - (ii) paragraphs (a) to (e) of clause 0.2 of Australian/New Zealand Standard *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 29 December 2003;

as applicable.

4 Purpose

For subsection 65C (2) of the *Trade Practices Act 1974*, these Regulations set out the consumer product safety standards for:

- (a) children's nightwear; and
- (b) paper patterns for children's nightwear.

5 Standard for children's nightwear until 29 February 2008

Until the end of 29 February 2008, the consumer product safety standard for children's nightwear is the standard described in:

- (a) Part 1 of Schedule 1 (AS/NZS 1249:1999), as varied by Part 2 of that Schedule; or
- (b) Part 3 of Schedule 1 (AS/NZS 1249:2003), as varied by Part 4 of that Schedule.

6 Standard for children's nightwear from 1 March 2008

From 1 March 2008, the consumer product safety standard for children's nightwear is the standard described in Part 3 of Schedule 1 (AS/NZS 1249:2003), as varied by Part 4 of that Schedule.

7 Standard for paper patterns for children's nightwear until 29 February 2008

Until the end of 29 February 2008, the consumer product safety standard for paper patterns for children's nightwear is:

- (a) clauses 0.2, 0.5.2, 0.5.3, 0.5.6, 0.5.10 and 5.6 of the standard described in Part 1 of Schedule 2 (AS/NZS 1249:1999), as varied by Part 2 of that Schedule; or
- (b) clauses 0.2, 0.5.2, 0.5.3, 0.5.6, 0.5.10 and 5.6 of the standard described in Part 3 of Schedule 2 (AS/NZS 1249:2003), as varied by Part 4 of that Schedule.

8 Standard for paper patterns for children's nightwear from 1 March 2008

From 1 March 2008, the consumer product safety standard for paper patterns for children's nightwear is clauses 0.2, 0.5.2, 0.5.3, 0.5.6, 0.5.10 and 5.6 of the standard described in Part 3 of Schedule 2 (AS/NZS 1249:2003), as varied by Part 4 of that Schedule.

Schedule 1 Australian/New Zealand Standards for children's nightwear (regulations 5 and 6)

Part 1 AS/NZS 1249:1999

Australian/New Zealand Standard *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 5 April 1999.

Part 2 Variations to AS/NZS 1249:1999

[1] Clause 0.1

omit

It also covers requirements for the labelling of paper patterns for these garments.

[2] Paragraph 1.2 (a), including the note

substitute

- (a) *Flame spread time* When tested in accordance with ISO 6941 the flame spread time shall be 12 s or greater in the lengthwise direction and the widthwise direction, and no one determination of the time to burn a test specimen shall be less than 10 s in either the lengthwise direction or the widthwise direction. These requirements shall be met before and after washing in accordance with Appendix D.

Where there is insufficient fabric for three lengthwise and three widthwise test specimens, as cited in clause 8.7 of *International Standard ISO 6941: 1984/ Amendment 1: 1992 (E), Textile fabric — Burning behaviour — Measurement of flame spread properties of vertically oriented specimens*, of 15 October 1992, the flame spread

time shall be determined on three lengthwise specimens only.

Where the textile materials or garments are constructed with one fabric overlaying another (for example, quilted fabrics), specimens shall be cut and tested as a combination, that is to say as if the overlay were applied to the under fabric.

Where there is insufficient length of sample to cut test specimens in one piece, not more than two pieces per specimen, cut in the same direction, may be butt-jointed but not overlapped. The butt-join shall be secured with five light weight staples spaced evenly across the test specimen. The join shall not be below the centre of the specimen when attached to the vertical test frame specified in ISO 6941.

If, after a repeat test, as required by the relevant clause of ISO 6941, three or more specimens fail to burn to the third marker thread in the lengthwise direction, and three or more specimens fail to burn to the third marker thread in the widthwise direction, the material shall be deemed to have passed the flame spread time test.

NOTE: If in any one set of three specimens, one result exceeds the lowest result by 50 percent for no apparent reason, or, if one or two specimens fail to reach one of the marker threads, another specimen is required to be tested for that direction or face.

[3] **Clause 1.3**

omit

Other trims shall meet the following requirements:

insert

The outer fabric of a composite or appliquéd area shall be considered the fabric face and shall be tested so that the flame impinges on that surface. Other trims shall meet the following requirements:

[4] Clause 5.6

omit

Part 3 AS/NZS 1249:2003

Australian/New Zealand Standard *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 29 December 2003.

Part 4 Variations to AS/NZS 1249:2003

[5] Clause 0.1

omit

It also covers requirements for the labelling of paper patterns for these garments.

[6] Clause 1.2 (a), including the note

substitute

- (a) *Flame spread time* When tested in accordance with ISO 6941 the flame spread time shall be 12 s or greater in the lengthwise direction and the widthwise direction, and no one determination of the time to burn a test specimen shall be less than 10 s in either the lengthwise direction or the widthwise direction. These requirements shall be met before and after washing in accordance with Appendix D.

Where there is insufficient length of sample to cut test specimens in one piece, not more than two pieces per specimen, cut in the same direction, may be butt-jointed but not overlapped. The butt-join shall be secured with five light weight staples spaced evenly across the test specimen. The join shall not be below the centre of the specimen when attached to the vertical test frame specified in ISO 6941.

If, after a repeat test, as required by the relevant clause of ISO 6941, three or more specimens fail to burn to the third marker thread in the lengthwise direction, and three or more specimens fail to burn to the third marker thread in the widthwise direction, the material shall be deemed to have passed the flame spread time test.

NOTE: If in any one set of three specimens, one result exceeds the lowest result by 50 percent for no apparent reason, or, if one or two specimens fail to reach one of the marker threads, another specimen is required to be tested for that direction or face.

[7] Clause 1.3

omit

Other trims shall meet the following requirements:

insert

The outer fabric of a composite or appliquéd area shall be considered the fabric face and shall be tested so that the flame impinges on that surface. Other trims shall meet the following requirements:

[8] Subparagraph 5.4 (b) (iii)

omit

Grey Scale 4.

insert

Grey Scale 3.

[9] Paragraph 5.5 (g)

omit

not less than 4.

insert

not less than 3.

[10] Clause 5.6

omit

Schedule 2 Australian/New Zealand Standards for paper patterns for children's nightwear

(regulations 7 and 8)

Part 1 AS/NZS 1249:1999

Australian/New Zealand Standard *Children's nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 5 April 1999.

Part 2 Variations to AS/NZS 1249:1999

[1] Clause 0.5.3, notes

omit

[2] Clause 0.5.10

omit

(See Note 1 to Clause 0.1).

[3] Clause 5.6

omit

shall bear a warning paragraph

insert

shall bear a clearly legible warning paragraph

Part 3 AS/NZS 1249:2003

Australian/New Zealand Standard *Children's Nightwear and limited daywear having reduced fire hazard*, published by Standards Australia on 29 December 2003.

Part 4 Variations to AS/NZS 1249:2003

[4] Clause 0.5.3, notes

omit

[5] Clause 0.5.10

omit

(See Note 1 to Clause 0.1).

[6] Clause 5.6

omit

shall bear a warning paragraph

insert

shall bear a clearly legible warning paragraph

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.