



Consumer Goods (Bean Bags) Safety Standard 2014

Consumer Protection Notice No.4 of 2014

Competition and Consumer Act 2010

I, BRUCE BILLSON, Minister for Small Business, make the following standard.

DATED 21 November 2014

BRUCE BILLSON
Minister for Small Business

Part 1 - Preliminary

1. Name of Safety Standard

This safety standard is the *Consumer Goods (Bean Bags) Safety Standard 2014*.

2. Commencement

This safety standard commences on 1 January 2016.

3. Authority

This safety standard is made under section 104(1) of the Australian Consumer Law.

4. Revocation

On 1 January 2016 the safety standard for bean bags made under section 104(1) of the Australian Consumer Law on 1 January 2011 by reason of Item 4 of Schedule 7 of the *Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010*, is revoked.

Note: The set of requirements for the safety standard revoked by paragraph (a) of this Notice are the same requirements as those which were prescribed as the consumer product safety standard for bean bags for the purposes of section 65C of the *Trade Practices Act 1974*. Those requirements are contained in **Regulation 11** of the *Trade Practices (Consumer Product Safety Standards) Regulations 1979*.

5. Purpose

This safety standard sets out specified requirements for bean bags and bean bag covers.

Note: For the requirement to comply with a safety standard, see section 106 of the Australian Consumer Law.

6. Definitions

In this safety standard:

Australian Consumer Law means Schedule 2 to the *Competition and Consumer Act 2010*.

Bean bag has the meaning given by section 7;

Bean bag cover has the meaning given by section 7;

Bean bag filling means pellets or small particles of polystyrene or other similar synthetic material used to fill a bean bag;

Child resistant slide fastener means a slide-fastener having a sliding piece which:

(a) does not have attached to it any tag, handle or other object which would facilitate the movement of the sliding piece; and

(b) incorporates a locking mechanism which prevents the sliding piece opening the slide-fastener unless a wholly separate device is used to disengage the locking mechanism and act as a handle in moving the sliding piece between the teeth.

Slide fastener means a device comprising 2 sets of teeth, each set of teeth being located on adjacent edges of the device and having an attached sliding piece which,

by moving between the adjacent teeth of each edge, causes the teeth to interlock or cease to interlock, as the case may be, with teeth of the adjacent edge.

7. Application of standard

In this safety standard:

- (1) **bean bag** means a cushion or similar item which consists of a bag or cover enclosing bean bag filling and which contains an opening through which bean bag filling can be accessed.
- (2) **bean bag cover** means a bag or cover capable of being filled with bean bag filling and which, if filled with bean bag filling, would constitute a bean bag and includes a bag or cover intended as a separate inner lining for a bean bag.

Part 2 – Safety Requirements

8. Warning message requirements

- (1) Every bean bag, bean bag cover and retail package containing bean bag filling shall have fixed securely to, or stamped on it, a label or notice in the following form:

WARNING: Children can suffocate if bean bag filling is swallowed or inhaled. Do not let children climb inside this bean bag. A bean bag is **not a safe** sleeping surface for an infant under 12 months of age

- (2) A warning label or notice referred to in subsection (1) shall:
 - (a) Bear the word 'WARNING' in upper case red letters of not less than 5 millimetres in height on a white background;
 - (b) Bear the remaining words in upper and lower case letters as shown in paragraph (1), the upper case letters being of not less than 5 millimetres in height and the words 'not a safe' in bold font; and
 - (c) Be conspicuously displayed.

9. Child resistance requirements

- (1) Every bean bag and bean bag cover shall have a child-resistant slide-fastener fitted to every opening through which bean bag filling can be inserted or removed.
- (2) If a bean bag or bean bag cover has more than one slide-fastener, each such slide-fastener shall be child-resistant.
- (3) A bean bag or bean bag cover shall not be supplied with any tag, handle or other object which could facilitate the movement of the child-resistant slide-fastener sliding piece.