



Consumer Goods (Baby Bath Aids) Safety Standard 2017

I, Michael McCormack, Minister for Small Business, make the following safety standard.

Dated 19 October 2017

Michael McCormack
Minister for Small Business

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Baby Bath Aids) Safety Standard 2017*.

2 Commencement

This instrument commences on the day after this instrument is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under subsection 104(1) of the Australian Consumer Law.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

baby bath aid means a device designed to support a baby while the baby is being bathed.

transitional period means the period of 12 months beginning on the day this instrument commences.

US Standard means the American Society for Testing and Materials Standard ASTM F1967-13 *Standard Consumer Safety Specification for Infant Bath Seats*, as in force or existing at the time when this instrument commences.

Note: The US Standard could in 2017 be purchased from SAI Global's website (<https://www.saiglobal.com>). The Australian Competition and Consumer Commission can make a copy of the standard available for viewing at one of its offices, subject to licensing conditions.

Part 2—Requirements

Division 1—Basic requirements

6 Requirements during transitional period

- (1) During the transitional period, a baby bath aid and any packaging in which the baby bath aid is supplied must meet the requirements set out in Division 2 or 3.
- (2) This section is repealed at the end of the last day of the transitional period.

7 Requirements after transitional period

After the transitional period, a baby bath aid and any packaging in which the baby bath aid is supplied must meet the requirements set out in Division 2.

Division 2—Details of requirements

8 Baby bath aid to have warning statement

- (1) A baby bath aid must have a warning statement.
- (2) Subject to subsection (3), the warning statement must be in the following form:



- (3) In the warning statement:
 - (a) the letters of the word “WARNING” must be at least 10 millimetres high; and
 - (b) upper case letters (other than in the word “WARNING”) must be at least 5 millimetres high; and
 - (c) lower case letters must be at least 2.5 millimetres high; and
 - (d) the letters must be clearly legible; and
 - (e) each side of the triangle must be at least 30 millimetres in length; and
 - (f) the exclamation mark in the triangle must be at least 13 millimetres high; and
 - (g) the letters, triangles and exclamation marks must be in a colour that contrasts with the background of the warning statement to allow for the warning statement to be easily read.
- (4) The warning statement must:
 - (a) be fixed permanently onto the baby bath aid; and
 - (b) be located on the baby bath aid in a conspicuous place; and
 - (c) be clearly visible when a baby is in the baby bath aid.
- (5) For the purposes of paragraph (4)(a), a warning statement is considered to be fixed permanently onto a baby bath aid if, when conditioned as per subclause 7.3.1 of the US Standard, the warning statement complies with subclause 7.3.3 or 7.3.4 of that standard (as affected by subsection (6)).
- (6) For the purposes of subsection (5), the US Standard is varied by:
 - (a) replacing the words “A nonpaper label (excluding labels attached by a seam)” in subclause 7.3.3 with “A warning statement (excluding warning statements attached by a seam)”;
 - (b) replacing the words “A warning label” in subclause 7.3.4 with “A warning statement”.

Section 9

9 Packaging in which baby bath aid supplied to display warning statement

- (1) Packaging in which a baby bath aid is supplied must display a warning statement unless:
 - (a) the packaging is colourless and transparent; and
 - (b) the warning statement described in section 8 is clearly legible through the packaging.
- (2) The warning statement must:
 - (a) be in the form set out in subsection 8(2); and
 - (b) comply with the requirements in subsection 8(3); and
 - (c) be displayed on, or be legible through, the packaging; and
 - (d) be located on the packaging in a conspicuous place.

Division 3—Details of alternative requirements that apply during transitional period

10 Requirements of the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005*

- (1) If a baby bath aid and any packaging in which the baby bath aid is supplied does not comply with Division 2, the baby bath aid and any packaging in which the baby bath aid is supplied must comply with the requirements of the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005*, as in force or existing immediately before the commencement of this instrument.

Note: The *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) This Division is repealed at the end of the last day of the transitional period.

Schedule 1—Repeals

Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005

1 The whole of the instrument

Repeal the instrument.

Note: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the *Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005* continued in force from the start of 1 January 2011 as if they were a safety standard made under section 104 of the Australian Consumer Law.