



Consumer Goods (Button/Coin Batteries) Safety Standard 2020

made under subsection 104(1) to Schedule 2 of the
Competition and Consumer Act 2010

Compilation No. 1

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* that shows the text of the law as amended and in force on 6 April 2022 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020*.

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 Definitions

In this instrument:

applicable button/coin battery means:

- (a) a small, single cell battery of lithium chemistry with a diameter greater than the battery's height; or
- (b) a small, single cell battery of a chemistry other than lithium with:
 - (i) a diameter of 16 mm or greater; and
 - (ii) a diameter greater than the battery's height.

application day means the day after the period of 18 months beginning on the day this instrument commences.

Australian (Non-reclosable Packaging) Standard means the Australian Standard *AS 5808-2009 Child-resistant packaging—Requirement and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by Standards Australia, as in force or existing at the time when this instrument commences.

Note: The Australian (Non-reclosable Packaging) Standard could in 2020 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.

Australian (Reclosable Packaging) Standard means the Australian Standard *AS 1928-2007 Child-resistant packaging—Requirements and testing procedures for reclosable packages*, published by Standards Australia, as in force or existing at the time when this instrument commences.

Note: The Australian (Reclosable Packaging) Standard could in 2020 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.

Section 4

European (Non-reclosable Packaging) Standard means the European Standard *EN 862:2016 Packaging-Child-resistant packing-Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by the European Committee for Standardization, as in force or existing at the time when this instrument commences.

Note: The European (Non-reclosable Packaging) Standard could in 2020 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.

hearing aid means medical electrical equipment which picks up sound and delivers processed sound for human hearing.

International (Non-reclosable Packaging) Standard means the International Standard *ISO 28862:2018 Packaging—Child-resistant packaging—Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International (Non-reclosable Packaging) Standard could in 2020 be purchased from the International Organization for Standardization's website (<https://www.iso.org>). 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.

International (Reclosable Packaging) Standard means the International Standard *ISO 8317:2015 Child-resistant packaging—Requirements and testing procedures for reclosable packages*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International (Reclosable Packaging) Standard could in 2020 be purchased from the International Organization for Standardization's website (<https://www.iso.org>). 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.

Primary Batteries Standard means the International Standard *IEC 60086-4:2019 Primary Batteries—Part 4: Safety of lithium batteries*, published by the International Electrotechnical Commission, as in force or existing at the time when this instrument commences.

Note: The Primary Batteries Standard could in 2020 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.

US Poison Prevention Packaging Standard means Subchapter E (Poison Prevention Packaging Act of 1970 Regulations) of Chapter 2 (Consumer Product Safety Commission) of Title 16 of the Code of Federal Regulations, published by the Office of the Federal Register National Archives and Records Administration of the United States of America, as in force or existing at the time when this instrument commences.

5 Application

- (1) This instrument applies in relation to applicable button/coin batteries, including such batteries supplied together with other consumer goods.
- (2) However, this instrument does not apply to:
 - (a) applicable button/coin batteries of zinc-air chemistry designed for, or intended to be used in, hearing aids; or
 - (b) applicable button/coin batteries supplied in bulk if:
 - (i) the button/coin batteries are supplied with the intention to be used in trades, professions or industries; and
 - (ii) the button/coin batteries are not intended for sale to the general public; or
 - (c) applicable button/coin batteries that have been installed in consumer goods before the consumer goods are supplied.

Part 2—Requirements

6 Requirements to be complied with on and after application day

On and after the application day, an applicable button/coin battery's packaging must comply with the requirements in this Part.

7 Child accessibility requirements—all packaging types

Core requirement

- (1) The packaging of an applicable button/coin battery must be designed to be resistant to being opened by young children.

Note: There is an additional requirement that applies to applicable button/coin batteries that are packaged in blister packaging (see subsection 8(1)), but both requirements can be satisfied by complying with Annex E of the Primary Batteries Standard (see paragraph (2)(a) of this section and subsection 8(2)).

Testing requirements—non-reclosable packaging

- (2) If the applicable button/coin battery is packaged in non-reclosable packaging, the packaging complies with the requirements in subsection (1) if, and only if:
 - (a) both of the following apply:
 - (i) before the supply of the applicable button/coin battery to a consumer, representative samples of the packaging are tested in accordance with Annex E of the Primary Batteries Standard (as modified by section 9);
 - (ii) those samples comply with that Annex; or
 - (b) the packaging complies with clause 3.2.1 of the Australian (Non-reclosable Packaging) Standard; or
 - (c) the packaging complies with clause 3.2.1 of the European (Non-reclosable Packaging) Standard; or
 - (d) the packaging complies with clause 4.2.1 of the International (Non-reclosable Packaging) Standard; or
 - (e) the packaging complies with paragraphs 1700.15(a) and (b)(1) of the US Poison Prevention Packaging Standard.

Note: On request by the regulator, a supplier of applicable button/coin batteries packaged in non-reclosable packaging may be required to nominate the applicable requirements under subsection (2): see section 108 of the Australian Consumer Law.

Testing requirements—reclosable packaging

- (3) If the applicable button/coin battery is packaged in reclosable packaging, the packaging complies with the requirements in subsection (1) if, and only if:
 - (a) both of the following apply:

- (i) before the supply of the applicable button/coin battery to a consumer, representative samples of the packaging are tested in accordance with Annex E of the Primary Batteries Standard (as modified by section 9);
- (ii) those samples comply with that Annex; or
- (b) the packaging complies with clause 4.3.1 of the Australian (Reclosable Packaging) Standard; or
- (c) the packaging complies with clause 3.3.1 of the International (Reclosable Packaging) Standard.

Note: On request by the regulator, a supplier of applicable button/coin batteries packaged in reclosable packaging may be required to nominate the applicable requirements under subsection (3): see section 108 of the Australian Consumer Law.

8 Additional child accessibility requirements—blister packaging

Core requirement

- (1) If one or more applicable button/coin batteries are packaged in blister packaging, the packaging must be designed so that only a single applicable button/coin battery is released at a time.

Note: This requirement is in addition to the requirement in subsection 7(1) (which applies to all applicable button/coin batteries), but both requirements can be satisfied by complying with Annex E of the Primary Batteries Standard (see subsection (2) of this section and paragraph 7(2)(a)).

Testing requirement

- (2) The packaging complies with the requirements in subsection (1) if, and only if:
 - (a) before the supply of the applicable button/coin battery to a consumer, representative samples of the packaging are tested in accordance with Annex E of the Primary Batteries Standard (as modified by section 9); and
 - (b) those samples comply with that Annex.

9 Modification of the Primary Batteries Standard

Annex E of the Primary Batteries Standard is subject to the following modifications:

- (a) a reference to consumer type coin cells with a diameter of 16 mm and larger is taken to be a reference to applicable button/coin batteries;
- (b) a reference to each of the following terms is taken to be a reference to an applicable button/coin battery:
 - (i) cell;
 - (ii) coin cell.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Consumer Goods (Button/Coin Batteries) Safety Standard 2020	21 Dec 2020 (F2020L01658)	22 Dec 2020 (s 2(1) item 1)	s 5
Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022	5 Apr 2022 (F2022L00533)	6 Apr 2022 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2022L00533
Part 2	
s 7	rs F2022L00533
s 8	rs F2022L00533
s 9	ad F2022L00533
