

Consumer Goods (Children’s Nightwear and Limited Daywear and Paper Patterns for Children’s Nightwear) Safety Standard 2017

made under sections 104 and 105 of Schedule 2 to the

Competition and Consumer Act 2010

**Compilation No. 1**

**Compilation date:** 13 February 2019

**Includes amendments up to:** F2019L00126

**Registered:** 15 February 2019

**About this compilation**

**This compilation**

This is a compilation of the *Consumer Goods (Children’s Nightwear and Limited Daywear and Paper Patterns for Children’s Nightwear) Safety Standard 2017* that shows the text of the law as amended and in force on 13 February 2019 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 (Children’s Nightwear and Limited Daywear and Paper Patterns for Children’s Nightwear) Safety Standard 2017*.

3 Authority

This instrument is made under sections 104 and 105 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.

5 Definitions

In this instrument:

***Australian Standard*** means Australian/New Zealand Standard AS/NZS 1249:2014 *Children’s nightwear and limited daywear having reduced fire hazard*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force on 15 September 2017.

Note: The Australian 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.

***Australian Standard children’s nightwear*** means nightwear or limited daywear to which the Australian Standard applies, other than second‑hand nightwear and second‑hand limited daywear.

***old safety standard*** means the *Trade Practices (Consumer Product Safety Standards) (Children’s Nightwear and Paper Patterns for Children’s Nightwear) Regulations 2007*, as in force immediately before the commencement of this instrument.

Note 1: The Regulations could in 2017 be viewed on the Federal Register of Legislation website (https://www.legislation.gov.au).

Note 2: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the Regulations 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.

***old safety standard children’s nightwear*** means children’s nightwear as defined in the old safety standard, other than children’s nightwear (as defined in that standard) that is second‑hand.

Part 2—Safety standards

6 Requirements for old safety standard children’s nightwear before 1 January 2020

(1) Before 1 January 2020, old safety standard children’s nightwear must comply with:

(a) the consumer product safety standard that was prescribed by regulation 6 of (and Parts 3 and 4 of Schedule 1 to) the old safety standard; or

(b) the Australian Standard.

(2) This section is repealed at the start of 1 January 2020.

7 Safety standard for Australian Standard children’s nightwear on and after 1 January 2020

On and after 1 January 2020, the Australian Standard is declared to be a safety standard for Australian Standard children’s nightwear.

8 Requirements for paper patterns for old safety standard children’s nightwear before 1 January 2020

(1) Before 1 January 2020, a paper pattern for old safety standard children’s nightwear must:

(a) comply with the consumer product safety standard that was prescribed by regulation 8 of (and Parts 3 and 4 of Schedule 2 to) the old safety standard; or

(b) be contained in retail packaging whose outside bears a clearly legible warning with the wording specified in subsection 10(1) of this instrument in the lettering described in subsection 10(2).

(2) This section is repealed at the start of 1 January 2020.

9 Requirement for paper patterns for Australian Standard children’s nightwear on and after 1 January 2020

On and after 1 January 2020, a paper pattern for Australian Standard children’s nightwear must be contained in retail packaging whose outside bears a clearly legible warning with the wording specified in subsection 10(1) in the lettering described in subsection 10(2).

10 Form of warning on packaging of paper patterns

(1) The wording of the warning on the packaging of a paper pattern is to be as follows:

**FIRE WARNING**

Regardless of the fabrics recommended on this package as suitable for this garment, for the safety of your children, do not make loose‑fitting or nightdress styles from fabrics which burn readily. Avoid chenille, molleton and flannelette fabrics made from 100% cotton, and acrylic fabrics.

(2) The lettering of the warning:

(a) must be at least 2 millimetres high; and

(b) must be in bold and upper‑case for the words “**FIRE WARNING**”.

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

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Consumer Goods (Children’s Nightwear and Limited Daywear and Paper Patterns for Children’s Nightwear) Safety Standard 2017 | 19 Apr 2017 (F2017L00452) | 20 Apr 2017 (s 2) |  |
| Consumer Goods (Children’s Nightwear and Limited Daywear and Paper Patterns for Children’s Nightwear) Amendment Safety Standard 2019 | 12 Feb 2019 (F2019L00126) | 13 Feb 2019 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 2 | rep LA s 48D |
| s 4 | rep LA s 48C |
| s 5 | am F2019L00126 |
| **Part 2** |  |
| s 6 | rep 1 Jan 2020 (s 6(2)) |
| s 8 | rep 1 Jan 2020 (s 8(2)) |
| Schedule 1 | rep LA s 48C |