

EXPLANATORY STATEMENT

Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Amendment Safety Standard 2019

Overview

The Assistant Treasurer (the Minister) has amended the safety standard for children's nightwear and limited daywear and paper patterns for children's nightwear, pursuant to sections 104 and 105 of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010 (Cth)*.

This instrument amends the *Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017*.

The safety standard references the voluntary Australian/New Zealand standard AS/NZS 1249:2014 *Children's nightwear and limited daywear having reduced fire hazard* (the **voluntary standard**).

Standards Australia, which is the body responsible for administering the voluntary standard, corrected the following errors in the voluntary standard through publishing Amendment No. 2 to AS/NZS 1249:2014:

1. Clause 0.2.3 (Exclusions) did not list size 3 – 14 knitted daywear all-in-ones.
2. The illustration of a dress in figure 2.8A was incorrect.
3. Other minor typographical errors.

The amended safety standard references the revised voluntary standard which comprises Amendment No. 2 to AS/NZS 1249:2014.

Background

The purpose of the safety standard is to reduce the risk of child death and injury that may occur if children wear certain types of clothing or are exposed to products made from certain materials.

The safety standard prohibits the supply of products that are made from excessively flammable material and also requires products that are made of a material permitted under the safety standard to carry a warning label stating whether the product has a high or low flammability. The safety standard prescribes requirements for testing of garments to assess their flammability.

The safety standard applies to a number of product categories including pyjamas, all-in-one nightwear, robes, nighties, nightshirts, dressing gowns, bathrobes, loose fitting boxer shorts used as nightwear, infant sleep bags, blankets, and towels with sleeves or arm openings.

The amendment

This legislative instrument amends the *Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017* so that it references Amendment No. 2 to AS/NZS 1249:2014 by replacing the current definition for **Australian Standard** with the following definition:

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.

There are no changes to the requirements or transitional arrangements for children's nightwear, limited daywear and paper patterns.

Access to Australian and international standards

Where practicable, product safety legislative instruments only reference extrinsic material that is readily accessible for free by the public. However, as in the current case, many product safety legislative instruments need to incorporate extrinsic technical standards over which certain bodies have copyright. The voluntary Australian standard referenced in this instrument is available for purchase at SAI Global's website (<https://www.saiglobal.com>).

The Australian Competition and Consumer Commission (**ACCC**) can also make a copy of the voluntary Australian standard available for viewing at one of its offices, subject to licensing conditions.

Consultation

Consultation was not required due to the administrative nature of the amendment. The ACCC has notified stakeholders, including manufacturers, suppliers and consumer groups of the amendment to the safety standard.

Disallowance

This legislative instrument is not subject to disallowance due to section 44 of the *Legislation Act 2003*.

Commencement

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

Sunsetting

This legislative instrument is not subject to sunsetting due to section 54 of the *Legislation Act 2003*.

Regulation impact assessment

The Office of Best Practice Regulation advised a Regulation Impact Statement was not required.