



Consumer Goods (Disposable Cigarette Lighters) Safety Standard 2019

I, Stuart Robert, Assistant Treasurer, make the following safety standard.

Dated 5 February 2019

Stuart Robert
Assistant Treasurer

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Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Disposable Cigarette Lighters) Safety Standard 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	13 February 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

disposable cigarette lighter means a flame producing device that:

- (a) is designed to light cigarettes, cigars and pipes; and
- (b) is designed to:
 - (i) be discarded when its fuel supply is exhausted; or

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- (ii) incorporate a separate container of fuel that is designed to be discarded when empty; or
- (iii) be refillable with fuel; and
- (c) if the device is designed to be refillable with fuel—is not a refillable repairable lighter within the meaning of the European Standard.

Note: A permanent ban has been imposed on toy-like novelty cigarette lighters under subsection 114(1) of the Australian Consumer Law. Notice of the ban (*Consumer Protection Notice No. 18 of 2011 - Permanent Ban of Toy-like Novelty Cigarette Lighters*) could in 2019 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

European Standard means the European Standard *EN 13869:2016: Lighters - Child Safety Requirements For Lighters - Safety Requirements and Test Methods*, published by the European Committee for Standardization, as in force or existing at the time when this instrument commences.

Note: The European Standard could in 2019 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.

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

Part 2—Requirements

Division 1—Basic requirements

6 Requirements during transitional period

- (1) During the transitional period, a disposable cigarette lighter must comply with the requirements in section 8, 9 or 10.
- (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 disposable cigarette lighter must comply with the requirements in section 8 or 9.

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Division 2—Details of requirements

8 American-based requirements

- (1) A disposable cigarette lighter complies with the requirements in this section if the disposable cigarette lighter complies with:
 - (a) *ASTM F400-10 Standard Consumer Safety Specification for Lighters*, published by the American Society for Testing and Materials, as in force or existing at the time when this instrument commences; and
 - (b) if the disposable cigarette lighter is designed to be refillable with fuel—clause 3.2 of the European Standard as affected by subsection (2).

Note: *ASTM F400-10 Standard Consumer Safety Specification for Lighters* could in 2019 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.

- (2) For the purposes of paragraph (1)(b), clause 3.2 of the European Standard is varied by omitting all the words after “five years”.

9 European-based requirements

- (1) A disposable cigarette lighter complies with the requirements in this section if the disposable cigarette lighter complies with the European Standard as varied by subsection (2).
- (2) Clause 3.2 of the European Standard is varied by omitting all the words after “five years”.

10 Requirements of the *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997*

- (1) If a disposable cigarette lighter does not comply with section 8 or 9, the disposable cigarette lighter must comply with the requirements of the *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997*, as in force or existing immediately before the commencement of this instrument.

Note: The *Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997* could in 2019 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

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

Schedule 1—Repeals

Trade Practices (Consumer Product Safety Standard) (Disposable Cigarette Lighters) Regulations 1997

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) (Disposable Cigarette Lighters) Regulations 1997* 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.