



Consumer Goods (Projectile Toys) Safety Standard 2020

made under subsection 104(1) of Schedule 2 to 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 (Projectile Toys) Safety Standard 2020* that shows the text of the law as amended and in force on 3 August 2021 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 (Projectile Toys) 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.

5 Definitions

In this instrument:

Australian/New Zealand Standard for safety of toys means the Australian/New Zealand Standard *AS/NZS ISO 8124.1:2019 Safety of toys Part 1: Safety aspects related to mechanical and physical properties* (incorporating amendments 1 and 2), published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force or existing on 18 December 2020.

Note: The Australian/New Zealand Standard for safety of toys 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.

European Standard means the European Standard *EN 71-1:2014 + A1:2018: Safety of toys—Part 1: Mechanical and physical properties*, 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 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.

International Standard for safety of toys means the International Standard *ISO 8124-1:2018 Safety of toys—Part 1: Safety aspects related to mechanical and physical properties* (incorporating amendments 1 and 2), published by the International Organization for Standardization, as in force or existing on 17 June 2020.

Note: The International Standard for safety of toys 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.

projectile toy means a product supplied new that:

Section 5

- (a) is designed or clearly intended for use in play by a child under 14 years of age; and
- (b) is capable of launching a projectile.

transitional period means the period of 24 months beginning on the day this instrument commences.

US Standard means the American Society for Testing and Materials Standard ASTM F963-17 Standard Consumer Safety Specification for Toy Safety, published by the American Society for Testing and Materials International, as in force or existing at the time when this instrument commences.

Note: The US 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.

Part 2—Basic requirements

6 Requirements during the transitional period

- (1) During the transitional period, a projectile toy must comply with either:
 - (a) the requirements in Part 3; or
 - (b) the Consumer Product Safety Standard for Children’s Projectile Toys (Consumer Protection Notice No. 16 of 2010), as in force immediately before the commencement of this section.

Note: The Consumer Product Safety Standard for Children’s Projectile Toys (Consumer Protection Notice No. 16 of 2010) could in 2020 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.

7 Requirements after the transitional period

After the transitional period, a projectile toy must comply with the requirements in Part 3.

Part 3—Details of requirements

8 Main requirements

A projectile toy complies with the requirements in this Part if the projectile toy:

- (a) complies with one of the following:
 - (i) the requirements in section 9 (Australian/New Zealand Standard for safety of toys);
 - (ii) the requirements in section 10 (European Standard);
 - (iii) the requirements in section 11 (International Standard for safety of toys);
 - (iv) the requirements in section 12 (US Standard); and
- (b) complies with the requirements in section 13 (warning requirements).

Note: On request by the regulator, a supplier of projectile toys may be required to nominate the applicable requirements under paragraph (a): see section 108 of the Australian Consumer Law.

9 Australian/New Zealand Standard for safety of toys

- (1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the Australian/New Zealand Standard for safety of toys:

- (a) clause 4.18, as modified by subsection (2);
- (b) clause 4.19.1, as modified by subsection (3);
- (c) clause 4.19.2.

Note: A word or phrase used in the applicable provisions of the Australian/New Zealand Standard for safety of toys that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

- (2) Clause 4.18 of the Australian/New Zealand Standard for safety of toys is modified by:
- (a) omitting from paragraph 4.18.3 b) “be accompanied by instructions for use that give the user information on how to use the toy safely (see B.2.15, projectile toys, for guidance). This requirement only applies to projectiles that it might reasonably be possible to aim at the face (see E.32, projectile toys); and”; and
 - (b) omitting the first paragraph of clause 4.18.4.
- (3) Clause 4.19.1 of the Australian/New Zealand Standard for safety of toys is modified by omitting “Remote-controlled flying toys shall be accompanied by instructions that give the user information on how to use the toy safely (see B.2.26.2).”.

10 European Standard

- (1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the European Standard:
- (a) paragraph 4.11(e);
 - (b) clause 4.17, as modified by subsection (2).

Note: A word or phrase used in the applicable provisions of the European Standard that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

- (2) Clause 4.17 of the European Standard is modified by:
- (a) omitting paragraph 4.17.3.1(b); and
 - (b) omitting paragraph 4.17.4.2(d).

11 International Standard for safety of toys

- (1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the International Standard for safety of toys:
- (a) clause 4.18, as modified by subsection (2);
 - (b) clause 4.19.1, as modified by subsection (3);
 - (c) clause 4.19.2.

Note: A word or phrase used in the applicable provisions of the International Standard for safety of toys that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

- (2) Clause 4.18 of the International Standard for safety of toys is modified by:
- (a) omitting from paragraph 4.18.3 b) “be accompanied by instructions for use that give the user information on how to use the toy safely (see B.2.15, projectile toys, for guidance). This requirement only applies to projectiles that it might reasonably be possible to aim at the face (see E.32, projectile toys); and”; and
 - (b) omitting the first paragraph of clause 4.18.4.
- (3) Clause 4.19.1 of the International Standard for safety of toys is modified by omitting “Remote-controlled flying toys shall be accompanied by instructions that give the user information on how to use the toy safely (see B.2.26.2).”.

12 US Standard

A projectile toy complies with the requirements in this section if the projectile toy complies with clause 4.21 of the US Standard.

Note: A word or phrase used in the applicable provision of the US Standard that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

Section 13

13 Warning requirements

Scope

- (1) This section applies to a projectile toy if it satisfies all of the following:
 - (a) it might reasonably be possible to aim the projectile toy at the eyes or face;
 - (b) the projectile toy is capable of launching a projectile more than 300 millimetres;
 - (c) the projectile toy is capable of launching a projectile with a kinetic energy greater than 0,08 J.

Warning requirements

- (2) The projectile toy complies with the requirements in this section if the instructions accompanying the toy or the packaging in which the toy is supplied have a warning statement that:
 - (a) is in English; and
 - (b) is clearly legible; and
 - (c) is clearly visible; and
 - (d) contains the following (or words to that effect):

WARNING: Do not aim at eyes or face

Determining projectile range and kinetic energy

- (3) For the purposes of subsection (1), in determining whether:
 - (a) a projectile toy is capable of launching a projectile more than 300 millimetres; or
 - (b) a projectile toy is capable of launching a projectile with a kinetic energy greater than 0,08 J;

the supplier must use the standard that is the basis for the requirements that the supplier intends to comply with.

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.

Endnotes

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Consumer Goods (Projectile Toys) Safety Standard 2020	11 June 2020 (F2020L00687)	12 June 2020 (s 2(1) item 1)	
Consumer Goods (Projectile Toys) Amendment Safety Standard 2021	2 Aug 2021 (F2021L01065)	3 Aug 2021 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

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 F2021L01065
Part 2	
s 6	rep <u>end of 11 June 2022 (s 6(2))</u>
Part 3	
s 9	am F2021L01065
s 11	am F2021L01065
s 13	am F2021L01065
Schedule 1	rep LA s 48C
