

## EXPLANATORY STATEMENT

### *Consumer Goods (Projectile Toys) Amendment Safety Standard 2021*

#### **Overview**

The Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and Community Housing (the **Minister**) has amended the safety standard for projectile toys, pursuant to section 104 of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010* (Cth).

This instrument amends the *Consumer Goods (Projectile Toys) Safety Standard 2020* (the **safety standard**).

The purpose of this instrument is to amend the safety standard so that it references the latest editions of the voluntary standards listed in it.

#### **Background**

The Australian Government first introduced a safety standard for projectile toys in 2010 to reduce the risk of eye injuries from the impact force of a projectile and asphyxiation where a projectile is fired or lodged into the mouth of a child or they otherwise attempt to swallow a projectile.

On 11 June 2020 the *Consumer Goods (Projectile Toys) Safety Standard 2020* was made and referenced the following 4 voluntary standards:

- *AS/NZS ISO 8124.1:2019 Safety of toys – Part 1: Safety aspects related to mechanical and physical properties* (the voluntary Australian standard)
- *ISO 8124-1:2018 Safety of toys – Part 1: Safety aspects related to mechanical and physical properties* (the voluntary International standard)
- *EN 71-1:2014 + A1:2018: Safety of toys – Part 1: Mechanical and physical properties* (the voluntary European standard)
- *ASTM F963-17 Standard Consumer Safety Specification for Toy Safety* (the voluntary American standard).

In late 2020, the International Organization for Standardization (**ISO**) amended the voluntary International standard by publishing Amendments No.1 and No.2 to *ISO 8124-1:2018*. Standards Australia also amended the voluntary Australian standard by publishing Amendments No.1 and No.2 to *AS/NZS ISO 8124.1:2019*. The amendments to both the voluntary International standard and the voluntary Australian standard are identical. The amendments include a number of updates, including an update to the tension test applied to projectile toys, and updates to the requirements for rotors and propellers on projectile toys to minimise the potential for injury.

#### **The amendment**

This legislative instrument amends the *Consumer Goods (Projectile Toys) Safety Standard 2020* so that it references the updated voluntary Australian and International standards. It also extends the transitional period in the safety standard from 12 to 24 months.

#### **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 Australian/New Zealand Standard (AS/NZS ISO 8124.1:2019), European Standard (EN 71-1:2014+A1:2018) and American Standard (ASTM F963-17) referenced in this instrument are available for purchase at SAI Global's website (<https://www.saiglobal.com>). The International Standard (ISO 8124.1:2018) referenced in this instrument is available for purchase at the ISO's website (<https://www.iso.org>).

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

### **Consultation**

The ACCC released a consultation paper on 27 April 2021 and accepted submissions until 26 May 2021. The ACCC sought stakeholders' views on its proposal to amend the safety standard to reference the updated voluntary standards.

The ACCC received 7 submissions from the Australian Toy Association, the Consumer and Business Services SA, the Department of Mines, Industry Regulation and Safety WA, Kidsafe Australia, Kidsafe NSW, Queensland Office of Fair Trading and Woolworths. All stakeholders expressed their support for the ACCC's proposal.

### **Disallowance**

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

### **Commencement**

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

### **Sunseting**

This legislative instrument is not subject to sunseting due to section 54 of the *Legislation Act 2003* (Cth).

### **Regulation impact assessment**

The Office of Best Practice Regulation advised a Regulation Impact Statement was not required (OBPR reference ID 25710).