

EXPLANATORY STATEMENT

Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022

and

Consumer Goods (Products Containing Button/Coin Batteries) Amendment Safety Standard 2022.

Overview

The Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and Community Housing (the **Minister**) has amended the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* and the *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020* pursuant to section 104 of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010* (Cth).

The legislative instruments are:

- The *Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022* amending the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020*; and
- the *Consumer Goods (Products Containing Button/Coin Batteries) Amendment Safety Standard 2022* amending the *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020*.

Background

The *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* was introduced to reduce the risk of death or serious injury to children as a result of accessing button/coin batteries directly from packaging.

The *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020* was introduced to reduce the risk of death or serious injury to children as a result of accessing button/coin batteries from products.

The Amendments

Definition of hearing aids

The legislative instruments amend the definition of 'hearing aids' in the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* and the *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020*.

The definition will cover 'medical electrical equipment which picks up sound and delivers processed sound for human hearing'. Previously, the hearing aid needed to 'transmit sound to the ear canal'.

The effect of this amendment is that cochlear implants and bone conduction implants, which do not transmit sound to the ear canal, will be exempt like other hearing aids from certain requirements of the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* and the *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020*.

Definition of 'applicable button/coin batteries'

The *Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022* amends the definition of 'applicable button/coin batteries' in the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* to exclude non-lithium batteries that have a height greater than their diameter.

Testing of child resistant packaging of button batteries

The *Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022* amends the testing criteria set out in section 7 and 8 of the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020*.

Section 7 requires that all button battery packaging is resistant to being opened by young children. The testing options to demonstrate compliance with this requirement is set out at section 7(2) for reclosable packaging and section 7(3) for non-reclosable packaging. The amendment adds Annex E of the Primary Batteries Standard to sections 7(2) and 7(3).

Section 8(1) of the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020* sets out further child accessibility requirements for blister packaging. This requirement is in addition to the requirement in subsection 7(1) (which applies to all applicable button/coin batteries).

The effect of the amendment is that the requirements of both section 7(1) and 8(1) can be satisfied by complying with Annex E of the Primary Batteries Standard.

Consultation

Consultation was not required due to the minor nature of the amendment.

Disallowance

The legislative instruments are not subject to disallowance due to section 44 of the *Legislation Act 2003* (Cth).

Commencement

The legislative instruments commence on the day after it is registered on the Federal Register of Legislation.

Sunsetting

The legislative instruments are not subject to sunsetting due to section 54 of the *Legislation Act 2003* (Cth).

Regulation impact assessment

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required (OBPR ID 25774).