



Victoria Government Gazette

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Fair Trading Act 1999

PERMANENT BAN ORDER PROHIBITING THE SUPPLY OF DANGEROUS GOODS

I, Marsha Thomson, Minister for Consumer Affairs, pursuant to the powers conferred on me by Part 3 Division 1 of the **Fair Trading Act 1999** hereby make an order prohibiting the supply in Victoria of the following goods:

- a) Children's cots for household use (other than second hand children's household cots, folding cots, carry cots, cradles, and antique or collectable cots as described in the Schedule) which do not comply with either:
- 1) Australian/New Zealand Standard AS/NZS 2172:1995, Cots for household use – safety requirements approved by Standards Australia on 30 January 1995, varied by deleting clauses 1, 2, 4, 6.6, 7, 8, and 10; or
 - 2) Australian/New Zealand Standard AS/NZS 2172:2003, Cots for household use – safety requirements approved by Standards Australia on 19 September 2003, varied by deleting clauses 1, 2, 4, 6.1(f), 7, 8, 9.2(c), and 10, and varying clauses as follows:
 - Delete existing subclause 6.1(g) and insert a new subclause 6.1(g) as follows:

“With the dropside in the closed position and the mattress base in the lower position, when tested in accordance with Appendix A with a force of 50 N it shall not be possible for a 30 mm probe to pass through any aperture between the mattress base and the sides and between the mattress base and the ends.”;
 - In clause 6.3 following the note at 6.3(e) add the words,

“For a lift and push dropside release mechanism, either the lift or push action shall comply with 6.3(d).”;
 - In clause 6.7 delete note 1;
 - Delete existing subclauses A5(h) and A5(i);
 - Insert new subclause A5(h) as follows:

“For any gaps recorded in Step (g) between the mattress base in the lower position and the sides and ends with the dropside in the closed position, insert the 30 mm diameter probe and apply a force of 50 N.”;
 - Insert new subclause A5(i) as follows:

“For any gaps recorded in Step (g) except for the gaps tested in Step (h), insert the 30 mm diameter probe and apply a force of 100 N.”;
 - Insert a new subclause A5(j) as follows:

“Record all gaps that allowed the passage of the 30 mm diameter probe when tested in accordance with A5(h) and A5(i) except for the following:

 - (i) Gaps formed between –
 - (A) fixed sides and the mattress base in the upper position; and
 - (B) fixed ends and the mattress base in the upper position.
 - (ii) Gaps formed between the dropside in both open and closed positions and the mattress base in the upper position.
 - (iii) Gaps formed between the dropside in the open position and the mattress base in the lower position.”;
 - Renumber the succeeding A5 subclauses accordingly;

SPECIAL

- In subclause A6(b) delete, “but not the 50 mm diameter probe as noted in Paragraphs A5(i) and A5(g) respectively” and replace with, “as recorded in Paragraph A5(j)”;

with the condition that the standard based on AS/NZS 2172:1995 will cease to have effect from 1 November 2006.

- b) Second hand children’s household cots which do not comply with:
- 3) Australian/New Zealand Standard AS/NZS 2172:2003, Cots for household use – safety requirements approved by Standards Australia on 19 September 2003, varied by deleting clauses 1, 2, 4, 6.1(f), 6.1(g), 6.8(c), 6.8(d), 6.8(e), 7, 8, 9.2(b), 9.2(c), 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 10, 11 and 12, and in clause 6.7 deleting “5 mm” and substituting “8 mm” and deleting Note 1.

Schedule

An antique or collectable cot is exempt from complying with the requirements for children’s household cots if the cot:

- i. is accompanied by a certificate from the supplier to the consumer stating that it is not safe to place a child in the antique or collectable cot; and
- ii. has clearly visible external and internal warning statements permanently attached to the cot by means of gluing or mechanical fixing (nails or screws) of a metal plaque displayed on the upper half of the side or end of the cot. The lettering must be in sharp contrast with the background and contain the following warning, with upper case letters no less than 5mm in height and lower case letters no less than 2.5mm in height:

“WARNING: this cot does not meet the mandatory safety standard. For display purposes only. It is dangerous to place a child in this cot.”

(Upper case lettering and underlining must appear as shown).

I make this order noting the requirements imposed by the Commonwealth Government on children’s household cots, thereby satisfying the requirements of sections 40(1) and 40(2)(b) of the **Fair Trading Act 1999**.

Pursuant to the powers conferred on me by Part 3 Division 1 of the **Fair Trading Act 1999** I hereby revoke the previous order in respect of children’s household cots, dated 21 June 2001 and published in the Victoria Government Gazette No. G 29 of 19 July 2001.

Dated 1 February 2006

MARSHA THOMSON MP
Minister for Consumer Affairs

Explanatory Note

This order permanently prohibits the supply of:

- a) children’s cots for household use other than second hand children’s household cots, folding cots, carry cots, cradles and antique or collectable cots as described in the Schedule, which do not comply with certain clauses of AS/NZS 2172: 1995 approved by Standards Australia on 30 January 1995 as stipulated in paragraph “1)” of the order; or which do not comply with certain clauses of AS/NZS 2172: 2003 approved by Standards Australia on 19 September 2003 as stipulated in paragraph “2)” of the order, with the condition that the requirements stipulated in paragraph “1)” will cease to have effect from 1 November 2006.
- b) second hand children’s household cots which do not comply with certain clauses of AS/NZS 2172: 2003 approved by Standards Australia on 19 September 2003 as stipulated in paragraph “b)” of the order.

An antique or collectable cot is exempt from the order, provided the cot is supplied with a certificate and is fitted with warning plaques as stipulated in the Schedule.

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