



Victoria Government Gazette

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Fair Trading Act 1999

FIXED TERM BAN ORDER PROHIBITING THE SUPPLY OF DANGEROUS GOODS

I, Tony Robinson, 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 goods namely 'Corded internal window covering', as defined in the Schedule 1 of this order, unless the goods comply with the requirements set out in Schedules 2 and 3 of this Order, for a period up to 30 August 2012.

I make this order noting that the supply of the goods the subject of this order has been permanently prohibited or restricted by reason of them being dangerous under a law of the State of New South Wales by the Fair Trading Regulation 2007 published in the New South Wales Gazette No. 108 of 31 August 2007, thereby satisfying the requirements of section 40(1) and 40(2)(b) of the **Fair Trading Act 1999**.

Dated 30 December 2008

TONY ROBINSON
Minister for Consumer Affairs

SCHEDULE 1

Definitions

In this Order:

'corded internal window covering' means any interior drapery hardware or window covering product (for example, a curtain, shade, blind, or traverse rod or track) that incorporates any of the following in its operation (other than solely as a tie-back for the covering):

- (a) a 'looped bead chain' (being a series of small beads, equally spaced on a cord or connected by metal shafts, which is curved or doubled, or the ends of which are joined by a device, so as to form a closed loop),
- (b) a 'looped cord' (being a form of rope, strap, or string which is curved or doubled, or the ends of which are joined by a device, so as to form a closed loop),
- (c) any other type of flexible looped device.

'ANSI A100' means the American National Standard entitled 'American National Standard for safety of corded window covering products' and numbered ANSI/WCMA A100.1-1996, as approved by the American National Standards Institute on 27 November 1996.

'AS/NZS ISO 8124' means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD), published on 16 May 2002.

SCHEDULE 2

Safety requirements

- (1) The safety requirements for a corded internal window covering is that:
 - (a) it must be designed so that any exposed looped cord, looped bead chain or other flexible looped device does not extend to within 1600 mm above the base of the covering when the covering is in its lowered position, and
 - (b) it must carry the label and tags required by Schedule 3, and
 - (c) it must be accompanied by written information that:
 - (i) explains how to install the covering, and
 - (ii) explains how to install any safety device the covering has and how the device is designed to function, and
 - (iii) repeats the warning referred to in Schedule 3(1)(b).

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- (2) Subclause (1)(a) does not apply in relation to an exposed looped cord, looped bead chain or other flexible looped device:
- (a) that is incapable of forming a loop with a circumference of greater than 300 mm (for example, because the covering includes an effective means by which the exposed looped cord, looped bead chain or other flexible looped device can be secured or retracted), or
 - (b) that has a cord release device:
 - (i) that passes the release test for such devices set out in Appendix A of ANSI A100, and
 - (ii) that, in the case of a device that is intended to entirely detach from the covering when it releases its loop, does not, when tested in accordance with clause 5.2 (Small parts test) of AS/NZS ISO 8124, fit entirely into the small parts cylinder referred to in that clause (whatever the device's orientation), or
 - (c) that has a tension device that complies with the requirements of clause 6.5.4 of ANSI A100.
- (3) Subclause 1(c) does not apply to a corded internal window covering that is custom made for installation by a person in the business of installing internal window coverings.

SCHEDULE 3

Label and tags

- (1) The required label and tags referred to in Schedule 2(1)(b) are as follows:
- (a) a warning label that complies with the requirements of clause 5.1.1 of ANSI A100, or that complies with those requirements (including that for a pictogram) except that it substitutes the words of warning in that clause with the following:
WARNING Looped cords, looped bead chains or other flexible looped devices may cause a strangulation hazard for children under 5 years. KEEP CORDS AND CHAINS OUT OF REACH OF CHILDREN
 - (b) a warning tag that complies with the requirements of clause 5.1.2 of ANSI A100, but which refers to 'cots' instead of 'cribs',
 - (c) if the covering includes any safety device, an operational tag that explains how the device is designed to function.
- (2) A tag used for the purposes of subclause (1)(b) or (c) must be attached to an internal window covering separately from the warning label referred to in subclause (1)(a).
- (3) The same tag may be used for the purposes of both subclause (1)(b) and (c) if:
- (a) the warning (including pictogram) contained on the tag in compliance with subclause (1)(b) and any explanation contained on the tag in compliance with subclause (1)(c) are kept distinct from each other, and
 - (b) the warning and any such explanation are clear and legible.

Explanatory Note

This order permanently prohibits the supply of corded internal window coverings unless they comply with the conditions set out in Schedules 2 and 3. The object of the order is to reduce the incidence of serious injury or death to children under 5 years of age, resulting from strangulation caused by cords or chains.

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