

## FAIR TRADING ACT 2010

The following instrument is published under the *Fair Trading Act 2010* section 21



# Consumer Goods (Button/Coin Batteries) Safety Standard 2020

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I, Michael Sukkar, Minister for Housing and Assistant Treasurer, make the following safety standard.

Dated 18 December 2020

Michael Sukkar  
Minister for Housing and Assistant Treasurer

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# Part 1—Preliminary

## 1 Name

This instrument is the *Consumer Goods (Button/Coin Batteries) Safety Standard 2020*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	22 December 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 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.

## 4 Definitions

In this instrument:

***applicable button/coin battery*** means:

- (a) a small, single cell battery of lithium chemistry with a diameter greater than the battery's height; or
- (b) a small, single cell battery of a chemistry other than lithium with a diameter of 16 mm or greater.

***application day*** means the day after the period of 18 months beginning on the day this instrument commences.

***Australian (Non-reclosable Packaging) Standard*** means the Australian Standard AS 5808-2009 *Child-resistant packaging—Requirement and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by Standards Australia, as in force or existing at the time when this instrument commences.

Note: The Australian (Non-reclosable Packaging) 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.

***Australian (Reclosable Packaging) Standard*** means the Australian Standard *AS 1928-2007 Child-resistant packaging—Requirements and testing procedures for reclosable packages*, published by Standards Australia, as in force or existing at the time when this instrument commences.

Note: The Australian (Reclosable Packaging) 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.

***European (Non-reclosable Packaging) Standard*** means the European Standard *EN 862:2016 Packaging-Child-resistant packing-Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by the European Committee for Standardization, as in force or existing at the time when this instrument commences.

Note: The European (Non-reclosable Packaging) 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.

***hearing aid*** means medical electrical equipment which picks up sound and delivers processed sound to the ear canal.

***International (Non-reclosable Packaging) Standard*** means the International Standard *ISO 28862:2018 Packaging—Child-resistant packaging—Requirements and testing procedures for non-reclosable packages for non-pharmaceutical products*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International (Non-reclosable Packaging) Standard 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.

***International (Reclosable Packaging) Standard*** means the International Standard *ISO 8317:2015 Child-resistant packaging—Requirements and testing procedures for reclosable packages*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International (Reclosable Packaging) Standard 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.

***Primary Batteries Standard*** means the International Standard *IEC 60086-4: 2019 Primary Batteries—Part 4: Safety of lithium batteries*, published by the International Electrotechnical Commission, as in force or existing at the time when this instrument commences.

Note: The Primary Batteries 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.

***US Poison Prevention Packaging Standard*** means Subchapter E (Poison Prevention Packaging Act of 1970 Regulations) of Chapter 2 (Consumer Product Safety Commission) of Title 16 of the Code of Federal Regulations, published by the Office of the Federal Register National Archives and Records Administration of the United States of America, as in force or existing at the time when this instrument commences.

## **5 Application**

- (1) This instrument applies in relation to applicable button/coin batteries, including such batteries supplied together with other consumer goods.
- (2) However, this instrument does not apply to:
  - (a) applicable button/coin batteries of zinc-air chemistry designed for, or intended to be used in, hearing aids; or
  - (b) applicable button/coin batteries supplied in bulk if:
    - (i) the button/coin batteries are supplied with the intention to be used in trades, professions or industries; and
    - (ii) the button/coin batteries are not intended for sale to the general public;  
or
  - (c) applicable button/coin batteries that have been installed in consumer goods before the consumer goods are supplied.

## Part 2— Requirements

### 6 Requirements to be complied with on and after application day

On and after the application day, an applicable button/coin battery's packaging must comply with the requirements in this Part.

### 7 Child accessibility requirements—general

- (1) The packaging of an applicable button/coin battery must be designed to be resistant to being opened by young children.
- (2) If the applicable button/coin battery is packaged in non-reclosable packaging, the packaging complies with the requirements in subsection (1) if, and only if, the packaging complies with:
  - (a) clause 3.2.1 of the Australian (Non-reclosable Packaging) Standard; or
  - (b) clause 3.2.1 of the European (Non-reclosable Packaging) Standard; or
  - (c) clause 4.2.1 of the International (Non-reclosable Packaging) Standard; or
  - (d) paragraphs 1700.15(a) and (b)(1) of the US Poison Prevention Packaging Standard.

Note: On request by the regulator, a supplier of applicable button/coin batteries packaged in non-reclosable packaging may be required to nominate the applicable requirements under subsection (2): see section 108 of the Australian Consumer Law.

- (3) If the applicable button/coin battery is packaged in reclosable packaging, the packaging complies with the requirements in subsection (1) if, and only if, the packaging complies with:
  - (a) clause 4.3.1 of the Australian (Reclosable Packaging) Standard; or
  - (b) clause 3.3.1 of the International (Reclosable Packaging) Standard.

Note: On request by the regulator, a supplier of applicable button/coin batteries packaged in reclosable packaging may be required to nominate the applicable requirements under subsection (3): see section 108 of the Australian Consumer Law.

### 8 Child accessibility requirements—blister packaging

- (1) If one or more applicable button/coin batteries are packaged in blister packaging, the packaging must be designed so that:
  - (a) only a single applicable button/coin battery is released at a time; and
  - (b) the packaging is resistant to being opened by young children.
- (2) The packaging complies with the requirements in subsection (1) if, and only if:
  - (a) before the supply of the applicable button/coin battery to a consumer, representative samples of the packaging are tested in accordance with Annex E of the Primary Batteries Standard as modified by subsection (3); and
  - (b) those samples comply with that Annex.
- (3) For the purposes of subsection (2), Annex E of the Primary Batteries Standard is subject to the following modifications:
  - (a) a reference to consumer type coin cells with a diameter of 16 mm and larger is taken to be a reference to applicable button/coin batteries;
  - (b) a reference to each of the following terms is taken to be a reference to an applicable button/coin battery:
    - (i) cell;
    - (ii) coin cell.