

FAIR TRADING ACT 2010

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



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

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

Dated: 30 March 2022.

Michael Sukkar

Assistant Treasurer, Minister for Housing and Minister for Homelessness, Social and Community Housing

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1 Name

This instrument is the *Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022*.

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.	6 April 2022

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Consumer Goods (Button/Coin Batteries) Safety Standard 2020

1 Section 4 (paragraph (b) of the definition of *applicable button/coin battery*)

Repeal the paragraph, substitute—

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

2 Section 4 (definition of *hearing aid*)

Omit “to the ear canal”, substitute “for human hearing”.

3 Sections 7 and 8

Repeal the sections, substitute—

7 Child accessibility requirements—all packaging types

Core requirement

(1) The packaging of an applicable button/coin battery must be designed to be resistant to being opened by young children.

Note: There is an additional requirement that applies to applicable button/coin batteries that are packaged in blister packaging (see subsection 8(1)), but both requirements can be satisfied by complying with Annex E of the Primary Batteries Standard (see paragraph (2)(a) of this section and subsection 8(2)).

Testing requirements—non-reclosable packaging

(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—

- (a) both of the following apply—
 - (i) 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 section 9);
 - (ii) those samples comply with that Annex; or
- (b) the packaging complies with clause 3.2.1 of the Australian (Non-reclosable Packaging) Standard; or
- (c) the packaging complies with clause 3.2.1 of the European (Non-reclosable Packaging) Standard; or
- (d) the packaging complies with clause 4.2.1 of the International (Non-reclosable Packaging) Standard; or

- (e) the packaging complies with 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.

Testing requirements—reclosable packaging

(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—

- (a) both of the following apply—
 - (i) 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 section 9);
 - (ii) those samples comply with that Annex; or
- (b) the packaging complies with clause 4.3.1 of the Australian (Reclosable Packaging) Standard; or
- (c) the packaging complies with 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 Additional child accessibility requirements—blister packaging

Core requirement

(1) If one or more applicable button/coin batteries are packaged in blister packaging, the packaging must be designed so that only a single applicable button/coin battery is released at a time.

Note: This requirement is in addition to the requirement in subsection 7(1) (which applies to all applicable button/coin batteries), but both requirements can be satisfied by complying with Annex E of the Primary Batteries Standard (see subsection (2) of this section and paragraph 7(2)(a)).

Testing requirement

- (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 section 9); and
 - (b) those samples comply with that Annex.

9 Modification of the Primary Batteries Standard

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.
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