



Australian Toy  
Association

# ATA Product Safety and Compliance

## Compliance Requirements Updates

Richard Hayman  
ATA Product Safety and Compliance Consultant  
E: [compliance@austoy.com.au](mailto:compliance@austoy.com.au) M: 0409 151 147

# Agenda

1. Introduction / Regulations and Standards
2. Updates to Standards
3. Updates to Regulations
4. Other Requirements
5. Questions

## Disclaimer

We are presenting information to the best of our knowledge and for the purposes of guidance. We believe it to be correct, but the ATA will not take responsibility for any errors or omissions. We are happy to work with members separately on specific issues that they may be having.



Australian Toy  
Association

# INTRODUCTION





# What We're Covering

- Provide information on recent changes in compliance requirements for toys and other products sold by ATA members.
- Based on our latest 'Compliance Requirements List'  
Available here: [Requirement Lists \(austoy.com.au\)](https://austoy.com.au/requirement-lists)  
or: <https://austoy.com.au/members-only-compliance/requirement-lists>
- Published in March 2021 and supersedes January 2020
- Green rows have changed since the last version
- Pink indicates a legislated requirement
- Try to answer questions sent in prior to the session

Category	Requirement / Regulation	Authority	Description	Product Requirements	Assessment	Notes
All Toys (General)	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Mechanical and Physical Properties of Toys	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Flammability of Toys	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
All Toys (General)	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
All Toys (General)	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
All Toys (General)	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	
	Current version of AS/NZS ISO 15710:1 or AS/NZS 15710:2	Standards Australia	Requirements for Age-Grade Determination	Yes	No	

# What's Mandatory and What's Voluntary

- Guarantee of Acceptable Quality

Suppliers are responsible for ensuring that their products are fit for purpose and safe for their intended user.

Specific regulations are generally only made for serious risks that are not being effectively managed by suppliers, e.g. most recently, button and coin batteries.

- Voluntary Standards

Probably the best way to evaluate acceptable quality

Developed by a robust consensus process involving a broad range of affected stakeholder groups, including international experience, e.g. for ISO and IEC documents.

- Regulatory Instruments

Mandatory safety standards, Mandatory information standards, Permanent bans, etc.

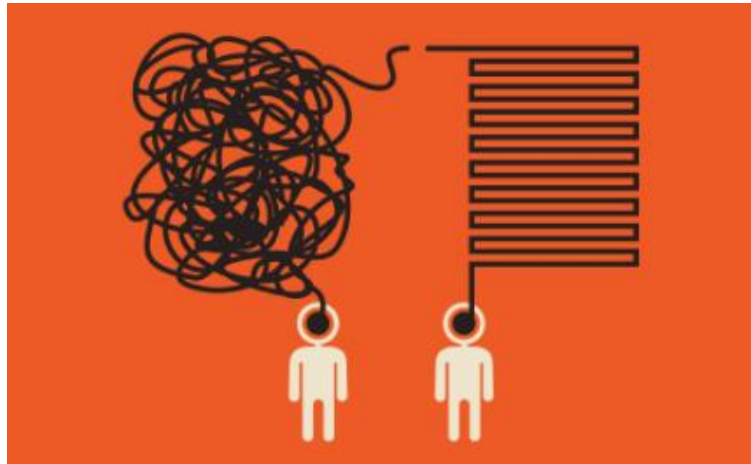
More straightforward enforcement process

# Benefits of Voluntary Standards

- Flexible Application
  - Apply comparable international documents
  - Apply at your discretion (according to the existence of risk)
- Responsive
  - Update requirements as risks become apparent
- Participation in their development
- Provide a base for regulation (if needed)
- Important to continue to apply most current version of voluntary standard, even for regulated requirements, i.e. test for both.



# UPDATES TO STANDARDS





# AS/NZS ISO 8124.1 – Mechanical and physical properties of toys

- Amendment for flying toys
  - Rotors and propellers have become flying toys
  - Includes remote controlled flying toys (up to 250 g only)  
Previously not covered
  - Requirements for leading edges
  - Remote controlled flying toys must have instructions
  - Specific requirements for rotor blades on remote controlled toys





# AS/NZS ISO 8124.1 – Mechanical and physical properties of toys

- Amendment for various changes
  - Definition of a toy bag
    - To distinguish from one that would be packaging and so not need to meet certain requirements
  - Hazard based requirement for expanding materials
    - Test template to simulate the limiting dimension of the gastrointestinal tract of an 18-month-old.
  - A number of other updates to align with EN 71-1 and ASTM F963 or to resolve issues that have been identified with the document

## AS/NZS ISO 8124.3 – Migration of Certain Elements

- New version to bring the requirements for fingerpaints into this standard  
Previously in 8124.7 – Fingerpaints.
- Work in progress to add requirements for migration of boron from slime material  
Expected to be made mandatory once done.  
Review of CPN 1 of 2009 is on hold pending publication of this amendment.

## AS/NZS ISO 8124.4 and .5 – Chemical toys (Sets)

- New versions
  - Use GHS classifications and labelling
  - Tables updated to remove chemicals that are carcinogenic, mutagenic or toxic to the environment
  - Aligned with EN 71-4 and -5

# Work in Progress

- Microbial cleanliness
  - New part to 8124 series
  - To ensure that water-based liquids are clean and not able to grow harmful bacteria during use.
- Updates to other parts of 8124 to maintain alignment with EN and ASTM standards



Australian Toy  
Association

# UPDATES TO LEGISLATED REQUIREMENTS



# Chemicals

- Manufacturing or Introducing Chemicals to Australia
  - The AICIS (Australian Industrial Chemicals Introduction Scheme) was finally introduced
  - Intended to facilitate easier introduction of unlisted chemicals
    - However, for non-experts, the most straightforward approach is to use ingredients that are listed in the Australian inventory
- Cosmetics
  - New instrument introduced specific requirements for hand sanitisers
  - Other requirements did not change

# Button Batteries

- Four different regulations
  - Safety and information requirements for products powered by button batteries
  - Safety and information requirements for button batteries themselves
- Provide flexibility for different situations
  - This gives the appearance of complexity
  - Need to be read carefully, but they are understandable
- Requirements are not the same as those in our standard for the electrical safety of toys
  - Recommend to ensure compliance with both
  - Should be referencing AS/NZS 62115:2018 or EN 62115:2020

Not older versions

# Button Batteries (continued)

- Recommend to distinguish between coin and button batteries
  - The warning requirements are different
  - The extent of the hazard is very different
- Suppliers of products need to consider all four regulations as the batteries installed in products or supplied with products need to meet the requirements for those batteries
- Evaluation
  - Specific testing required for accessibility
  - Should be able to self-check warning text
  - The design principles are just principles – they do not prescribe the size or placement.



# Aquatic Toys

- Updated to reflect the current version of AS/NZS ISO 8124.1
  - Different warning text
  - More flexible



# Toys with Magnets

- Updated to reflect the current versions of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963
  - ACCC showed willingness to recognise other international standards where they are closely aligned.
  - No longer allowed to supply hazardous magnets with a warning.  
(Hasn't been allowed in the Standard for many years)



# Projectile Toys

- Updated to reflect the current versions of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963
- Introduced a separate warning requirement to manage a lack of alignment in this area.
  - The requirement is quite different to that required by the standards
    - No exemption for energy less than 0.08 J
    - Required on the packaging and in the instructions
- Becomes mandatory on 13<sup>th</sup> June



# Projectile Toys V2

- The ACCC are currently consulting on taking up the changes introduced in amendments 1 and 2 to AS/NZS ISO 8124.1
- Realistic expectation that at least some of the differences in warning requirements will be addressed in that amendment.
- The ATA response has asked for changes:
  - To reinstate the 0.08 J exemption for projectiles with stored energy
  - To allow different alert words, e.g. caution or warning
  - To allow for marking instead of warning for projectile toys without stored energy
- And
  - That the update needs to happen before the end of the current transition period
- The final position won't be known until at least the end of the consultation, (26<sup>th</sup> May)
- Recommended that members ensure conformity with the requirements in either AS/NZS ISO 8124.1:2019 or the current version of EN 71-1
  - It seems unlikely that regulators would enforce more than this while a consultation / change is in progress.
  - Risk averse suppliers may follow the current regulation regardless

# Toys for Children under 36 months

- The review was on hold while the requirements for products with button batteries were finalised
- We expect that this is now in progress again
- We are hoping that the new regulation will allow for conformity with the current version of either of AS/NZS ISO 8124.1, EN 71-1 or ASTM F963

# Migration of Certain Elements

- Review delayed until the project to add requirements for the migration of boron from slime materials to the standard, has been completed.  
At least two years away
- The limits in the regulation are still aligned with those in the current version of the standard

# Radiocommunications – Intentional Emitters

- Examples are remote controls
- ACMA have just announced that suppliers can use European standards to confirm conformity
- Must still comply with Australian requirements for frequencies



# OTHER REQUIREMENTS





# Battery Stewardship

- Voluntary scheme intended to divert battery waste from landfill
- Planned to commence on 1<sup>st</sup> January 2022
- ACCC have approved that they can apply a trading restriction requiring that participants not trade with non-participants

The ATA has been concerned that this could be understood to apply to products that use or contain batteries.

The scheme have confirmed that this is not the case, but we are waiting for some written confirmation.

- Members selling products with batteries installed should feel free to participate or not without any impact on who they trade with.



# Battery Stewardship

- No charge for an Associate Membership
- Pay a levy of between \$0.02 and \$0.04 per equivalent battery unit (EBU) introduced to Australia
- 1 x EBU = 1 x AA battery (based on weight of 24 g)  
Introducing 1,000,000 EBUs would result in a levy of \$20,000
- The money is intended to be spent on funding battery collection and processing operations
- Paid membership available for those that want to have a say in the functioning of the scheme

# Customer Imposed Requirements

- Nothing to stop customers requiring more than the law requires  
It is hard to argue with an appropriate due diligence requirement for evidence of acceptable quality  
But can be frustrating when requirements imposed are not appropriate for the type of product
- ATA lists should help to identify appropriate requirements
- May become a commercial discussion  
The ATA can try and help in explaining what is appropriate and why to both parties.

# Different Approaches by Test Laboratories

- A product is passed by one lab, but failed by another
- Ensure that labs are accredited for the test
  - Accreditation applies to the individual lab (not the brand)
  - Can be verified on the accreditation authority's public database
- Standards have processes for interpretations to verify the application of clauses that may not be clear
- The ATA may be able to help



Australian Toy  
Association

# ATA MEMBER RESOURCES





# Requirements Lists

- Periodically updated
  - Latest is March 2021
- Full listing of requirements that we know about that are applicable to members products
- Includes:
  - Governance
  - Specific mandatory
  - Non-specific acceptable quality
- Separate lists for Australia and New Zealand
- Refer also to the checklist in the compliance process kit

These Compliance Requirement Lists are provided as a benefit of membership – Please do not distribute outside of your organisation

They summarise the Regulations and Standards applicable to toys, nursery products and other product categories marketed by ATA Members.

They are intended to help Members identify the requirements, but Members will need to refer to the referenced documents to understand the requirement in detail, e.g. by downloading regulations or purchasing standards.

Users should note that their products are likely to be covered by multiple categories, e.g. a slime toy would need to comply with requirements for chemicals as well as those for toys.

Requirements marked in green are updated from the previously published document.

Australian Compliance Requirements List

DOWNLOAD

New Zealand Compliance Requirements List

DOWNLOAD

Category	Standard / Regulation	Authority	Description	Includes Requirements For Labelling	Mandatory	Refer Also
All Toys (General)	AS/NZS 8124.1:2019	Standards Australia	Aus / NZ Standard for Mechanical and Physical Properties of Toys	Yes	No	Toys for Children Aged less than 36 Mths Toys with Projectiles Magnetic Toys
	AS/NZS 8124.2:2016	Standards Australia	Aus / NZ Standard for Flammability of Toys	No	No	
	SA/NZS TR 8124.4:2016	Standards Australia	Aus / NZ guidelines for age grade determination	No	No	Important for understanding the application of requirements in other Standards
	AS/NZS ISO 8124.3:10 & 11:2008 Commerce (Trade Descriptions) Regulation 2010 Commerce (Trade Descriptions) Act 1995	Standards Australia Australian Border Force ACCC	Aus / NZ Standard for Organic chemical compounds sample preparation and methods of analysis An accurate Country of Origin statement	No	No	
Migration of Heavy Metals						
All Toys	AS/NZS 8124.3:2012 plus Amd 1	Standards Australia	Aus / NZ Standard for Migration of Certain Elements (Heavy Metals) Specifies maximum allowable levels of certain heavy metals in the following categories of toys: - all intended food and oral contact toys, cosmetic toys and writing instruments categorized as toys, irrespective of any age grading or recommended age labelling - all toys intended for or suitable for children up to 72 months of age - accessible toys, irrespective of any age grading or recommended age labelling - accessible toys, namely, toys in e.g. hand pumps, modelling compounds, irrespective of any age grading or recommended age labelling Aus / NZ Standard for the determination of total concentration of certain elements in toys Intended as a first action method for 8124.3, i.e. if the total concentration is less than the allowed migration limit, then this could be used to test for compliance	No	No	
All Toys	AS/NZS 8124.12:2017	Standards Australia	Aus / NZ Standard for Migration of Certain Elements (Heavy Metals) Specifies maximum allowable levels of certain heavy metals in toys that may be licked, sucked or swallowed. These are categorized as: - All intended food and oral contact toys, cosmetic toys and writing instruments categorized as toys - All accessible parts and components of toys intended for children under 6 years of age where there is a possibility that those parts or components may come into contact with the mouth Requires compliance with AS/NZS ISO 8124.3:2003	No	No	
Toys that may be licked, sucked or swallowed	AS/NZS 8124.3:2003 (Superseded)	Standards Australia	Note that the test methods in EN 71-3 are equivalent but the requirements are not EN 71-3 results can therefore be used to determine compliance but will require that they are reviewed against the limits allowed in AS/NZS ISO 8124.3 ASTM F963 includes comparable requirements These tests can be used to show compliance but will require checking to ensure that the testing has been done for all required components	No	Yes	Consumer Protection Notice No 31, 2009 Australian Customs Notice No 2007/46 Note that the CPN references the 2009 version of the standard rather than the current 2012 version
Coatings, in e.g. paints, lacquers, etc. on toys, money boxes, pencils and penholders	Australian Customs Notice No 2007/46	Australian Border Force	Prohibits the import, without the written permission of the Minister, of toys, money boxes, pencils and penholders with coatings in which the migratable levels of specified heavy metals would exceed those specified in AS/NZS ISO 8124.3:2003	No	Yes	
Essays, reassembling food in scent or appearance	Australian Customs Notice No 2007/46	Australian Border Force	Prohibits the import, without the written permission of the Minister, of essays that resemble food in scent or appearance and that would be the requirements of AS/NZS ISO 8124.3:2003	No	Yes	
Paints used on painted toys, furniture or other items of household goods	The Poisons Standard (SUSMP) in conjunction with State Poisons and Therapeutic Goods Acts and Regulations	State Departments of Health	Paints must not contain a Schedule 6 or 7 substance	No	Yes	
Finger Paints	AS/NZS 8124.1:2017	Standards Australia	Australian Standard for Finger paints Requires compliance with clause 4.4 of AS 8124.1:2003	No	No	
	Consumer Protection Notice No 1, 2009	ACCC	Note that the test methods in EN 71-3 are equivalent but the requirements are not EN 71-3 results can therefore be used to determine compliance but will require that they are reviewed against the limits allowed in AS/NZS ISO 8124.3:2003	No	Yes	



# Compliance Process Kit

- Supports the introduction and maintenance of your compliance processes
  - Product compliance Policy
  - Product compliance Process
  - Product compliance checklist
  - Product recall process
  - Complaints and Mandatory Reporting Process
  - Job description

The documents below are provided as examples to assist members in developing their own compliance program.

Members are free to copy and adjust them to suit their individual organisations and product categories.

Members that need assistance with this or have questions can contact [compliance@ Austoy.com.au](mailto:compliance@ Austoy.com.au)

Introduction

DOWNLOAD

Product Compliance Policy

DOWNLOAD

Product Compliance Process

DOWNLOAD

Product Compliance Checklist Word (Detail) March 2021

DOWNLOAD

Product Compliance Checklist Excel (Summary) March 2021

DOWNLOAD

Product Recall Process

DOWNLOAD



- Similar to the Requirements list but formatted to support use in the compliance process
  - Contains more information, e.g. documents that can be used to show conformity with requirements
  - Customise for business / category product range
  - Customise for product and save in technical folder
  - Provide to vendors and / or labs to confirm requirements
  - Complete with conformity documentation as it becomes available and is validated
  - Provide to customers to support shipments
  - Updated along with the Requirements lists

[illegible]



# Compliance Analyser

- Web based application
- Answer a series of questions
- Relevant requirements are determined by the app
- Output to pdf or excel
  - Provide to vendors and / or labs to confirm requirements
  - Complete with conformity documentation as it becomes available and is validated
  - Provide to customers to support shipments
- Updated continuously

## COMPLIANCE ANALYSER

ATA Home > Members Only Compliance > Compliance Analyser

### About

The Compliance Analyser tool has been developed to simplify the determination of requirements applicable to specific products so that users no longer need to trawl through long lists for relevant information. It has a focus on interactivity and ease of use and is able to provide comprehensive guidance for toys and other consumer products for children.

### How to Use

With the Compliance Analyser tool, sourcing relevant compliance information is a simple 3 step process:

1. Enter your product name and identifier
2. Answer a few short questions
3. Read or download the list of compliance requirements in Excel or pdf format

Once downloaded, the sheets can be used as a checklist, sent to 3rd parties (such as vendors) or entered to your internal requirements database

### Bookmark This Page

Make a shortcut to this page by dragging this link to your desktop or bookmark bar - [Compliance Analyser](#)

### Disclaimer

The tool and the information in it is provided to ATA members as the best of our knowledge and for the purposes of guidance only.

For questions about the app and to report issues please contact: [compliance@atoy.com.au](mailto:compliance@atoy.com.au) or call Richard on 02 9489 0059 or 0409 151 147

### Product Compliance Assessment

Product Name	<input type="text"/>	SKU Number	<input type="text"/>
Market	<input type="text"/>		

# Regulations and Standards

- Regulations are freely available
- Standards are copyrighted and must be paid for  
However, you don't need them all
- May not fully understand the requirements without the standard  
But this doesn't stop you having product evaluated by labs
- Contact us at [compliance@austoy.com.au](mailto:compliance@austoy.com.au) for explanations of requirements that may not be clear



Australian Toy  
Association

# QUESTIONS?

