

# Notice to traders dealing in second hand goods

This Notice is issued pursuant to Section 17(h) of the *Consumer Affairs Act 1971*

June 2006

## The retailer checklist

- All goods offered for sale comply with relevant laws and standards*
- Goods are not damaged so as to cause a safety hazard*
- Required compliance labelling is permanently affixed*
- No entrapment hazards are present*
- Written instructions for usage are provided*
- Compulsory safety features are attached*
- Toys for children under three do not include choking hazards*

## Product safety is **your** responsibility

Various types of second hand goods can be dangerous, in some cases capable of causing serious injury or death.

It is an **offence** under the *Consumer Affairs Act 1971* (WA) or the *Fair Trading Act 1987* (WA) to:

- ◆ sell banned products; or
- ◆ sell restricted or regulated products unless they comply with the appropriate regulation.

Traders who sell second hand goods are required to exercise a duty of care to ensure that any **goods offered for sale are in sound working order and are safe for use.**

Product Safety Officers conduct compliance inspections on a regular basis at the premises of traders dealing in second hand goods. Penalties for non-compliance are up to \$20,000 for individuals and \$100,000 for corporations.

**You can help stop or restrict the supply of unsafe goods and avoid costly penalties.**

The products on the following pages may be sold in second hand stores, pawnbrokers, charitable organisation opportunity shops and other stores selling second hand goods. These examples illustrate the range of issues that need to be considered when selling these items second hand. Traders are advised to refer to the relevant Australian Standards for the full requirements.



Product	Compliance
<b>Child restraints for motor vehicles</b>	<p><b>Must comply with Australian Standard AS 1754</b></p> <p>Compliance labelling must be permanently affixed to the restraint. Pay particular attention to worn or frayed webbing and/or rust or deterioration of the securing devices as this can cause the product to be unsafe.</p> <p><b>Child restraints that do not comply with the standard must not be sold.</b></p>
<b>Toys for children under three years of age</b>	<p><b>Must comply with Australian Standard AS/NZ ISO 8124.1</b></p> <p>Small toys, or small removable components of toys, may present a choking hazard for children under the age of three. A toy must not be capable of releasing a small part. As a guide, if a small toy or part of a toy fits into a 35mm film canister it will fail the safety requirements of AS/NZS ISO 8124.1.</p> <p><b>Toys intended for children under three years of age that do not comply with the standard must not be sold.</b></p>
<b>Bicycle helmets</b>	<p><b>Must comply with Australian/New Zealand Standard AS/NZS 2063 or US Snell Standard</b></p> <p>All second hand helmets should be examined for visible damage and obvious signs of wear and tear such as cracks in the shell. For resale purposes, second hand helmets must be in good condition.</p> <p><b>Helmets that do not comply with the standard must not be sold.</b></p>
<b>Bunk beds</b>	<p><b>Must comply with Australian/New Zealand Standard AS/NZS 4220</b></p> <p>A bunk bed is defined as either:</p> <ul style="list-style-type: none"> <li>◆ a set of components that are or can be assembled as beds, one stacked over the other; or</li> <li>◆ any bed, other than a hospital bed in which the upper surface of any mattress base is at least 800mm above the floor surface.</li> </ul> <p>Ensure that all bunk beds have guardrails securely fitted on all sides and no protrusions or snag points. Check that there are no gaps between 95mm and 230mm in the structure of the bed that can trap fingers or limbs.</p> <p><b>Bunk beds that do not comply with the standard must not be sold.</b></p>
<b>Children's cots</b>	<p><b>Must comply with Australian/New Zealand Standard AS/NZS 2172</b></p> <p>Always examine second hand cots for worn or broken components such as railings, base and castors. Ensure there are no gaps that can trap fingers or limbs, that there are no sharp or rough edges and no protrusions or snag points.</p> <p>Note: There is a separate safety standard for folding cots. Safety requirements for these are specified in AS/NZS 2195.</p> <p><b>Children's cots for household use that do not comply with the standard must not be sold.</b></p>
<b>Baby walkers</b>	<p><b>Must comply with mandatory US safety standard ASTM F977</b></p> <p>A baby walker is defined as a device that:</p> <ul style="list-style-type: none"> <li>◆ consists of a frame on wheels designed to support a child who has not yet learnt to walk; and</li> <li>◆ is propelled by the movement of the child.</li> </ul> <p>The standard applies to new and second hand goods. All baby walkers must carry the warning that a child should never be left unattended while in the baby walker.</p> <p>The US Standard includes specific requirements, including compulsory safety features in regard to stability, an automatic breaking system and safety warning labels. Full details can be viewed via the website at <a href="http://www.astm.org">www.astm.org</a></p>

**DOCEP Regional Offices**

Great Southern (08) 9842 8366

South-West (08) 9722 2888

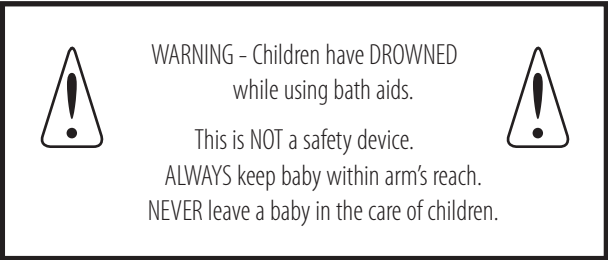
Mid-West (08) 9964 5644

Goldfields/Esperance (08) 9021 5966

North-West (08) 9185 0900 Kimberley (08) 9169 2811

TTY: (08) 9282 0800

Quality of Service Feedback Line: 1800 304 059

Product	Compliance
<b>Baby bath frames/ supports</b>	<p><b>Must carry a permanently affixed prescribed warning notice</b></p> <p>Bath supports include bath seats, bathing frames and layback bathing frames. All baby bath frames/ supports and packaging must carry the prescribed warning notice, a sample of which appears below:</p> <div data-bbox="488 353 1098 611" style="border: 1px solid black; padding: 10px; text-align: center;">  <p>WARNING - Children have DROWNED while using bath aids.</p> <p>This is NOT a safety device.</p> <p>ALWAYS keep baby within arm's reach.</p> <p>NEVER leave a baby in the care of children.</p> </div> <p>The prescribed warning notice must be:</p> <ul style="list-style-type: none"> <li>◆ permanently affixed to the goods and any packaging;</li> <li>◆ prominently and conspicuously displayed; and</li> <li>◆ in a contrasting colour to the colour of the goods and packaging.</li> </ul>
<b>Exercise equipment</b>	<p><b>Must comply with mandatory safety order <i>Exercise Equipment for Home Use</i></b></p> <p>Exercise equipment for home use must comply with specific requirements in regard to construction, performance testing, labelling, provision of instructions for use and care and compulsory safety features.</p> <p>Exercise equipment for home use that does not comply with the specified safety requirements must not be sold.</p> <p>A copy of the order is available from the Department of Consumer and Employment Protection (DOCEP) Product Safety Database at <a href="http://www.docep.wa.gov.au/productsafety">www.docep.wa.gov.au/productsafety</a></p>
<b>Curtain/ blind cords and tracks</b>	<p><b>Must comply with relevant safety requirements of US Standard ANSI A100 and AS/NZS ISO 8124.1</b></p> <p>Comprehensive safety requirements apply particularly to 'looped cords' and 'looped bead-chains'. Any curtain/blind apparatus that has a looped cord or bead-chain circumference of greater than 300mm must have warning labels affixed to the track and hangtag warnings attached to the cord. Safety devices such as tension-clips and cord-cleats must be included where applicable.</p> <p><b>Curtain/blind fittings that do not comply with the relevant safety requirements must not be sold.</b></p>
<b>Electrical/ gas appliances</b>	<p><b>The law requires that all electrical and gas appliances/equipment sold be in a safe condition</b></p> <p>DOCEP's EnergySafety Division recommends that where the origin or history of an electrical appliance/equipment is unknown then that electrical appliance/equipment should be inspected and tested before it is sold to ensure it is safe to use. In order to protect people from unsafe gas appliances, it is an offence to sell, hire or advertise for sale or hire a gas appliance that does not carry an approval badge.</p> <p>For further information contact EnergySafety on 9422 5200 or visit <a href="http://www.energysafety.wa.gov.au">www.energysafety.wa.gov.au</a></p>

## Further Information

For information on Australian Standards visit the Standards Australia website [www.standards.org.au](http://www.standards.org.au)

For further information and copies of product safety brochures contact the Product Safety Unit on 9282 4319.

The Department of Consumer and Employment Protection is responsible for administering product safety laws in Western Australia. Details and listings of banned, restricted or regulated products can be obtained by contacting the Product Safety Unit on (08) 9282 4319 or by visiting the website [www.docep.wa.gov.au/productsafety](http://www.docep.wa.gov.au/productsafety)

This publication is available on request in other formats to assist people with special needs.

