

## **FAIR TRADING (UNSAFE LIGHTERS) AMENDMENT BILL**

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### EXPLANATORY NOTE

Under section 31 of the Fair Trading Act 1986, the Minister of Consumer Affairs may by notice declare certain goods to be unsafe goods because they will or may cause injury to any person. Once any goods are declared to be unsafe goods it is an offence under the Act to supply, or offer to supply, or advertise to supply such goods. A notice made under this section, unless previously revoked by the Minister remains in force for 18 months after the date of publication of the notice in the *Gazette*.

If, after that time, a product safety standard has not been made the Minister may, by notice in the *Gazette*, prohibit the supply of goods indefinitely or for such period as may be specified.

Between July 1993 and November 1997, 127 injuries and 10 fatalities occurred in 3664 fires caused by cigarette lighters. Of these, 273 fires have been confirmed as being caused by children playing with cigarette lighters and many more are suspected as being caused in this way. The Minister of Consumer Affairs has publicly confirmed that a mandatory standard for child-resistant lighters is being considered and a public discussion document is being prepared. However, already this year there have been at least 2 more fires caused by cigarette lighters and which have resulted in the death of three children.

This Bill, in an attempt to prevent an increase in these statistics while the mandatory standard is being prepared, declares all lighters that are not child resistant to be unsafe goods, by their inclusion in a new Schedule of the Fair Trading Act 1986.

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Grant Gillon

## FAIR TRADING (UNSAFE LIGHTERS) AMENDMENT

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	ANALYSIS	SCHEDULE
Title		
1. Short Title		
2. Unsafe goods		New Schedule to Principal Act
3. Schedule added		

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### A BILL INTITULED

**An Act to amend the Fair Trading Act 1986 to declare certain disposable lighters to be unsafe goods for the purposes of that Act**

5 BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Fair Trading (Unsafe Lighters) Amendment Act 1998, and is part of the Fair Trading Act 1986\* (“the principal Act”).

10 **2. Unsafe goods**—(1) Section 31 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) For the purposes of this Act, any goods specified or described in the **Schedule** are declared to be unsafe goods.”

15 (2) Section 31 (3) is amended by repealing paragraph (a), and substituting the following paragraph:

“(a) A period of 18 months has elapsed after the earlier of—

“(i) The date of publication of a notice in the *Gazette* pursuant to subsection (1) declaring goods to be unsafe goods; or

20 “(ii) The date at which the inclusion in the **Schedule** of the specification or description of any goods took effect; and”

\*1986, No. 121

(3) Section 31 (5) is amended by inserting, after paragraph (a), the following new paragraph:

“(aa) Specified or described in the **Schedule**; or”

**3. Schedule added**—The principal Act is amended by adding the Schedule set out in the **Schedule**. 5

Section 2

SCHEDULE

NEW SCHEDULE TO PRINCIPAL ACT

Section 31 (1A)

“SCHEDULE

“UNSAFE GOODS

1. Cigarette lighters, commonly known as ‘disposable lighters’, designed to light cigarettes, cigars, and pipes and designed—
  - (a) To be discarded when the supply of fuel is exhausted; or
  - (b) To incorporate a separate reservoir or container of fuel that is designed to be discarded when empty,—
 and which can be operated by a child under 5 years, but does not include,
  - (c) Any disposable lighter manufactured with a mechanism or system that prevents a child under 5 years from operating it.”