

## SUBMISSION

Limited review of the toys containing lead and other elements mandatory safety standard  
DECEMBER 2025

The Australian Retailers Association (ARA) and National Retail Association (NRA) welcome the opportunity to provide feedback on the Limited review of the aquatic toys mandatory standard.

The ARA and the NRA, which propose to amalgamate into the Australian Retail Council (ARC), represent a \$444 billion sector that employs 1.4 million Australians—one in ten workers—making retail the nation's largest private sector employer and a cornerstone of the Australian economy, contributing 16 percent of national GDP.

Our combined membership spans the full breadth of Australian retail: from family-owned small and independent businesses, which comprise 95% of our membership, to the largest national and international retailers that support thousands of jobs and sustain communities across both metropolitan and regional Australia. Our industry operates more than 155,000 retail outlets nationwide, with the majority of those also represented by an online or e-commerce presence.

A strong retail sector delivers widespread benefits to all Australians, with a significant portion of every dollar spent in retail flowing back into employees, suppliers, superannuation funds, and local communities. We are united in advocating for the policy settings, reforms and collaboration that will drive growth, resilience, and long-term prosperity for Australian retail and the millions who rely on it.

## CONSULTATION QUESTIONS

**1. What is your name?**

**2. What is your email address?**

**3. What is your organisation? (if applicable)**

Australian Retailers Association (ARA) and National Retail Association (NRA)

**4. Do you consent to the ACCC publishing your submission?**

Yes

**5. Do you agree that the mandatory standard for toys containing lead and other elements should be updated?**

Yes

**Q6. Do you agree that the mandatory standard should be updated to reference AS/NZS ISO 8124.3:2021/Amd 1:2023?**

Yes.

Referencing AS/NZS ISO 8124.3:2021/Amd 1:2023 will ensure the mandatory standard reflects the most up-to-date and comprehensive requirements for element migration in toys. Many suppliers already test to this version for other markets and adopting it in the mandatory standard will improve safety clarity, reduce duplicated testing, and align Australia with international best practice. Updating the reference will also modernise the regulation and avoid the ambiguity caused by retaining references to significantly older editions.

**Q7. Do you agree that the mandatory standard should reference AS/NZS ISO 8124.3:2021/Amd 1:2023 as it is updated from time to time (dynamic referencing)?**

Yes.

Dynamic referencing will keep the mandatory standard aligned with the latest safety developments without creating long regulatory delays or duplicative compliance requirements. This approach reflects global best practice and supports suppliers who already test to the most recent editions for international markets. To ensure industry certainty, updates should be accompanied by clear ACCC communication and reasonable transition periods, given long lead times and global manufacturing cycles.

**Q8. Do you agree that the mandatory standard should apply to children under 6 years for all product categories?**

No.

Applying the mandatory standard to an “under 6 years” threshold across all product categories is unnecessary and risks creating inconsistencies with established international practices. Existing voluntary standards already differentiate requirements by material category and hazard type, and these age applications are the basis for global testing regimes. Introducing an Australia-specific age boundary would create avoidable operational challenges, require separate packaging or testing streams, and add cost without improving safety outcomes. Alignment with global age-based requirements ensures suppliers can maintain consistent compliance pathways and avoid Australia-only variations.

It should also be noted that as part of the federal government productivity agenda, the Productivity Commission has identified streamlining standards by adopting international standards where appropriate. If this was clause applied, it would be at odds with the strategic direction to support efficiency and productivity.

**Q9. Do you agree that ISO 8124-3:2020/Amd 1:2023 provides an equivalent level of safety and can be used as a compliance option?**

Yes.

ISO 8124-3:2020/Amd 1:2023 is substantially equivalent to the AS/NZS ISO 8124.3 requirements and reflects the same safety principles and migration-limit protections. Allowing this ISO version as a compliance option will support international consistency, reduce duplicated testing, and align with the standards already used by many global suppliers. Recognition of equivalent international standards enhances regulatory clarity while maintaining high levels of consumer protection.

**Q10. Do you agree that ISO 8124-3:2020/Amd 1:2023 should be dynamically referenced?**

Yes.

Dynamic referencing will ensure that the mandatory standard remains aligned with the latest scientific developments and testing requirements for hazardous element migration. This approach improves regulatory efficiency, reduces compliance duplication for suppliers who already test to the most current ISO versions, and avoids lag between voluntary standard updates and regulatory recognition. To support implementation, it is important that the ACCC provides clear communication when updates occur and appropriate transition periods to manage supply chain impacts.

**Q11. Do you support referencing specific sections of EN 71-3:2019 + A2:2024 as a compliance option where aligned with AS/NZS ISO 8124.3:2021?**

Yes.

Recognising EN 71-3:2019 + A2:2024 as an equivalent compliance option will support international harmonisation and reduce duplicated testing for products already assessed against European requirements. EN 71-3 provides a comparable level of safety and is widely used by many global suppliers, particularly those selling into the EU market. Allowing EN 71-3 compliance, where aligned with the Australian standard’s protections, enhances

regulatory flexibility while maintaining strong safety outcomes and reducing unnecessary Australia-specific testing burdens.

**Q12. Do you agree the mandatory standard should reference EN 71-3:2019 + A2:2024 as it is updated from time to time (dynamic referencing)?**

Yes.

Dynamic referencing of EN 71-3 ensures the mandatory standard remains consistent with current international safety practice and eliminates the lag between updates to European requirements and Australian regulatory adoption. This supports suppliers who already test to EN 71-3 for other jurisdictions, removes duplicated testing, and reduces the burden of Australia-specific compliance pathways. To ensure predictability, updates to EN 71-3 should be accompanied by clear ACCC communication and appropriate transition timeframes.

**Q13. Do you support referencing specific sections of ASTM F963-23 as a compliance option, where aligned with AS/NZS ISO 8124.3:2021?**

Yes.

Recognising ASTM F963-23 as a compliance option, where its requirements align with the Australian standard's safety protections, will support international harmonisation and reduce duplicated testing for suppliers manufacturing for global markets. Many toys imported into Australia are already tested to ASTM requirements for the US market. Allowing equivalency where aligned ensures that safety protections remain robust while removing unnecessary localised testing and improving supply chain efficiency.

**Q14. Do you agree that the mandatory standard should reference ASTM F963-23 dynamically (updated as ASTM updates)?**

Yes.

Dynamic referencing of ASTM F963-23 will ensure the mandatory standard remains aligned with evolving international safety science and avoids the need for repeated regulatory amendments. Many suppliers already test to the most recent ASTM requirements for the US market, so recognising updated versions will reduce duplicated testing, minimise Australia-specific compliance pathways, and ensure consistent safety protections. Dynamic referencing should be accompanied by clear ACCC communication and practical transition periods to support predictable implementation.

**15. What is a suitable transition period for changes to take effect if the mandatory standard is updated following this limited review?**

A transition period of 24 months is appropriate.

A 24-month transition period is necessary to ensure that suppliers and retailers can adjust testing programs, update packaging artwork, and sell through existing stock already in the supply chain. Toys often operate on long manufacturing lead times, seasonal buying cycles, and consolidated global packaging runs, which means shorter transitions risk creating stranded inventory and avoidable waste. A two-year transition provides a practical and low-cost pathway for industry while still enabling the timely adoption of updated safety standards.

**16. Where a new version of a referenced voluntary standard is published in the future, how long should the superseded version remain as a compliance option?**

The superseded version should remain an available compliance option for 24 months.

A 24-month overlapping window ensures suppliers have sufficient time to update test reports, redesign packaging as required and align with global manufacturing cycles. It also allows retailers to sell through seasonal or slow-moving stock without disruption. Given the shelf-life of toy ranges and the lengthy production and shipping

timelines, a two-year overlap strikes an appropriate balance between regulatory efficiency and operational feasibility.

**Q17. Should product packaging state which referenced voluntary standard the product complies with?**

No.

Requiring suppliers to state the specific voluntary standard used for compliance on packaging would introduce an Australia-only labelling requirement that does not improve consumer safety. Most toys supplied in Australia are packaged as part of global manufacturing runs, and adding Australia-specific on-pack declarations would require separate packaging artwork, increase costs, complicate logistics, and risk creating stranded stock. Compliance should be demonstrated through test documentation and certification rather than through additional, market-specific labelling.

**18. If you answered 'yes' to question 17, how should suppliers state which referenced standard the product complies with?**

N/A

**19. Increasing compliance options and making mandatory standards dynamic removes the need to test products to bespoke or outdated Australian requirements where those products have already been tested to comparable overseas requirements.**

**Please provide any information, analysis or data about impacts on compliance costs and regulatory burden if the mandatory standard is updated.**

Updating the mandatory standard and enabling multiple international compliance pathways will significantly reduce compliance costs across the supply chain. Most toys supplied in Australia are already tested to one or more international standards because they are manufactured for global markets. Under the current framework, suppliers often need to commission additional testing or hold duplicate documentation to demonstrate compliance with outdated or Australia-specific requirements.

Recognising updated Australian and international standards, and making them dynamic, removes the need for duplicated or bespoke testing, reduces packaging variations, and allows suppliers to rely on existing global compliance programs. This modernised approach lowers operational burden, improves regulatory clarity, and supports consistent safety outcomes without imposing unnecessary Australia-only obligations.