

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

Overview

The ACCC invites you to have your say on the proposed updates to the mandatory standard for toys containing lead and other elements.

The mandatory standard ([Trade Practices Act 1974 - Consumer Protection Notice No. 1 of 2009 – Consumer Product Safety Standard: Lead and Certain Elements in Children's Toys](#)) sets the maximum migration limit for certain elements in toys and finger paints and provides specific guidelines on how to test for lead and other elements in children's toys and finger paints.

The mandatory standard applies to children's toys and finger paints that are supplied new and designed (or clearly intended) for use in play by children who are up to 6 years old. It excludes sporting goods, camping goods, bicycles, home and playground equipment, trampolines, electronic game units, models powered by combustion or steam engines, and fashion jewellery for children.

About this review

We are conducting a limited review of the toys containing lead and other elements mandatory standard (the **mandatory standard**). The purpose of this limited review is to:

- increase compliance options by referencing appropriate voluntary Australian and overseas standards that provide an equivalent or better level of safety
- determine if adding dynamic references is appropriate - so updates to referenced voluntary standards flow through to the mandatory standard.

Significant changes such as altering the scope of the mandatory standard or other major requirements (such as performance measures) are not being considered in this review. These may be considered in a future comprehensive review.

In this consultation, we have outlined voluntary standards that we are seeking views as to whether they could be suitable compliance options in the mandatory standard.

We welcome your feedback on the options listed in this consultation.

You can read more about the reforms to the mandatory standard framework and limited reviews on the [ACCC Product Safety website](#).

How to make a submission

Interested parties are invited to comment on this consultation.

Submissions are due by **Friday 12 December 2025**.

This consultation should take about 20 minutes to complete. You can save your answers and return at any time to complete your submission. You do not need to complete all questions to make a valid submission.

You will be able to provide supporting documentation (if required) at the end of the consultation.

We prefer interested parties respond to the questions using the online survey linked at the bottom of this page.

If you are unable to make your submission through the ACCC Consultation Hub, you can post or email your submission to:

Director
Standards Reform Team
Consumer Product Safety Division
Australian Competition & Consumer Commission
GPO Box 3131 Canberra ACT 2601

Email: ProductSafety.Regulation@accc.gov.au

If you are emailing or posting your submission, please include your name, organisation (if any) and contact details when making a submission.

Our preference is for submissions to be in electronic format (such as MS Word or PDF) that is text searchable and allows a 'copy and paste' function.

Publication of submissions

All submissions will be treated as public documents and published on the [ACCC Consultation Hub](#), in accordance with the [ACCC's Information Policy](#), unless otherwise requested.

Any parties wishing to submit commercial-in-confidence material should clearly mark it as such and submit both a public version and commercial-in-confidence version of their submission, with reasons explaining why it is confidential. More information about the ACCC's treatment of confidential information can be found in the [ACCC's Information Policy](#).

Next steps after consultation

We will review submissions and determine our recommendation to the Minister about updating the mandatory standard.

We may consult with stakeholders again before the mandatory standard is finalised and will publish the outcome of this limited review on the [ACCC Product Safety website](#).

Accessibility

If you have any difficulty accessing any of the information on this page, please refer to our website's accessibility information. Alternatively, contact us by email at ProductSafety.Regulation@accc.gov.au or phone 1300 302 502 Monday to Friday between 11:00 am to 3:00 pm AEDT.

Background information

This page provides background information about the questions in this survey. You can save your answers and come back to this page at any time when completing this survey.

About the toys containing lead and other elements mandatory standard

The mandatory standard came into effect in 2009 to protect children from harmful levels of lead and other toxic elements in children's toys supplied in Australia. The mandatory standard covers requirements for maximum migration limits for certain elements and provides guidelines on how to test for certain elements in children's toys and finger paints.

The mandatory standard currently references voluntary Australian Standard *AS 8124.7-2003 Safety of toys Part 7 – Finger paints*, and voluntary Australian New Zealand Standard *AS/NZS ISO 8124.3:2003 Safety of toys Part 3 – Migration of certain elements*. These voluntary standards were last updated in 2021 and 2023 respectively.

Find out more about the mandatory standard on the [ACCC Product Safety website](#).

Consultation issues

Accepting other voluntary standards as compliance options

We have identified voluntary Australian, international and overseas standards that may provide an equivalent level of safety to the mandatory standard. We consider that these could be listed as compliance options in the mandatory standard.

- AS/NZS ISO 8124.3:2021/Amd 1:2023 - Safety of toys - Part 3: Migration of certain elements
- ISO 8124-3:2020/Amd 1:2023 - Safety of toys - Part 3: Migration of certain elements
- Certain sections of EN 71-3:2019 + A2:2024 - Safety of toys - Part 3: Migration of certain elements
- Certain sections of ASTM F963-23 - Standard Consumer Safety Specification for Toy Safety

Where a mandatory standard allows for more than one voluntary standard as a compliance option, suppliers can be required by the mandatory standard to include information on which compliance option the product complies with. This compliance information could be marked on the product itself, the packaging, or in information provided with the product.

We have conducted an initial assessment of several overseas voluntary standards against the updated 2021 version of the voluntary Australian standard and consider that certain sections of these standards may provide an equivalent level of safety. These standards include:

The latest European voluntary standard: *EN 71-3:2019 + A2:2024 - Safety of toys - Part 3: Migration of certain elements*

This standard includes requirements for 19 elements (compared to 9 in the 2021 voluntary Australian standard) with different migration limits, testing methodology and material classification system. Referencing this voluntary standard in full is likely to increase the scope of the mandatory standard, which is beyond the parameters of this limited review.

A possible approach could be to reference as a compliance option only the specific sections of the European voluntary standard that align with the 2021 version of the voluntary Australian standard. This means only referencing the relevant provisions in the European voluntary standard which covers the migration and testing requirements for the 9 elements identified in the 2021 voluntary Australian standard: antimony, arsenic, barium, boron, cadmium, chromium, lead, mercury and selenium, rather than the broader scope of 19 elements included in the European standard.

The latest American voluntary standard: *ASTM F963-23 - Standard Consumer Safety Specification for Toy Safety*

This standard only includes requirements for toys and modelling clays (included as part of a toy), it does not include specific limits for finger paints, slime and boron. Our initial view is that the absence of boron requirements means this standard does not adequately address risks from products such as modelling clays, putties and slime which are known sources of exposure. As a result of these differences, we consider referencing this standard in full may not offer an equivalent level of safety to the 2021 version of the voluntary Australian standard.

It is proposed that the ASTM standard only be available as a compliance option for the supply of products classified as toys. For other product categories including finger paints, slimes, modelling clays and putties, suppliers would be required to comply with the relevant Australian, ISO or European voluntary standards, which provide more suitable protections to address safety risks with these type of products.

Specifying the age limit for the mandatory standard

The current mandatory standard applies to toys and finger paints clearly intended for use in play by children who are up to 6 years old.

The latest 2021 voluntary Australian standard maintains focus on children up to 6 years due to the increased mouthing behaviours present in younger children. However, the standard also recognises that certain toy categories (e.g. modelling clay, liquid paints, gels, pretend/toy food, accessible coatings etc) which may be placed in the mouth or close to the mouth and/or are capable of easy ingestion should conform with the toxic element requirements, *irrespective of any age grading or recommended age labelling*.

We propose recommending to the Minister that the updated mandatory standard continues to apply specifically to children under 6 years for all toy categories. This is appropriate given that the greatest risk of harm from toxic elements arises in younger children, due to mouthing behaviours and higher susceptibility to exposure. Any expansion of the scope to cover older children falls outside the parameters of this limited review, however may be considered as part of a future full review.

Allowing mandatory standard references to be dynamic

Mandatory standards can reference one or more voluntary standards. Voluntary standards are updated from time to time. Ordinarily, a mandatory standard would reference only the version of the voluntary standard that was in place when the reference was introduced into the mandatory standard.

Dynamic referencing means that the mandatory standard references a voluntary standard as it exists from time-to-time. This will allow updates to the referenced voluntary standard to then flow through to the mandatory standard, keeping pace with global product safety developments.

We propose allowing a 6-month review period before any updates to a referenced voluntary standard take effect in the mandatory standard. During this time, we will review these updates to ensure they are appropriate.

We can recommend to the Minister to stop an update to a voluntary standard taking effect in the mandatory standard, where necessary.

Transition periods

Appropriate transition periods in the mandatory standard allow for:

- changes arising from this review to take effect
- superseded versions of the referenced standards remaining as compliance options for a specified time.

Transition periods allow businesses to:

- sell existing stock
- make manufacturing and design changes
- undertake testing to ensure compliance with an updated standard.

Retain the current mandatory safety standard (maintain the status quo)

If the status quo is maintained, there would be no change to the mandatory standard, and it would continue to reference parts of the 2003 voluntary Australian standards. This voluntary standards have been superseded.

Maintaining the status quo would mean that the mandatory safety standard would not reference the latest voluntary Australian and international standards. Businesses will continue to incur additional regulatory and testing costs, and they will not be able to supply products that comply with updated Australian and comparable voluntary international standards.

Consumers will have the same level of protection they have now but potentially not benefit from a greater variety of products and safety improvements.

About you

You can save your responses in this survey and come back anytime to complete it.

Personal information collection notice

The [ACCC](#) will handle personal information collected in this survey in accordance with the [Australian Privacy Principles](#).

If you choose to enter your email address, it will be used to acknowledge receipt of your survey responses, to provide you with a copy of those responses and for the purpose of contacting you in relation to your survey responses. It will not be disclosed without your consent, except where authorised or required by law.

Information about how to access and/or correct your personal information, and how to lodge a complaint in relation to the use or disclosure of your personal information, is set out in our [privacy policy](#) on our website.

1 What is your name?

Name:

2 What is your email address?

This information will not be published. If you enter your email address you will receive an acknowledgement email when you submit your response. We'll email you if we need to ask more questions about your submission.

Email:

3 What is your organisation? (if applicable)

Organisation:

4 Do you consent to the ACCC publishing your submission?

(Required)

Please select only one item

- ☐ Yes
- ☐ No
- ☐ Yes, but do not publish my name

You are responsible for ensuring there is no information in your submission that can disclose your identity.

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

Please select only one item

- ☐ Yes — continue with the survey to consider options for updating the mandatory standard.
- ☐ No, maintain the status quo.

If you selected no, please provide reasoning in the text box below. You can also upload documentation at the end of this survey.

Currently referenced voluntary standard

The mandatory standard for toys containing lead and other elements (**mandatory standard**) references Part 7 of the 2003 version of the voluntary Australian Standard AS 8124.7-2003 and Part 3 of the 2003 version of voluntary Australian Standard AS/NZS ISO 8124.3:2003. These voluntary standards have been superseded.

All questions on this page relate to the 2021 version of the voluntary Australian standard, as amended in 2023 – AS/NZS ISO 8124.3:2021/Amd 1:2023.

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

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

7 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)?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

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

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

Adding a voluntary international or overseas standard as a compliance option

ISO 8124-3:2020/Amd 1:2023 - Safety of toys - Part 3: Migration of certain elements
All questions on this page relate to the 2020 version of the voluntary international standard, as amended in 2023 - ISO 8124-3:2020/Amd 1:2023.

9 Do you agree that ISO 8124-3:2020/Amd 1:2023 provides an equivalent level of safety to the current mandatory standard and can be referenced in the mandatory standard as a compliance option?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

10 Do you agree that the mandatory standard should reference ISO 8124-3:2020/Amd 1:2023 as it is updated from time-to-time (dynamic referencing)?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

Adding a voluntary international or overseas standard as a compliance option

EN 71-3:2019 + A2:2024 - Safety of toys - Part 3: Migration of certain elements

All questions on this page relate to the 2019 version of the voluntary European standard, as amended in 2024 - EN 71-3:2019 + A2:2024.

11 Do you support referencing specific sections of EN 71-3:2019 + A2:2024 as a compliance option in the mandatory standard, where they align with the safety protections in the 2021 voluntary Australian standard?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

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

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

Adding a voluntary international or overseas standard as a compliance option

ASTM F963-23 - Standard Consumer Safety Specification for Toy Safety

All questions on this page relate to the 2023 version of the voluntary American standard - ASTM F963-23.

13 Do you support referencing specific sections of ASTM F963-23 as a compliance option in the mandatory standard, where they align with the safety protections in the 2021 voluntary Australian standard?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

14 Do you agree that the mandatory standard should reference ASTM F963-23 as it is updated from time-to-time (dynamic referencing)?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

Transition periods, compliance information and impacts on business

Each question relates to the mandatory standard for toys containing lead and other elements.

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

Provide your response below.

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?

Provide your response below.

17 Do you agree that product packaging or information provided with the product should state which referenced voluntary standard the product complies with?

Please select only one item

- ☐ Yes
- ☐ No

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

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

Please select all that apply

- ☐ A label attached to the product
- ☐ Information labelled on product packaging
- ☐ Information provided with the product – can be included with other product information such as user instructions
- ☐ Any of the above
- ☐ Other – provide more information below

You can provide information or recommendations on your answer below. You can also upload documentation at the end of this survey.

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. You can also upload documentation at the end of this survey.

20 Upload supporting documentation.

Upload supporting documentation

Please attach a copy of any documents you wish to include to this printout.

Our preference is supporting documentation to be in electronic format (such as MS Word or PDF) that is text searchable and allows a 'copy and paste' function.

Clearly label all documentation that is commercial-in-confidence.

Upload your supporting documentation.

