



14 August 2026

[REDACTED]

[REDACTED]

[REDACTED]

Official information request

Our ref: R001544

Tēnā koe [REDACTED]

Thank you for your Official Information Act 1982 (OIA) request received by the Ministry for Regulation (Ministry) on 2 July 2026. You requested the following information:

*All advice on the proposal to harmonise toy product standards with USA and EU
The names of all firms consulted on the changes.*

On 9 July 2026, you confirmed you are seeking formal advice provided to ministers.

On 7 August 2026, we notified you that the timeframe for making a decision on your request had been extended to 14 August 2026.

Our response to your request

One document is in scope of your request, briefing paper MFR2025-328: *Low complexity reviews options December 2025 – Harmonising product safety standards for children's toys*. This is the only formal advice provided to the Minister for Regulation (Minister) on the issue.

There was a brief update to the Minister as part of the Ministry's weekly report of 26 June 2026:

Toy Standards Red Tape Tipline Issue

On 22 June, Cabinet agreed to modernise the Product Safety Standards (Children's Toys) Regulations 2005 by declaring New Zealand will align with Australia and adopt wider international standards.

The Ministry for Regulation progressed this issue as a low complexity review in December 2025. In early 2026, you reached agreement with the Minister of Commerce and Consumer Affairs for this changed to be implemented.

The changes will promote trade by reducing the costs of supplying regulated toys to New Zealand, while still ensuring toys are safe for children with an estimated net benefit of \$3.6m over a 10-year period.

We understand an announcement is expected towards the end of next week being led by Minister Brewer's office.

In both sets of information cited above, I have decided to provide you with extracts in line with section 16(1)(e) of the OIA. The extract from the briefing paper MFR2025-328 containing information relevant to your request is attached as **Appendix A**.

Firms consulted

As part of our review, the Ministry engaged with:

- Ministry of Business, Innovation and Employment
- Commerce Commission
- Standards New Zealand.

One further organisation name has been withheld under section 9(2)(a) and section 9(2)(b)(ii) of the OIA.

Key to sections of the OIA under which information has been withheld

Some information is withheld from our response under the following sections of the OIA:

- 9(2)(a) - to protect the privacy of natural persons, including that of deceased natural persons
- 9(2)(b)(ii) - to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

As required by section 9(1) of the OIA, I have considered whether the grounds for withholding the information requested is outweighed by the public interest. In this instance, I do not consider that to be the case.

Right of review

If you wish to discuss this decision with us, please contact hello@regulation.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision.

Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi



Aisling Risdon

Head of Ministerial and Strategic Services
Ministry for Regulation



Harmonising product safety standards for children's toys

Regulation requires children's toys meet a specified Standard to reduce the risks of injury or death

25. You received correspondence from a New Zealand based toy retailer ^{S 9(2)(a), S 9(2)(b)(iii)} submitting that New Zealand should accept a broader range of international toy standards, enabling it to import children's toys that met comparable international safety standards without extra testing against the New Zealand standard.

Regulations incorporate the joint Australia and New Zealand Standard

26. The Fair Trading Act 1986 enables product safety standards to be specified in regulations to prevent or reduce the risk of injury associated with the product's use.⁵
27. The Product Safety Standards (Children's Toys) Regulations 2005⁶ (the Regulations) made under this provision require all children's toys produced domestically or imported to meet certain clauses of *AS/NZS ISO 8124.1:2002: Safety of toys—Part 1: Safety aspects related to mechanical and physical properties* (the AS/NZS Standard). The AS/NZS Standard is a joint safety standard used in New Zealand and Australia.
28. The Regulations apply to all toys manufactured, designed, labelled or marketed for use by children up to and including 36 months of age. They provide for variations in the Standard to suit the New Zealand regulatory system⁷, and specifies the acceptable criteria for the structural characteristics and properties of toys (shape, size, contour, spacing) for their safe use. It also sets out the tests to determine whether a toy has pieces that can break off during normal use or during reasonably foreseeable abuse that create a potentially dangerous choking hazard.⁸
29. The rationale for incorporating the Standards into regulation is that young children under 3 years of age are particularly vulnerable to swallowing and inhaling small parts of toys as they are less able to cough out small items they have swallowed at that age. The Ministry for Regulation considers that it is appropriate for these safety standards to be incorporated into regulation given the risk that unsafe toys can pose to very young children.
30. According to data from Accident Claims and Compensation (ACC), from 2019-2023 there were an average 1574 new and active claims per year from injuries from toys for children aged 3 and under. The cost of harm to the children involved is unquantified. The average cost per year to ACC in response to the injuries was \$538,521⁹

The Commerce Commission are the regulator who employ a reactive approach to enforcement

31. The Fair Trading Act 1986 makes it an offence to supply, offer to supply or advertise to supply goods that fail to meet an applicable product safety standard. Companies can be fined up to

⁵ s29(1) of the [Fair Trading Act 1986](#).

⁶ [Product Safety Standards \(Children's Toys\) Regulations 2005](#)

⁷ For example, altered test methods for small parts or choking hazards and additional requirements for labelling or warnings.

⁸ Standards New Zealand: [AS/NZS ISO 8124.1:2023](#)

⁹ [2024 ACC data release published in response to OIA](#)

\$600,000 for each breach of the product standard and individuals can be fined up to \$200,000.¹⁰

32. To ensure compliance with the AS/NZS Standard, the products must be tested. We understand from the submitter the cost of testing usually falls on the importer, and it can cost up to \$5,000 to test a single product. Testing typically occurs via the manufacturer or via an independent tester.
33. Enforcement of toy safety standards in New Zealand appears reactive with no routine checks conducted during importation or sale. There are controls in place such as market surveillance, investigation of complaints, and retail inspections conducted by the Commerce Commission to detect non-compliance¹¹. From a scan of media reporting, including recent events where asbestos was found in coloured sand for children, we can see that low-quality and defective products for children are still imported into and sold in New Zealand despite the regulated standard¹².
34. Since 2022, the Commerce Commission has received 161 reported concerns related to the product safety standard for children's toys. This resulted in 26 educative letters, 43 compliance advice letters, 10 warning letters to businesses, 9 prosecutions and 1 business entered into enforceable undertakings.¹³

Current regulation does not recognise international safety standards

35. The Regulations only provide for the AS/NZS Standard. This means that products that meet other, potentially comparable, safety standards either cannot be imported or need to be tested against the AS/NZS Standard.
36. As referenced, S 9(2)(a), S 9(2)(b)(ii) wrote to you about this issue. We have engaged with S 9(2)(a), S 9(2)(b)(ii) as well as Retail New Zealand (a representative industry body), the Ministry of Business, Innovation and Employment and the Commerce Commission.
37. Our initial view is that the Regulations only providing for the AS/NZS Standard reduces the products available and duplicative testing increases the costs for importers and suppliers in New Zealand. This makes a less competitive market and constrains the ability of local retailers from competing with global online retailers.
38. Consumers in New Zealand *may* have less choice and higher prices as a result.

Australia, which we share the AS/NZS Standard with, has recently incorporated international safety standards into its regulatory framework

39. In 2023 Australia recognised other trusted international standards as well as the AS/NZS Standard. To supply a children's toy product in Australia, one of the following standards must be met¹⁴:

¹⁰ s40(1) of the [Fair Trading Act 1986](#).

¹¹ Commerce Commission's authorised staff have enforcement powers in these contexts.

¹² These are regulated as consumer products and hazardous substances, not under the toy standard.

¹³ Data provided by the Commerce Commission

¹⁴ Federal Register of Legislation (2023), Australian Government: [Consumer Goods \(Toys for Children up to and including 36 Months of Age\) Safety Standard 2023](#)

- AS/NZS ISO 8124.1:2002 ('the AS/NZS Standard')
 - International standard (ISO) 8124 (the International Standard)
 - European Standard EN 71 (the European Standard)
 - American Standard ASTM F963 (the American Standard).
40. This change was made following a 2017 review which found children's toys that met these other standards would not compromise child safety as they were broadly comparable, or even required a higher safety standard, to the AS/NZS Standard.¹⁵ The review consulted with the toy industry and product safety regulators and 81% of submitters supported the proposal to adopt other trusted international standards.¹⁶
41. The intent of this change was that the Australian market would be able to import a wider range of products, that overseas based toy manufacturers would have an easier point of entry into that market, that suppliers could be more selective in the products they sell, and consumers will have more choice.
42. As a result, overseas manufacturers may now have less incentive to produce toys that comply with the AS/NZS standard, since New Zealand is the only country that requires it without alternatives and is a smaller market than the combined Aus-NZ market.

The Ministry for Regulations' initial view is that we should also recognise trusted international safety standards

43. Our initial analysis confirms the Australian assessment on the equivalence of the International, European and American standards to the AS/NZS Standard. European standard is more rigorous in some areas (e.g., finger paints) and the American standard sets additional safety requirements.¹⁷ We agree there is a strong case to align with the Australian approach.
44. The Commerce Commission agrees that harmonising with international standards may, in principle, reduce costs for businesses, barriers to entry and prices for customers, and promote competition and therefore increase choice for customers.
45. MBIE have advised this option is not without risks, including:
- Multiple applicable standards could make enforcement of the mandatory safety standards more difficult for regulators.
 - It is important to have a check in place to ensure that any standard adopted is fit for purpose in the New Zealand context before it is referenced in legislation. This is to ensure that local safety expectations, market conditions, and regulatory frameworks are properly considered, even when adopting well-established international standards.

¹⁵ [Australian Competition & Consumer Commission \(2017\). Review of mandatory safety standards for children's toys.](#)

¹⁶ [Consumer Goods \(Toys for Children up to and including 36 Months of Age\) Safety Standard 2023. Explanatory statement](#)

¹⁷ Such as the labelling of toys that contain certain coin-sized button batteries and improved methods.



Next steps

46. To enable other international standards to be accepted and enforced in New Zealand they need to be specified in the Regulations. This requires amendments to the Regulations by order in council.
47. To make this change, the Minister of Commerce and Consumer Affairs would need to comply with the requirement under section 29(3) of the Fair Trading Act 1986 to consult with, 'such persons or representatives of such persons as the Minister considers will be substantially affected' and consider any comments they make before recommending the amendments to the Governor General.
48. If you wish to progress this change, we encourage you to write to the Minister of Commerce and Consumer Affairs to agree to the pathway for change.