

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No 2 of 2009

CONSUMER PRODUCT SAFETY STANDARD FOR FLOTATION TOYS AND AQUATIC TOYS

I, Chris Bowen, Minister for Competition Policy & Consumer Affairs, pursuant to subsection 65E(1) of the *Trade Practices Act 1974* and for the purposes of section 65C of that Act, hereby:

- (a) **REVOKE** the consumer product safety standard for children's flotation toys and swimming aids declared by consumer protection notice No 4 of 1992 published in Commonwealth of Australia Gazette No. GN 10 of 11 March 1992; and
- (b) **DECLARE** that in respect of goods of the kind specified in Division 1 of the Schedule to this Notice, the standards approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, are consumer product safety standards for the purposes of section 65C of the *Trade Practices Act 1974*. The standard specified at Division 2(a) of the Schedule to this Notice will cease to operate as a consumer product safety standard from 1 April 2010.

THE SCHEDULE

Division 1: Particulars of the goods

Flotation toys and aquatic toys which are:

- (a) designed or clearly intended for use in play by children under 14 years of age; and
- (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body, including but not limited to:

- (c) inflatable novelty shapes;
- (d) inflatable toy boats, which by virtue of their size and design are intended for use in shallow water;
- (e) unattached complete or partial rings;

but NOT including:

- (f) beach balls;
- (g) surfboards;
- (h) body/boogie boards;
- (i) inflatable air beds;
- (j) inflatable boats, which by virtue of their size and design are intended for use in deep water;
- (k) kickboards.

Division 2: The Standards

Either:

- (a) Australian Standard AS 1900-1991 *Flotation toys and swimming aids for children*, approved by Standards Australia on 12 July 1991 and incorporating all amendments approved by Standards Australia as at the date of this Notice;

Or:

- (b) The following parts of Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD)* approved by Standards Australia on 30 April 2002:
 - (i) clauses 3.2, 4.19, C.2.6, and E.33;
 - (ii) the variations to clauses 4.19, C.2.6, and E.33 contained in Appendix ZZ.

Division 3: Variations

Australian Standard AS 1900-1991 *Flotation toys and swimming aids for children* is varied as follows:

- (a) Deleting the text in clause 1.1 and replacing it with:

‘**SCOPE** This Standard specifies requirements for flotation toys which are:

 - (a) designed or clearly intended for use in play by children under 14 years of age; and
 - (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.’
- (b) Deleting clause 1.3.5;
- (c) Deleting the text in clause 1.3.6 and replacing it with:

‘**Flotation toy** – an article which is:

 - (a) designed or clearly intended for use in play by children under 14 years of age; and
 - (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.

(See Figure 1.1)’
- (d) Deleting clause 1.3.7;

- (e) In Figure 1.1:
 - i. deleting the text ‘Kickboards’ as it appears in relation to ‘Flotation toys’;
 - ii. deleting the text ‘AND SWIMMING AIDS’ as it appears in the heading; and
 - iii. deleting the part of the figure relating to the classification of ‘Swimming aids’;
- (f) In clause 2.5 deleting the text “, and swimming aid vests shall retain sufficient buoyancy to comply with Clause 7.2.3”;
- (g) Deleting clause 2.8;
- (h) Deleting clause 2.10;
- (i) In clause 3.1 deleting the text:
 - ‘(a) kickboards;
 - (b) inflatable novelty shapes;
 - (c) inflatable toy boats (see Clause 1.3.8) and;
 - (d) inflatable pontoon shoes.’and replacing it with:
 - ‘(a) inflatable novelty shapes;
 - (b) inflatable toy boats (see Clause 1.3.8) and;
 - (c) inflatable pontoon shoes.’
- (j) Deleting section 5;
- (k) Deleting section 6;
- (l) Deleting section 7;
- (m) In clause 8.1.1 deleting the text ‘and swimming aids’;
- (n) In clause 8.1.2 deleting the text ‘Any flotation toy, including all inflatable novelty shapes, inflatable toy boats and all flotation rings but excluding kickboards,’ and replacing it with ‘All flotation toys’.
- (o) Deleting clause 8.1.3;
- (p) Deleting clause 8.1.4;
- (q) Deleting clause 8.1.5;
- (r) In clause 8.1.6 deleting the text ‘Clauses 8.1.2 to 8.1.5’ and replacing with ‘Clause 8.1.2’;
- (s) In clause 8.2 deleting the text ‘Clauses 8.1.2 to 8.1.5’ and replacing with ‘Clause 8.1.2’;

- (t) In Appendix A deleting the text 'or swimming aid' in the first paragraph; and
- (u) Deleting Appendix B.

Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties (ISO 8124-1:2000, MOD)* is varied as follows:

- (a) Deleting the text in clause 3.2 and replacing it with:

aquatic toy
article, which is:

- (a) designed or clearly intended for use in play by children under 14 years of age; and
- (b) intended to bear the mass of a child in water, whether inflatable or not;

whether or not worn or otherwise attached to the body.

- (b) In Appendix ZZ, for the variation to Clause C.2.6, inserting the text 'indelible' after the word 'following' and before the word 'warning'; and
- (c) In Appendix ZZ, for the variation to Clause E.33, inserting the text 'of the first paragraph' after the text 'last sentence'.

Note: The choice between two consumer product safety standards in this consumer product safety notice is available until 31 March 2010. From 1 April 2010 the standard at Division 2(b) of the Schedule will operate as the only consumer product safety standard in this consumer product safety notice.

Dated this 8th day of April 2009

Chris Bowen
Minister for Competition Policy & Consumer Affairs