



Consumer Goods (Swimming and Flotation Aids) Safety Standard 2017

I, Michael McCormack, Minister for Small Business, make the following safety standard.

Dated 14 December 2017

Michael McCormack
Minister for Small Business

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<i>Consumer Product Safety Standard for Swimming Aids and Flotation Aids for Water Familiarisation and Swimming Tuition (Consumer Protection Notice No 3 of 2009) (Federal Register of Legislation No. F2009L01476)</i>	5

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Swimming and Flotation Aids) Safety Standard 2017*.

2 Commencement

This instrument commences on the day after this instrument is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under section 104(1) of the Australian Consumer Law.

Note: The reference to the Australian Consumer Law is a reference to Schedule 2 to the *Competition and Consumer Act 2010* as it applies as a law of the Commonwealth, States and Territories: see section 140K of that Act and corresponding provisions of Acts of States and Territories applying that Schedule.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Australian/New Zealand Standard means Australian/New Zealand Standard *AS/NZS 1900:2014 Flotation aids for water familiarization and swimming tuition*, as in force on the commencement of this instrument.

Note: The Australian/New Zealand Standard could in 2017 be purchased from SAI Global's website (<https://www.saiglobal.com>). The Australian Competition and Consumer Commission can make a copy of the standard available for viewing at one of its offices, subject to licensing conditions.

flotation aid means an article:

- (a) designed for children under 14 years of age; and
- (b) to be worn on or attached to the user's body, or sat in by the user, for the purpose of enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition; and
- (c) that is not any of the following:
 - (i) a flotation toy;
 - (ii) an unattached flotation device;
 - (iii) an article designed only for therapeutic use;
 - (iv) an article designed for use by disabled persons;

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- (v) a personal flotation device for use in boating or other recreational water activities.

transitional period means the period of 24 months beginning on the day this instrument commences.

Part 2—Basic requirements

6 Requirements during transitional period

- (1) During the transitional period, a flotation aid must comply with the requirements in any of the following:
 - (a) section 8;
 - (b) section 9.
- (2) This section is repealed at the end of the last day of the transitional period.

7 Requirements after transitional period

After the transitional period, a flotation aid must comply with the requirements in section 8.

Part 3—Details of requirements

8 Australian/New Zealand Standard requirements

- (1) A flotation aid complies with the requirements in this section if the flotation aid complies with the Australian/New Zealand Standard, as affected by subsections (2) to (5).
- (2) For the purposes of subsection (1), the Australian/New Zealand Standard is varied by replacing the first paragraph of clause 1.1 with the following:
This Standard specifies requirements for swimming aids:
 - (a) designed for children under 14 years of age; and
 - (b) to be worn on or attached to the user's body, or sat in by the user, for the purpose of enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.
- (3) For the purposes of subsection (1), the Australian/New Zealand Standard is varied by replacing clause 1.4.1 with the following:
1.4.1 Flotation aid
An article:
 - (a) designed for children under 14 years of age; and
 - (b) to be worn on or attached to the user's body, or sat in by the user, for the purpose of enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.
- (4) For the purposes of subsection (1), the Australian/New Zealand Standard is varied by omitting the following clauses:
 - (a) clause 1.4.3;
 - (b) clause 2.1.1.
- (5) For the purposes of subsection (1), the Australian/New Zealand Standard is varied by omitting the following from clause 2.8:
Failure or deflation of any chamber shall not affect the security of fit of the aid, as required by Clause 2.1.1.

9 Requirements of Consumer Protection Notice No 3 of 2009

- (1) A flotation aid complies with the requirements in this section if the flotation aid complies with the Consumer Product Safety Standard for Swimming Aids and Flotation Aids for Water Familiarisation and Swimming Tuition (Consumer Protection Notice No 3 of 2009), as in force immediately before the commencement of this instrument.

Note: The Consumer Product Safety Standard for Swimming Aids and Flotation Aids for Water Familiarisation and Swimming Tuition (Consumer Protection Notice No 3 of 2009) could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).
- (2) This section is repealed at the end of the last day of the transitional period.

Schedule 1—Repeals

Consumer Product Safety Standard for Swimming Aids and Flotation Aids for Water Familiarisation and Swimming Tuition (Consumer Protection Notice No 3 of 2009) (Federal Register of Legislation No. F2009L01476)

1 The whole of the instrument

Repeal the instrument.

Note: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the Consumer Product Safety Standard for Swimming Aids and Flotation Aids for Water Familiarisation and Swimming Tuition (Consumer Protection Notice No 3 of 2009) continued in force from the start of 1 January 2011 as if it were a safety standard made under section 104 of the Australian Consumer Law (because it was taken under section 65E of the *Trade Practices Act 1974* to be a prescribed consumer product safety standard for the purposes of section 65C of that Act immediately before 1 January 2011).