

Consumer Goods (Aquatic Toys) Safety Standard 2020

I, Michael Sukkar, Minister for Housing and Assistant Treasurer, make the following safety standard.

Dated 3 June 2020

Michael Sukkar

Minister for Housing and Assistant Treasurer

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Consumer Product Safety Standard for Flotation Toys and Aquatic Toys (Consumer Protection Notice No 2 of 2009) (Federal Register of Legislation No. F2009L01474) 5

Part 1—Preliminary

1 Name

 This instrument is the *Consumer Goods (Aquatic Toys) Safety Standard 2020*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 12 June 2020 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

***aquatic toy*** means a toy that is designed:

 (a) to bear the mass of a child under the age of 14; and

 (b) for use in play in shallow water by a child;

whether or not it is inflatable and whether or not it is designed to be worn or otherwise attached to the body.

Note: Examples of ***aquatic toys***include the following:

(a) inflatable novelty shapes;

(b) inflatable boats that are toys and that by virtue of their size and design are intended for use in shallow water;

(c) unattached complete or partial rings.

***Australian/New Zealand Standard*** means the Australian/New Zealand Standard *AS/NZS ISO 8124.1:2019 Safety of toys Part 1: Safety aspects related to mechanical and physical properties*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as in force or existing at the time when this instrument commences.

Note: The Australian/New Zealand Standard could in 2020 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.

***International Standard*** means the International Standard *ISO 8124‑1:2018 Safety of toys — Part 1: Safety aspects related to mechanical and physical properties*, published by the International Organization for Standardization, as in force or existing at the time when this instrument commences.

Note: The International Standard could in 2020 be purchased from the International Organization for Standardization’s website (https://www.iso.org). 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.

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

6 Application

 (1) This instrument applies to aquatic toys.

 (2) However, this instrument does not apply to the following:

 (a) beach balls;

 (b) surfboards;

 (c) bodyboards;

 (d) kickboards;

 (e) inflatable air beds;

 (f) inflatable boats that are not toys or that by virtue of their size and design are intended for use in deep water.

Part 2—Basic requirements

7 Requirements during transitional period

 (1) During the transitional period, an aquatic toy must comply with either:

 (a) the requirements in Part 3; or

 (b) the Consumer Product Safety Standard for Flotation Toys and Aquatic Toys (Consumer Protection Notice No 2 of 2009), as in force immediately before the commencement of this section.

Note: The Consumer Product Safety Standard for Flotation Toys and Aquatic Toys (Consumer Protection Notice No 2 of 2009) could in 2020 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.

8 Requirements after transitional period

 After the transitional period, an aquatic toy must comply with the requirements in Part 3.

Part 3—Details of requirements

9 Main requirements

 An aquatic toy complies with the requirements in this Part if the aquatic toy:

 (a) complies with one of the following:

 (i) the requirements in section 10 (Australian/New Zealand Standard);

 (ii) the requirements in section 11 (International Standard); and

 (b) complies with the requirements in section 12 (warning formatting requirements).

Note: On request by the regulator, a supplier of aquatic toys may be required to nominate the applicable requirements under paragraph (a): see section 108 of the Australian Consumer Law.

10 Australian/New Zealand Standard

 (1) An aquatic toy complies with the requirements in this section if the aquatic toy complies with clause 4.20 of the Australian/New Zealand Standard, as affected by Annex B.2.6 as modified by subsection (2).

 (2) Annex B.2.6 of the Australian/New Zealand Standard is modified by omitting “should carry” and substituting “shall carry”.

11 International Standard

 (1) An aquatic toy complies with the requirements in this section if the aquatic toy complies with clause 4.20 of the International Standard, as affected by Annex B.2.6 as modified by subsection (2).

 (2) Annex B.2.6 of the International Standard is modified by omitting “should carry” and substituting “shall carry”.

12 Warning formatting requirements

 An aquatic toy complies with the requirements in this section if the warning it carries:

 (a) is in English; and

 (b) is clearly legible; and

 (c) is clearly visible; and

 (d) is indelible.

Schedule 1—Repeals

Consumer Product Safety Standard for Flotation Toys and Aquatic Toys (Consumer Protection Notice No 2 of 2009) (Federal Register of Legislation No. F2009L01474)

1 The whole of the instrument

Repeal the instrument.