



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**  
ISSN 1448-949X (print) ISSN 2204-4264 (online)  
PRINT POST APPROVED PP665002/00041



PERTH, MONDAY, 8 JANUARY 2018 No. 3

SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON  
© STATE OF WESTERN AUSTRALIA

### FAIR TRADING ACT 2010

The following instruments are published under the *Fair Trading Act 2010*  
section 21

## Consumer Goods (Basketball Rings and Backboards) Safety Standard 2017

---

## Consumer Goods (Swimming and Flotation Aids) Safety Standard 2017

---

## Consumer Goods (Trolley Jacks) Safety Standard 2017

---



## **FAIR TRADING ACT 2010**

The following instrument is published under the *Fair Trading Act 2010*  
section 21



## **Consumer Goods (Basketball Rings and Backboards) 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

---

# Contents

## Part 1—Preliminary

- 1 Name
- 2 Commencement
- 3 Authority
- 4 Schedules
- 5 Definitions
- 6 Application

## Part 2—Requirements

### Division 1—Basic requirements

- 7 Requirements during transitional period
- 8 Requirements after transitional period

### Division 2—Details of requirements

- 9 Warnings and instructions to accompany basketball ring or backboard
- 10 Form of written warning accompanying basketball ring or backboard
- 11 Form of warning symbol accompanying basketball ring or backboard
- 12 How written warning and warning symbol are to accompany basketball ring or backboard
- 13 Form of permanent warning marked on front of backboard
- 14 Instructions accompanying basketball ring or backboard for installation for safe use

### Division 3—Details of alternative requirements that apply during transitional period

- 15 Requirements of the *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005*

## Schedule 1—Repeals

*Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005*

## Part 1—Preliminary

### 1 Name

This instrument is the *Consumer Goods (Basketball Rings and Backboards) 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 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:

***portable basketball system*** means a basketball ring, a backboard and a portable structure, that includes a pole and a base, for supporting the basketball ring and backboard.

***toy basketball ring*** means a miniature basketball ring (with or without a backboard) that is not designed to be permanently fixed to a fixture.

***transitional period*** means the period of 12 months beginning on the day this instrument commences.

### 6 Application

- (1) This instrument applies to basketball rings and backboards, including portable basketball systems, that are of a kind likely to be used for domestic use.
- (2) However, this instrument does not apply to toy basketball rings or backboards for toy basketball rings.

## **Part 2—Requirements**

### **Division 1—Basic requirements**

#### **7 Requirements during transitional period**

- (1) During the transitional period, a basketball ring or backboard must meet the requirements set out in Division 2 or Division 3.
- (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, a basketball ring or backboard must meet the requirements set out in Division 2.

### **Division 2—Details of requirements**

#### **9 Warnings and instructions to accompany basketball ring or backboard**

##### *Warnings*

- (1) A basketball ring or backboard must be accompanied by:
  - (a) a written warning described in section 10; and
  - (b) a warning symbol described in section 11;in the way described in section 12.
- (2) A backboard must have a warning described in section 13 permanently marked in a conspicuous place on the front of the backboard or on a label fixed in such a place.

##### *Instructions*

- (3) A basketball ring or backboard must be accompanied by a label, tag or manual setting out instructions described in section 14 for installation of the basketball ring or backboard for its safe use, unless the ring or backboard is supplied as part of a portable basketball system.

#### **10 Form of written warning accompanying basketball ring or backboard**

- (1) The warning accompanying the basketball ring or backboard must:
  - (a) consist of the words “WARNING: IMPROPER INSTALLATION OR SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH”; and
  - (b) be clearly legible.
- (2) In the warning:
  - (a) the letters must be upper-case and red, and appear on a white background; and
  - (b) the letters of the word “WARNING” must be at least 15 millimetres high; and
  - (c) the letters of the other words must be at least 10 millimetres high.

## 11 Form of warning symbol accompanying basketball ring or backboard

- (1) The warning symbol accompanying the basketball ring or backboard must be in the form of the following symbol (which is not full size):



- (2) In the warning symbol:
- (a) the diameter of the outer edge of the circle must be at least 120 millimetres; and
  - (b) the circle and diagonal line must be shown with red lines at least 5 millimetres wide; and
  - (c) the human figure must be entirely black; and
  - (d) the basketball ring and backboard must be outlined in black.

## 12 How written warning and warning symbol are to accompany basketball ring or backboard

*If basketball ring or backboard is packaged*

- (1) If the basketball ring or backboard is packaged, the warning and warning symbol must accompany the ring or backboard by being marked:
- (a) in a conspicuous place on the package; or
  - (b) on a label fixed in such a place.

*If basketball ring or backboard is not packaged*

- (2) If the basketball ring or backboard is not packaged, the warning and warning symbol must accompany the ring or backboard by being marked:
- (a) in a conspicuous place on the ring or backboard; or
  - (b) on a label fixed in such a place; or
  - (c) on a conspicuous tag attached to the ring or backboard.

## 13 Form of permanent warning marked on front of backboard

- (1) The warning permanently marked on the front of the backboard (or on a label there) must:
- (a) consist of the words “WARNING: SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH”; and
  - (b) be clearly legible.
- (2) The lettering of the warning must be upper-case and at least 10 millimetres high.

#### **14 Instructions accompanying basketball ring or backboard for installation for safe use**

The instructions accompanying the basketball ring or backboard for its installation for safe use must:

- (a) give details of the supporting structure to which the ring or backboard is to be fixed; and
- (b) give details of the hardware to be used to fix the ring or backboard to the supporting structure; and
- (c) strongly warn against fixing the ring or backboard to brickwork; and
- (d) include advice to consult a structural engineer if there is any doubt about the safety or stability of the installation.

Note: This section does not apply to a basketball ring or backboard supplied as part of a portable basketball system: see subsection 9(3).

### **Division 3—Details of alternative requirements that apply during transitional period**

#### **15 Requirements of the *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005***

- (1) If a basketball ring or backboard does not meet the requirements of Division 2, the ring or backboard must comply with the requirements of the *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005*, as in force immediately before the commencement of this instrument.

Note: The Regulations could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

- (2) This Division is repealed at the end of the last day of the transitional period.



## Schedule 1—Repeals

### *Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005*

#### 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 Regulations continued in force from the start of 1 January 2011 as if they were a safety standard made under section 104 of the Australian Consumer Law.

---



## **FAIR TRADING ACT 2010**

The following instrument is published under the *Fair Trading Act 2010*  
section 21



## **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

---

# Contents

## Part 1—Preliminary

- 1 Name
- 2 Commencement
- 3 Authority
- 4 Schedules
- 5 Definitions

## Part 2—Basic requirements

- 6 Requirements during transitional period
- 7 Requirements after transitional period

## Part 3—Details of requirements

- 8 Australian/New Zealand Standard requirements
- 9 Requirements of Consumer Protection Notice No 3 of 2009

## 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)*

## 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;
  - (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).

---



## **FAIR TRADING ACT 2010**

The following instrument is published under the *Fair Trading Act 2010*  
section 21



## **Consumer Goods (Trolley Jacks) 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

---

# Contents

## Part 1—Preliminary

- 1 Name
- 2 Commencement
- 3 Authority
- 4 Schedules
- 5 Definitions

## Part 2—Safety standard

- 6 Requirements during transitional period
- 7 Safety standard for trolley jacks after transitional period
- 8 Variation of the Australian Standard

## Schedule 1—Repeals

*Consumer Product Safety Standard for Trolley Jacks (Consumer Protection Notice No 10 of 2008) (Federal Register of Legislation No. F2008L03230)*

## Part 1—Preliminary

### 1 Name

This instrument is the *Consumer Goods (Trolley Jacks) 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 sections 104 and 105 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 Standard*** means Australian Standard *AS 2615:2016 Hydraulic trolley jacks*, as in force on the commencement of this instrument.

Note: The Australian 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.

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

***trolley jack*** has the same meaning as hydraulic trolley jack has in the Australian Standard.

## Part 2—Safety standard

### 6 Requirements during transitional period

- (1) During the transitional period, a trolley jack must comply with:
  - (a) the standard set by Consumer Protection Notice No 10 of 2008 (Federal Register of Legislation No. F2008L03230), made under section 65E of the *Trade Practices Act 1974*, as that notice was in force immediately before the commencement of this instrument; or
  - (b) the Australian Standard as varied by section 8.

Note 1: The notice could in 2017 be viewed on the Federal Register of Legislation website (<https://www.legislation.gov.au>).

Note 2: Under item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*, the standard set by the notice 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).

- (2) This section is repealed at the end of the last day of the transitional period.

### 7 Safety standard for trolley jacks after transitional period

After the transitional period, the Australian Standard, as varied by section 8, is declared to be a safety standard for trolley jacks.

### 8 Variation of the Australian Standard

- (1) For the purposes of this Part, the Australian Standard is varied by:
  - (a) omitting clause 5.4(a) and clause 9(f); and
  - (b) replacing clause 6.3 with the text set out in subsection (2) of this section; and
  - (c) replacing the words “1 min” in clause D3(g) in Appendix D with “15 minutes”.

- (2) The replacement text for clause 6.3 of the Australian Standard is as follows:

#### 6.3 Ease of operation

When the hydraulic trolley jack is tested in accordance with Appendix A and the operating force exceeds 450 N, Appendix F must be used to determine the maximum capacity of the hydraulic trolley jack using a maximum operating force of 450 N.

## Schedule 1—Repeals

### ***Consumer Product Safety Standard for Trolley Jacks (Consumer Protection Notice No 10 of 2008) (Federal Register of Legislation No. F2008L03230)***

#### **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 Trolley Jacks 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).

---