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section 21

**Consumer Goods (Aquatic Toys) Safety
Standard 2020**

**Consumer Goods (Projectile Toys) Safety
Standard 2020**



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)*

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.



Consumer Goods (Projectile 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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Schedule 1—Repeals

Consumer Product Safety Standard for Children's Projectile Toys (Consumer Protection Notice No. 16 of 2010) (Federal Register of Legislation No. F2010L01870)

Part 1—Preliminary

1 Name

This instrument is the *Consumer Goods (Projectile 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:

Australian/New Zealand Standard for safety of toys 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 for safety of toys 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.

European Standard means the European Standard *EN 71-1:2014 + A1:2018: Safety of toys—Part 1: Mechanical and physical properties*, published by the European Committee for Standardization, as in force or existing at the time when this instrument commences.

Note: The European 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 for safety of toys 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 for safety of toys 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.

projectile toy means a product supplied new that:

- (a) is designed or clearly intended for use in play by a child under 14 years of age; and
- (b) is capable of launching a projectile.

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

US Standard means the American Society for Testing and Materials Standard ASTM F963-17 Standard Consumer Safety Specification for Toy Safety, published by the American Society for Testing and Materials International, as in force or existing at the time when this instrument commences.

Note: The US 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.

Part 2—Basic requirements

6 Requirements during the transitional period

- (1) During the transitional period, a projectile toy must comply with either:
 - (a) the requirements in Part 3; or
 - (b) the Consumer Product Safety Standard for Children’s Projectile Toys (Consumer Protection Notice No. 16 of 2010), as in force immediately before the commencement of this section.

Note: The Consumer Product Safety Standard for Children’s Projectile Toys (Consumer Protection Notice No. 16 of 2010) 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.

7 Requirements after the transitional period

After the transitional period, a projectile toy must comply with the requirements in Part 3.

Part 3—Details of requirements

8 Main requirements

A projectile toy complies with the requirements in this Part if the projectile toy:

- (a) complies with one of the following:
 - (i) the requirements in section 9 (Australian/New Zealand Standard for safety of toys);
 - (ii) the requirements in section 10 (European Standard);
 - (iii) the requirements in section 11 (International Standard for safety of toys);
 - (iv) the requirements in section 12 (US Standard); and
- (b) complies with the requirements in section 13 (warning requirements).

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

9 Australian/New Zealand Standard for safety of toys

- (1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the Australian/New Zealand Standard for safety of toys:
 - (a) clause 4.18, as modified by subsection (2);
 - (b) clause 4.19.

Note: A word or phrase used in the applicable provisions of the Australian/New Zealand Standard for safety of toys that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

- (2) Clause 4.18 of the Australian/New Zealand Standard for safety of toys is modified by:
 - (a) omitting from paragraph 4.18.3 b) “be accompanied by a warning about aiming at the eyes or face [see B.2.15 a), projectile toys, for guidance]. This requirement only applies to projectiles that might reasonably be able to be aimed at the face (see E.32, projectile toys), and”; and
 - (b) omitting the first paragraph of clause 4.18.4.

10 European Standard

- (1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the European Standard:
 - (a) paragraph 4.11(e);
 - (b) clause 4.17, as modified by subsection (2).

Note: A word or phrase used in the applicable provisions of the European Standard that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

- (2) Clause 4.17 of the European Standard is modified by:
 - (a) omitting paragraph 4.17.3.1(b); and
 - (b) omitting paragraph 4.17.4.2(d).

11 International Standard for safety of toys

(1) A projectile toy complies with the requirements in this section if the projectile toy complies with the following provisions of the International Standard for safety of toys:

- (a) clause 4.18, as modified by subsection (2);
- (b) clause 4.19.

Note: A word or phrase used in the applicable provisions of the International Standard for safety of toys that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

(2) Clause 4.18 of the International Standard for safety of toys is modified by:

- (a) omitting from paragraph 4.18.3 b) “be accompanied by a warning about aiming at the eyes or face [see B.2.15 a), projectile toys, for guidance]. This requirement only applies to projectiles that might reasonably be able to be aimed at the face (see E.32, projectile toys), and”; and
- (b) omitting the first paragraph of clause 4.18.4.

12 US Standard

A projectile toy complies with the requirements in this section if the projectile toy complies with clause 4.21 of the US Standard.

Note: A word or phrase used in the applicable provision of the US Standard that is not defined in this instrument but is defined in that standard has the meaning given by that standard.

13 Warning requirements

Scope

(1) This section applies to a projectile toy that is capable of launching a projectile more than 300 millimetres.

Warning requirements

(2) The projectile toy complies with the requirements in this section if the instructions accompanying the toy and the packaging in which the toy is supplied have a warning statement that:

- (a) is in English; and
- (b) is clearly legible; and
- (c) is clearly visible; and
- (d) contains the following (or words to that effect):

WARNING: Do not aim at eyes or face

Determining projectile range

(3) For the purposes of subsection (1), in determining whether a projectile toy is capable of launching a projectile more than 300 millimetres the supplier must use the standard that is the basis for the requirements that the supplier intends to comply with.

Schedule 1—Repeals

***Consumer Product Safety Standard for Children’s Projectile Toys
(Consumer Protection Notice No. 16 of 2010) (Federal Register
of Legislation No. F2010L01870)***

1 The whole of the instrument

Repeal the instrument.
