



New South Wales

Fair Trading Amendment (Aquatic Toys and Flotation Aids) Regulation 2010

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

VIRGINIA JUDGE, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to replace the product safety standard currently prescribed for children's flotation toys and swimming aids under the *Fair Trading Act 1987* with separate product safety standards for:

- (a) children's flotation toys and aquatic toys, and
- (b) children's swimming and flotation aids.

This Regulation is made under the *Fair Trading Act 1987*, including sections 26 and 92 (the general regulation-making power).

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Clause 1 Fair Trading Amendment (Aquatic Toys and Flotation Aids) Regulation 2010

Fair Trading Amendment (Aquatic Toys and Flotation Aids) Regulation 2010

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1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Aquatic Toys and Flotation Aids) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Fair Trading Regulation 2007

Part 2, Divisions 9 and 9A

Omit Division 9. Insert instead:

Division 9 Flotation toys and aquatic toys

32 Definitions

In this Division:

AS/NZS ISO 8124.1:2002 means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002, *Safety of toys, Part 1: Safety aspects related to mechanical and physical properties* as published jointly by Standards Australia and Standards New Zealand and as in force on 16 May 2002.

children's flotation toys and aquatic toys means flotation toys and aquatic toys (whether or not worn or otherwise attached to the body) that:

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

including but not limited to the following:

- (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 the following:

- (f) beach balls,
- (g) surfboards,
- (h) body or 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.

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33 Safety standard

The product safety standard prescribed for children's flotation toys and aquatic toys is that they must comply with the following provisions of AS/NZS ISO 8124.1:2002:

- (a) clauses 3.2, 4.19, C.2.6 and E.33,
- (b) the variations to clauses 4.19, C.2.6 and E.33 contained in Appendix ZZ.

34 Variation of AS/NZS ISO 8124.1:2002

For the purposes of this Division, AS/NZS ISO 8124.1:2002 is taken to have been amended as follows:

- (a) by omitting all of the words from clause 3.2 and by inserting instead:

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) by inserting "indelible" after "following" and before "warning" in Appendix ZZ, for the variation to Clause C.2.6,
 - (c) by inserting "of the first paragraph" after "last sentence" in Appendix ZZ, for the variation to Clause E.33.

Division 9A Swimming and flotation aids

34A Definitions

In this Division:

AS 1900—2002 means the Australian Standard entitled AS 1900—2002, *Flotation aids for water familiarization and swimming tuition* published by Standards Australia on 21 January 2002.

children's swimming aids and flotation aids means swimming aids and flotation aids that:

- (a) are designed for children under 14 years of age, and

- (b) are worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition,

including but not limited to the following:

- (c) arm bands,
- (d) attached rings,
- (e) swimming aid vests,

but not including the following:

- (f) inflatable novelty shapes,
- (g) unattached complete or partial rings,
- (h) kickboards,
- (i) articles designed for therapeutic use by disabled persons,
- (j) articles, including life jackets or other personal flotation devices, which are within the scope of AS 4758, *Personal flotation devices*.

34B Safety standard

The product safety standard prescribed for children's swimming aids and flotation aids is that they must comply with AS 1900—2002.

34C Variation of AS 1900—2002

For the purposes of this Division, AS 1900—2002 is taken to have been amended as follows:

- (a) by omitting all of the words from clause 1.1 and by inserting instead:

SCOPE This Standard specifies requirements for flotation aids designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose of either enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.

- (b) by omitting all of the words from clause 1.4.1 and by inserting instead:

Flotation aid

An article which is designed for children under 14 years of age worn on or attached to the body or in which the user sits for the purpose of either

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enabling them to gain confidence through water familiarisation, or to assist them in acquiring unaided buoyancy through swimming tuition.

- (c) by omitting clause 1.4.4,
- (d) by omitting clause 2.1.1,
- (e) by omitting “Failure or deflation of any chamber shall not affect the security of fit of the aid, as required by Clause 2.1.1.” from clause 2.7.