



## Consumer Goods (Aquatic Toys) Safety Standard 2026

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I, [name of maker], [title of maker], make the following safety standard.

Dated

Name of maker **EXPOSURE DRAFT ONLY—NOT FOR SIGNATURE**

Title of maker

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## Part 1—Preliminary

### 1 Name

This instrument is the *Consumer Goods (Aquatic Toys) Safety Standard 2026*.

### 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.	Insert appropriate text

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

***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.

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- 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 *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 and as in force, or as existing, from time to time.

Note 1: The Australian/New Zealand Standard could in 2026 be purchased from Standards Australia ([www.standards.org.au](http://www.standards.org.au)), Intertek Inform ([www.intertekinform.com](http://www.intertekinform.com)) or Accuris ([www.accuristech.com](http://www.accuristech.com)). The Australian Competition and Consumer Commission can make a copy of the standard (and any amendments) available for viewing at one of its offices, subject to licensing conditions.

Note 2: This standard is incorporated as in force, or as existing, from time to time (as set out in sections 6 and 8).

**International Standard** means the International Standard ISO 8124-1 *Safety of toys — Part 1: Safety aspects related to mechanical and physical properties*, published by the International Organization for Standardization and as in force, or as existing, from time to time.

Note 1: The International Standard could in 2026 be purchased from Standards Australia ([www.standards.org.au](http://www.standards.org.au)), Intertek Inform ([www.intertekinform.com](http://www.intertekinform.com)) or Accuris ([www.accuristech.com](http://www.accuristech.com)). The Australian Competition and Consumer Commission can make a copy of the standard available (and any amendments) for viewing at one of its offices, subject to licensing conditions.

Note 2: This standard is incorporated as in force, or as existing, from time to time (as set out in sections 6 and 8).

**publication date**, of a version of an incorporated instrument, is the date upon which that version (or an amendment giving effect to that version) was first:

- (a) made available to the public for purchase or free of charge via the internet;
- and
- (b) had commenced, come into force or effect, however expressed.

Note: Both of paragraphs (a) and (b) must be satisfied for there to be a publication date.

**relevant version** of an incorporated instrument, is a version of that instrument that meets the requirements of subsection 8(2).

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

**updated version** of an incorporated instrument means a version of an incorporated instrument with a publication date after the day this instrument commences.

**version**, of an incorporated instrument, includes a version as effected by a published amendment to that incorporated instrument, whether or not that amendment has been included in a published compilation.

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## 6 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 104(5) of the Australian Consumer Law.

## 7 Application

- (1) This instrument applies to consumer goods that are aquatic toys.

Note: Goods include any component part of, or accessory to, goods; see paragraph (g) of the definition of goods in section 2 of the Australian Consumer Law.

- (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.

## 8 Compliance with a relevant version of an incorporated instrument required

- (1) Where this instrument requires compliance with the requirements of an incorporated instrument, compliance may only be achieved by complying with the requirements of a relevant version of that incorporated instrument as defined by subsection (2).

- (2) A **relevant version** of an incorporated instrument is:

- (a) the incorporated instrument as in force or existing at the time this instrument commences until 2 years and 6 months after the publication date of the first updated version of that incorporated instrument; and
- (b) an updated version of that incorporated instrument, from 6 months after the publication date of that updated version until 2 years and 6 months after the publication date of the next updated version.

Note: There may be more than one relevant version of an incorporated instrument (i.e. a referenced Australian or international industry standard) at one time. An updated version of an incorporated instrument becomes a compliance option 6 months after it is published. A version of an incorporated instrument is no longer a compliance option 2 years and 6 months after the next version is published.

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## **Part 2—Basic requirements**

### **9 Requirements during the transitional period**

- (1) During the transitional period, an aquatic toy must comply with either:
  - (a) the requirements in Part 3 of this instrument; or
  - (b) the *Consumer Goods (Aquatic Toys) Safety Standard 2020*, as in force immediately before the commencement of this section.
- (2) This section is repealed at the end of the last day of the transitional period.

### **10 Requirements after the transitional period**

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

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## Part 3—Details of requirements

### 11 Compliance with an applicable standard

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 12 (Australian/New Zealand Standard requirements);
  - (ii) the requirements in section 13 (International Standard requirements);
- and
- (b) complies with the requirements in section 14 (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.

### 12 Australian/New Zealand Standard requirements

- (1) An aquatic toy complies with the requirements in this section if the aquatic toy complies with clause 4.20 of a relevant version of the Australian/New Zealand Standard as modified by subsection (2) and as affected by Annex B.2.6 as modified by subsection (3).
- (2) A relevant version of the Australian/New Zealand Standard is modified such that every reference to an aquatic toy (within the meaning given to that term by that Australian/New Zealand Standard) in that Australian/New Zealand Standard is taken to be a reference to an aquatic toy within the meaning given by section 5 of this instrument.
- (3) Annex B.2.6 of a relevant version of the Australian/New Zealand Standard is modified by omitting “should be” and substituting “must be”.

### 13 International Standard requirements

- (1) An aquatic toy complies with the requirements in this section if the aquatic toy complies with clause 4.20 of a relevant version of the International Standard as modified by subsection (2) and as affected by Annex B.2.6 as modified by subsection (3).
- (2) A relevant version of the International Standard is modified such that every reference to an aquatic toy (within the meaning given to that term by that International Standard) in that International Standard is taken to be a reference to an aquatic toy within the meaning given by section 5 of this instrument.
- (3) Annex B.2.6 of a relevant version of the International Standard is modified by omitting “should be” and substituting “must be”.

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## 14 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.

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## **Schedule 1—Repeals**

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

#### **1 The whole of the instrument**

Repeal the instrument

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