



Director - Chemicals and Regulated Goods  
Product Safety Branch  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

29-Oct-12

Email: [productsafety.regulation@accc.gov.au](mailto:productsafety.regulation@accc.gov.au)

**RE: CONSUMER GOODS (PORTABLE SWIMMING POOLS)  
SAFETY STANDARD 2012**

The Swimming Pool & Spa Association of NSW (SPASA NSW) is the peak body within NSW and the ACT's pool and spa industry, representing hundreds of Australian businesses. Members of SPASA NSW include leading pool builders, manufacturers, suppliers, retailers, technical servicemen, subcontractors, installers, consultants and other allied trades, all of whom set themselves apart from the rest of the industry by setting standards of skill, workmanship and ethical business behaviour in the best interests of pool and spa owners.

SPASA NSW is also a Registered Training Organisation (RTO) that provides training and assessment to the swimming pool and spa industry. Our courses are designed in consultation with key industry stakeholders and our qualifications and accreditations are highly valued by government, employers and the wider community. In response to your invitation, the Swimming Pool & Spa Association of NSW requests that the ACCC consideration to the following comments:

**COMMENTS**

**Clause 6 (3) & 7 (3)**

In the final Warning point in paragraphs 6 (3) and 7 (3) word "may" should be deleted.

**WARNING!**

Children have drowned in portable swimming pools.  
Ensure active adult supervision at all times.  
Do not leave children unsupervised in or around the pool - keep them within arms' reach.  
Pool fencing laws ~~may~~ apply to this pool.  
Consult your local government authority for fencing requirements.

**Swimming Pool and Spa Alliance (SPASA)**  
1/33 Daking Street, North Parramatta NSW 2151  
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### Clause 6(4)(c)(i)(ii) and Clause 7(4)(c)(i)(ii)

The prescribed lettering sizes are far too small for such a significant risk. We believe this it should read:

*(c) in letters not less than:*

- (i) for WARNING! - 50 mm high; and*
- (ii) for the other words - 20 mm high;*

### Safety Signs

The proposed Safety Standards includes a requirement to have a safety sign permanently printed or embossed on the portable swimming pool there

SPASA NSW believes that a compliant Cardiopulmonary Resuscitation (CPR) - Warning Sign also be either permanently embossed in the floor of the pool or supplied as a separate sign as part of the sale.

### Online Retailers

Inflatable and portable swimming pools sold through online stores and auction websites are seen by consumers as a great source of fun as well as an inexpensive way to purchase and install a swimming pool.

Currently, consumers can simply purchase an inflatable or portable swimming pool online and then have it delivered to their door and set it up without a second thought to the legislation or potential warning hazards associated with that purchase.

SPASA NSW considers that all portable swimming pools sold online pose a higher potential hazard to the consumer compared to tradition purchasing methods. Moreover, this environment provides a breeding ground for non-compliance not only from the seller but also by the consumer.

We submit that online suppliers must provide a “pop up” warning notice on their website when consumers are purchasing inflatable or portable swimming pools. The “pop Up” warning notice should be consistent with the proposed Safety Standard warning label:

### **WARNING!**

Children have drowned in portable swimming pools.  
Ensure active adult supervision at all times.  
Do not leave children unsupervised in or around the pool - keep them within arms' reach.  
Pool fencing laws **may** apply to this pool.  
Consult your local government authority for fencing requirements.

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## Large Retailers and Discount Stores

Similar to online sales, consumers can purchase inflatable and portable swimming pools from outlets such as: BIGW, KMART, WOOLWORTHS, COLES, TARGET, BUNNINGS as well as a variety of smaller discount outlets. Consumers purchasing such products are usually served by employees on the shop floor or at the point of sale. Such employees are almost always very young and have little or no training on the products they are selling.

We submit that there should be a minimum training requirement for employees on the requirements of inflatable and portable swimming pools.

## CONCLUSION

SPASA NSW strongly believes that the responsibility of regulators and the liability of Suppliers and Retailers needs immediate attention if we are serious about the safety associated with inflatable and portable swimming pools.

SPASA NSW believes a more responsible approach of the sale of inflatable and portable swimming pools is to regulate their sale through outlets that have retail assistants that are trained to provide appropriate and relevant advice rather than just process the sale. At a minimum, this would ensure consumers receive relevant expert advice in all areas associated with their purchase.

SPASA NSW applauds the fact that the ACCC will be mandating labelling requirements for inflatable and portable swimming pools with a view to improved safety. In this regard, we trust that the abovementioned feedback is seriously considered.

Yours Sincerely



Spiros Dassakis  
**Chief Executive Officer**