



WHAT YOU NEED TO KNOW ABOUT: Portable swimming pools

February 2014

Under the Australian Consumer Law (ACL), mandatory consumer product safety standards are introduced when considered reasonably necessary to prevent or reduce the risk of injury to a person. This guide provides a summary of the requirements for the supply of portable swimming pools, also known as inflatable pools.

What are portable swimming pools?

In this safety standard, a portable swimming pool is a swimming pool that is both:

- intended for personal, domestic or household use
- one of the following:
 - an inflatable swimming pool, of any depth
 - a soft-sided swimming pool, of any depth
 - a rigid-sided swimming pool that is not deeper than 300 mm.

This mandatory standard does not apply to spas, hot tubs or whirlpool tubs unless they meet the definition above.

Mandatory standard

The mandatory standard for portable swimming pools is prescribed by the *Consumer Goods (Portable Swimming Pools) Safety Standard 2013*. The mandatory standard was made in January 2013 following stakeholder consultation in May 2011 and October 2012. The mandatory standard will come into effect on 30 March 2014.

After this date suppliers (including manufacturers, importers, distributors, retailers and hirers) must comply with the mandatory standard. Suppliers are not permitted to sell any surplus stock of portable swimming pools that do not comply with the new mandatory standard.

However, suppliers can sell portable swimming pools that comply with the new mandatory standard before the regulation begins on 30 March 2014.

Meeting mandatory requirements

To comply with the mandatory standard the portable swimming pools that you supply or manufacture for the purpose of supply must meet all the labelling requirements set out in the mandatory standard.

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The following are key labelling requirements of the mandatory standard.

Warning message on portable pools and retail packaging

Portable swimming pools must display a permanent warning message.

If the depth of the portable swimming pool is less than 300 mm, the warning message must include the following statement:

'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 arm's reach.

Empty and store safely after use.'

If the depth of the portable swimming pool is 300 mm or more, or if the portable swimming pool is capable of being filled to a depth of 300 mm or more, the warning message must include the following statement:

'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 arm's reach.

Pool fencing laws apply to this pool. Consult your local government authority for fencing requirements.'

Safety sign on portable swimming pools

A portable swimming pool must display this safety sign:



Full detail of key requirements for this mandatory standard (including information on warning label measurements, colour contrasts and placement), is available on the Australian Government ComLaw website (www.comlaw.gov.au).

Please refer to Legislative Instrument ID F2013L00049 to access the mandatory standard on this website.

Information on portable pools is also available on the Product Safety Australia website: www.productsafety.gov.au/portablepools.

Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring that the portable swimming pools you supply meet the mandatory safety standard requirements, which are enforceable by law.

To do this, we strongly advise you to take the following steps:

- Read and understand the requirements specified in the mandatory standard, some of which are reproduced in this supplier guide.
- Do not rely on this guide alone. Ensure you meet the mandatory standard.
- Have systems in place to check these products to ensure they comply with the requirements of this mandatory standard.

Failure to comply can result in the product being recalled as well as penalties and legal action. The ACCC can issue infringement notices up to the amount of \$2040 for individuals and \$10 200 for corporations per offence. For serious breaches, the ACCC may also take court action which can result in seeking penalties and other orders up to the amount of \$220 000 for individuals and \$1.1m for corporations.

Register to receive automatic email updates from the Product Safety Australia website (www.productsafety.gov.au) to help ensure you are aware of the latest product safety information.

Further guidance to retailers

If you are a retailer, you are responsible for ensuring that the products you supply meet mandatory standards. To ensure that the portable swimming pools you sell comply with the mandatory standard, you should always:

- stipulate that any portable swimming pools you order must meet the mandatory standard
- check delivered stock to confirm compliance with the requirements of the mandatory standard
- obtain and verify results of any testing carried out if in doubt that products comply with the requirements of the standard.

For more information on the role of suppliers, visit www.productsafety.gov.au/roleofsuppliers.

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Consumer guarantees

All Australian traders, whether online or running a 'bricks and mortar' operation, must comply with Australian trading laws. Since 1 January 2011 this has included laws on consumer guarantees, which are part of the ACL (which forms Schedule 2 to the *Competition and Consumer Act 2010*). The consumer guarantees give consumers the right to a repair, replacement or refund if a product is unsafe.

For more information on consumer guarantees, visit www.accc.gov.au/consumerrights.

Product liability

Part 3-5 of the Australian Consumer Law (ACL) (which forms Schedule 2 to the *Competition and Consumer Act 2010*) contains provisions on product liability. Under these provisions, consumers can seek compensation or damages for personal injury or other loss caused by a safety defect in products supplied by a manufacturer.

More information on product liability is available on the Product Safety Australia website at www.productsafety.gov.au/productliability.

Contacts

Australian Competition and Consumer Commission

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