Consumer Goods (Portable Swimming Pools) Safety Standard 2012

Competition and Consumer Act 2010

I, David Bradbury, Assistant Treasurer, make the following safety standard under subsection 104 (1) of the Australian Consumer Law, set out in Schedule 2 to the *Competition and Consumer Act 2010*.

Dated 2012

[DRAFT ONLY - NOT FOR SIGNATURE]
Assistant Treasurer

1 Name of safety standard

This safety standard is the *Consumer Goods (Portable Swimming Pools) Safety Standard 2012*.

2 Commencement

This safety standard commences on 30 March 2014.

3 Purpose

This safety standard sets out mandatory labelling requirements for portable swimming pools and packaging for portable swimming pools.

4 Definitions

In this safety standard:

Act means the *Competition and Consumer Act 2010.*

portable swimming pool has the meaning given by section 5.

Note ***Australian Consumer Law*** is defined in subsection 4 (1) of the Act.

5 Portable swimming pools

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

(a) intended for personal, domestic or household use; and

(b) one of the following:

(i) an inflatable swimming pool, of any depth; or

(ii) a soft-sided swimming pool, of any depth; or

(iii) a rigid-sided swimming pool that is not deeper than 300 mm.

6 Warning message on portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, a portable swimming pool must display a permanent warning message.

(2) 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 arms' reach.

Empty and store safely after use.

(3) 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 arms' reach.

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

(4) The statement mentioned in subsections (2) and (3) must be:

(a) permanently printed or embossed on the portable swimming pool; and

(b) legible, to a person aged more than 18 years with normal visual acuity, from a distance of 3 metres; and

(c) in letters not less than:

(i) for WARNING!—10 mm high; and

(ii) for the other words—6 mm high; and

(d) in a contrasting colour to the background colour on which the warning is printed or embossed; and

(e) visible to a person who is:

(i) standing outside of the portable swimming pool; and

(ii) supervising a child who is in or near the portable swimming pool.

(5) If words additional to the words mentioned in the statement set out in subsections (2) and (3) are printed or embossed on a portable swimming pool, the additional words must not be interposed in the words in the statement.

7 Warning message on retail packaging for portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, the retail packaging for a portable swimming pool must display a permanent warning message that is conspicuous and visible to a purchaser of the portable swimming pool when the portable swimming pool is purchased.

(2) 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 arms' reach.

Empty and store safely after use.

(3) 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 arms' reach.

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

(4) The statement mentioned in subsections (2) and (3) must be:

(a) permanently printed on:

(i) the retail packaging for the portable swimming pool; or

(ii) a label affixed to the retail packaging for the portable swimming pool; and

(b) legible, to a person aged more than 18 years with normal visual acuity, from a distance of 3 metres; and

(c) in letters not less than:

(i) for WARNING!—10 mm high; and

(ii) for the other words—6 mm high; and

(d) in a contrasting colour to the background colour on which the warning message is affixed to, or printed on; and

(e) displayed on the front of the retail packaging.

(5) If words additional to the words mentioned in the statement set out in subsections (2) and (3) are permanently affixed to, or printed on, the retail packaging for a portable swimming pool, or on a label affixed to the retail packaging for the portable swimming pool, the additional words must not be interposed in the statement.

8 Safety sign on portable swimming pools

(1) For paragraph 104 (2) (c) of the Australian Consumer Law, a portable swimming pool must include a safety sign.

(2) The safety sign is:

Note The safety sign is WSM002, included in both the International Organization for Standardization standard *ISO 20712-1:2008(E) Water safety signs and beach safety flags—Part 1: Specifications for water safety signs used in workplaces and public areas* and Australian/New Zealand Standard *AS/NZS 2416.1:2010 (incorporating amendment No. 1) Water safety signs and beach safety flags Part 1: Specifications for water safety signs used in workplaces and public areas (ISO 20712-1:2008,MOD).*

(3) The safety sign must be:

(a) not less than 40 mm in diameter; and

(b) in blue and white colours, as depicted in subsection (2); and

(c) permanently printed or embossed on the portable swimming pool; and

(d) placed next to the warning message.

(4) The safety sign must not be distorted.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.comlaw.gov.au.