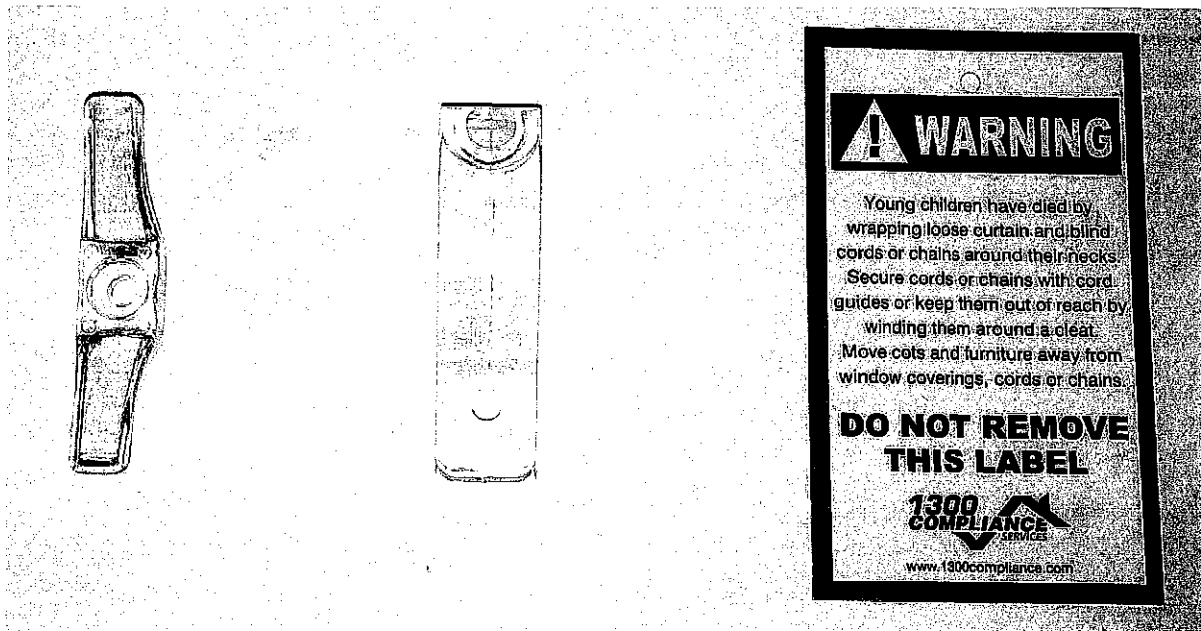


Window Compliance Items



Cleat

Tensioner

Label

BLIND CORD SAFETY

| NOVEMBER 2014 |

The recent deaths of two toddlers in Sydney after they become entangled in blind cords highlights the dangers blind and curtain cords can present to children. According to the Australian Competition and Consumer Commission (the ACCC), between one and two Australian children die each year after becoming entangled in blind cords. Since 1999, 17 children have died in this way.



The ACCC has issued mandatory standards known as The Trade Practices (Consumer Product Safety Standard – Corded Internal Window Coverings) Regulations 2010 (the mandatory standard) which address the risk of strangulation from blind cords. All suppliers must comply with the mandatory standard in relation to the supply of any corded internal window covering. The standard requires that corded internal window coverings supplied after 30 December 2010 must be provided with warning labels, include installation instructions and include certain components required for the installation of corded internal window coverings.

From 1 January 2015, commercial installers must follow the safe installation instructions and install blinds so that dangerous loops cannot be formed. The ACCC will work with businesses and peak bodies to help them to understand and comply with the new requirements. Hefty fines may be issued if blinds are not supplied in accordance with the mandatory standard. A contravention of the mandatory standard carries penalties of up to \$220,000 for individuals and \$1.1m for companies.

Lessors have a duty of care to tenants as well as anyone the tenant invites into the property, and must ensure the property is safe to live in. While it

is not essential to replace all existing blinds, to avoid the serious risk of strangulation that corded window coverings pose to children, lessors should minimise the hazards posed by older blinds before they are replaced. This includes checking blind and curtain cords are out of reach of children and securing loose cords out of reach by using cleats or tensioning devices from a hardware or curtain and blind shop. The bottom of any blind or curtain cord should be at least 160cm above the floor. Real estate agents, representatives and property managers are strongly encouraged to alert residents and home owners of the dangers associated with blind cords. Even if the occupants have no children, it is reasonably foreseeable that they may have children visit the home from time to time.

As a matter of best practice, all internal window coverings in a rental property should be as safe as possible for children. Where a hazard exists, the occupants or owners should be advised to secure loose cords so they are out of reach of children. For more information, download a copy of the Safety alert: blind and curtain cords publication or visit the Product Safety Australia website. The mandatory standards for corded internal window coverings can also be obtained from 1300 Compliance Services.

For specific blind cord safety concerns call the Consumer Protection Advice Line on 1300 30 40 54 or to ensure compliance is achieved call 1300 Compliance Services on 1300 766 532.



More information:
1300 Compliance Services
Tel: 1300 766 532
www.1300compliance.com

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Small Business

Competition and Consumer Act 2010

Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014

Overview

This Legislative Instrument introduces requirements for the installation of Corded Internal Window Coverings (CIWC) in domestic dwellings, specifically excluding caravans, boats and mobile homes. Once in force, the ACL will prohibit installation of CIWC in trade or commerce, that does not comply with the standard.

The requirements relate to the safety of young children and are directed at ensuring that corded internal window coverings installed in domestic dwellings in trade or commerce are installed in accordance with the safety instructions and using any safety devices that are required to be supplied with the product under the existing safety standard on the supply of these products, *Trade Practices (Consumer Product Safety Standard - Corded Internal Window Coverings) Regulations 2010*.

Background

Legislative Power

The *Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010* together with the *Trade Practices Amendment (Australian Consumer Law) Act (No.1) 2010*, amended the *Trade Practices Act 1974* (TPA) to implement a new national consumer law regime known as the Australian Consumer Law (ACL). The TPA was renamed the *Competition and Consumer Act 2010* (CCA) on 1 January 2011. The ACL forms Schedule 2 to the CCA.

Subsection 104 of the ACL provides that the Commonwealth Minister may, by written notice published on the internet, make a safety standard for product related services of a particular kind, consisting of such requirements about the matters specified in s.104(3), as are reasonably necessary to prevent or reduce risk of injuries.

The matters specified in s.104(3) include the manner in which the services are supplied, the skills or qualifications of the person supplying the service, materials used, testing and the form and content of warnings, instructions and other information.

Subsection 107(1) provides that a person must not, in trade or commerce, provide product related services of a particular kind if a safety standard for services of that kind is in force and those services do not comply with the standard.

Safety requirements for the supply of corded internal window coverings are set by *Trade Practices (Consumer Product Safety Standard - Corded Internal Window Coverings) Regulations 2010* which was prescribed pursuant to subsection 65C(2) of the TPA. Item 4 of Schedule 7 of the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010* provides that a product safety standard made under 65C of the TPA will continue in force under the

ACL as if it had been made section 104 of the ACL. This regulation requires the provision of warning labels and instructions and the provision of any devices necessary for the installation of the product any devices.

Sunset Provisions

This safety standard is exempt from sunset provisions. Schedule 3 of the *Legislative Instruments Amendment (Sunsetting Exemptions) Regulation 2013 (SLIO No 212 of 2013)* lists as exempt instruments made under section 104 or 105 (safety standards) of Schedule 2 (The Australian Consumer Law) to the *Competition and Consumer Act 2010*, including prescribed consumer product safety standards under section 65C of the *Trade Practices Act 1974* that were in force immediately before the commencement of item 4 of Schedule 7 to the *Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010*.

As a matter of good regulatory practice, the ACCC regularly reviews product safety standards to ensure they remain effective, efficient and appropriate and remain the best available solution, in the public interest, to an identified safety hazard.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview

This Legislative Instrument is a safety standard concerning the product related service of installing corded internal window coverings in domestic dwellings.

Human Rights Implications

The Legislative Instrument engages the right to health and the rights of the child.

The International Covenant on Economic, Social and Cultural Rights recognises the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The Convention on the Rights of the Child recognises the right of the child to the enjoyment of the highest attainable standard of health.

The Legislative Instrument promotes these rights by requiring installers to install corded internal window coverings in domestic dwellings in a way which avoids the production of dangerous loops and lengths of cord which are a demonstrated threat to life in young children.

Conclusion

The Legislative Instrument does not limit human rights and is compatible with human rights because it advances the protection of human rights by requiring a supplier to supply goods which comply with current international standards, thereby preventing harm or injury to people, including children.

Consultation

For the purposes of section 17 of the LIA, consultation has been undertaken concerning the product safety standard.

Following initial discussion with industry and advocacy groups a Consultation Paper was released in November 2011 asking for public comment on the concept and possible provisions of a services standard and circulated to interested parties, including the manufacturers, suppliers and installers of CIWC, State and Territory fair trading / consumer affairs agencies, consumer groups and child safety specialists. This consultation identified issues with the coverage and detail of the proposal and, together with research, legal analysis and further informal discussion was used to develop a Draft Regulation. This draft formed part of a second round consultation conducted in August 2013.

There were 20 formal submissions in response to the August 2013 Consultation Paper and Draft Regulation. These were from industry associations (2), companies or people in industry (14) and health and advocacy groups or individuals (4). These were made up of: clear or probable supporters of the proposal (11); those raising no objection (including a 'no objection') (4); clear or probable negatives (3) and those making no direct comment on purpose of the proposed regulation (2).

Both rounds of formal consultation and the informal discussions with stakeholders were used to identify issues and practical matters of definition, testing and compliance that have been incorporated in the regulation and will be used to inform the education and compliance program to support it.

The Services Standard

Application

Applies to installations of corded internal window coverings carried out in trade or commerce in domestic dwellings, excluding caravans, mobile homes and boats.

Definitions

The definitions in the regulation are the same as those set out in *Trade Practices (Consumer Product Safety Standard - Corded Internal Window Coverings) Regulations 2010*:

cleat means a device that has a bar with arms around which a cord can be wound, and that can be attached to a wall or other structure.

cord means a rope, strap, string, chain, line or wire used to manipulate a corded internal window covering.

corded internal window covering means:

- (a) a window covering, such as a curtain or blind; or
- (b) fittings used with a window covering, such as a traverse rod or track; that can be used inside a building and has a cord.

cord guide means a device designed to retract, tension or secure a cord.

retail packaging means the packaging in which a corded internal window covering is supplied when it is offered for retail sale.

Requirements

1. Installation.

The corded internal window covering must be installed in a way that ensures a loose cord cannot form a loop 220 mm or longer at or less than 1,600 mm above floor level and using any components specified in the installation instructions as necessary to meet requirements for cord safety.

The corded internal window covering must also be installed in accordance with the installation instructions on any retail packaging for the covering and in accordance with any other installation instructions related to ensuring that a loose cord cannot form a loop as described in paragraph (1) (a).

No part of a cord guide may be installed lower than 1,600 mm above the floor level unless the cord guide will remain firmly attached to a wall or other structure specified in the instructions when subjected to a specified force and the cord is sufficiently secured or tensioned so as to prevent formation of a loop 220 mm or longer.

A cleat used to secure a cord must be installed at least 1,600 mm above floor level.

2. Labelling.

A person installing a corded internal window covering must attach a label to it containing the name and contact details of the person or company responsible for the installation and must not remove any warning label or swing tag supplied with the corded internal window covering.

Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014

Competition and Consumer Act 2010

I, Bruce Billson, Minister for Small Business, 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) 20 March 2014

(Signature) Bruce Billson

1. Name of safety standard

This safety standard is the *Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014*.

2. Commencement

This safety standard commences on 1 January 2015.

3. Purpose

This safety standard sets out mandatory installation requirements for corded internal window coverings.

4. Application

This safety standard applies to the installation of corded internal window coverings in domestic dwellings other than:

- (a) caravans; and
- (b) mobile homes; and
- (c) boats.

5. Definitions

In this safety standard:

cleat means a device that has a bar with arms around which a cord can be wound, and that can be attached to a wall or other structure.

cord means a rope, strap, string, chain, line or wire used to manipulate a corded internal window covering.

corded internal window covering means:

- (a) a window covering, such as a curtain or blind; or

(b) fittings used with a window covering, such as a traverse rod or track; that can be used inside a building and has a cord.

cord guide means a device designed to retract, tension or secure a cord.

retail packaging means the packaging in which a corded internal window covering is supplied when it is offered for retail sale.

6. Installation of corded internal window coverings

(1) A corded internal window covering must be installed:

(a) in such a way that a loose cord cannot form a loop 220 mm or longer at less than 1,600 mm above floor level; and

(b) using any components specified in the installation instructions as necessary to meet requirements for cord safety.

(2) A corded internal window covering must also be installed in accordance with:

(a) the installation instructions on any retail packaging for the covering; and

(b) other information provided in the installation instructions about how to install the corded internal window covering for the purpose of ensuring that a loose cord cannot form a loop as described in paragraph (1) (a).

(3) No part of a cord guide may be installed lower than 1,600 mm above floor level unless:

(a) the cord guide will remain firmly attached to a wall or other structure specified in the installation instructions when subjected to a tension force of 70 N applied in any direction for 10 seconds; and

(b) the cord is sufficiently secured or tensioned to prevent the formation of a loop 220 mm or longer.

(4) A cleat used to secure a cord must be installed at least 1,600 mm above floor level.

7. Labelling requirements

(1) A person installing a corded internal window covering must:

(a) attach a label to the corded window covering containing the name and contact details of the person or company responsible for the installation; and

(b) ensure that any warning label or swing tag supplied with the corded internal window covering remains attached to the cord.