



Australian  
Competition &  
Consumer  
Commission

# Product safety

## Bunk Beds

Supplier guide



Australian Competition and Consumer Commission  
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The ACCC has made every reasonable effort to provide current and accurate information, but it does not make any guarantees regarding the accuracy, currency or completeness of that information.

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[www.accc.gov.au](http://www.accc.gov.au)

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# Bunk beds

## What is this guide about?

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 bunk beds. A full list of mandatory standards and bans is available on pages 12–13.

## Who should read this guide?

Suppliers of bunk beds should read this guide to familiarise themselves with the hazards and the mandatory requirements for this product.

## What is a bunk bed?

The mandatory standard for bunk beds defines a bunk bed as either:

- a set of components that are assembled or are ready for assembly into single beds or double/single combination beds which will be stacked one over the other, or
- any single bed—other than a hospital bed—where the top of the mattress base is at least 800 mm above the floor surface.

It does not include portable bunk beds designed for camping, or bunk beds that are built into caravans, camper trailers, motor homes, trains and other types of transport.

## What are the hazards?

As young children often use them, bunk beds can cause serious injuries and deaths if they have entrapment hazards or if they are not sufficiently protected with guard rails and have a safe access opening.

Most deaths occur when children younger than nine years old—especially those between two and six years old—sleeping in the upper part of bunk beds get caught in dangerous gaps. Some injuries happen when children use bunk beds for play or when bunk beds are near potential hazards like windows or ceiling fans.

About 4000 children under 15 years old are treated every year for bunk bed related injuries by hospital emergency departments or general practitioners.

## Falls

Children can suffer serious injuries such as concussions and fractures if they fall from a raised/ upper bed or while they're trying to climb down. Falls are the most common source of injury and can be fatal.

## Strangulation

Strangulation or accidental hanging can occur if children's clothing gets snagged on parts of the bed that stick out (protrusions). Most bunk bed deaths are from strangulation or entrapment.

## Entrapment

Children's heads, necks or limbs can get trapped within hazardous gaps in the bunk bed structure. Head or neck entrapment is often fatal.

# Mandatory standard

The mandatory standard for bunk beds is based on the Australian Standard AS/NZS 4220:1994, with variations and additions made by Consumer Protection Notice No. 1 of 2003.

AS/NZS 4220:1994 is a voluntary standard, except for those sections specifically called up by the consumer protection notice. It is important to note that the sections of AS/NZS 4220:1994 called up by the consumer protection notice may also be varied by the notice. For this reason it is important to read both the notice **and** AS/NZS 4220:1994 together.

The mandatory standard for bunk beds will be reviewed in late 2012/early 2013 to take into consideration changes to AS/NZS 4220. To stay informed of this process and any proposals, visit the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)), where you can also subscribe to updates.

# Meeting mandatory requirements

To comply with the mandatory standard for bunk beds, you and your business must meet all the requirements for design, construction, markings and testing.

The following are some key requirements of the mandatory standard.

## Design and construction

### Guard rails

Bunk beds must have permanently fixed guard rails to all four sides and ends, with a minimum vertical distance between the upper surface of the guard rail and the upper surface of the mattress base of 260 mm.

### No dangerous gaps

Bunk beds must not have any dangerous gaps that can trap a child's head or limbs. See the breakout box below for more information.

### No protrusions

Parts of bunk beds that stick out (protrusions) greater than 8 mm are not allowed as they become snag points that can lead to strangulation or accidental hanging.

#### Gaps

Unless made of solid panels, bunk beds are usually designed with timber or metal parts that create gaps when they're assembled. It is important that these gaps are a size that minimises the chance of children becoming trapped in them by their heads, necks or limbs.

Gaps must **not** be:

- between 95 mm and 230 mm, as they may be able to trap children's heads and necks
- between 30 mm and 50 mm, as they may be able to trap children's limbs
- greater than 400 mm—such as in the guard rail—as they could allow children to roll or fall out of the bunk.



## Markings

Bunk beds must come with a marking indicating the maximum mattress height on the raised/ upper bed where the height of the guard rails is less than 360 mm (when measured from the top of the mattress base). This is to ensure that the effective height of the safety barrier is maintained to prevent children rolling off or falling.

## Testing

While the mandatory standard includes some features you can visually check, it also specifies testing to ensure bunk beds meet requirements for safe gap sizes. Suppliers need to organise this testing through specialist laboratories with the right skills, experience and equipment.

# Your responsibilities as a supplier

As a supplier, you are legally responsible for ensuring that the bunk beds you supply meet the mandatory safety standard requirements, which are enforceable by law. Failure to comply can result in legal action, penalties and/or recalls.

All suppliers are equally responsible for ensuring that products they supply meet the mandatory standard.

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

- read the requirements specified in the consumer protection notice printed in this guide
- have systems in place to visually check these products to ensure they comply with the requirements of this mandatory standard
- where necessary, use reports from reliable, independent testing laboratories to verify compliance
- register to receive automatic email updates from the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) to help ensure you are aware of the latest product safety information.

## Additional information for manufacturers and importers

Avoid bunk bed designs that appeal to younger children, who are most at risk of entrapment in and falls from bunk beds. Even if bunk beds with these designs aren't used by younger children, their visual appeal could encourage children to explore or play on the bunk beds.

As a guide, avoid designs that would appeal to children aged six years and under.

## Additional information for retailers

### Displays

Retailers should ensure that the bunk beds they display are assembled complete with all required guard rails. This includes bunk beds that are placed against a wall, as children can be strangled if they slip between the upper bed and the wall. Guard rails help prevent this hazard.

If the upper parts of the bunk beds have mattresses, these mattresses must not sit higher than the maximum height marking.





## Safe use information

As most deaths and injuries occur when children younger than nine years old use the upper part of bunk beds, you may wish to consider providing extra information or instructions that advise against this.

Also, as some injuries happen when bunk beds are near potential hazards like windows or ceiling fans, you may wish to consider providing extra information or instructions that advise safe bunk bed positioning and use.

You can also advise customers that it is important to assemble bunk beds with guard rails on all sides even if they are placed against the wall, as children can be strangled if they slip between the upper bed and the wall.

# 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 refund if a product is unsafe.

Every business that supplies goods—by selling, leasing or hiring—or services to consumers automatically provides certain guarantees about those goods or services.

Businesses that make goods, put them together or have their name on them also give certain guarantees. Importers give these same guarantees if the maker does not have an office in Australia.

If a consumer has a problem with a good, they are free to approach the seller or manufacturer/importer to obtain a remedy—and you cannot tell them otherwise.

For more information on consumer guarantees, please refer to the publication, *Consumer guarantees—business snapshot*, available on the ACCC website.

It is important to remember that if you don’t comply with a consumer guarantee, your customers have a right to take action against you. This is the case even if the problem with the good was caused by the manufacturer.

The consumer guarantees do, however, provide sellers with rights against manufacturers or importers of goods if the seller provides a remedy to a consumer for a problem which was caused by the manufacturer or importer.

# Consumer Protection Notice No. 1 of 2003

## COMMONWEALTH OF AUSTRALIA

*Trade Practices Act 1974*

Consumer Protection Notice No. 1 of 2003

### CONSUMER PRODUCT SAFETY STANDARD: BUNK BEDS

I, IAN GORDON CAMPBELL, Parliamentary Secretary to the Treasurer, pursuant to section 65E of the *Trade Practices Act 1974*, hereby:

- (a) REVOKE the consumer product safety standard in respect of bunk beds declared by consumer protection notice No.2 of 2002 published in the Commonwealth of Australia Gazette No. GN 15 of 17 April 2002;
- (b) DECLARE, that in respect of goods of a kind specified in Division 1 of the Schedule to this Notice, the standard approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, is a consumer product safety standard for purposes of section 65C of the *Trade Practices Act 1974*.

### THE SCHEDULE

#### Division 1: Particulars of the Goods

Bunk beds supplied as an item of furniture or part of an item of furniture, not including portable bunk beds designed for camping or bunk beds that are built-in fittings in caravans, camper trailers, tent trailers, camper vans, motor homes, trains, ships, aircraft and other types of conveyances.

#### Division 2: The Standard

Australian/New Zealand Standard AS/NZS 4220:1994, Bunk beds.

#### Division 3: Variations

- (1) Delete the following clauses, sub-clauses and items: 1, 2, 4, 5, 6.1, 6.2, 6.5, 6.6, 6.7, 6.9, 7.1(c), 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 8, 9(b)(i) and 9(d), and appendices B, C, D, E, F, G, H, I and J.
- (2) Delete the text in sub-clause 3.1 and replace with the following text:

“Bunk Bed-

  - (a) A set of components that are assembled or are ready for assembly into single beds or double/single combination beds which will be stacked one over the other; or
  - (b) Any single bed, other than a hospital bed, where the upper surface of the mattress base is at least 800 mm above the floor surface.”
- (3) In Sub-clause 7.1(b) replace the dimension “75 mm” with the dimension “95 mm”.

- (4) In sub-clause 9(c) add to the beginning of the paragraph the following words:  
“For the upper bed, where the height of the guard rails is less than 360 mm above the mattress base:”
- (5) In Appendix A, part A3(a)(iv) replace the spherical probe diameter dimension “75  $\times$  0.5 mm” with the dimension “95  $\times$  0.5 mm”, and in parts A5(e), A6(c) replace the dimension “75 mm” with the dimension “95 mm”.
- (7) In Appendix A, delete part A3(b).
- (8) In Appendix A, part A5(a), delete the words “Place a mattress on each of the mattress bases of the bunk bed.”

Dated this 11th day of March 2003

IAN CAMPBELL  
Parliamentary Secretary to the Treasurer

# Role of the ACCC

To minimise the risk of injury associated with consumer products, the ACCC undertakes a variety of activities:

- developing mandatory safety and information standards, when necessary
- informing and educating suppliers about emerging hazards and requirements of mandatory standards or bans
- liaising with suppliers to assist them in understanding how to comply with the standards or bans
- consulting with suppliers and other agencies to identify non-compliant goods
- promoting benefits of compliance with mandatory standards or bans
- assessing overall levels of marketplace compliance with mandatory standards or bans
- informing and educating consumers to choose only compliant products, report suppliers of non-compliant goods to the ACCC and always use products safely
- conducting compliance surveys or inspections to detect non-compliant products
- investigating allegations from consumers and suppliers about supply of non-compliant products
- investigating possible breaches found during compliance surveys or inspections
- seeking the immediate withdrawal of non-compliant or unsafe products from sale
- seeking the recall of non-compliant or unsafe products from the market
- taking action against suppliers including:
  - substantiation, infringement or public warning notices
  - court enforceable undertakings, injunctions and various other court orders
  - damages, compensation orders, disqualification orders and civil penalties
  - adverse publicity orders or requirements for corrective advertising
  - prosecutions resulting in criminal sanctions (fines).

# 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.

Goods with a safety defect are those that are not as safe as what people are generally entitled to expect.

Generally the manufacturers or importers of products are liable under Part 3-5 of the ACL.

But if other suppliers, such as retailers, cannot identify the manufacturer or importer, they may be deemed liable for the damages.

Suppliers may reduce their exposure to product liability action by using these responsible and sensible business practices:

- conducting regular reviews of product designs and production
- implementing and reviewing quality assurance procedures
- testing products regularly to relevant standards, including batch testing
- conducting appropriate marketing
- providing clear and thorough user instructions
- where necessary, conducting a quick voluntary recall of any products that are defective or unsafe.

# Mandatory standards and bans

## Mandatory standards

The following mandatory standards and bans apply nationally under the ACL.

- Aquatic toys
- Babies' dummies
- Baby bath aids
- Baby walkers
- Balloon-blowing kits
- Basketball rings and backboards
- Bean bags
- Bicycle helmets
- Bunk beds
- Care labelling—clothing and textile products
- Child restraints for motor vehicles
- Children's household cots
- Children's nightwear and paper patterns for children's nightwear
- Children's portable folding cots
- Children's projectile toys
- Children's toys containing magnets
- Corded internal window coverings
- Cosmetics and toiletries—ingredient labelling
- Disposable cigarette lighters
- Elastic luggage straps
- Exercise cycles
- Hot water bottles
- Lead and certain elements in children's toys
- Motor vehicle recovery straps
- Movable soccer goals
- Pedal bicycles
- Portable fire extinguishers (aerosol type)
- Portable fire extinguishers (non-aerosol type)
- Portable ramps for motor vehicles
- Prams and strollers
- Protective helmets for motorcyclists

- Reduced fire risk cigarettes
- Sunglasses and fashion spectacles
- Swimming aids and flotation aids for water familiarisation and swimming tuition
- Tobacco labelling
- Toys for children under, up to and including 36 months of age
- Treadmills
- Trolley jacks
- Vehicle jacks
- Vehicle support stands.

## Interim bans

Interim bans may be made by the state, territory or Commonwealth Minister. Their duration may be 60–120 days. Check the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)) for details of any interim bans.

## Permanent bans

- Baby dummies with unsafe decorations
- Baby dummy chains with unsafe decorations
- Candles with lead wicks
- Children’s plastic products with more than 1 per cent DEHP
- Children’s stationery sets containing undeclared knives or cutters with a metal blade
- Combustible candle holders
- Fire footbags and other such goods
- Gas masks with asbestos breathing devices
- Glucomannan in tablet form
- Inflatable toys, novelties and furniture containing beads
- Jelly cups containing konjac
- Miniature motorbikes (monkey bikes) with unsafe design features
- No holes tongue studs
- Novelty cigarettes
- Pools and spas with unsafe design features
- Sky lanterns
- Smokeless tobacco products
- Tinted headlight covers
- Toothpaste containing Diethylene glycol (DEG)
- Toy-like novelty cigarette lighters
- Yo-Yo water balls.





## Penalties

Supplying products that do not comply with a mandatory standard or ban is an offence under the ACL. Maximum fines for non-compliance are:

- \$500 000 for individuals.

For a body corporate, the greater of:

- \$10 000 000
- three times the value of the benefit received, or
- 10% of annual turnover in the preceding 12 months, if a court cannot determine the benefit obtained from the offence.

## More information

For the latest information on bans, standards and recalls, visit [www.productsafety.gov.au](http://www.productsafety.gov.au).

# Key terms used in this guide

Below is a list of key terms that have been used in this guide.

bunk bed

A bunk bed is:

- a set of components that are assembled or are ready for assembly into single beds or double/single combination beds that will be stacked one over the other, or
- any single bed—other than a hospital bed—where the top of the mattress base is at least 800 mm above the floor surface.

Australian Consumer Law (ACL)

The ACL replaces previous Commonwealth, state and territory consumer protection legislation in fair trading acts. It is contained in a schedule to the *Trade Practices Act 1974*, which has been renamed the *Competition and Consumer Act 2010* (CCA).

*Competition and Consumer Act 2010* (CCA)

The *Competition and Consumer Act 2010* (formerly the *Trade Practices Act 1974*) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.

consumer protection notice

A consumer protection notice is a notice that declares a particular standard prepared by Standards Australia (or other approved body), with any additions or variations specified in the notice, to be a prescribed standard.

mandatory consumer  
product safety standard

The Commonwealth Minister can prescribe compulsory safety standards for consumer goods and product related services. Suppliers must not supply goods or services that do not comply with a safety standard for goods of that kind.

Safety standards require goods to comply with particular performance, composition, content, design, construction, finish, labelling or packaging rules.

Visit [www.productsafety.gov.au](http://www.productsafety.gov.au) for a list of products that mandatory safety standards currently apply to in Australia.

Many mandatory standards are based on Australian voluntary standards published by SAI Global.

supplier

Anyone in the business of selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or of granting or conferring of services.

supply

Selling, exchanging, leasing, hiring or hire-purchasing of goods or provisions, or granting or conferring of services.

# Contacts

## Australian Competition and Consumer Commission

### Product safety

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS feeds—visit our websites:

[www.productsafety.gov.au](http://www.productsafety.gov.au)

[www.recalls.gov.au](http://www.recalls.gov.au)

ACCC Infocentre: 1300 302 502

Callers who are deaf or have a hearing or speech impairment can contact us through the National Relay Service: [www.relayservice.com.au](http://www.relayservice.com.au)

Voice-only (speak and listen) users phone: 1300 555 727 and ask for 1300 302 502

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## SAI Global

To obtain copies of Australian/New Zealand standards, contact SAI Global on 13 1242 or visit the SAI Global website at [www.saiglobal.com/shop](http://www.saiglobal.com/shop).

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