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Independent Consumer and Competition Commission Act 2002

SECTION 108(5) DECLARATION NOTICE (CERTAIN BUNK BEDS NOT SAFE)

Declaration of Unsafe Goods

Pursuant to Section 108(5) of the *Independent Consumer and Competition Act 2002 (ICCC Act 2002)*, the Commission hereby declares as unsafe in Papua New Guinea (PNG), bunk beds of the type described in this notice.

A bunk bed for the purpose of this Notice 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 700 mm above the floor surface.

Such a bunk bed cannot be supplied in PNG:

- if it has sharp edges or points;
- if it has protrusions of more than 8mm capable of catching in clothing;
- if the materials used in construction or the design is not sufficiently strong to support the weight of a person who would normally occupy such a bed;
- where the minimum access opening (if provided) for the upper bunk is less than 300mm or greater than 400mm in width, unless the opening is between 300mm and 400mm; and
- where the gaps in the guard rails, for the upper bunk, are greater than 95mm and less than 230 mm excluding the access opening to the upper bunk.

Exemptions

This declaration does not apply to bunk beds that, without breaching the above prohibitions or requirements:

1. have adequate/permanent guard rail protection around all four sides that are not detachable without significant force;
2. have adequate and safe means of accessing the upper bunk;
3. The minimum vertical distance between the top of the mattress and the top of the guard rail is no less than 260mm. If the bed is sold without a mattress, there should be a distinct mark along one side or at the end to indicate MAXIMUM MATTRESS HEIGHT. That mark must be no less than 260mm below the height of the top rail.

Section 108(5) Declaration Notice (Certain Bunk Beds Not Safe)—*continued*

Summary of Reasons

Certain bunk beds pose a risk of strangulation and entrapment and children can suffer serious injuries and death if they fall from a raised upper bed.

Subject to the above, any person or persons supplying bunk beds banned by this Notice would be in breach of this Notice and Section 108(1) of the *ICCC Act 2002* and may be liable to a penalty of up to K100,000.00 or imprisonment of up to 2 years, if found guilty by the Court. Further, pursuant to Section 111(1) of the *ICCC Act 2002*, action may be taken by the Commission to recall these products. The Commission therefore advises that these products should not be supplied in PNG.

This notice revokes the Declaration Notice published in the *National Gazette* No.G458 on the 18th October, 2013. It takes effect on and from the date of publication of this Notice in the *National Gazette* and shall remain in force for 18 months, unless revoked earlier by the Commission.

Dated this 20th day of January, 2016.

P. AIN,
Commissioner & Chief Executive Officer,
Independent Consumer and Competition Commission.