



Australian
Competition &
Consumer
Commission

Review of the mandatory safety standard for basketball rings and backboards

Consultation paper

October 2016



Disclaimer

The Australian Competition & Consumer Commission (ACCC) has developed this consultation paper to seek the views of stakeholders about the mandatory safety standard for basketball rings and backboards.

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1. Introduction

The ACCC is reviewing the mandatory safety standard for basketball rings and backboards because the market has changed since the mandatory safety standard was introduced.

The ACCC is considering whether portable basketball systems should be excluded from the mandatory safety standard and whether installation instructions should be provided with traditional basketball rings and backboards.

The ACCC seeks stakeholder information that could assist in the review.

The consultation process outlined in this paper may be the only opportunity for you to provide input into this review.

You are encouraged to make submissions.

2. Policy options

This consultation paper discusses four policy options:

Option 1 Keep the current mandatory safety standard

Option 2 Exclude portable basketball systems

Option 3 Require safe installation instructions

Option 4 Revoke the mandatory safety standard.

3. Background

The key risk with basketball rings and backboards arises from their installation. Deaths and serious injuries occur when a basketball ring or backboard is attached to a structure such as the brick wall of a garage. These walls cannot cope with the stresses placed on them when users perform 'slam dunks' – where the player hangs and swings from the basketball ring.

When basketball rings and backboards are placed under pressure from continual play the installations can weaken. Fatal and serious injuries then result when the brick walls collapse, causing debris such as heavy bricks and sharp guttering to fall onto the player.

The mandatory safety standard for basketball rings and backboards was introduced in 2005 based on a Victorian regulation. The purpose of the mandatory safety standard is to reduce deaths and serious injuries from unsafe use ('slam dunking') and inappropriate installation.

3.1 Basketball rings and backboards in Australia

There are two kinds of basketball rings and backboards: traditional basketball rings and backboards, and portable basketball systems.

Traditional basketball rings and backboards

Traditional basketball rings and backboards need to be mounted or fixed at an appropriate height above the ground. They were commonly installed by users onto metal posts that were fixed either into or onto the ground. However, a less complex and more convenient way to

install these traditional basketball rings and backboards was to mount them onto existing structures such as a brick wall of a garage or home.

Portable basketball systems

Portable basketball systems usually require some form of initial assembly. They generally have a hollow plastic base that needs to be filled with sand or water to keep the system stable and prevent it from falling over. They often have wheels on the base that allow the system to be put away after use or be used in various outdoor locations around the home. The height of the ring is often adjustable to accommodate users of different ages, heights and skill levels.

The market

Basketball rings and backboards are widely available in a range of stores throughout Australia and online. Most products aimed at consumers are manufactured in China and the USA. There are a number of Australian manufacturers whose products are mostly optimised for clubs or institutions, rather than home use.

Since the mandatory safety standard was implemented in 2005, the retail market for basketball rings and backboards in Australia has moved predominantly to portable basketball systems and away from traditional basketball rings and backboards.

We surveyed basketball products sold online and found that 90 per cent are portable basketball systems and 10 per cent are traditional basketball rings and backboards. Two leading Australian suppliers indicated that 80-90 per cent of their sales are portable basketball systems while 10-20 per cent are traditional basketball rings and backboards. These suppliers also said there has been a spike in sales of portable basketball systems between 2013 and 2015.

3.2 Injuries and deaths involving basketball rings and backboards

Before the mandatory safety standard was introduced in 2005 there were three known deaths in Australia associated with the use of traditional basketball rings and backboards. These occurred in 1996, 1998 and 2002. Since 2005, there has been one death associated with a traditional basketball ring and backboard. This was in 2012 and involved a product that complied with the mandatory safety standard.

Portable basketball systems do not appear to present the same hazard as traditional basketball rings and backboards. Despite their popularity, no deaths have been associated with portable basketball systems.

Although the rate of deaths decreased since 2005, the rate of injuries associated with all basketball rings and backboards has increased (see Appendix A for more details). The likely reason for the increased injuries is the greatly increased rate of participation in basketball and an associated increase in the supply and use of portable basketball systems.

However, the majority of basketball ring and backboard injuries happen away from home at sports arenas, basketball courts and other non-domestic settings. Most injuries are not severe. Victorian emergency departments treat most basketball ring and backboard injury presentations and send them home without hospital admission (Appendix A).

Basketballers can be injured using traditional basketball rings and backboards or portable basketball systems, either from normal use or doing a 'slam dunk'. However, injuries are likely to be far less serious if a portable basketball system falls onto a user. These systems

are much lighter than the brick walls or similar structures that have killed users of traditional basketball rings and backboards.

3.3 The mandatory safety standard

Requirements

There are no performance requirements for basketball rings and backboards. The mandatory safety standard prescribes warning label and information requirements only.

On the product

A basketball backboard must be permanently marked with the following warning:

WARNING: SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH

With the product

A basketball ring or backboard must be accompanied by certain information that must be marked on or affixed to the packaging. If the basketball ring or backboard is not supplied in packaging, the information must either be marked on the product or on a label or tag attached to the product. This information must be:

- 1) a warning that must contain the following words (in red text on a white background):

WARNING: IMPROPER INSTALLATION OR SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH

- 2) a warning symbol that is a stick figure hanging from the ring, in a red circle with a red line through it:



Definition

The mandatory safety standard does not define basketball rings and backboards. Shortly after it was introduced there was some confusion among suppliers about whether it applied to toy basketball rings and portable basketball systems.

The ACCC resolved the uncertainty and published guidance on the Product Safety Australia website to clarify that:

- toy basketball rings and backboards are not captured by the mandatory safety standard
- portable basketball systems are captured by the mandatory safety standard.

4. International standards

There is no Australian voluntary standard for basketball rings but there are two relevant international standards:

- US standard ASTM F1882 Standard specification for residential basketball systems
- European standard EN 1270:2005 Playing field equipment – Basketball equipment – Functional and safety requirements, test methods.

The ACCC uses the following criteria when assessing whether international standards are appropriate for use in product safety standards in Australia:¹

- 1) Addressing safety concerns: Is there evidence that the international standard provides an acceptable level of consumer safety?
- 2) Comparable jurisdiction to Australia: Is the international standard published or developed by a legitimate standards body or government agency from an economy or nation with comparable economic and regulatory processes to Australia?
- 3) Applicability to the Australian context: Is the international standard applicable and sufficient in the Australian context?

4.1 The US standard

The US standard differs from the mandatory safety standard because the primary concern in the Australian context is basketball rings affixed to a wall for home use. The US standard excludes basketball rings that are affixed to a wall. It applies to free standing basketball ring systems (i.e. including portable basketball systems) and requires prominent and detailed warnings that are visible to players. It also includes a range of performance and design specifications.

The US standard does not address the primary safety concern of the mandatory safety standard. The US standard is not applicable in this context and we do not consider it further.

4.2 The European standard

The European standard differs from the mandatory safety standard because the primary concern in the Australian context is basketball rings that are affixed to walls for home use. The European standard does not apply to home basketball equipment and it considers such equipment a toy. The European toy standard, EN 71.1:2014 *Safety of toys Part 1 – Mechanical and physical properties*, does not refer to basketball rings and does not include sporting equipment. The European standard includes a range of performance and design specifications for basketball equipment not intended for home use.

The European standard does not address the primary safety concern of the mandatory safety standard. The European standard is not applicable in this context and we do not consider it further.

¹ ACCC, International standards for the safety of consumer products - criteria for acceptance, ACCC policy principles, 22 July 2015, www.productsafety.gov.au/content/index.phtml/itemId/1014180

5. Installation issues

As previously discussed, the main danger associated with basketball rings and backboards arises from their installation and from users performing 'slam dunks'.

Various stakeholders have published information about ways to install basketball rings and backboards. The ACCC published a Safety Alert in 2005 (Appendix B, still available at www.productsafety.gov.au) to raise consumer awareness and provide guidance:

- on how deaths and serious injuries occur
- to not use basketball rings and backboards mounted on brickwork
- to remove basketball rings and backboards that are installed on brick walls
- to not install basketball rings onto brickwork
- to never hang or swing from a basketball ring
- on how to install a basketball ring and backboard onto a steel post
- on how to install the steel post into concrete footings
- to consult a structural engineer if in any doubt about the safety or stability of the installation.

The current mandatory safety standard requires a warning to consumers that improper installation may result in serious injury or death. However, there is no requirement for suppliers to provide detailed installation instructions on how to install a basketball ring and backboard so that it can be used safely, accounting for foreseeable use and misuse.

A requirement to provide installation instructions on how a consumer should install the basketball ring and backboard so the installation is safe could enhance the current warning about improper installation. This could specify:

- the type of structure that the basketball ring or backboard must be installed on – such as a metal post concreted into the ground, including the size of the concrete footing
- the type of structure that must not be used – such as a brick wall, unless a structural engineer has approved the installation
- how to achieve an installation that does not fail or that fails safely, if a user swings on the ring.

6. Detailed description of policy options

Option 1 - Keep the current mandatory standard (status quo)

Description

Maintaining the status quo would mean no changes to the mandatory safety standard for basketball rings and backboards. The mandatory safety standard would continue to apply to both traditional basketball rings and backboards and to portable basketball systems. It would continue to prescribe warning label and information requirements only.

Benefits

The mandatory safety standard has been effective and there have been fewer deaths associated with basketball rings and backboards. These benefits would continue.

Limitations

Basketball rings and backboards would still be subject to the same mandatory safety standard that suppliers must currently meet before they can legally supply them, with the same regulatory burden.

There would be no additional costs to government beyond those already incurred in administering the mandatory safety standard.

Suppliers would continue to supply products with specific warnings for the Australian market. Suppliers would continue to re-label products designed for other markets since international standards do not address the primary concern about basketball rings and backboards installed on walls around the home. The cost of continued compliance is likely to be low as the mandatory safety standard does not impose performance requirements.

Suppliers of portable basketball systems would continue to incur compliance costs even though these systems do not appear to present the same hazard as traditional basketball rings and backboards and the regulation was not intended to capture these products. Although compliance costs are limited to warning labels and information requirements, portable basketball systems account for most of the market and unnecessary compliance costs paid by suppliers may distort the market.

Option 2 - Exclude portable basketball systems

Description

This option would retain the mandatory safety standard for traditional basketball rings and backboards but amend the standard to exclude portable basketball systems. There is no evidence to indicate that portable basketball systems present the same hazard as the traditional basketball rings and backboards that prompted the introduction of the mandatory safety standard.

Benefits

The reduced rates of death associated with traditional basketball rings and backboards are likely to continue.

Suppliers of portable basketball systems, inadvertently captured by the regulation, would no longer need to comply with the mandatory safety standard. This would reduce regulatory costs for those suppliers – which is most of the market. Some suppliers could choose to continue to supply portable basketball systems with the current warning and information.

The general provisions of the Australian Consumer Law (ACL) would remain available to consumers and the ACCC when dealing with suppliers of portable basketball systems.

The ACCC would still be able to pursue suppliers of traditional basketball rings and backboards – the products of concern – with penalties under the ACL if they breach the mandatory safety standard.

Limitations

Despite their popularity, no deaths have been associated with portable basketball systems.

Basketballers may risk injury if they hang and swing from the ring of a portable basketball system but available injury data does not indicate that this is a significant safety problem.

However, there is a small risk that without the currently mandated warnings, there may be more injuries associated with these products.

There would also be awareness and education costs associated with changing the standard to ensure that suppliers and consumers understand the relative risks associated with both traditional basketball rings and backboards and portable basketball systems.

We encourage suppliers to comment on any reduced compliance costs if portable basketball systems were excluded from the mandatory safety standard.

Option 3 - Require safe installation instructions

Description

The mandatory safety standard would continue to apply to both traditional basketball rings and backboards and to portable basketball systems. It would continue to prescribe warning label and information requirements.

This option would include an additional requirement to provide safe installation instructions with traditional basketball rings and backboards. This requirement would not extend to portable basketball systems.

Benefits

The requirement for safe installation instructions would enhance the current mandatory safety standard by providing consumers with information on how to achieve a safe installation. This would enhance the effectiveness of the mandatory safety standard in reducing deaths and serious injury that arise from unsafe installations.

Limitations

Suppliers of traditional basketball rings and backboards would be subject to increased regulatory burden. The cost of compliance may increase by a small amount, but remain relatively low overall, as the mandatory safety standard does not impose performance requirements.

Suppliers would continue to supply products with specific warnings for the Australian market, and they would also be required to provide safe installation instructions.

Suppliers would continue to re-label products designed for other markets since international standards do not address the primary concern about basketball rings and backboards installed on walls around the home.

There would also be awareness and education costs associated with changing the standard to ensure that suppliers and consumers understand the relative risks associated with both traditional basketball rings and backboards and portable basketball systems.

We encourage suppliers to comment on any compliance difficulties and costs to provide safe installation instructions with traditional basketball rings and backboards.

Option 4 - Revoke the mandatory safety standard

Description

Most consumer goods in Australia are not regulated by mandatory safety standards. Revoking the mandatory safety standard would mean suppliers would still need to have regard to the consumer protection provisions of the Australian Consumer Law (ACL). The ACL provides consumers with specific protections for consumer transactions called statutory consumer guarantees that apply every time they purchase goods or services. One of those guarantees is that goods will be of acceptable quality, meaning they are safe and fit for purpose.

Consumer protections also exist to safeguard against suppliers engaging in conduct that is likely to be misleading or deceptive. Additionally, there are provisions for injury reporting, recalls and product liability. These provisions give suppliers an incentive to ensure that the goods they supply are safe. The ACCC would still be able to take safety action if needed – for example, through recalls.

Benefits

There would be no direct compliance costs for industry under this option. Any compliance implications for suppliers importing products into Australia would be removed, which may result in lower prices and a wider range of products becoming available to Australian consumers.

Limitations

Without the mandatory safety standard, the general ACL provisions may be insufficient. A lack of consumer awareness around the hazards associated with the installation of basketball rings and backboards and users swinging from the ring, could lead to an increase in death and injury. Consumers may also need to assess the safety of basketball rings and backboards in more detail. This could reduce consumer and retailer confidence in the recreational use of basketball rings and backboards and in the safety of these products.

7. Preliminary position

The ACCC is currently of the view that the greatest net benefit for consumers, suppliers and regulators is likely to come from combining Option 2 and Option 3. This would exclude portable basketball systems from the mandatory safety standard and require suppliers to provide safe installation instructions for traditional basketball rings and backboards.

The reduced regulatory costs for portable basketball system suppliers could offset the increased costs for suppliers to provide safe installation instructions for traditional basketball rings and backboards. We encourage suppliers to provide us with their estimates of any reduction in costs under Option 2 and any increase in costs under Option 3.

Stakeholder submissions to this consultation will help us test the above positions and to recommend the most appropriate option to the Minister.

The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement (RIS) may not be required as the proposed changes are likely to be administrative and minor.

8. Consultation questions

Please consider the following questions when making a submission:

1. Should we exclude portable basketball systems from the mandatory safety standard, and why?
2. How much would this reduce compliance costs?
3. Should we require suppliers to provide safe installation instructions with traditional basketball rings and backboards, and why?
4. How much would this increase compliance costs?
5. Should suppliers improve the consumer warnings on traditional basketball rings and backboards?
6. What option do you prefer, and why?
7. Are there any other safety issues or policy options that the ACCC should consider?
8. Do you have any other comments?

9. Have your say

The ACCC invites stakeholders and interested parties to comment on these policy options.

Consultation is open from 12 October 2016 to 25 November 2016.

The ACCC prefers submissions via the ACCC consultation hub at consultation.accc.gov.au.

The ACCC will alert stakeholders and interested parties to the consultation through the Product Safety Australia website www.productsafety.gov.au and business.gov.au.

Alternatively, email submissions to productsafety.regulation@acc.gov.au or via post:

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Standards and Policy
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Appendix A - Basketball rings and backboards injuries

Source: a 2013 Victorian Injury Surveillance Unit (VISU) report

The report does not distinguish between portable basketball systems and traditional basketball rings and backboards.

The report provides the following key injury statistics:

Annual injury rates

- Before July 2005, there was an average of 13 injuries per year in Victoria.
- After July 2005, there has been an average of 20 injuries per year in Victoria.

Location of injury

- 38 per cent occurred in sports arenas or basketball courts
- 38 per cent occurred at home
- 10 per cent occurred at schools and other educational institutions
- 14 per cent occurred in other settings

Mechanism of injury

- 28 per cent occurred when the basketball ring or backboard fell onto the user
- 26 per cent occurred when a user fell onto or against a basketball ring or backboard

Nature of treatment

- 11 per cent were admitted to hospital for treatment
- 89 per cent were treated in the emergency department and sent home

Nature of injury


- 39 per cent were open wounds
- 21 per cent were fractures
- 13 per cent were dislocations, sprains and strains
- 5 per cent were intracranial injuries

Body region injured


- 39 per cent were to the head, face or neck
- 36 per cent were to the wrist or hand
- 10 per cent were to the elbow or forearm.

Appendix B - ACCC 2005 Safety Alert

(Part 1 of 2)



DEATH AND INJURY RISK WHEN PLAYING BASKETBALL



Since 1996 three people have died when the structure supporting a basketball ring collapsed on top of them. These deaths occurred after the player held on to the basketball ring.

Basketball rings installed on home exteriors may not be able to support the player's weight, making hanging or swinging on the ring extremely dangerous.

Fatal and serious injuries result from falling debris such as bricks and guttering.

When placed under pressure from continual play, the installation can weaken.

Basketball rings and backboards installed on brick walls—found on many garages and above doors—are easily dislodged.

Check the structural soundness of any wall or post that a basketball ring and backboard is attached to. Ideally, a basketball ring and backboard should be fixed to a 'hot dip' galvanised steel post.

SAFETY GUIDELINES

Install a basketball ring and backboard safely

- > Do not fix a basketball ring and backboard to brickwork.*
- > Do not use a basketball ring and backboard mounted on brickwork.*

* Unless assessed as safe by a suitably qualified person.

Fix the basketball ring and backboard to a 'hot dip' galvanised steel post

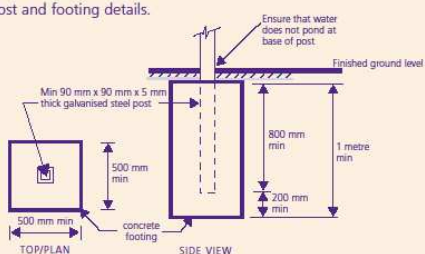
- > A ring and backboard should be fixed to a 'hot dip' galvanised steel post—90 mm x 90 mm with a 5 mm wall thickness. Hot dipped galvanised steel has a longer life than ordinary galvanised steel, which helps to resist rusting at ground level.
- > The post should be set at a minimum of 800 mm into a mass concrete footing of 500 mm x 500 mm (or 500 mm diameter) by one metre deep.
- > Follow the manufacturer's instructions when attaching the basketball ring to the backboard, and the backboard to the post.

Check the condition of the installation

- > Check the stability of the post, brick wall or any other supporting structure on a regular basis as the installation can deteriorate over time.
- > Ensure that water does not pond at the post footing. This is especially important in salt water environments.

Consult a structural engineer if you have any doubt about the safety or stability of the installation.

Safe Installation of basketball rings
Post and footing details.




SAFETY WARNING

Under the *Trade Practices Act 1974*, new basketball rings and backboards are required to carry warnings.

Accompanying the product at the time of sale:

WARNING: IMPROPER INSTALLATION OR SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH



Permanently fixed to the backboard:

WARNING: SWINGING ON THE RING MAY CAUSE SERIOUS INJURY OR DEATH

For further information:
ACCC Infocentre 1300 302 502
www.accc.gov.au
PO Box 1199 Dickson ACT 2602

REMEMBER:

Tell children to never hang or swing on the basketball ring

This campaign is supported by Basketball Australia
www.basketball.net.au

SAFETY ALERT

BASKETBALL RINGS AND BACKBOARDS



Home installed basketball rings can be fatal when playing basketball

Remove unsafe basketball rings and backboards installed on brick walls

Important notice. The information in this brochure is general in nature and may not be relevant to your specific circumstances. While the Australian Competition and Consumer Commission has made every reasonable effort to provide current and accurate information, readers should be aware that the ACCC accepts no liability for any loss or damage whatsoever attributable to reliance upon any of that information. Nothing in this brochure should be taken to displace the need to seek professional advice. The ACCC recommends that users exercise their own skill and care with respect to its use.

The guidelines for installation, safe use and maintenance of basketball rings was provided by the Building Commission of Victoria. This text cannot be reproduced without the consent of the Building Commission or the Australian Competition and Consumer Commission.

Glossary

Term	Definition
Mandatory safety standard	<p>The Australian mandatory safety standard for basketball rings and backboards</p> <p>Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005</p>
US standard	ASTM F1882 Standard specification for residential basketball systems
European standard	EN 1270:2005 Playing field equipment – Basketball equipment – Functional and safety requirements, test methods
Portable basketball system 	<p>A system typically consisting of a base, pole, backboard and ring. Usually requiring some form of initial assembly. The base is generally hollow and needs to be filled with sand or water to keep the system sturdy and to prevent it from falling over. They often have wheels on the base to allow the system to be put away after use or to be used in various outdoor locations around the home. The height of the ring is often adjustable to accommodate users of different ages, heights and skill levels.</p>
Traditional basketball rings and backboards 	<p>Basketball rings and backboards for domestic use and intended to be mounted or fixed at an appropriate height above the ground. Commonly installed onto metal posts fixed either into or onto the ground, although sometimes installed onto brick walls around the home/garage.</p>