

The Hazards of Buying Playgrounds On-line (and using unlicensed installers)

Recently we were called to conduct a "Compliance Audit" on a new playground in a childcare centre, so that their registration to trade could be renewed.

The playground was only a month old and had been imported direct from a manufacturer in China. The owners of this childcare centre are Chinese, so language differences were not an issue. The playground came with a "Certificate of Compliance", though it was written in Chinese. What could go wrong? What a bargain!

The playground was installed by a local contractor (we were never able to determine their qualifications), and new artificial grass softfall was laid over rubber tiles. A Certificate of Conformance of the tile system, but not for the particular installation, was provided by the artificial grass supplier. This was taken by the centre owners as a Certificate of Compliance of the finished undersurfacing job.

We conducted our Inspection to the Australian Standards for playgrounds, and found numerous manufacturing defects, sharp edges, entrapments, engineering inadequacies that even a non engineer could identify, plus a number of other non-conformances. The fall zones around 3 sides of the equipment were less than what were required by the Australian Standards.

On close inspection, it became obvious that the playground had been fabricated out of black mild steel. Anywhere the thin paint layer had been compromised (and there were many), rust was already at work. Water from a recent rain shower laying in the bend in the set of stairs, was orange with rust. Welds were already rusting in numerous places.

The press that punched holes in the decks had not traveled its full cycle and there were a few partially punched discs still attached under the deck. The edges were razor sharp and ragged.

There were entrapments in most of the barrier panels and between the plastic panels and the posts, the plastic spiral slide showed evidence of being patched after it had come out of the mould, and two large plastic roofs were sitting on top of the posts and attached by 4 tiny screws that would pull straight out with the first decent puff of wind.

We certainly could not give a Certificate of Compliance, but then we had to recommend a course of action to the centre owners, who found it difficult to comprehend what we were forced to recommend. That was:-

"Pull the playground out and throw it away. Do not sell it or give it away"

There are very important issues that the playground owner had not been aware of or understood:-

1. Whoever imports a playground into Australia, becomes the “manufacturer” of that playground as far as the Australian Standards are concerned.
 - a. It is the manufacturer’s responsibility to ensure the playground conforms to Australian Standards. A Certificate of Compliance from an overseas manufacturer is not acceptable.
 - b. The importer (manufacturer) of the playground could be held responsible for injuries incurred on the playground. Manufacturers carry Public and Products Liability insurance to cover this responsibility. An owner importing direct has no such protection.
 - c. An Australian manufacturer (importer) will usually give a warranty (always check the fine print) on the playground, such that quality defects will be rectified free of charge.
 - d. Any Certificate of Compliance must be provided by an Australian supplier. That’s the importer if you buy direct. You.
 - e. The manufacturer (or Australian importer) must provide a manufacturer’s plate stating the Australian contact for parts, servicing etc, the year of manufacture and the model number or description of each free standing playground assembly.

2. **Certificates of Compliance.**

Everybody wants one, but who ever reads them?

- a. Although the softfall system had a Certificate of Compliance, the fall zones were not compliant, so the “as installed” undersurfacing did not comply to the Australian Standards, even though it was supplied with a Certificate Of Compliance
- b. The Certificate of Compliance sent by the Chinese manufacturer regarding the playground equipment, turned out to state that their factory was complying to the EPA regulations in their province.
- c. Any playground manufacturer will give you a Certificate of Compliance, but what does it really say, and is the person who signed it sufficiently qualified in the Australian Standards to know if it didn’t comply?
- d. Check out the wording.
 - i. Is it specific to the playground installed on your site? It needs to be.
 - ii. Does it say, “this playground conforms to all current Australian Standards for playgrounds”.
 1. Not “generally” conforms
 2. Conformance to European, British, American or any other Standard is not an acceptable substitute for conformance to Australian Standards.
 3. A generic Certificate of Conformance is not acceptable

3. **Disposing of a playground.**

If you sell or give away a playground, you become the “supplier” (next best thing to manufacturer) of that playground.

- a. The disposer is responsible to ensure the playground is safe, but the whole reason for disposing of the playground is that it was not safe, so why would you give those safety non-conformances to someone else?

- b. The new owner of the playground could join you in any accident claim subsequently made against them. Giving it away does not relieve you of responsibility.
 - c. So selling it in the classifieds or on ebay to try and recoup some money, has the potential to cost you big time, with no insurance to cover your liability.
4. When something is vandalized, breaks or is stolen, how do you get parts to fix it?
- a. Do you import them from the manufacturer?
 - b. How will you communicate exactly what parts you need? Will you end up with the wrong parts?
 - c. If so, how long will it take for the correct parts to arrive, really?
 - d. How long will you be without the playground?

For our unfortunate Childcare centre owner, not only has he lost the price of the cheap imported playground, but he has lost

- the playground installation cost
- the new artificial grass cost
- the removal and disposal of the non-conforming playground cost
- the removal and dumping of the new artificial grass cost.
- the cost of trying to trade while his license renewal is on hold because his playground is non compliant

The moral of this story - If you must buy an imported playground rather than an Australian manufactured one

- Buy only from an importer with a long established playground industry track record. Don't rely on the supplier's own words to guarantee his bona fides whether written, on the internet or in person. Self praise is no recommendation.
- Get your playground inspected by an inspector that is independent of the supplier you are buying through, retain at least 10% of the project price pending the inspectors report.
- Check the inspectors qualifications are valid and issued by an Australian Registered Training Organization.
- Do not rely on any Certificate of Compliance issued by the supplier as proof of compliance to Australian Standards. It may or may not be accurate.
- Buyer Beware. If it's too good to be true, it probably isn't.
- If it's cheap, it is 90% likely to be nasty as well. It's just that you are not trained to see it.

I share this experience in the hope that it may save exposing children to needless risk, and Child Care Centres, Kindergartens and Schools from unnecessary waste of scarce resources.

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