

SAFE PRODUCTS for all Australians

People have a right to expect that the products they buy don't put them at risk of illness or injury, whether it is an item of clothing, toys or tools.



Businesses, consumers and government all play a role in ensuring that products sold in Australia are safe. Over the last two years the ACCC and state and territory fair trading agencies have implemented reforms both in terms of the law and the way in which it is administered. These changes make the product safety regime more streamlined, timely and, most importantly, more effective!

One of the changes means that we now have a single set of national regulations that cover product safety: product safety bans and standards are consistent nationwide. In 2006 there were over 170 different product safety regulations in Australia but most did not apply in all jurisdictions. Following a review and streamlining process, Australia now has a single set of 59 national bans and mandatory standards.

Not only does this provide a much simpler environment in which businesses may operate but it ensures a consistent approach to safety for consumers: it will no longer be the case that a product can be considered unsafe and permanently banned in one state and yet be available in another.

The single set of regulations will be enforced by the ACCC and state and territory fair trading agencies.

Some big changes have taken place in the way potentially unsafe products are identified. The ACCC's ability to identify possible hazardous products at an earlier point has been much improved by the development of a 'Clearinghouse' system. The Clearinghouse provides the ACCC assessment team with access to product safety intelligence from around the globe. While we continue to expand our data sources, they already include hospitals, other product safety regulators and international recalls databases.

The new laws also mean that businesses have to alert the ACCC when they become aware that a consumer has died or suffered a serious injury or illness as a result of an incident associated with a consumer product (see our story on mandatory reporting on page 13 for more information).

This requirement, which we've called 'mandatory reporting,' was introduced after it was recognised that suppliers often have access to more information about safety issues that relate to their products than government. The government's ability to respond to hazards will be improved with better access to this information.

Other reforms that have been implemented include the introduction of a one stop shop website (productsafety.gov.au) and other education initiatives. A substantial review of the recalls system has been undertaken and its recommendations implemented. This work should lead to an increased amount of recalls of unsafe products that have been sold.

As a result of these reforms consumers and business are better informed; the regulatory system is simplified; Australian business safety culture is encouraged and the ACCC and state and territory regulators are in a better position to intervene in the market place at an earlier point if necessary.



New product safety law

Legal changes affecting product safety came into effect on 1 January. Changes include:

- › Mandatory reporting—businesses must notify the ACCC where they become aware that one of their products has caused illness, injury or death.
- › Permanent bans and mandatory standards now apply uniformly (states and territories may issue interim bans lasting for up to a maximum of 120 days).
- › Standards may now be developed for services associated with consumer goods.
- › Commonwealth and state and territory ministers with responsibility for product safety (Ministers) can all now issue public warning announcements.
- › All Ministers can now order that unsafe goods be recalled.
- › Penalty notices can be issued to individuals or businesses if they supply products that are banned or don't meet mandatory standards.
- › Substantiation notices may be issued requiring suppliers to provide information and documents to substantiate claims they make.
- › Goods may be seized or embargoed if an inspector believes that they will or may cause injury.



How to protect yourself and your family from dangerous products

- › Check that the products you are buying (including any online purchases) comply with bans and mandatory standards (visit www.productsafety.gov.au to see the products mandatory standards are applied to). If you suspect a product is not compliant, let us know at www.productsafety.gov.au/content
- › Check product recalls directly at www.recalls.gov.au or use the link at www.productsafety.gov.au
- › Register to automatically receive updates to our recall and product safety websites to ensure you have received new information.
- › Always follow product instructions for assembly and correct use—in many cases, these instructions are designed to protect you.
- › Report product-related accidents or near misses to us online at www.productsafety.gov.au/content or to the place where you bought the product.