



Hodge-podge safety laws put children in danger

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Last year a young Queensland girl was blinded in the left eye after a retractable lead she was using to walk her dog snapped, flung back and hit her.

The dog lead, imported from China, was bought from a '\$2' shop.

Despite notifying the Australian Consumer and Competition Commission (ACCC) about the tragic accident, it was not until the girl's parents contacted CHOICE six months later that tests on the dog lead were carried out at CHOICE's laboratories.

CHOICE's tests led to the dog lead being banned - too late for the "WOOFAZ" dog lead's young victim.

Consumers expect that dangerous products - particularly those used by children - would not be permitted to go on sale in Australia.

But Australia's inadequate product safety system does not deliver that result.

At present, consumer product safety is a hodge-podge of voluntary and mandatory standards operating at both state and federal levels. The ACCC and the fair trading bodies in each state and territory all have some sort of role.

While those bodies do conduct limited random tests, for the most part manufacturers decide whether the products they sell are safe.

This approach was behind Mattel Australia's recall yesterday of more than 460,000 Chinese-made toys sold in Australia - due to concerns about lead levels in the paint used on the toys and loose magnets.

This is the second recall in a month and includes toys from the Batman and Barbie ranges. It has no doubt caused concern in households around the country as parents check whether they own any of the products in question.

While Mattel Australia should be congratulated for initiating the recall quickly, these toys should never have made it to the shelves in the first place.

This recall clearly demonstrates one of the dangerous gaps in the current product safety system.

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Of the 153 products CHOICE tested for safety in the last six years, a staggering 33% failed basic safety standards.

This has very real costs. In a 2006 report the Productivity Commission estimated that product design, faults or misuse lead to around 750 deaths and tens of thousands injuries in Australia each year.

Around 70% of all unintentional injuries receiving medical attention are related to consumer products - direct costs of treatment exceed \$200 million.

But of all the thousands of types of products and services that Australians use each day very few are covered by mandatory standards. In fact, once you look beyond electrical goods only 29 products are properly covered by an Australian standard.

Many of the rest are subject to voluntary guidelines that manufacturers can adopt or ignore as they see fit.

We're not being unrealistic and asking for compulsory standards for every product on the shelf, or for everything that a knowledgeable adult will use. Rather, a set of safety standards for products that are primarily designed for children and babies would be a good start.

Many parents will be shocked to discover that there is no legally enforceable standard for important children's items such as high chairs. Until this year there was no mandatory standard for strollers. A standard was introduced only after two incidents in which children drowned in a river after their prams rolled away from their carer.

And even where there is a standard, we do not have a good track record on ensuring compliance. The Federal Government recently introduced a mandatory safety standard for babies' dummies, but late last year CHOICE found that some dummies we tested still failed because they were a potential choking hazard.

One of the biggest obstacles CHOICE faces in its fight to make consumer products safe is that the laws covering this are do not do enough to *prevent* deaths and injuries occurring - there are not adequate powers to compel manufacturers and importers to supply safe products.

Instead the regulatory system penalises those manufacturers who spend money and resources to ensure their products are safe and to correct faulty or unsafe products while less responsible suppliers slip through.

CHOICE is calling for stronger laws including a "general safety provision" (GSP) under which companies would be legally required to provide safe products.

We also need to upgrade our recall system once a dangerous product has been identified. There is no legal requirement for businesses to recall unsafe products, and when products are recalled, suppliers are not required to detail the level of threat to consumers or say what exactly is wrong with the product.



A mandatory recall system should be introduced with those vital details included. Companies who know their products are dangerous should be obliged to recall them - consumer safety should not depend on the benevolence of corporations.

Some products are inherently unsafe due to their predictable misuse. For example, three Australian children died in baby bath seats in 2002 - not because the product failed, but because it was tragically misused.

New product laws should cover this “foreseeable misuse” - currently manufacturers can avoid paying consumers compensation by relying on warnings not to use a product in a way that would be reasonable for someone to do.

Finally we need a coherent and efficient regulatory system with leadership at the national level. A new properly-funded national agency - perhaps within the ACCC - would have the power to fix the significant inconsistencies and gaps in the current safety laws which vary around the country. For example, there is no national approach to safety for pool fences.

A dedicated national body should be able to deal with safety hazards more rapidly. It would be able to make sure the rules are enforced and it would mean that no matter where you live in Australia, you’ll get the same level of protection when you purchase products for yourself or your kids.

Product safety is one of several areas where government delay is leaving consumers exposed to risk. In February last year, the Commonwealth’s Productivity Commission completed an extensive review of the product safety system in Australia.

The Commission recommended significant changes to the product safety system including many that CHOICE proposed. Many of these changes would also help businesses by reducing uncertainty and inconsistencies across different levels of government.

But we are yet to see any action.

The Commission’s recommendations need to be implemented urgently in order to bring Australia’s safety regime up to the standard offered in other parts of the world.

Waiting only puts more lives at risk from dodgy products.