



**PUBLIC HEALTH SERVICES BRANCH**

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Product Safety Review  
Competition & Consumer Policy Division  
Department of the Treasury  
Langton Crescent  
CANBERRA ACT 2600

Dear Sir/Madam

Thank you for the opportunity to comment on the *Review of the Australian Consumer Product Safety System Discussion Paper*. Queensland Health has reviewed the document and provides the attached comments.

Careful consideration should be given to ensuring that a consistent regulatory approach is implemented for the consumer product safety system throughout the country.

Thank you for the opportunity to participate in this process. For further inquiries on this matter, please contact John Carleton, of the Environmental Health Unit on telephone 07 3234 1483.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Dwyer'.

Ms Sophie Dwyer  
**Director**  
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## **Queensland Health comments on the *Review of the Australian Consumer Product Safety System Discussion Paper***

A number of consistent comments were identified in responding to the requested section 'Issues to Consider', which are noted as general comments.

### **General Comments**

1. Queensland Health considers that the fragmentation of product safety regulation amongst the different jurisdictions, accompanied by a lack of uniformity in product safety legislation and its administration are major issues impacting on the Australian Consumer Product Safety System.

Strategies should be developed and implemented that provide for a consistent product safety system among all jurisdictions. The development of consistent strategies should consider the international competitiveness of Australian goods and services.

2. The development and/or duplication of product safety standards by different jurisdictions can create confusion and affect the level of compliance for the product supply chain. The inconsistency can place an unnecessary economic burden on enforcement activities and the product supply chain.

Examples of issues with current standards administration are:

- Delays in finalising new Australian Standards, such as taking over 18 months to revise the Playground Safety standards; 2 years to revise the current pool fencing guidelines; and the current delay in approving suitable bike helmets for use with quad bikes, trail bikes and horses.
- Some states have different and possibly more effective standards for fencing of residential pools and spas than the current Australian Standard.

Queensland Health considers that development of criteria for product safety standards must be supported by critical evidence-based scientific information. Implementation of standards consistently among all national and state jurisdictions can greatly benefit the consumer and the product safety system.

3. Review of the *Trade Practices Act 1974* (TPA) and other applicable legislation is considered essential for an efficient product safety system. A review should specifically consider:
  - Provisions for compulsory recall of products considered unsafe due to a foreseeable misuse.
  - Provisions relating to administration and enforcement for a consistent product safety system among all jurisdictions.
  - Provisions for the appropriate management of second hand goods.
4. Implementation of a General Safety Provision (GSP) should encourage a consistent product safety approach to provide safe products of a quality standard by the product supply chain. In addition a GSP should:
  - Provide a consistent approach across all jurisdictions for voluntary product safety compliance by the product supply chain - manufacturers, suppliers and retailers.
  - Allow regulatory agencies to be more focused on product safety standards and research.

- Define the product supply chain's duty of care for product safety.
  - Provide consumers greater confidence in product safety accountability and recourse.
  - Provide a recall procedure that encourages businesses to voluntarily recall products which they find unsafe.
  - Promote a general duty of care for business to report unsafe products. This will encourage greater accountability for the ongoing monitoring, reporting and prompt investigation of unsafe products.
5. Comprehensive product safety information and instruction materials should be presented in an easy to read format according to the intended audience. Development of this material should consider cultural and linguistic aspects and use of internationally accepted pictograms. Specific areas of consideration are:
- Product safety information for safety equipment available for purchase/hire from equipment hire companies.
  - Product safety information for use by home renovators.
  - Some products require explicit assembly instructions for safe use, such as bicycle helmets, nursery furniture and child vehicle restraints.
  - Product safety information should be readily available at retail point of sales locations.
  - Product safety presentations should be made available to consumers using a range of mediums including printed material, internet, video and demonstrations by appropriately qualified staff.

**1. What, if any, are the major problems confronting Australia's consumer product safety system?**

Refer to general comments.

**2. How should governments address these problems?**

Refer to general comments.

**3. Would a GSP be of benefit to Australia's consumer product safety system?**

Refer to general comments.

**4. If a GSP were to be introduced, how should governments address any concerns you may have?**

Refer to general comments.

**5. What products/services should be exempt from a GSP and why should they receive an exemption?**

Queensland Health has not identified specific products for exemption from a GSP. However, it is suggested that careful consideration should be given to exempting products from the GSP because it may be difficult to determine the safety of some products such as second hand goods, in particular bicycle helmets, nursery furniture and child restraints.

**6. How could a GSP be applied to businesses? For example, what level of safety should businesses be held accountable for under a GSP and to what extent should GSP obligations be placed on businesses throughout the product supply chain?**

- Refer to general comments.

**7. Should services be covered by the TPA product safety provisions? If so, would you adjust the existing product safety provisions in any way to account for the regulation of services?**

No comment provided.

**8. How should the regulation of consumer safety be altered to provide for second-hand goods?**

- Refer to general comments.

**9. Are consumers receiving sufficient product safety information? How should such information be delivered to consumers?**

- Refer to general comments.

**10. Should businesses be required to report unsafe products to governments?**

- Refer to general comments.

**11. What type of product safety early warning systems should be developed in Australia?**

A product safety early warning system should be developed that accurately captures the relationship between product safety risks, injuries and deaths. This should include emergency room admissions, consumer complaint information and other information relative to injuries and deaths resulting from unsafe products.

**12. Do you favour the development of a centralised electronic data base to achieve product safety goals? How would the type of data base you envisage contribute to product safety outcomes?**

A centralised electronic database would enable consumer product safety system administrators to respond to inquiries and conduct investigations in a consistent and timely manner. It would also provide an evidence base for changes to product safety information.

**13. What type of product safety research would be beneficial?**

- Longitudinal research into the cost of product safety injuries and their causes. This would enable an evidence based proactive response to product safety hazards and inform product information and national communication strategies.
- Research into new and improved safe products and standards which should assist the approval process.

**14. Should the TPA make provision for an Australian Government recall audit power?**

- Refer to general comments.

**15. What difficulties are consumers experiencing in relation to obtaining redress for product safety problems?**

Consumers have access to a wide range of areas to seek redress and compensation. However, legal action is often considered expensive and time consuming.

Consumers need reassurance that products reported as unsafe are investigated and appropriate feedback provided to the consumer.

**16. What is the best approach to achieving harmonisation of product safety legislation and enforcement?**

- Refer to general comments.