



5 November, 2004

ATTENTION:

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

Via e-mail [productsafety@treasury.gov.au](mailto:productsafety@treasury.gov.au)

I write formally on behalf of community safety specialists within the Australian state and territory departments of health to express our collective congratulations on your recent document, *Review of the Australian Consumer Product Safety System*. We believe that your report represents the most significant and insightful Australian document on this topic ever published. You have successfully captured the broad range of issues impinging on product safety, and you have outlined clearly most of the reform options that are available for consideration.

It is reassuring to see that whether one considers consumer-product safety from the viewpoint of economics and law (as you do) or health (as we do), there now appears to be a broader consensus on the urgency of the problem than has existed previously.

As a group, we have participated in many standards committees and on fair trading advisory panels, representing the public-health sector. Furthermore we have played a central role in documenting the effect of product hazards in the community, at both the individual and collective levels. Our hospital-based surveillance systems, for example, have become essential information resources for your sector.

We agree with your implication that the loose Australian system for identifying and managing product hazards is not functioning well. To your excellent list of underlying problems we would add the frequent reluctance of Standards Australia, and the government agencies dependent on it, to fearlessly and independently define best practice in safety. We endorse your suggestion that government regulators are fragmented across jurisdictions, and within jurisdictions they are fragmented between agencies.

Product safety, as a health issue, does not fundamentally differ from other health issues in terms of the available remedies. One must start by managing the 'determinants' of the problem, and then ensure that constant monitoring results in rapid, effective interventions to counter specific hazard outbreaks.

Reducing the risks of product-related injury will require:

- More effective application of the principles of safe design and harm minimisation by industry, importers, and retailers (and students in the related professions);
- More sensitive mechanisms to feed back information on design failures, including comprehensive surveillance systems and real-time sharing of international alerts;

- More sharply focussed laws, incorporating a progressive definition of the obligations of business (eg your General Safety Provision, and acceptance of responsibility for foreseeable misuse);
- A concentration of government resources, ie a one-stop-shop approach, integrating the efforts of multiple disciplines under one umbrella;
- A greater overall enthusiasm for prevention amongst regulators;
- The wider adoption of generic (eg anthropometric) standards that span whole user groups, instead of a reliance on individual product standards alone
- A more inclusive definition of 'product' to include consumer settings involving both custom-built and ready-made products (eg swimming pools).

This is admittedly a large shopping list, as seen from the historic Australian perspective. Yet, other countries (eg the United States) successfully operate coordinated national systems that encompass many of these desirable elements.

If we had to nominate a **single action** from which this type of generalised reform would eventually flow, it involves the mandatory reporting by the suppliers of goods of product-related injury incidents that they become aware of. Such reporting, which would affect individual firms to only a relatively small degree, underpins the whole attitudinal shift that we advocate. As with most effective lawmaking, much of the benefit flowing from this approach comes from its passive, deterrent nature. Firms that are unwilling to comply with consumer-safety law are the ones likely to flout the requirement for honest reporting of injury incidents. Subsequent investigation of any such businesses associated with hazardous products provides enforcement agencies with a strong negotiation position that frequently results in voluntary product recalls without imposition of punitive fines.

We are aware that some people in your sector hypothesize that a reporting requirement, of the type in force over many years in the United States, would represent an unmanageable impost on Australian business. We reject this notion as unfounded and contrary to international experience. We offer our data and scientific expertise to you, so that together we can quantify objectively the benefits and costs of mandatory business reporting of injury incidents.

Sincerely yours,



Prof Rod McClure, Co-Chair  
Strategic Injury Prevention Partnership  
A sub-committee of the National Public Health Partnership  
Department of Health and Ageing