

Productivity Commission 2005, *Review of the Australian Consumer Product Safety System*, Discussion Draft, July

Comments by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA)

The comments address some elements of the Terms of Reference; namely:

- *In undertaking the study the Commission is to, inter alia, “examine the distribution of costs and benefits amongst businesses, consumers and governments; assessing the impacts on small businesses and families; and evaluating the net community impacts of each option”.*

All government or government funded services providers in Australia have an obligation to implement the *Charter of Public Service in a Culturally Diverse Society* (the *Charter*).

Charter of Public Service in a Culturally Diverse Society

The *Charter* has been endorsed by Commonwealth, State and Territory Governments as well as by the Australian Local Government Association. It represents a nationally consistent approach to the delivery of culturally responsive government services.

The *Charter* seeks to ensure that government services meet the particular needs of people from diverse linguistic and cultural backgrounds so they can participate fully in economic, social and cultural life. The *Charter* applies to all government funded services irrespective of whether these are provided by government agencies, community organisations or commercial enterprises.

The *Charter* is underpinned by seven principles central to the design, delivery, monitoring and evaluation of quality government services in a culturally diverse society. These are access, equity, communication, responsiveness, effectiveness, efficiency, and accountability. The *Charter* commits all government service providers to integrate the seven principles into their strategic planning, policy and corporate reporting processes.

Performance Management Framework for Reporting on the Charter

A Performance Management Framework (PMF) for the *Charter* has been introduced to provide clear strategies and performance indicators for practical implementation of the *Charter* principles by government and government funded organisations.

Australian Government agencies report annually against the PMF to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Based on this input, DIMIA produces a performance-based Access and Equity Annual Report. State, Territory and local governments also provide information to DIMIA about their multicultural programs for inclusion in the report.

Access and Equity Annual Reports are available on the DIMIA website:
http://www.immi.gov.au/annual_report/index.htm.

Review of the Australian Consumer Product Safety System

There is a need to assess the needs of culturally and linguistically diverse Australians in their capacities as consumers, suppliers and retailers, and consider strategies for them in the options listed in the Preliminary Findings of the Review. At the 2001 Census, Australia had a population of about 19 million people. Of this population:

- 43 per cent were either born overseas or had at least one parent born overseas, and
- over 200 languages were spoken (including Indigenous languages); following English, the most common being Italian, Greek, Cantonese, Arabic, Vietnamese and Mandarin.

We therefore dispute the assertion that “equity issues are less obviously relevant in determining appropriate product standards, bans, recalls and information strategies etc – the main focus of this study” (p.10), particularly in respect of information strategies.

The Review should review the CPSC handbook (referred to on page 416) to examine if it includes assistance on communicating with culturally and linguistically diverse consumers, such as advice on advertising in ethnic media.

The Review should also review *A Guide to Product Recalls* as referred to on page 278 (Box 13.1) in the same manner.

There would be concerns about the potential health consequences arising to Australians whose first language is not English if they are not adequately informed about pharmaceutical recalls. For example the issue was raised as to whether enough had been done to warn Australians who speak a language other than English about the potential health risks associated with the Therapeutic Goods Administration’s 2003 recall of Pan Pharmaceutical products.

The Review states on page 266 that the Ministerial Council on Consumer Affairs has noted that comprehensive national statistics on product-related injuries and deaths are not collected in Australia, making it difficult to establish the extent of the harm caused to consumers by unsafe products. Option 8 in the terms of reference is for increased government and industry funding of product safety research. If such research is funded we stress the need for the collection of statistics showing which consumer groups face the greatest risk of injury, using the Standards for Statistics on Cultural and Language Diversity (the Australian Bureau of Statistics Standards) as a minimum core set of variables. This would enable the identification of the groups most at risk by country of birth, main language other than English spoken at home, proficiency in spoken English and Indigenous status so that they could later be targeted with appropriate communications strategies.

We support the statement on page 36 that there is also a case for tailoring information campaigns and strategies to reflect the special needs of groups such as people of low literacy, or who do not speak English and the additional statement on page 45 that there is good reason to believe that groups such as uninformed or poorly informed consumers will benefit from regulation.

According to the information provided on the conduct of the study informing the Review, a circular and issues paper were forwarded to “interested parties” determined by the Commission. The Commission then met with a range of organisations it considered to be key stakeholders. However, it would appear that culturally and linguistically diverse Australians have not been consulted in accordance with the principles of the *Charter of Public Service in a Culturally Diverse Society*.

The Charter principle of Responsiveness, for example, is that *Government services should be sensitive to the needs and requirements of clients from diverse linguistic and cultural backgrounds, and responsive as far as practicable to the particular circumstances of individuals*. In order to be responsive, Government agencies must consult with these clients when developing policies and take their concerns into consideration. As feedback is now being sought, we therefore recommend forwarding the Review to the Federation of Ethnic Communities Councils of Australia for comment, and listing culturally and linguistically diverse Australians among the groups listed at page 63 of the Review in the discussion of differential impact under *What are the impacts on different groups?*

Communication with the Public

The Preliminary Findings mention communication strategies for Product Safety Information at Option 4. The first of these is a national internet-based one-stop shop (Preliminary Finding 9.1, pg L). If such an internet site is established, it needs to be made accessible for people who are not fully proficient in English. For instance, the site could advertise an interpreter hotline for information, or provide translated information. A hotline could also be used by consumers wishing to make complaints about dangerous goods.

The second strategy mentioned is targeted advertising and education campaigns (Preliminary Finding 9.2, pg L and also mentioned at page 222). The Ministerial Committee on Government Communications guidelines specify that at least 7.5% of the campaign budget allocated to newspaper and radio advertising must be devoted to non-English newspapers and radio stations. Specific mention needs to be made of the intention to comply with these guidelines in running targeted advertising and education campaigns. We support the advice given on page 217 that “*Information should be given in plain language and be easily understood by the target audience — in some cases diagrams or pictures may aid in informing consumers and it may be necessary to provide information in multiple languages*”.

Communication with Business

Preliminary Finding 10.2 (pg L) states that encouraging businesses to clarify how customers and retailers can notify them of unsafe or faulty products may improve the flow of information about potentially dangerous goods. When communicating with business, it is likewise essential to have in place processes through which culturally and linguistically diverse business people can be assisted to comply with this finding. In October 2002,

- 29 per cent of the total number of small businesses in Australia were owned/operated by people who were born overseas

- 70 per cent of Australia's workforce was employed by small and medium size enterprises

In the 'Checklist for assessing regulatory quality' developed by the Australian Office of Regulation Review, on page 58 of the Review, the 'Aspects of good regulatory governance', on page 60, and 'Aspects of smart enforcement' on page 66 of the Review, mentions that regulations should be

- accessible, transparent and accountable (page 58)
- communicated effectively (page 58)
- ensure regulations and regulatory processes are transparent, non-discriminatory and efficiently applied (page 60, and
- ensure regulation is effectively communicated (page 66).

We agree with these principles but would further emphasise the need to make regulations more accessible for culturally and linguistically diverse Australians by considering additional ways of communicating effectively to those listed e.g. by translating the most important regulations into the most common community languages, or indicating where the regulations are published (including on the internet), that assistance in interpreting them can be obtained by contacting a translating and interpreting service.