



## Kidsafe New South Wales Inc

# Submission to the Productivity Commission Review of the Australian Consumer Product Safety System

Kidsafe New South Wales Inc is a Divisional Association of the Kidsafe National organisation. Kidsafe, which is located in each State and Territory, is the trading name for the Child Accident Prevention Foundation of Australia and is an independent, non government, not for profit organisation dedicated to the reduction and prevention of unintentional injury and death to children aged 0 to 14 years. Kidsafe New South Wales is located at Kidsafe House, which is in the grounds of the Children's Hospital at Westmead, as well as having a Hunter Valley regional location at Charlestown in Newcastle.

Kidsafe NSW makes this submission independently of other Kidsafe State and Territory Associations and appreciates the opportunity to submit a number of comments in response to the Draft Report prepared by the Productivity Commission.

Kidsafe NSW recognises the significant work that the Productivity Commission has put into the review of the product safety system and regulation in Australia.

### **Response by Kidsafe NSW**

#### **1. General Safety Provision - Option 1**

As a national organisation, Kidsafe has long been concerned with the inconsistencies of product safety legislation that exist across the Australian States and Territories. These inconsistencies have been highlighted in part 14 (Harmonisation) of the Draft Report. Kidsafe NSW believes it is highly desirable and fundamentally logical to have single, consistent product safety regulations throughout Australia. Obviously, Kidsafe NSW is primarily concerned with those products that are to be used by children or by parents and carers of children aged up to 15 years.

Therefore, Kidsafe NSW, in principal, supports the concept (General Safety Provision - Option 1) that the Commonwealth Government establishes a single product safety law that applies across all State and Territory jurisdictions.

By eliminating the inconsistencies in product safety legislation, Kidsafe NSW asserts that, nationally, safety outcomes would be enhanced and not reduced.

Kidsafe NSW also supports the establishment of a national product safety agency that, as other submissions have raised, would have the effect of eliminating the inconsistent regulations and laws including the application of mandatory and voluntary standards that apply across the nation.

## **2. Foreseeable Misuse - Option 2**

Kidsafe NSW supports the Commission's view that "...there is a case for foreseeable misuse to be explicitly covered in the definition of 'unsafe'..." The definition of misuse needs to be carefully considered and defined which may consider the wider and generally accepted use of products than was originally intended by manufacturers.

## **3. Revision of Coverage - Option 3**

Kidsafe NSW is again concerned that there appears to be little consistent national regulation relating to the sale of second hand nursery furniture. Second hand cots must comply with Australian Standard AS/NZS 2172, however, many other nursery products are not covered by current standards. Second hand nursery products and child safety equipment, such as child restraints, are often sold to people who are unaware of potential safety issues with the product.

Kidsafe NSW understands that many people buy second hand products because of the affordability of those over new products. Consequently Kidsafe NSW supports the "targeting of supply by commercial dealers..." and also the conducting of general awareness campaigns to individuals and community groups in relation to the non-commercial sale and hand-me-down of nursery and child safety products.

## **4. Information and Research - Option 4**

Kidsafe NSW receives over 1,000 initial telephone enquiries per year on issues and concerns relating to product and child safety equipment matters. In addition to this, Kidsafe NSW staff conduct child safety and injury prevention talks to parent and carer groups, community groups, students, health and child care professionals and others throughout the year. During these talks, many questions are asked about product safety. There is a need to disseminate and communicate information to a wide variety of individuals and groups within the community.

Kidsafe NSW has identified that many Culturally and Linguistically Diverse (CALD) groups and people of lower socio-economic status have little access to product safety information. Therefore Kidsafe NSW supports the preliminary findings 9.1 and 9.2 (page L of the Draft Report). In addition, Kidsafe NSW recommends that product safety information be provided in a number of key languages, especially those of ethnic groups who have come into the country over the past 20 years. There is a need to target not only parents but also the carers within the ethnic communities, who are more often than not grandparents and whose understanding and knowledge of the English is limited or non-existent.

## **5. Recalls - Option 9 and 10**

While Kidsafe NSW agrees that "product recalls provide a way to reduce the risk of faulty or unsafe products..." we are concerned that recalls, especially voluntary recalls, are not widely communicated to the public. The effectiveness of voluntary recalls relies heavily on the willingness and ability of the product producers, distributors and retailers to identify their customers to initiate a recall.

One problem with the recall process is where products have been purchased by one party and given or sold to another party. What obligations do the manufacturers and/or retailers have in widely publicising a voluntary recall? Many people Kidsafe NSW talk with are unaware of how to access recall information. Again, as in point 4 above, this appears more prevalent in CALD communities and lower socio-economic groups.

Kidsafe NSW disagrees with the Commission's assertion that "...any formal requirement that businesses recall unsafe products would be unlikely to significantly to change the behaviour of either responsive or unresponsive suppliers". We believe it is important to change the behaviour of "unresponsive suppliers" and if this requires formal regulations then these need to be enacted.

## **Conclusion**

Kidsafe NSW commends the Productivity Commission for its work on the Draft Discussion Report and supports, in principle, the need to have single, consistent product safety regulations throughout Australia. In addition, we also support the concept of a single overriding national product safety regulator. Kidsafe is cognisant of the good work being undertaken by the various State and Territory regulatory agencies, especially the work undertaken by the Office of Fair Trading in New South Wales.

However, our concerns centre on the apparent lack of a consistent approach to product safety legislation throughout Australia. Kidsafe has also identified a significant need to disseminate and communicate, especially to CALD communities and to lower socio-economic groups, about unsafe products and how to access

product and recall information. We recommend that formalised product safety community education and information programs are made available to these communities.

Kidsafe NSW also disputes the Commission's assertion that Australia does have "...a reasonable level of product safety", especially in the relation to products for use with young children. We believe that improvements to the system need to be made especially in the areas of product testing, research and injury monitoring and that a more rigorous and consistent application of Standards be applied nationally.

As stated elsewhere in this submission, Kidsafe NSW is primarily concerned with product safety issues relating to children aged from 0 to 14 years. We are still seeing today too many unnecessary injuries occurring to children caused or contributed by unsafe or unsuitable products.

Kidsafe would like to continue to be involved in future consultations and outcomes with the Commission.

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