

[Received by email, October 2005]

**Subject: Comment on the Consumer Product Safety System review**

I'm sorry I have missed the October 14 cut-off for comments but I only just became aware of this review.

I am particularly interested in the part relating to services as I have recently been involved in a distressing incident relating to the provision of a service which may highlight some of the problems with the existing regime and which your review, of which I have read the draft, seeks to address.

Two years ago I bought two bicycles from a bike shop — one with a baby seat attached — so my partner and baby son and I could ride around the bike tracks near our home in Sydney.

The shop agreed to install the baby seat as part of the transaction. Then, several weeks ago, the baby seat, which connects in two places: behind the seat and on the back axle, detached behind the seat, sending my now three year old to the ground backward on his head where he was dragged along the ground. Luckily his helmet, not his head, cracked, though he was very ill afterwards so we spent the evening in casualty under observation though fortunately no further symptoms of head injury appeared.

An inspection of the bike showed the bike shop had not used the parts supplied by the baby seat manufacturer to connect the baby seat to the back of the bike seat but a plastic bracket which the manufacturer of that part calls a reflector bracket - ie because that is what the bracket is meant to be used for. This meant my son was being held on by a single non-vibration-proof screw designed to hold a reflector on to a bike. That screw inevitably wiggled loose enabling the plastic bracket to spring apart resulting in the accident. Unfortunately the part looked metallic and also like it was meant for the job so we did not notice the problem.

I then inspected my baby daughter's baby seat (a different and newer model) which had been more recently installed by the same bike shop. This was not held on by a plastic reflector bracket though it too had a manufacturer supplied part missing - a third point of connection to the bike that would have prevented the same accident happening to her. I called the manufacturer of that seat and was told this part was mandatory. I deduced that the first incident was not a one-off and that the bike shop regularly cut corners on baby safety.

The shop owners fixed both seat installations (though we have never been out riding since) but were unapologetic and sought to deny their part in the first installation though I have a pretty convincing paper trail and photography. They agreed the helmet (also bought from them two years prior with the seat) needed replacing as a result of the accident but refused to fund a new one (thought they offered to pay half) on the grounds that the installation happened too long ago.

But that is not my problem as I can seek to get the shop to replace the helmet through a Fair Trading Tribunal. My problem is that the NSW Office of Fair Trading has told me it won't investigate the bike shop on safety grounds as it has no power to impose a penalty when the problem is with a service. My concern is that 2 out of 2 of my dealings with the shop showed appalling lack of due care and skill, indicating to me that there may be another 2 or 200 children out there where the only thing between them and a potentially severe head injury is a plastic reflector bracket with a single screw. Even if I do get the shop to replace my son's helmet, that will hardly deter them from cutting corners in the future.

On those grounds I disagree with Middletons view that there is currently sufficient legal recourse for those with complaints about services. Middletons (or any other law firm) would have no interest whatsoever in our situation.

This incident seems to fit into some of the special categories you are looking at in your review of how the safety of services is regulated: sports and leisure, installation and children's furniture. I urge you to consider a way forward for those like me whose children weren't badly injured but very well could have been and who urgently wish to prevent others being exposed to the same risks.

By the way, just in the spirit of disclosure, I am a freelance journalist and I intend to write a piece on all of this once it is settled one way or another.

Regards,

Mandy Bryan

[New South Wales]