

Australia: Product Safety Profile



Principal website: www.productsafety.gov.au

Legislative framework

The legislative framework in Australia is established in the *Competition and Consumer Act 2010* (CCA), which incorporates the Australian Consumer Law (ACL) at Schedule 2. This legislation gives the Commonwealth Minister the power to set standards, impose interim and permanent bans and order compulsory recalls. It also establishes two notification requirements (for recalls and serious injuries, illnesses and deaths), a consumer guarantees regime which includes a requirement that goods be of acceptable quality including being safe; and a product liability regime (giving consumers a right of action for losses where goods are not safe). State and territory ministers have the power to create short interim bans and compel suppliers to recall goods. The CCA is administered by the Australian Competition and Consumer Commission (ACCC), jointly with state and territory consumer agencies.

Web reference: www.austlii.edu.au/au/legis/cth/consol_act/caca2010265

How are the rules for product requirements set?

Where there are safety concerns about consumer goods a mandatory standard can be imposed. Mandatory standards are regulations made by the Commonwealth Minister who is advised by the ACCC. Mandatory standards often draw on Australian voluntary standards or may draw from international standards. Australian Standards are not legal requirements in Australia unless they are 'called up' through regulations. In addition some Australian bans prohibit goods that do not meet certain requirements (rather than prohibiting sale completely)—see below.

Web reference: www.productsafety.gov.au/mandatorystandards

How are goods prohibited from sale for safety reasons?

Unsafe goods can be prohibited from sale in Australia through the imposition of a ban. Bans can be interim (lasting 60–120 days) or permanent. Permanent bans are imposed by the Commonwealth Minister on advice from the ACCC. Commonwealth, state and territory ministers are able to impose interim bans.

Web reference: www.productsafety.gov.au/bans

Are there notification requirements?

There are two mandatory notification requirements in Australia. Suppliers are required to notify the Commonwealth Minister of a recall within two days of initiating the recall. Suppliers are also required to notify the Commonwealth Minister within two days of becoming aware of a serious illness, injury or death caused by the use of a product they sell. Both notifications can be made via

online forms on ACCC websites.

Web references: www.productsafety.gov.au/recalls; www.recalls.gov.au

Are there likely to be any changes to regulatory arrangements?

The ACL will be reviewed by 2018. Regulations are frequently developed and reviewed. Information on changes is available on the Product Safety Australia website.