

Australian Toy Association

Submission to: Director
Consumer Policy Unit
Market Conduct Division
Treasury

By email: consumerlaw@treasury.gov.au

24 October 2024

Re: Exposure Draft - Treasury Laws Amendment Bill 2024: Product Safety Regulation

Introduction

Thank-you for letting us know about the Exposure Draft - Treasury Laws Amendment Bill 2024: Product Safety Regulation and providing the opportunity to share our views.

The Australian Toy Association (ATA) has long advocated for an improved process for updating mandatory standards, in particular to maintain alignment with new versions of referenced voluntary standards, but also for referencing comparable international voluntary standards, so this Bill to facilitate that is particularly welcomed.

We expect that, once in use, the changes provide the opportunity to enhance safety and remove unproductive and unnecessary costs such as for testing against multiple versions of the same voluntary standard and enabling the use of prior existing testing to trusted international standards.

We would be very happy to respond to any questions on this submission.

Specific Feedback

General

We have reviewed the exposure draft and its explanatory document in some detail and believe that they are generally in accordance with the objectives of the change, namely 'to make it easier to recognise overseas standards and to recognise updates to voluntary Australian and overseas standards which have been referenced in mandatory standards' (refer to 'Decision regulation impact statement Supporting business through improvements to mandatory standards regulation under the Australian Consumer Law' - October 2024). We are therefore very supportive of the amendment going ahead.

Record-Keeping

We note that the amendment proposes to add record-keeping requirements to the list of matters that may be covered in both safety and information standards. The specification of record-keeping requirements does not seem to be necessary to support the recognition of overseas standards or updates to referenced standards, whether overseas or local. While we support the need for maintaining documentation to support conformity with both regulations and voluntary standards, this is not something that should be a part of a mandatory standard. Suppliers should only be in breach of mandatory standards if their product or service does not comply with the safety or information requirements specified by the mandatory standard, i.e., not because they do not have some specific prescribed documentation. Further to this, suppliers should be able to determine their own methodology for ensuring compliance with mandatory standards and this may not always require testing, e.g., if they have very close control over the manufacturing process. A record-keeping

requirement has the potential to interfere with the way that suppliers choose to operate their businesses without providing any safety benefits. The explanatory material did not provide any rationale for the addition of this matter.

The ATA therefore requests that the additional 'record-keeping requirement matter' be removed from the draft for both safety and information standards, and that the amendment be progressed as quickly as possible without it. We would be happy to participate in a discussion on the need for mandatory record-keeping requirements separately.

Transition Periods

We would like to highlight that changes to mandatory standards, including those to maintain alignment with voluntary standards, will still need reasonable transition periods to allow suppliers time to adapt to the updated requirements and sell through product already in the supply chain. This doesn't require any adjustment to the draft but is mentioned to ensure that it is understood and expected.

Yours sincerely

Richard Hayman
ATA Compliance
compliance@austoy.com.au
Ph: _____, Dir _____, Mobile: _____