

October 25, 2024

Consumer Policy Unit,
Market Conduct Division,
The Treasury
Langton Cres
Parkes ACT 2600
Australia

VIA Email: consumerlaw@treasury.gov.au

RE: Consultation on draft amendments to the Competition and Consumer Act 2010 and the Australian Consumer Law

Dear Sir/Madam:

These comments are provided on behalf of The Toy Association, and our 900+ members, in response to the Australian Government's proposed draft amendments to the *Competition and Consumer Act 2010* and the *Australian Consumer Law* (ACL) issued on October 11. We appreciate the opportunity to comment in support of the Australian Government's effort to improve its product safety standards and related requirements. The Toy Association is very supportive of the proposed amendments. As we detailed in our 2022 submission to The Treasury on the initial policy consultation for enhancing the ACL, the resulting impact of these legislative amendments will only enhance product safety and international trade. We commend the Australian Government for its continued leadership in recognizing and adopting international toy safety standards.

Toys are sold globally with generally the same specifications, facilitated by an increasingly aligned set of international standards and norms to address the safety of the products, reduce risks to consumers, and reduce the impact on the environment. As the Australian Government understands, regardless of where a toy is made or imported from, it must comply with strict toy safety regulations, tests, and other requirements in many regions. Toys are one of the most regulated product categories in the marketplace, undergoing extensive testing and review requirements before they are allowed to be sold. Safety is a paramount concern for the toy industry, as evidenced by the fact that the industry and The Toy Association have been global leaders in toy safety for decades. The Toy Association continues to work with medical experts, governments, consumers, and industry to provide technical input to ensure that the ISO 8124, EN71, ASTM F963, IEC 62115, and other international and domestic standards/regulations keep pace with innovation and potential emerging issues and are aligned as closely as possible, taking into consideration legal mandates.

Again, The Toy Association welcomes the Australian Government's proposed amendments. The incorporation of existing strict international standards from other regions that have recognized and comparable requirements under Australian law will allow toy manufacturers and importers to comply and provide Australian children with safe, fun, and entertaining toys without incurring additional costs and logistical burdens from potentially duplicative and redundant requirements. The corresponding benefits for business will be a reduction in cost and administrative burden, allowing for a broader selection of demonstrably safe and reliable toys to be able to be available for Australian children. As we detailed in

our 2022 consultation submission on the ACL, we strongly believe in the benefits of enabling regulatory mechanisms to remain fluid enough to allow for the alignment of leading international safety standards. Enhanced alignment of safety standards improves compliance and coordinated enforcement amongst regulators. The proposed approach by the Australian Government will help to maintain a secure regulatory system for toys that ultimately advances child safety.

Based on our reading of the draft amendments, there is a proposed new record-keeping requirement under the list of matters designated for both safety and information standards. While our member companies already proactively maintain documentation to support conformity with both regulations and voluntary standards, we do not believe that this record-keeping requirement should be part of the proposed mandatory standard. Product manufacturers and importers should not be found to be in breach of a mandatory standard if they do not have some specific prescribed documentation. The Toy Association respectfully requests that the proposed “record-keeping requirement matter” be removed from the draft amendments to allow manufacturers and importers to not have potential conflicts or disparities with the existing record retention requirements for those other comparable standards which may vary by region but are already in place for those respective regional requirements. This approach would align and support the government’s guiding policy intent to enhance product safety and international trade while avoiding administrative redundancy.

We thank the Australian Government for the opportunity to comment on its proposed legislative amendments. Should you have any questions regarding these comments, please do not hesitate to contact me or my colleague Joan Lawrence. I can be reached at _____, and Ms. Lawrence can be reached at _____.

Sincerely,

Jos Huxley
Senior Vice President, Technical Affairs

About The Toy Association and the toy industry:

The Toy Association is the North American based trade association; our membership includes more than 800+ businesses – from inventors and designers of toys to toy manufacturers and importers, retailers, and safety testing labs – all involved in bringing safe, fun toys and games to children. The toy sector is a global industry of more than US\$90 billion annually, and our members account for more than half this amount.

Toy safety is the top priority for The Toy Association and its members. Since the 1930s, we have served as leaders in global toy safety efforts; in the 1970s we helped to create the first comprehensive toy safety standard, which was later adopted under the auspices of ASTM International as ASTM F963. The ASTM F963 Toy Safety Standard has been recognized in the United States and internationally as an effective safety standard, and it serves as a model for other countries looking to protect the health and safety of their citizens with protective standards for children. The Toy Association is committed to working with legislators and regulators around the world to reduce barriers to trade and to achieve the international alignment and harmonization of risk-based standards that will provide a high level of confidence that toys from any source can be trusted as safe for use by children. Standards alignment assures open markets between nations to maximize product availability and choice.