

Recalls & Mandatory Reporting

Aerosol Association of Australia

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Australian
Competition &
Consumer
Commission

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ACCC Product Safety

- *Competition and Consumer Act 2010*
(nee *Trade Practices Act 1974*)
- The Treasury – Competition and Consumer Policy
- All consumer goods (a broad range)
- Normally defer to specialist regulators (eg TGA, FSANZ)
- Work with State & Territory OFT Product Safety teams
One law, multiple regulators (Australian Consumer Law)
- Standards and bans, education, surveillance,
enforcement, recalls, emerging hazard clearinghouse
- Canberra, Melbourne, Brisbane, Perth, Sydney, Darwin



Recalls

- Specialist regulators are lead agencies within their jurisdiction; ACCC is involved (e.g. www.recalls.gov.au)
- ACCC takes lead for general consumer goods
- Extensive recalls review, report published 2010
- ACCC Recall Guidelines revised following the review
- Internal processes streamlined and improved



Recalls - Communication

- Greater emphasis on clear communication
- Recall notices should clearly describe hazard and what consumers should do (e.g. do not use 'voluntary')
- We now have better knowledge of what works!
- Less reliance on newspapers, more reliance on direct contact and targeted channels (social media, trade magazines etc.)



Recalls – ACCC Monitoring

- Greater emphasis on monitoring of the recall
- Close monitoring by regulators associated with more effective recalls
- Automated email requests for progress reports
- Online progress reporting
- Level of monitoring based on assessed risk

- Check out the new ‘Suppliers’ page at www.recalls.gov.au



Mandatory reporting – Why?

- Productivity Commission (2006), COAG in 2008
- To fill knowledge gap on product related injury
- Existing data (e.g. hospital data) lacked product detail
- Suppliers have the best product knowledge
- Improve government response to immediate hazards as well as longer term safety trends and information
- Regulatory responses (recalls, bans, standards)
- Non-regulatory responses (education campaigns etc.)



Mandatory reporting – What?

- Took effect 1st January 2011 (ACL ss131, 132 & 132A)
- All suppliers of consumer goods and product related services
- Suppliers must notify the ACCC if they become aware that a consumer good they supply caused or may have caused death or serious injury or illness
- Acute physical injury or illness requiring treatment by a doctor or nurse
- Must submit within 2 days of becoming aware
- Some exemptions: therapeutic goods, most motor vehicle accidents, some food-related injury, pesticides



Mandatory reporting – How?

- Guidelines and online form finalised late 2010
- 911 mandatory reports in first 6 months of 2011
- Cover a broad range of consumer goods
- 430 reports referred to specialist agencies (FSANZ, ERAC, APVMA etc.)
- Most low risk and closed; numerous investigations
- 40 product recalls associated with mandatory reports and ACCC product safety clearinghouse in 6 months



Mandatory reporting – Aerosols?

- There are ‘aerosol-related’ injuries recorded in the ACCC product safety clearinghouse
 - Chemical injuries from contents – mostly cosmetics
 - Flammability warning labels (mostly ex Canada)
 - Burns/explosion when used near BBQ/ovens
 - Physical injury from projectile can/lid/rupture
- Mandatory reporting applies to suppliers of consumer goods, not suppliers of component parts
- Mandatory reporting applies to ‘use’ and ‘foreseeable misuse’



Mandatory reporting – Next?

- Most reports submitted from larger businesses so far
- Further education activities planned
- Target smaller businesses and product-related services such as service agents and installers
- Working with FSANZ and AFGC on streamlined processes for food
- Further improvements to online form based on supplier feedback and formal usability testing
- Early plans for web services to allow integration with complaint handling and recall notification systems



Further information

- Visit the Product Safety Australia website
www.productsafety.gov.au
- Visit the Recalls Australia website
www.recalls.gov.au

Any questions?



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