



Australian
Competition &
Consumer
Commission

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20 March 2014

Coroner Paresa Antoniadis Spanos
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000



Dear Coroner Spanos

Re: Investigation into the death of LG

This letter is in response to your request of 9 October 2013 for a response to recommendations you made as a result of your investigations into the death of LG.

The recommendations you made to the ACCC are listed below:

1. That the ACCC give due consideration to the voluntary Australian Standard for Domestic Furniture- freestanding chests of drawers, wardrobes and bookshelves/bookcases (AS/NZS4935:2009) for the introduction of a mandatory standard under the Australian Consumer Law.
2. Further, and in the alternative, in the event that the ACCC determines that AS/NZS4935:2009 is not appropriate to be applied as a mandatory standard I recommend that the ACCC consider alternative product safety measures to reduce the risk of furniture/appliance tip-over.
3. The ACCC consider mandatory labelling of safety information for furniture and appliances that pose a tip-over risk to children and/or mandatory provision of safety information by retailers regarding tip-over risks at the point of sale of these products.
4. More intensive efforts could be made to enhance community awareness of tip-over risks to children and practical measures that can be taken to reduce those risks. I recommend that the ACCC develop a public awareness campaign aimed at the parents and carers of young children with the aim of raising awareness of the risks of furniture tip-overs. The Western Australian tip over campaign involved collaboration between the State government and child safety groups, and such collaboration in this case would be appropriate.

The ACCC has considered your recommendations and has scheduled the implementation of both an industry and an enhanced consumer education program for the 2014-15 financial year. The ACCC agrees with Deputy State Coroner Vicker's

observation that retailers could do more to alert consumers about this issue and the ACCC plans to engage with furniture suppliers to support the development of standardised educational resources intended for retailers and sales staff across the industry.

The ACCC has given due consideration to mandating the voluntary Australian Standard Domestic Furniture- freestanding chests of drawers, wardrobes and bookshelves/bookcases (AS/NZS4935:2009) and has concluded that it is not appropriate to mandate the standard at this time. While the introduction of this standard has limited potential to increase awareness of the hazard associated with furniture stability its usefulness in addressing the risk is limited. The ACCC assessment of the labels the standard would require suppliers to attach to a limited range of furniture is that they are likely to be ineffective, as they consist of a large block of dense text. It would not be easy for a consumer to quickly distinguish between a label that would be placed on compliant versus non-compliant furniture.

In forming its view about the action that can be taken the ACCC has been mindful of the following points.

- While deaths and injuries associated with toppling furniture are clearly distressing and minimising such occurrences is highly desirable, this issue is complex and difficult to address. There are many factors that may lead to injury that are not related to furniture design. The location of the furniture, for example, is an important factor. Furniture that is placed on an uneven or sloped surface can become unstable even if it passes the stability tests contained in the Australian standard. The condition of the furniture can also be a factor. Furniture that has a damaged base can become unstable. The use of the furniture can also be a factor. A chest of drawers can become unstable if heavy items are placed in upper drawers or if heavy items are placed on top of the drawers. Furniture can also become unstable if children climb the furniture.
- While on average an Australian child is involved in a fatal accident associated with furniture annually, the level of fatalities relates to a very large quantity of product. All Australian households are likely to have a number of furniture items that are potentially unstable pieces of furniture.
- The number of deaths and injuries and the significance of a recommendation from you suggests that increased attention is warranted. There is room for improvement in consumer education and industry has not previously been targeted.
- While a unique Australian requirement could be introduced harmonisation is highly desirable. No other jurisdiction has implemented regulation, while some do have active education programs.
- The current voluntary standard doesn't apply to all relevant furniture and doesn't address the stability issue itself. It is likely that its major benefit would be educative. However, while an educative approach has the least cost for industry the approach is also likely to be of limited effect given the labels themselves.

- The impacts on business of regulation in addition to questions regarding the effectiveness of regulation as a tool to address this hazard, suggest that this option may not be appropriate at this time.
- Other industry based approaches have not yet been explored. It is noted that regulatory action may be required to address furniture tip over hazards in the future if alternative approaches are not effective.

Consequently the ACCC has formed the view that subject to resource constraints, the appropriate action at this time is as follows.

- The ACCC will work with suppliers to develop educational resources intended for furniture retailers and sales staff to ensure safety advice and materials are provided to customers at the time they are purchasing furniture.
- The ACCC will work with retail suppliers to develop best practice Guidance for the safe supply of furniture.
- The ACCC will undertake further consumer education activities or a campaign aimed at further communicating the hazards around children and toppling furniture. The ACCC could also explore working with the Canadian regulator as suggested in their response.
- The ACCC will continue to monitor both the marketplace and the incidence of death and injury so that this position can be reviewed in the future.

If you require further information in relation to this letter, please contact Peter Wallner on 02 6243 4972 or through the following email address peter.wallner@accc.gov.au .

Yours sincerely



Ruth Mackay
General Manager
Product Safety Branch