



Your ref: COR 2021 003523

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Coroner Audrey Jamieson
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK, VICTORIA, 3006

Dear Coroner Jamieson

Response to investigation into the death of Maurice Wayne Matthews

I refer to your recommendations under section 72(2) of the *Coroner's Act 2008* addressed to the Australian Competition and Consumer Commission (**ACCC**) in relation to the death of Maurice Wayne Matthews resulting from mechanical asphyxia from being crushed under a car.

The ACCC regrets the tragic circumstances of Mr Matthews death and the loss to his family.

The ACCC also acknowledges your reference within your report to the separate [findings](#) without inquest in relation to the death of Mr Mladenoski, handed down in 2020.

Further background and responses to your recommendations in relation to the death of Mr Matthews are set out below.

Background

The ACCC is an independent Commonwealth statutory agency that promotes competition, fair trading and product safety for the benefit of consumers, businesses and the Australian community. The primary responsibilities of the ACCC are to enforce compliance with the competition, consumer protection, fair trading and product safety provisions of the Competition and Consumer Act 2010 (CCA), regulate national infrastructure and undertake market studies. The Australian Consumer Law (ACL) is part of the CCA, and provides for a range of consumer protections, including in relation to the safety of consumer goods.

Recommendations

That the ACCC consider renewing or creating a new educational campaign focussing on the safety in DIY motor vehicle maintenance and repairs.

That WorkSafe Victoria consider again collaborating with the ACCC in its campaigns to promote safe DIY vehicle maintenance.

The ACCC's role in relation to product safety is to identify and address the risk of serious injury and death from safety hazards in consumer products. Among the consumer protections available under the ACL are provisions which allow for the making, or declaring, of mandatory consumer product safety or information standards. Requirements for the

supply of equipment frequently used in DIY vehicle maintenance are set out in mandatory safety standards relating to [trolley jacks](#), [vehicle support stands](#), and [portable ramps for vehicles](#). These mandatory safety standards were reviewed and updated in 2017. In addition to these standards, there is a mandatory safety standard in place for [vehicle jacks](#), however, these products are not suitable or recommended for DIY vehicle maintenance.

In addition, the ACCC undertakes education and awareness raising activities in relation to risks associated with consumer products, including those which are subject to mandatory standards.

DIY vehicle maintenance and repair messaging includes important information for consumers when undertaking maintenance, and this is implemented through both enduring and seasonal consumer product safety content. As co-regulators under the ACL, the ACCC and relevant state and territory consumer protection regulators work together to deliver this important messaging.

In addition to safety information published on the ACCC Product Safety website, activity has included:

- A campaign in 2019 which focused on DIY vehicle maintenance safety, supported by 2 videos.
- Regular seasonal social media messaging, which includes warnings about working under vehicles supported by a jack, and safe use advice.
- Amplification of messaging developed by the Consumer Education Network, an ACL regulator network which includes the ACCC and state and territory consumer protection regulators. This has included *Safe Summer/Be Summer Safe* and other seasonal content which incorporates DIY vehicle maintenance safety advice.

The ACCC will continue to look for opportunities to raise awareness of the risks associated with DIY vehicle maintenance and the use of jacks, ramps and stands, and to promote their safe use.

In addition, the ACCC will provide your findings and recommendations to the Consumer Education Network to assist their consideration and development of DIY vehicle maintenance and repair safety messaging in any future cyclical or seasonal campaigns, such as *Safe Summer/Be Summer Safe*.

The ACCC will liaise with WorkSafe Victoria regarding potential opportunities to amplify and reinforce DIY vehicle maintenance and repair safety awareness messaging. There may also be value in our counterpart ACL state and territory regulators working with their respective occupational health and safety / work safety regulators on DIY vehicle maintenance safety messaging. We will recommend that our counterpart ACL regulators explore this opportunity, via our engagement with the Consumer Education Network.

Thank you for your findings and for giving the ACCC the opportunity to consider this matter. If you would like to discuss this matter further, please do not hesitate to contact Amanda Dadd, Director of the Industry and Consumer Engagement team in the Consumer Product Safety Division [REDACTED]

Yours sincerely



Nick O'Kane
Acting General Manager, Risk Management and Policy
Consumer Product Safety Division