

16 June 2022

Davin Phillips
Director, Product Safety Division
Australian Competition and Consumer Commission (ACCC)
GPO Box 3131
Canberra ACT 2601

via email: topplingfurniture@accc.gov.au

Dear Mr Phillips,

RE: ARA SUBMISSION TO ACCC REVIEW INTO TOPPLING FURNITURE

The Australian Retailers Association (ARA) welcomes the opportunity to comment on the ACCC's proposed policy approaches to limit the risk of toppling furniture, as outlined in its consultation paper on assessment of regulatory options (April 2022).

The ARA is Australia's oldest, largest, and most diverse peak retail body, representing a \$360 billion sector that employs 1.3 million Australians. We represent the full spectrum of Australian retail, from our largest national and international retailers to our small and medium sized members, who make up 95% of our membership. Our members operate more than 100,000 shopfronts nationally, across all categories - from food to fashion, hairdressing to hardware, and cosmetics to computers.

A number of our large national members have product offerings that fall into the scope of the ACCC consultation paper. These members have been engaged in the course of drafting this submission.

The ARA understands that toppling furniture poses a risk, particularly to children under five years of age. We note the ACCC's findings that there have been at least 28 deaths associated with toppling furniture since 2000, with approximately 900 injuries and \$8 million in taxpayer costs per annum.

The ARA agrees with the ACCC that the problem requires a three-pronged approach to reduce risks involving product design, anchoring and consumer education. While retailers and government will each have a role to play in educating consumers, it is our proposition that manufacturers will play a lead role in both product design and the provision of anchoring points to prevent injury and death.

The ARA notes the ACCC's summary of proposed policy approaches to regulation as per the table below. Of the options presented, the ARA recommends that Option 5a provides the most practicable and reasonable path forward. Option 5a proposes the following requirements:

- Permanent and durable warning labels affixed to furniture at-risk of toppling
- Safety information in assembly instructions, highlighting risks and prevention measures
- Provision of warnings about toppling hazards at point of sale, either in-store or online
- Provision of suitably designed and tested anchor device supplied or integrated into the design

The ARA is supportive of the additional recommendation in Option 5b requiring evidence that furniture meets minimum stability requirements, but further consultation is needed about the nature of these changes and how they would impact Australian retailers.

The ARA also recommends that the ACCC consults with industry stakeholders and provides due consideration to a reasonable timeframe for the introduction of any regulation. This would include an

appropriate period for implementation and transition provisions, given furniture has a longer timeline from design through to production, supply and eventual sale to the consumer. Further consideration should be given to these timeframes given the current supply chain disruptions, at home and abroad, impacting the Australian retail industry.

We also recommend that the ACCC consults further on the appropriate international standards for labelling, safety information and minimum stability requirements and strongly encourages the adoption of international standards that are broadly fit-for-purpose for the Australian market, to avoid additional compliance costs being placed on Australian retailers who source product from a global market.

Thank you again for the opportunity to provide a submission to the ACCC. We look forward to further engagement as consultation on the proposed regulations progresses.

Any queries in relation to this submission can be directed to our policy team at policy@retail.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Zahra', written in a cursive style.

Paul Zahra
Chief Executive Officer