

20 January 2022

Director
Consumer Safety and Sustainability Unit
Market Conduct Division
The Treasury
Langton Crescent
PARKES ACT 2600

via email: productsafety@treasury.gov.au

Dear Sir/Madam

Improvements to Mandatory Standards Regulation under the Australian Consumer Law (ACL) – Consultation Regulation Impact Statement (RIS)

We welcome this consultation process as an important step in providing businesses with greater flexibility in meeting compliance obligations regarding consumer goods under the ACL.

We support streamlining processes to allow trusted overseas safety and information standards to become mandatory under the ACL, in line with the process for mandating voluntary Australian safety and information standards. Where there is at least an equivalence in safety and suitability between standards, consumer goods that are manufactured to meet the safety standards of major international markets should not be required to be retested and relabelled in line with domestic standards. A principles-based approach to identifying suitable overseas standards is preferable to the more prescriptive alternative raised in the RIS.

The RIS acknowledges that mandating additional trusted overseas standards may increase disproportionately the regulatory burden small businesses face. To alleviate this burden, we support businesses being able to choose the mandated standard which best suits their circumstances. It is crucial that adequate support and guidance be provided to small businesses to ensure manageable compliance with more dynamic standards.

We support mandatory standards more responsively capturing amendments to underlying voluntary Australian standards and trusted overseas standards. This would have the mandatory standards apply as they exist from time-to-time rather than being frozen in time and should be tempered with an opt-out function for unsafe or unsuitable amendments.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mike Kearney on [redacted] or at [redacted].

Yours sincerely

The Hon. Bruce Billson
Australian Small Business and Family Enterprise Ombudsman

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