

ACCC – Toppling furniture consultation paper (Assessment of regulatory options) Submission

6 June 2022

Acknowledgement

The Queensland Family and Child Commission (QFCC) acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work upon.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

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Submission summary

The Queensland Family and Child Commission (QFCC) welcomes the opportunity to make a submission to the Australian Competition and Consumer Commission (ACCC) in relation to the regulatory options to reduce injuries and fatalities related to toppling furniture.

The QFCC seeks to give practical effect to the rights of children and young people in Queensland through advocacy, awareness and accountability. We advocate for systemic change where children and young people experience inequity, vulnerability and marginalisation in Queensland.

The QFCC has a statutory responsibility to maintain the Queensland Child Death Register (CDR), which contains information relating to the deaths of all children and young people in Queensland since 1 January 2004, and report annually on trends and risk factors. The QFCC also has functions to reduce the likelihood of child deaths including making recommendations, arising from keeping the CDR and conducting research about laws, policies, practices and services.

In response to the opportunities to improve the safety of freestanding storage furniture, the QFCC supports:

Option 5b – combination of mandatory Safety Standard and Information Standard:

- A mandatory safety standard that sets out warning labelling, safety information and minimum stability requirements, and the provision of an anchoring device; and
- A mandatory information standard that sets out warning labelling and safety information requirements to be provided with the product and at the point of sale online and in-store.

Data for prevention activities

The QFCC collects, analyses and publishes information about child deaths to help prevent future deaths and serious injuries. We work with researchers and other agencies to raise community awareness and develop prevention programs and policies, by identifying risk factors, trends and emerging safety hazards. The QFCC can provide detailed child death data to researchers and organisations. Contact for enquiries

child_death_prevention@qfcc.qld.gov.au.

Data from the Queensland Child Death Register

Toppling furniture deaths of children in Queensland, 2004-May 2022

Note: The QFCC has previously provided detailed data on fatalities relating to toppling furniture and appliances for the purpose of the ACCC's consideration of regulation options.

Six deaths involving the toppling of freestanding storage furniture have been recorded in the Queensland Child Death Register since 2004 (0.3 deaths per year on average across the 18-year period). Of those six deaths:

- The age of the children who died ranged from 1 to 2 years.
- Five of the six children resided in areas of low to very low socioeconomic status.
- Fatal injuries included head injuries, asphyxia and crushing injuries to the chest.
- Five of the furniture items were chests of drawers (with or without televisions on them).
- There is no evidence that any of the furniture items were anchored.
- It is not able to be determined if the families were tenants of the residences.

Source: Queensland Child Death Register (at May 2022)

Response to consultation questions

The ACCC is seeking your feedback in response to the questions below and repeated from Section 7 (Policy Options) of the paper. The ACCC encourages you to respond to any questions that are relevant to you and to raise any additional issues you consider relevant.

1. Which of the proposed options do you prefer and why?
2. Are there any other options not in this consultation paper the ACCC should consider and why?
3. What are the likely costs to implement the requirements for each option for industry, and what would this mean for price and availability of items for consumers?
4. Can you provide any further information about likely costs/impacts for each of the proposed options?
5. Do you think the requirements of each option will result in a decrease in injuries and deaths? Please explain your answer.
6. Should the policy options proposed in this paper apply to second-hand storage furniture sales? Please explain your answer.
7. Of the warning labels and safety messages in the examples provided at Attachment A, which do you think are most effective and why?
8. What are the key safety messages that should be included in a warning label and safety information in the assembly instructions or manual?
9. Are the performance requirements for anchoring devices in the ISO 7170:2021 and EN16122:2012 suitable for the furniture you supply? Please explain your response.
10. Should suppliers be required to supply multiple fixings (screws, bolts) for different surface types (timber, masonry) with the anchor device?
11. Do you think a mandatory information standard would sufficiently address gaps in education by raising awareness of the risks associated with furniture tip overs and the importance of anchoring? Please explain your answer.
12. Provide comment on the ACCC's proposed requirement for information to be made available in-store and online. Are there any additional requirements that should be included?
13. Do you think an overall improvement in furniture stability would result in a decrease in injuries and deaths?



Please explain your answer.

14. Do you agree with the voluntary standards the ACCC has identified as most suitable for setting minimum stability requirements for storage furniture? Please explain your response.

15. What impact would requirements for stability have on product design, availability and cost?

16. Provide comment on the transition period for the proposed options.

Preferred option

The QFCC is supportive of Option 5b (combination of mandatory Safety Standard and Information Standard) to reduce the likelihood of toppling furniture-related injury and death through introducing layers of protection across product design, minimum stability requirements, anchoring and consumer education.

Impact on injuries and deaths

The QFCC expects that it will take some time for the impacts of regulation to impact on the incidence of toppling furniture-related injury and/or death.

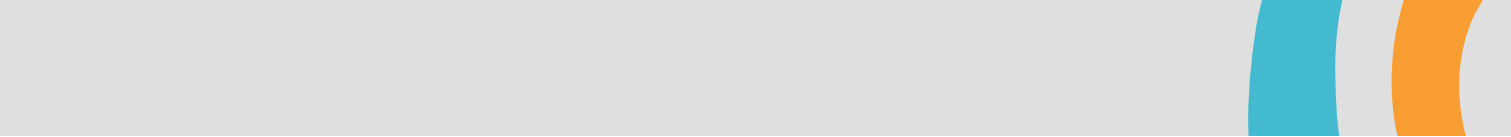
It is acknowledged that the first line of protection against furniture toppling injuries and death lies in product design. Where there are limitations in the ability of consumers to anchor their furniture or an inability to supervise small children at all times, reducing the likelihood that an item will overturn will likely have the greatest impact. Beyond the initial point of sale, as families move or pass on furniture items, proposed warnings labels and anchoring devices may be lost or damaged.

Safety information and warning labels

The QFCC is supportive of warnings and safety information being provided at the time of purchase, both in store and online, so that consumers can make an informed decision. Further, that labels should clearly state in simple language and pictures: what the hazard is, the toppling mechanism, the type of injury it may cause, ways to prevent the hazard from occurring and that the label should not be removed. Warning labels should also have an inclusion around anchoring televisions if placed in or on storage furniture. The warnings provided in ASTM F2057-19 are most consistent with the recommended warning labels.

Similar labelling provisions have been proposed for corded internal window coverings following a review of strangulation deaths of young children. It is important to note that those labels are easily visible to consumers to remind them of the hazard associated with the item. Warning label placement on freestanding storage furniture should be given similar consideration, where a label is not obscured by walls, other furniture or items stored within the furniture itself.

While the proposed changes are likely to improve the safety of newly manufactured/sold items, without a similar information standard for second-hand items and consumer education more broadly, there will continue to be injuries and/or deaths involving toppling furniture. If the information standard were limited to new purchases only, it is not likely to sufficiently address the gaps in education to raise awareness of the risk of toppling furniture. Safety information should also be available at the time of purchase of second-hand items. Further, consideration should be given to developing education materials that are able to be displayed or distributed by stakeholders who have meaningful contact with caregivers of young children e.g. child injury prevention organisations, child health nurses, general practitioners, early childhood care providers, real estate advocacy groups.



Anchoring devices

Various anchor fixings should be provided at the time of purchase, or by request from the supplier to ensure that the fixings for the anchor are fit for purpose.

Tenancy laws

The provision of anchoring devices is only beneficial where users are allowed to anchor those items. Tenants in certain jurisdictions (including Queensland) are limited in their ability to protect their children from toppling furniture injury, where they must seek written permission from property owners to make minor modifications. The QFCC notes that under Part 5, Division 1 (Fixtures and structural changes) of the *Residential Tenancies and Rooming Accommodation Act 2008*, a tenant may only attach a fixture to the premises if the lessor agrees in writing to the fixture's attachment.