

October 2026

Consultation on strengthening post-market regulation of unsafe products

Luke Twyford
Principal Commissioner



QUEENSLAND
Family & Child
Commission



Queensland
Government

Strengthening post-market regulation of unsafe products

Targeted reforms to the Australian Consumer Law (ACL) product safety framework would improve the identification of unsafe products, support timely and effective risk management and strengthen incentives for compliance.

In undertaking our child death review and prevention functions, the Commission has identified a range of unreasonable product safety risks to children. Young children in particular, can be more susceptible to unintentional product-related injuries due to their developmental abilities, physical size and through children exploring with items that are not intended for use by young children.

Whilst not exhaustive, examples of unreasonable product safety risks to children we have identified include:

- **Child and infant product safety**, including infant sleep products, inclined surface products, swaddle suits, child restraints, children's toys, swimming and flotation devices, corded internal window coverings, button batteries and magnets.
- **Consumer product hazards and injury prevention**, including highly caustic hydroxide agents, aerosol deodorants, disposable cigarette lighters, toppling furniture and domestic smoke alarms.
- **Transport and mobility safety**, including quad bikes, monkey bikes, e-mobility devices, and risks from lithium batteries.
- **Emerging product safety risks**, including vaping products and other developing consumer safety issues.

These products have the potential to cause severe injury or death through suffocation, strangulation, drowning, poisoning or internal injury.

While deaths associated with unsafe products (meaning, consumer goods with a defect) are a rare event, the consequences can be devastating – particularly for infants and young children. Beyond the human impact on children and families, unsafe products can create significant costs through emergency healthcare, ongoing treatment and rehabilitation, investigations, product recalls and regulatory responses. The presence of unsafe products in the marketplace can make it challenging for consumers to recognise adherence with safety and compliance measures and can undermine consumer confidence. Given children's developing capacities when it comes to recognising hazards and risks, regulatory approaches should place a high priority on identifying and addressing unreasonable product safety risks before harm occurs.

Proposed policy options

Option 2: Non-regulatory interventions

To strengthen guidance, engagement, coordination and consumer awareness within the existing framework.

If a product is available for purchase, consumers often assume it has been assessed as safe.

Awareness of risks, recalls, reporting pathways and safety information cannot be assumed and requires active, ongoing communication through trusted and accessible channels. A combination of the five potential reform streams (options 2a to 2e) that provide additional guidance, coordination, capability-building initiatives and improved use of existing systems could improve outcomes under the existing framework.

Public awareness initiatives that provide clear, practical and timely information about product risks, recalls, consumer rights and reporting pathways are more likely to be effective in supporting consumer action. Consistent with the Commission's emphasis on community engagement and multi-agency approaches to improving outcomes for children and families, product safety messaging should extend beyond regulator websites and traditional media channels to organisations that have direct contact with consumers, including health services, childcare providers, schools and community organisations.

Traditional communication channels such as mass media, television and radio play an important role in disseminating information about product safety risks and recalls to large numbers of people; however, these approaches have limitations. Consumers may disengage from messaging that is perceived as irrelevant, inaccessible or not applicable to their circumstances. Additionally, it can be difficult to assess whether information through traditional communication channels has reached the intended audience, has influenced behaviour or has led to improved safety outcomes.

The Commission has consistently highlighted the importance of prevention – through public education and providing information through systems and services that are already trusted by children, families and communities. Improving product safety literacy through targeted education and community-based initiatives would support consumers to identify risks, respond to recalls and make more informed purchasing decisions. Attention should be given to groups who may face barriers in accessing information, including families with young children, people in regional and remote communities, culturally and linguistically diverse communities, and people with disability.

Multi-agency networks can complement broader communication efforts by delivering targeted and trusted information through existing relationships with children, families and communities. Through their direct engagement with consumers, these networks can improve the reach, relevance and effectiveness of product safety messaging, particularly for families who may be less likely to access information through traditional channels. Strengthened partnerships between suppliers, regulators and community organisations would support a more coordinated approach to consumer awareness and help reduce preventable harm to children.

Non-regulatory initiatives such as leadership programs, good practice frameworks, and recognition initiatives for appropriate handling safety risks can help improve safety culture. Nevertheless, voluntary approaches are inherently dependent on the willingness of businesses to participate and act. Where organisations are slow to respond or do not act, consumer safety may remain at risk. Non-regulatory interventions are most effective when used alongside regulatory oversight that provide clear expectations, accountability and enforcement.

Options 3–6: Improve post-market recall and information processes

Improve voluntary recall processes, bolster compulsory recalls, introduce targeted intervention powers and enhance mandatory reporting effectiveness.

Effective regulation should encourage manufacturers and suppliers to adopt safety-by-design principles throughout the product lifecycle, reducing or eliminating foreseeable hazards before products reach consumers. Embedding safety considerations at the design and development stage represents the most effective approach to preventing harm. Nevertheless, safety-by-design cannot eliminate all risks. Modern technologies, manufacturing processes and product innovation may introduce hazards that are not fully anticipated until products are in use. Where preventative measures fail, strong regulatory oversight is essential.

Voluntary recall

Clear, accessible communication and systems that are easily understood by the public and suppliers are important safeguards. The term ‘voluntary recall’ may not clearly communicate the seriousness of product-related risks or potential safety risks, particularly where children’s safety is concerned. Using a clear explicit term such as ‘recall/recall action’ with a non-exhaustive list of expected corrective actions provides clarity about the purpose of the action for both the supplier and the consumer. Clear triggers and corrective actions help reduce uncertainty, improve compliance and ensure consumers receive timely information about potentially dangerous products before further harm occurs.

Suppliers should not be discouraged from reporting risks due to uncertainty about legal consequences. The Australian Competition and Consumer Commission (ACCC) guidance on mandatory reporting already states that making a mandatory report is not an admission of liability.¹ Clarifying that recall notifications and safety communications do not in themselves constitute admissions of liability may also remove barriers to early hazard disclosure and support a stronger safety culture focused on proactive identification rather than risk avoidance.

A significant challenge exists in ensuring consumers are made aware of product safety risks and recalls after products have entered the market. Consumers may have limited visibility of recall notices, particularly where products have been purchased online, obtained second-hand, or received as gifts. This can be especially commonplace for infant and child products. With an increasingly complex online marketplace, products may be removed from one online platform yet continue to be available through others.

Information sharing

Information sharing is a critical component of identifying risk, coordinating responses, and preventing further harm. Identifying and contacting product owners over time can be challenging and may result in unsafe products continuing to circulate and remain in use despite known safety concerns.

Strengthening consumer notification avenues, information sharing and coordinated action across online marketplaces throughout the product lifecycle would help to improve the effectiveness of post-market risk management and reduce preventable harm to children. Reforms should facilitate appropriate and timely information sharing, including with consumers, while maintaining safeguards that ensure information is shared only when reasonably necessary to support recall action and manage product safety risks.

The Commission frequently highlights the value of integrated data, information sharing and coordinated system responses in identifying emerging risks and improving prevention efforts. Improving coordination and intelligence sharing across national, state and local agencies would support earlier identification of emerging hazards, product-related injury trends, and populations at greatest risk.

¹ Australian Competition and Consumer Commission (July 2026) *Reporting deaths, and serious injuries or illness to the ACCC: A quick reference guide*, <https://www.productsafety.gov.au/system/files/reporting-deaths-serious-injuries-illness-to-accq-quick-reference-guide-july-2026.pdf>

Integrating consumer complaints, recall data, injury surveillance, health data, death data and emerging technologies (predictive analytics) would also help to improve the evidence-base and proactively identify risks before harm occurs. Where voluntary compliance is insufficient or suppliers fail to act, strengthened compulsory recall powers may be justified to protect consumers from known hazards, particularly where products are associated with death or serious injury. Targeted intervention powers would enable regulators to act earlier when evidence suggests a product poses a significant risk to consumers, before harm becomes widespread.

Options 7–9: Strengthen enforcement and consistency

Improve product safety administration, increase penalties to strengthen deterrence and introduce technical amendments.

Product safety harms can escalate rapidly, particularly where children and young people are exposed to unsafe consumer products. In some instances, product safety risks may only be identified after a consumer has used a product and harm has occurred. Unless incidents are reported, regulators and consumers may remain unaware that a product has or is likely to cause serious injury or death.

Regulatory arrangements should support early identification of hazards, prompt communication with consumers, and timely intervention. The concurrent model proposed in the consultation paper appears to appropriately balance expertise and efficiency with accountability by enabling routine decisions to be made more quickly while preserving Ministerial responsibility for the most significant regulatory interventions.

Through participation in state and national child death prevention committees and advisory groups, the Commission has observed that information relevant to product safety may be fragmented – distributed across multiple reporting systems, regulatory agencies, health services, coronial processes and manufacturers. This fragmentation can sometimes delay the identification of emerging hazards, recurring incidents and product faults, limiting opportunities for earlier intervention.

Reliance on voluntary measures presents limitations, with implementation being dependent on industry willingness to act. Challenges arise when commercial incentives do not align with public safety objectives. Companies may have limited motivation to invest in product monitoring, consumer notification, or other risk-mitigation measures, particularly where these activities impose costs or may adversely affect sales or reputation. As a result, industry-led responses alone may not consistently achieve desired safety outcomes in a timely manner.

Penalties are critical components of an effective preventative product safety framework when they appropriately reflect their role in supporting early detection and management of safety risks. Penalties should remain sufficiently significant to deter non-compliance and reflect the potential public safety consequences of delayed reporting. This recognises the critical role these obligations play in identifying safety hazards and preventing harm to consumers before it occurs. A tiered approach enables proportionate enforcement while maintaining strong incentives for businesses to disclose risks and cooperate with regulators.

The proposed reforms have the potential to strengthen Australia's post-market regulation of unsafe products and contribute to a safer environment for all consumers.

