

EXPLANATORY STATEMENT

Consumer Protection Notice No. 28 of 2010

Issued by the Authority of the Parliamentary Secretary to the Treasurer

Trade Practices Act 1974

Consumer Product Safety Standard – Movable soccer goals

Subsection 65E(1) of the Trade Practices Act 1974 (TPA) provides that the Minister may, by notice in writing, declare that, in respect of goods of a kind specified in the notice, a particular standard, or a particular part of a standard, prepared or approved by Standards Australia, with additions or variations specified in the notice, is a consumer product safety standard for the purposes of section 65C.

Paragraph 65C(1)(a) of the TPA provides that a corporation shall not, in trade or commerce, supply goods that are intended to be used, or are of a kind likely to be used, by a consumer, if the goods are of a kind in respect of which there is a consumer product safety standard and they do not comply with that standard.

This instrument revokes Consumer Protection Notice No 23 of 2010 which was registered on the Federal Register of Legislative Instruments on 7 July 2010 and declares certain parts of the Australian Standard for Playing field equipment-Soccer goals Part 1: Safety aspects, AS 4866.1-2007 published by Standards Australia on 23 November 2007 to be a consumer product safety standard for the purposes of section 65C. The purpose of Consumer Protection Notice No 28 is to correct a minor content error in Consumer Protection Notice No 23, which had the effect of making the stability test for soccer goal posts inconsistent with the test methodology agreed through the Regulation Impact Statement process. The purpose of the TPA safety standard is to ensure that new soccer goals include safety features to address the product's more serious known safety hazards.

Movable soccer goals are currently subject to five State consumer product safety regulations. State and Territory consumer product regulations will cease to have effect when the new Australian Consumer Law becomes operational from January 2011, and the TPA safety standard will effectively replace the superseded regulations.

The TPA safety standard addresses the hazard of heavy, movable soccer goals that have poor stability. Numerous deaths in Australia and overseas have been associated with movable goals that have tipped over, typically when someone swings on the crossbar, crushing the victim. It appears that in general use movable goals are often not anchored to the field.

The TPA safety standard adopts selected parts of the Australian Standard for soccer goals considered necessary to address the critical safety hazards of movable goals, and specifies requirements to provide a reasonable level of safety for these products, including safe-use labelling. Stability requirements of the Standard have proved not

viable for application to full size lightweight movable goals, and have been modified in the TPA safety standard to conform with the related requirements of the corresponding European and US safety standards.

A Regulation Impact Statement (RIS) for this consumer product safety standard is at Attachment 1. The RIS identifies the product safety issues and considers the options for addressing the issues, presenting the case for introducing a TPA safety standard for movable soccer goals and the rationale for the content of the new standard.

A draft of the RIS was circulated for consideration by interested parties including manufacturers and suppliers of movable soccer goals, State and Territory Fair Trading/Consumer Affairs agencies, consumer groups and child safety specialists. Comment received supported the regulation of movable soccer goals under the TPA. Consultation proceedings are reported in the RIS.

The Consumer Protection Notice declaring the TPA safety standard is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Consumer Protection Notice becomes law on the day after it is registered on the Federal Register of Legislative Instruments. In order to allow a reasonable period of time for suppliers to ensure that all stock complies with the new safety standard and to provide a timely replacement for State and Territory regulations, the date of effect of the consumer product safety standard is 31 December 2010.

Regulation Impact Statement

Movable Outdoor Soccer Goals

Product Safety Branch

**Australian Competition and Consumer
Commission**

25 June 2010

OBPR Reference 11248

1. INTRODUCTION

This Regulation Impact Statement (RIS) has been prepared by the Australian Competition and Consumer Commission (ACCC) to examine the risks associated with movable soccer goals and to assess the costs and benefits of regulating this equipment under the product safety provisions of the *Trade Practices Act 1974* (TPA).

The development of a mandatory national standard for movable outdoor soccer goals is a part of the 2008 commitment by the Council of Australian Governments (COAG) to the national harmonisation of mandatory consumer product safety standards. The commitment by COAG followed a review of Australia's consumer product safety system, by the Australian Productivity Commission, which was published in 2006¹. Among other things, the Productivity Commission found there was little justification for any differences in product safety regulation across Australia and that there was a compelling case for greater national consistency in consumer product safety regulation, since variations impose substantial costs for little extra benefit.

A resulting outcome was an agreement to a 'one law, multiple regulator' model which means that permanent bans and mandatory standards would only be made by the Australian Government (currently through the powers of the TPA), with the ACCC being responsible for the development of the standards in consultation with the States and Territories under the new Australian Consumer Law (ACL). All current product safety standards at State and Territory level will lapse from 1 January 2011, unless adopted at the Commonwealth level during 2010.

The development of any standards by the ACCC also needs to be consistent with the COAG Principles of Best Practice Regulation² and subject to scrutiny by the Office of Best Practice Regulation. These include establishing that there is a case before addressing a problem and assessing the costs and benefits of a range of regulatory and non-regulatory options.

The ACCC has decided to proceed with the development of a RIS for movable outdoor soccer goals to replace similar regulations currently enacted by State jurisdictions.

2. DEFINITIONS

For the purposes of this RIS, the following definitions apply:

Soccer goal is a frame, with or without net supports, which can be made from various materials and includes a crossbar and uprights to form a goalmouth. A full size soccer goal measures 7.32 m wide x 2.44 m high x 1.8 m deep.

¹ [Review of the Australian Consumer Product Safety System - Productivity Commission Research Report](#) - 16 January 2006

² Council of Australian Governments Best Practice Regulation - A Guide for Ministerial Councils and National Standards Setting Bodies - October 2007
http://www.coag.gov.au/ministerial_councils/docs/COAG_best_practice_guide_2007.pdf

Goals may be smaller size for use on pitches that are less than full-size or for practice.

Movable soccer goal is any freestanding soccer goal designed to be moved for use in various locations.

Semi-permanent soccer goal is any soccer goal designed to be inserted into the ground or a ground sleeve.

Permanent soccer goal is any soccer goal fixed by concrete or other material to ground.

3. PROBLEM

3.1. WHAT IS THE PROBLEM BEING ADDRESSED?

The supply of movable soccer goals is currently regulated in NSW, Victoria, Western Australia, Tasmania and Queensland to require that they meet certain product safety requirements. Under agreed national product safety harmonisation arrangements that will be given effect by the new ACL, the State and Territory regulations for soccer goals will expire from January 2011 and it has been agreed that they should be replaced by a national safety standard declared under the TPA.

Movable soccer goals can be a safety hazard due to their poor stability, size and weight. There are numerous confirmed deaths and injuries associated with their use in Australia and overseas, in most cases resulting from the structure toppling forward onto the victim.

Movable soccer goals present a risk if they are poorly designed, manufactured, and/or installed. Movable goals are designed to be secured to the ground with pegs, but from the injury reports it is evident that many goals in public sports areas are inadequately secured. This means that in some instances consumers are not using movable soccer goals the way it is intended to be used. The crossbar is usually the heaviest part of the structure, resulting in movable goals having poor inherent stability. If such a goal is tipped forward a small amount, for example by someone swinging from the crossbar, the goal can readily become unbalanced and fall forward so that the crossbar strikes the ground. Goals made of steel can weigh in excess of 200 kg, which creates a very serious hazard where the goals have poor stability.

According to research conducted by the NSW Office of Fair Trading (OFT), there is no evidence across the world which indicates an injury or death has resulted from a permanent or semi-permanent soccer goal. But there have been injuries and deaths associated with the use of movable soccer goals.

In 1999, following the death of a ten-year-old Sydney boy who died when another young child pulled the goal post down onto him, the NSW Products Safety Committee was asked to examine this issue.

As a result of that examination, OFT and Standards Australia developed guidelines (HB 227 – 2000) on the manufacture, use and storage of movable soccer goals. These guidelines were aimed at minimising the risk of serious

injuries and death posed by unsecured movable soccer goals by providing advice on the safe use of goals and raising awareness of the risks with every person and organisation involved with movable soccer goals.

The guideline was relaunched (HB 227 – 2003) as an interim measure following another death in 2003 at a soccer field in regional NSW.

On 27 August 2004, the NSW Deputy State Coroner released his findings and recommendations relating to the 2003 death. The NSW Deputy State Coroner found that the child died from a head injury, sustained when an unsecured movable soccer goal post toppled over, striking her. The goalposts did not comply with the guidelines.

Several deaths have occurred when unsupervised use of movable soccer goals has taken place. In particular the 1999 Sydney death involved a group of children playing on a field without supervision and a Queensland death involved a male using a movable soccer goal to do chin-ups on the crossbar.

The design of many movable soccer goals has raised safety concerns all around the world. In excess of 40⁴ deaths and a range of serious injuries have occurred, including seven deaths and at least one paraplegic injury in Australia. The principal cause of concern relates to their instability and inappropriate/ineffective installation.

Between 1979 and 2003 there were 27 known deaths and 49 injuries in the United States, sustained as a result of blunt force trauma to the head, neck, chest, and limbs of the victims³. Other data suggests an estimated 120 injuries involving falling goals were treated each year in U.S. hospital emergency rooms during the period 1989 – 1993³.

Seven deaths in total have also been recorded in the United Kingdom, Malta and Japan.

The use of movable soccer goals has been connected to a number of deaths and injuries. The primary cause of the deaths or injuries has been their poor stability coupled with their weight. The deaths and injuries have generally occurred in children under 15 when children have attempted to climb or swing from the crossbar⁴.

In most cases the above incidents occurred when the goal tipped or was accidentally tipped onto the victim. The injuries associated with movable soccer goals highlight a number of factors that are involved:

- the goals can be hazardous because they are heavy and have poor inherent stability;
- the goals may not be adequately secured with ground anchors when they are left in publically accessible areas; and

³ Eager D, Presentation to the 17th International Safe Communities Conference 2008
http://www.eng.uts.edu.au/courses/short/Reducing_childhood_deaths_Soccer_goal_safety.pdf

⁴ British Journal of Sports Medicine, Vol 33, Issue 2 110-112 - Injuries caused by falling soccer goalposts in Denmark
<http://bjsm.bmj.com/cgi/content/abstract/33/2/110>

- people may climb or swing on the goals, particularly when they are not being used for match play

Movable soccer goals are popular with soccer clubs under typical arrangements where multi-use sports fields are provided by a local council, but the goals are provided by the club. The goals may then be moved to the required pitch and removed and stored when not needed.

It is understood that many clubs use heavy older or home-made steel movable goals in order to reduce costs and because State regulations effectively prohibit the legal supply of commercially made full-size light-weight goals in most areas. This highlights the problem that where regulations on the supply of commercially made lightweight movable soccer goals are too onerous or increase the cost of the goals excessively, the demand for movable goals will result in the ongoing sourcing of poorly designed home-made products. For this reason it is important to develop a workable and practical product standard to address the inherent risks associated with movable soccer goals.

While making regulation to mitigate product related risks it is important to consider specific non-product related risk. As foreshadowed earlier, there is risk that commercial manufacturers may exit the market due to their inability to meet mandatory safety standards resulting in, arguably, more dangerous products being sourced by clubs from backyard handymen. Further, while regulation can address product related risks, it can not address risks associated with goal relocation and installation. Users must shoulder some responsibility for safety by following the advice provided to them and anchoring the soccer goals prior to use.

Accordingly, this regulation impact statement considers options to address the various factors associated with soccer goal injuries.

3.2. MARKET FOR MOVABLE GOALS

Previous research from the Queensland Office of Fair Trading suggests that there are approximately 13 manufacturers and suppliers of movable soccer goals in Australia (see Attachment 2).

Although the ACCC is unable to determine the number of movable soccer goals there are in Australia, anecdotal evidence suggests that the number is in the thousands. As a guide, it is understood that there are about 670 soccer clubs in NSW. Most clubs in Australia use community sports grounds provided by local councils, but the clubs are usually responsible for the provision of goals. Commercially supplied full size movable goals are reported to cost about \$3000 per set, and industry sources estimate that about 200-300 sets are produced each year in Australia. It is understood that the goals are supplied to overseas customers and to non-regulated Australian jurisdictions. Permanent goals are a simpler product and cost about half the price of movable goals.

In order that commercially made movable goals are reasonably easy to move they are often made of aluminium. Full size aluminium goals typically weigh 60-70 kg per unit, and smaller training goals may weigh less than 28 kg.

4. OBJECTIVES

4.1. WHAT ARE THE OBJECTIVES OF PROPOSED GOVERNMENT ACTION?

The Government's intention in the case of movable soccer goals, is to develop a viable and cost-effective strategy to significantly reduce the rate of serious injuries and deaths and the hazards associated with this product.

4.2. IS THERE A REGULATION CURRENTLY IN PLACE?

The supply of movable soccer goals in most of Australia is subject to State regulations.

NSW introduced a Regulation effective 1 March 2005, the *Fair Trading (General) Amendment (Soccer Goals) Regulation 2005*. This Regulation was based on the stability performance tests specified in the US Standard, ASTM F2056-00 "*Standard Safety and Performance Specification for Soccer Goals*", and applies to movable outdoor soccer goals that weigh more than 28 kg. This regulation requires compliance with a stability test whereby the goal must not tip over when subject to a horizontal force of 2000 N applied to the centre of the cross bar of an unanchored goal.

Since 1 March 2005, Victoria, Western Australia, Tasmania and Queensland have introduced regulations to mirror the NSW mandatory standard. It is not uncommon for Australian consumer protection agencies to mirror legislation introduced in another jurisdiction using the same justification as the originating agency.

Feedback from suppliers and a test expert resulting from the consultation process, indicates that no manufacturers are able to produce full-size movable soccer goals that meet operational requirements and comply with the specifications of the State regulations. Small size practice goals (typically 5X2 m) made of aluminium may weight less than 28 kg and would therefore be exempt from the regulations, but full size aluminium goals typically weigh 60-70 kg and must comply with the stability requirements of the State regulation. However, only a very heavy soccer goal (exceeding 200 kg) would be able to comply with the stability test when unanchored.

The current State regulations appear to be ineffective as suppliers have advised that they are unable to meet the current State regulations. This means that they are unable to legally supply modern full size movable soccer goals to users in those States, effectively banning the supply of these soccer goals or agencies are tacitly sanctioning illegal supply by not enforcing the regulations. Given the recognised risks associated with the continued use of older unsafe goals, or the sourcing of new unsafe goals from back yard manufacturers, the effectiveness of existing regulation is questionable.

4.3. AUSTRALIAN STANDARD

Standards Australia published Australian Standard AS 4866.1-2007 *Playing field equipment - Soccer goals - Safety aspects* which has superseded the

previous guide, HB 227 – 2003 *Portable Soccer Goals Posts – Manufacture, use and storage*.

AS 4866.1-2007 specifies safety and performance requirements for soccer goals that are used for training and competition in outdoor sports facilities and indoor arenas. This Standard is the first part in a series of Standards addressing safety aspects of sporting goals and provides requirements for the construction, stability and labelling of soccer goals.

The stability requirements of AS 4866.1-2007 are similar to those specified in the mandatory standard currently adopted by the States. A number of suppliers have stated that, as with the existing State regulations, full size soccer goals currently being made for supply outside regulated jurisdictions would not comply with the technical requirements of AS 4866.1-2007. Small size training goals can comply with alternate 28 kg maximum weight or static load tests specified in the Standard.

It is noted that AS 4866.1-2007 is based on US standard ASTM F2056:2000 and European Standard EN 748:2004, but differs significantly in specifying that the stability test shall be performed with the goal unanchored. It is understood that the aim of this divergence in specification is to address the situation where injuries associated with goals occur because goals are not effectively anchored. This divergence in the specifications has proved to be an impossible requirement for any full-size lightweight goal that meets operational requirements (ie goals that are portable but sufficiently durable to withstand possible abuse).

In developing a proposal for a TPA safety standard the ACCC sought to address the concerns raised by industry during the consultation process about the inability of any modern full sized movable goals to meet the requirements of AS 4866.1-2007. Following further discussions with suppliers and an expert at the University of Technology Sydney, it was determined that the technical requirements of the Standard could be amended and simplified to produce a less onerous but still effective safety standard. Accordingly, an amended draft mandatory standard which modified the stability and static weight requirements of AS 4866.1-2007 was developed and circulated to suppliers for comment in May 2010. A major amendment to the proposed mandatory standard was to reduce the horizontal pull force applied to the cross bar from 2000 N to 1100 N which made the requirement consistent with other international standards. However, suppliers confirmed that current lightweight product made of aluminium would still not be able to comply with either the revised stability test (with a pull over test force of 1100N) where the goal remained unanchored, or an alternate static load test. Essentially, current full size lightweight goals are too light to pass the stability test and too heavy to pass the alternate static load or weight tests.

To address these significant implementation issues, it has been determined that a viable standard that permits the supply of lightweight movable soccer goals would need to revert to the key performance requirements of US standard ASTM F2056-00 and European Standard EN 748:2004, whereby the stability test is performed with the goal anchored to the ground using the supplied anchoring system. This approach will create the opportunity for the application of a standard that can be practically applied and also create

opportunity for the commercial supply of movable soccer goals, reducing the chance of clubs using heavy and potentially more unstable goals.. Accordingly, a modified form of the Australian Standard that aligns with the form of stability test incorporated in the European and US standards is proposed for adoption as the mandatory safety standard in Option 3 described below.

5. OPTIONS

There are three options that might be considered at the national level to reduce deaths and injuries associated with movable outdoor soccer goals:

1. Industry self-regulation; or
2. Consumer education; or
3. Government regulation mandating standards applicable to the goals.

An additional option, to ban the supply of the product, is not considered appropriate to address the problem. Movable soccer goals are important for the continued viability of this popular sport and banning the product is seen to be unnecessarily restrictive in addressing the safety problem, would be unlikely to gain community or industry support and would encourage soccer clubs to use hazardous, heavy home-made goals. Furthermore, banning the supply of modern alloy soccer goals would mean that many users would continue to 'make do' with highly durable but unsafe old goals already in circulation.

5.1. INDUSTRY SELF-REGULATION

It is envisaged that the industry self-regulation option would free up the market by allowing the supply of full-size lightweight movable goals that are effectively banned under current State regulations. Given the risks posed to consumers, this option would not address the risks to consumers.

Effective self-regulation would require industry to promote voluntary adherence to safety standards among members. As this industry sector is small, the cost of distribution would be minor.

A limitation of self-regulation is the potential difficulties in obtaining universal voluntary compliance, because the industry does not form a cohesive group and can include non-aligned importers of products.

5.2. CONSUMER EDUCATION

Consumer education would require government to publish and distribute education materials such as brochures promoting the safe use of soccer goals that may be distributed to soccer clubs, schools and local councils. Material would also be added to the Product Safety Australia website.

5.3. GOVERNMENT REGULATION

The implementation of a national government regulation would require the Commonwealth to declare a TPA mandatory safety standard, raise industry awareness of the standard and implement measures to ensure compliance with the standard. As with the introduction of all TPA safety standards, the project would be supported by a consumer and supplier education campaign, similar to option 2, which would raise awareness of the need to use soccer goals safely and ensure they are secured with ground anchors when they are placed on sports grounds.

6. IMPACT ANALYSIS

6.1. WHO IS AFFECTED BY THE PROBLEM AND WHO IS LIKELY TO BE AFFECTED BY THE PROPOSED SOLUTION?

Any response to the problem identified in this paper involving movable soccer goals would affect Australian businesses involved in the supply of sporting goods (importers, distributors and retailers), users of movable goals and government.

The principal customers for movable soccer goals are:

- soccer clubs and recreation groups;
- primary/secondary schools, colleges and universities; and
- local Government agencies.

7. COSTS AND BENEFITS OF EACH OPTION

7.1. OPTION 1: INDUSTRY SELF-REGULATION

As five State jurisdictions have had mandatory standards in place for several years restrict the legal supply of full size movable soccer goals, it is not clear how effective industry self-regulation would be in achieving the desired outcomes. There are a variety of fabricators that could produce movable soccer goals ranging from backyard operations to established specialist suppliers. It is possible that under self-regulation most established producers would voluntarily differentiate themselves by complying with standards which are less costly and potentially less effective in mitigating the risks, rather than a practically effective standard.

The ACCC experienced considerable difficulty in engaging with the industry and getting credible factual information in the timeframes given. This industry sector is diverse and does not appear to be a coherent group operating under a dedicated industry association, so it is considered likely that some suppliers will choose not to adhere to any recognised product safety standards, resulting in an estimated 10% of product on the market not complying with any safety standards (ACCC estimate based on industry consultation). This outcome would likely result in an increase in the number of unsafe goals in the

community and increase the likelihood of deaths and injuries resulting from them toppling onto people, particularly children.

7.1.1. COSTS

Costs to consumers

Where industry supplies movable soccer goals that voluntarily comply with safety standards, the product cost would be expected to remain the same as it is now. Where suppliers do not voluntarily meet safety standards consumers may inadvertently purchase unsafe movable soccer goals. In the absence of viable national standards, the likely behaviour of new suppliers in this market could result in undesired levels of injuries and deaths associated with new products.

Costs to industry

It is envisaged that effective industry self-regulation will require the industry to promote voluntary compliance with recommended product safety standards. As this is a small industry sector, the costs of distributing material to members promoting compliance with safety standards would be minor.

For suppliers not currently supplying due to existing state regulation, there would be a cost associated with recommencing supply. However, this cost will be the cost of entering a market and is likely to be more than offset by the benefits from increased sales.

For suppliers currently supplying products to the limited market of states/territories without regulation, there may be additional costs associated with changes to manufacturing to be consistent with what other manufacturers are supplying (assuming that there would be general compliance with European and US regulations). Alternatively, current suppliers may be already compliant with European and US standards in which case, it is unlikely there would be any increased costs. Industry also supports the view that currently suppliers cannot produce full size lightweight movable soccer goals to that comply with the existing NSW standard which is mirrored across the other states. This suggests the ineffectiveness and lack of practicality associated with the current standard. It is also not clear the extent of costs associated with meeting the current requirements.

If industry self-regulation were to be ineffective, suppliers may be exposed to litigation by the families of those killed and injured. Any litigation would be costly and highly likely to damage the reputation of suppliers.

Costs to government

If industry self-regulation was not fully effective, the government would be subjected to criticism for failing to protect the lives of children, teenagers and young adults, and there would be a continuing cost to the community involving the supply of health care and other government services as a result of injuries connected with the use of movable soccer goals.

7.1.2. BENEFITS

Where self-regulation was effective, consumers and industry would benefit from the supply of a range of safe products, and the government would not incur the enforcement costs which would be applicable if any regulatory option were to be adopted.

7.2. OPTION 2: CONSUMER EDUCATION

It is open to governments to seek to educate purchasers and users of movable soccer goals by the publication of posters, leaflets and brochures. Such promotional activities, however, are not usually of an on-going nature. Educational activities in relation to hazardous consumer goods usually involve expenditure in the vicinity of \$50,000 per project (incorporating publication of posters and leaflets, accompanied by the use of media releases, public launch by the responsible Minister etc).⁵

Some State and Territory jurisdictions have already implemented targeted education programs involving local government and sports agencies, sporting federations and associations and club officials to improve the safety of existing movable soccer goals. However, because of the nature of sporting bodies (their management at the local level is likely to be transient amateur volunteers), this education needs to be continuously updated and represented.

The capacity of educational activities alone to adequately address the ongoing problem of deaths and injuries is considered to be limited. To be effective, it has been argued that education needs to be on-going and targeted.

A comprehensive consumer education program can address the hazards of existing movable soccer goals, but it is also considered necessary that any safety campaign needs to be supported by a mechanism to ensure that new goals supplied in Australia provide a reasonable level of product safety.

7.2.1. COSTS

Costs to consumers

Educational activities by suppliers will have the primary goal of increasing product sales and may therefore not be in the form most appropriate to consumers' needs. Government funded education may be inadequately targeted if it is directed to point-of-sale and may not have a lasting impact on the manner in which movable soccer goals are used by consumers.

In order to achieve improved safety outcomes for existing movable soccer goals, a considerable number of factors need to be taken into account. These factors include, but are not limited to:

⁵ Estimate based on ACCC experience in developing product safety educational programs.

- Risk of injury awareness. Education for owners, operators and users, including the affixation of Risk of Injury Warning Labels to the products.
- Safety awareness. Information for owners and operators in regards to maintenance, security and storage. Production of a safety-check DIY-check-list could be considered.
- Options need to be considered for any remedial actions that could be taken, such as the production, purchase and installation of anchoring devices.
- The impact, effectiveness, level of cooperation and costs involved in respect of implementing any/all of the above.

There is no direct monetary cost to consumers, only the cost of their time, and the risk that unsafe goals may continue to be supplied.

Costs to industry

Costs will relate to advertising and product differentiation. However, these costs would be entered into voluntarily and only if the expected return was greater than the costs. Small businesses at the retail level are unlikely to be subject to any substantial impact.

Some sections of the Industry may bear some additional costs if, as a result of an education campaign, their products were seen to be less safe than a competitors. In this case, industry would incur costs to improve design and/or manufacturing processes. This cost would actually be a positive outcome in so far as it is likely to result in a safer product.

Costs to government

Ineffective anchorage of the product has been identified in coronial inquests as being the most significant contributing factor to deaths involving the use of movable soccer goals. It has been suggested by some stakeholders that attitudes to the use of movable soccer goals need to change, and that this can only be achieved through education. While this may be true, there is no clear consensus on how to achieve changes to community behaviour in a cost efficient manner.

Government would be responsible for direct costs involved in funding any consumer education campaign it undertakes. A suitable strategy might comprise, for example, the publication and distribution of information leaflets to soccer clubs and recreational groups, schools, Local Government agencies and advertising in sporting magazines.

It should be noted that similar campaigns have already been conducted in some States and Territories and it may be necessary to assess the effort required in individual jurisdictions.

The costs of such a program could potentially be substantial but are not quantifiable, as their magnitude would depend on the nature and extent of the educational activities envisaged. The cost of a 'normal' campaign for a hazardous consumer product is approximately \$50,000 over a 5 year period.⁶

⁶ Estimate based on ACCC experience in developing product safety educational programs.

The value of any such campaign needs to be assessed against the objectives of the specific educational activity.

7.2.2. BENEFITS

Information would be available to consumers on the risks posed to users by unstable or unsecured movable soccer goals, particularly existing products that do not comply with the stability requirements of AS 4866.1-2007. The campaign would also inform consumers on how to minimise risks associated with the use of these products. The benefits of consumer education (if directed broadly enough) are likely to flow to a wider class of consumer than simply those purchasing new products, and would benefit consumers who might be using second-hand products.

Consumer education has the potential to reduce injuries and deaths by raising consumer awareness of the risks associated with the inappropriate use of movable soccer goals. An education campaign could also be effective to convince parents and officials at soccer clubs, recreational groups and schools to prohibit children climbing on soccer goals. It could also encourage those responsible for supplying movable soccer goals to ensure that they are securely stored when not in use. Government would also benefit from the commensurate reduction in health care and other support costs associated with child/teenager/young adult injuries or deaths.

An education campaign would not eliminate all the hazards associated with the use of movable soccer goals due to their size and inherent poor stability due to their design. Perhaps the real benefit of an education campaign will be achieved combined with regulation on the design and stability requirements so that the risks associated with both the construction and use of movable soccer goals are addressed.

7.3. OPTION 3: GOVERNMENT REGULATION

As discussed above, the proposed national regulation will adopt parts of, and make amendments to, the current Australian Standard *AS4866.1 Playing Field equipment–Soccer goals Part 1: Safety aspects*. Industry has provided the ACCC with advice that they are not able to meet all the requirements of the Australian Standard (or the existing state regulations for movable soccer goals). If the mandatory standard includes the same requirements as the Australian Standard or the existing state regulations, manufacturers/suppliers will be unable to comply with the standard. Accordingly, the proposed mandatory safety standard addresses this impediment by omitting the prohibitive aspects of the stability test of the Australian Standard and applying the test as specified in the corresponding European and US Standards. The proposed mandatory standard therefore includes less onerous regulatory requirements for suppliers than the present problematic State regulations while still providing a regulatory solution to promote the safety of movable soccer goals for users.

7.3.1. Costs

Costs to consumers

Government regulation would eliminate from the new product market those movable soccer goals that do not meet the modified stability and labelling requirements of AS 4866.1-2007. The proposed standard should not impose major technical impediments on goal manufacturers, and accordingly should not cause them to withdraw from the market. In some cases the new requirements could result in a minor increase in manufacturing costs which may increase the overall cost of the product to consumers as the costs to business might reasonably be expected to be passed on through the supply chain.

Additionally, there may be transition costs involved in adopting a harmonised approach. All manufacturers and suppliers will need to become familiar with a new mandatory national standard for soccer goals, creating an administrative burden in terms of understanding the new standard, changing internal processes and possibly obtaining legal advice on compliance.

The overall cost of compliance for manufacturers is estimated to be 0-10% depending on the level of current product compliance with European and US standards (ACCC estimate based on industry consultation), and any increased cost would likely be passed on to customers. There is however no It is understood that most products currently being produced will comply with the proposed mandatory standard without modification, so the new standard should not result in across-the board increased prices to consumers.

Costs to industry

As noted above, under government regulation manufacturers would be expected to incur an increase in costs of 0-10% as production changes to comply with mandated stability and labelling requirements. It is expected that any increased costs incurred by industry would be passed on to consumers via increased retail prices. The cost to industry cannot be estimated reliably.

For those suppliers that have exited the market due to their inability to comply with current state legislation, there may be costs associated with re-entering the market, however those costs are likely to be more than offset by sales.

As noted earlier, suppliers have indicated that they are unable to supply goals that comply with the current existing state regulations and the Australian Standard.

It is anticipated that suppliers would be able to meet the less onerous requirements of the mandatory national standard. Any increases in production costs would be a result of an increase in production to meet supply which in turn would be more than offset by sales. While there may be some minor increase in administrative costs these would not be expected to be significant and again would be offset by sales.

Costs to government

The introduction of a mandatory safety standard would result in a cost to government in the development, administration and enforcement of the requirements. Costs include: the establishment and review of the regulation, the associated education campaign to promote awareness of the requirement in the industry and the community, and enforcement activities such as market surveys and legal proceedings to ensure compliance.

Government would incur costs in the establishment of a mandatory safety standard (estimated \$30,000) and in the ongoing enforcement of the mandatory requirements through market monitoring and compliance (estimated \$40,000 pa).⁷

The introduction of the proposed safety standard would be supported by an awareness campaign to ensure that suppliers and consumers are aware of the new requirements. Suppliers would be made aware of the technical specifications of the standard and consumers would be made aware of the safety hazards associated with movable soccer goals. Based on ACCC estimates and previous Product Safety experience in promoting awareness of other mandatory safety standards, the demand for information brochures on movable soccer goals might total 100,000 copies per year, at an estimated annual cost of \$5,500. The cost of adding the information to the Departmental website would be about \$1000 and the cost of advertising in magazines to raise awareness of the safety standard and safety hazards would be about \$5000 pa.⁸

Table 1: Summary of costs across a five year period

Expense	Cost	Total cost over five-year period
Mandatory standard development cost	\$30 000 (one off cost)	\$30 000
Market monitoring and compliance	\$40 000 (pa)	\$200 000
Information brochures	\$5 500 (pa)	\$27 500
Website development	\$1 000 (one off cost)	\$1 000
Raising awareness via magazines	\$5 000 (pa)	\$25 000
Total (over five-year period)		\$283 500

⁷ Estimates based on ACCC experience gained through developing regulation over many years.

⁸ Estimate based on ACCC experience in developing product safety educational programs.

Combining these costs with the establishment costs amortised over the proposed 5 year duration of the mandatory standard, the overall cost to government for administration of the proposed standard and the supporting advertising campaign is estimated to be about \$57,000 pa.

7.3.2. BENEFITS

The proposed safety standard would benefit consumers by ensuring that all new movable soccer goals meet stability and safe-use labelling requirements. It is expected that the simplified and amended requirements of the proposed standard (compared to existing state regulations) will facilitate the supply of movable soccer goals where suppliers currently cannot meet the requirements of the State regulations.

Government regulation will result in the continuation of mandatory standards for those states that currently have regulation in place. For those states and territories without current regulation, it is expected that the mandatory national standards will result in safer movable soccer goals for users. It is expected that government regulation will provide significant savings in terms of less soccer goal related deaths and injuries.

The standard, in conjunction with associated consumer education of the product hazards is considered likely to avoid on average one death and a number of product related injuries per year. Many varying estimates of the 'dollar value' of a life have been made by overseas and Australian research experts. Although the range of estimates contained in the literature is quite wide, it suffices to say that all experts attribute a fairly significant dollar amount to the value of a human life. In Australia, a 2003 article entitled "*The value of life and health for public policy*"⁹ estimated the value of a life lost as being in the range of A\$3.3 to 6.6 million. More recently a Guidance Note by the Office of Best Practice Regulation on 'Value of a Statistical Life' illustrated the difficulties in providing a meaningful valuation, given that the number of deaths / injuries which might be prevented by a measure will always be hypothetical, as the nature of the assumptions involved is invariably uncertain.¹⁰ However, in its Guidance Note, the office of Office of Best Practice Regulation suggests that the value of \$3.5 million be used in assessing the statistical value of a human life for the purposes of developing a RIS.

The valuation of the prevention of injury is similarly problematic. The Office of Best Practice Regulation also notes that the Australian Institute of Health and Welfare has published disability weights for most diseases and injuries. However given the range of injuries that may occur due to toppling soccer goals could vary from bruising to severe head injuries or paraplegia it is difficult to estimate the saving to the community.

⁹ Abelson, P., 2003, *The Value of Life and Health for Public Policy*, The Economic Record, Vol. 9, June 2003, pp. 2–13.

¹⁰ See <http://www.finance.gov.au/obpr/docs/ValuingStatisticalLife.rtf> .

Therefore, based on the assumption that a national standard, in conjunction with a hazard education campaign, will likely prevent one life and a number of product related injuries each year, it is feasible that the financial benefits in terms of lives saved and injuries prevented may be in the vicinity of \$7.0 million each year.

The introduction of a mandatory safety standard would be supported by a consumer education campaign similar to that described above. The campaign would advise consumers and suppliers of the mandatory national standard and provide advice on the safe use of movable soccer goals, including the need to ensure they are securely anchored.

Government regulation would ensure that all new movable soccer goals on the market comply with key safety requirements, thereby maximising the potential for these safety features to reduce injuries and deaths.

The costs associated with government regulation are significantly higher than the costs of the other options. However, the benefits associated with government regulation in terms of lives saved and injuries prevented outweigh those costs.

8. CONCLUSION AND RECOMMENDED OPTION

Option 3, a mandatory consumer product safety standard under the TPA, supported by a product safety campaign, would support the most practical and effective means of addressing the hazards associated with movable soccer goals, insofar as the economic and social benefits of reducing the incidence of death and injuries will substantially outweigh any direct or indirect costs involved. The cost to government of implementing the national regulation, including a level of consumer and supplier education, is estimated to be approximately \$57,000 pa (over a five-year period). The expected cost savings through the avoidance of potential deaths and injuries associated with the product is estimated to be around \$7.0 million pa. While the costs of this option, in financial terms, are greater than the other options, the benefits in terms of the likely reduction of deaths and injuries will outweigh those costs. This option has been determined to be the most acceptable to stakeholders through the consultation process and impact analysis and is considered to provide the greatest net benefit to the community.

Option 2 alone, would address the need to raise awareness of the hazard posed by heavy movable soccer goals with poor stability, and to highlight the importance of anchoring the goals to the ground, but would not ensure that new product on the market provides the level of safety expected by the community. This option also incurs identified costs but has been determined to be less likely to achieve the savings to the community through the reduction of deaths and injuries. Accordingly, this option would not be acceptable to the jurisdictions who currently have regulations in place, and consumers who expect government assurances that equipment used by children in school and sporting environments is safe. There is a general community expectation that the Government should make reasonable regulatory interventions in order to

prevent foreseeable deaths and injuries in healthy young people engaging in sport and recreation.

Option 1 is not considered to be effective because the costs to the community would be greater. The diverse and in cohesive nature of the industry, with no industry association makes self regulation less likely to be effective. There are no barriers to new market entrants or small operators who may be unaware of safety requirements. It would also be unacceptable to the jurisdictions who currently have regulations in place, and consumers who expect that equipment used by children in school and sporting environments is safe. There is a general community expectation that the Government should make reasonable regulatory interventions in order to prevent foreseeable deaths and injuries in healthy young people engaging in sport and recreation.

9. CONSULTATION

This RIS was circulated for consideration by interested parties, being:

- Known suppliers of movable soccer goals (eleven);
- Soccer clubs and recreational groups (ten);
- Independent and government schools and tertiary educational institutions;
- Local Government Associations; and
- State and Territory regulators.

The initial RIS was issued on 12 October 2009 and a period of six weeks was provided for any interested parties to provide written submissions to the ACCC on the proposed regulatory measure. Eight submissions were received on the initial RIS.

The ACCC took into account all submissions received from interested parties and issued a revised RIS on 29 January 2010 and a further two week period was provided to interested parties for submissions. A summary of these submissions and the ACCC's responses are provided at Attachment 3.

In addition, a proposed revised safety standard was circulated for consideration by known manufacturers and suppliers in May 2010. Feedback from consultation has made clear that suppliers cannot produce full size light weight soccer goals that comply with the State regulations.

Following consultation with the industry and relevant stakeholders, the horizontal pull force requirement under the stability test set out in clause 6.3.1 of AS 4866.1-2007 will be amended from 2000 N to 1100 N and the test will require goals to be anchored in accordance with manufacturers specifications. The reduction in the pull over force and anchoring in accordance with manufacturers specifications are consistent with the requirements of the European standard (EN 748:2004 *Playing field equipment – Football goals – Functional and safety requirements, test method*) and the US standard (ASTM F2056-00 *Standard Safety and Performance Specification for Soccer Goals*).

Evidence submitted indicates that the application of the stability test without using ground anchors, as specified in AS 4866.1-2007, is not practical for

movable goals. Accordingly, it is agreed that the stability test in the proposed mandatory standard should be modified to include the use of anchors, as specified in EN 748:2004 and ASTM F2056-00.

10. FORM OF PROPOSED MANDATORY STANDARD

The ACCC contacted the Faculty of Engineering and Information Technology at the University of Technology, Sydney to discuss options for the mandatory standard. The Faculty of Engineering at UTS was engaged by the NSW Office of Fair Trading to conduct collaborative research and on-site impact testing on a variety of soccer goals in December 2004. The results of this testing was used to draft the technical component of the NSW soccer goal regulation.

In discussion with the ACCC, UTS noted that if the pull over test force was reduced from 2000N to 1100N it would be consistent with the force set out in both the European and US standards. It noted two advantages in reducing the pull over test force as creating alignment between Australia and the two primary global standards and the removal of trade barriers for the import and export of soccer goals. Further, UTS considered the pull over test was a relatively easy test to conduct to determine if goals meet the test. UTS believed that one goal manufacturer was able to meet the pull over test force of both 1100N and 2000N during testing in 2004–05 (though in discussion with suppliers, the ACCC has been unable to confirm this)..

The proposed mandatory standard (see Attachment 1) would adopt the key requirements of AS 4866.1-2007, being the provision of warning labels, and stability/weight requirements to minimise the potential hazard. The mandatory standard would adopt the following variations:

- (i) Specifying that goals shall be provided with an effective ground anchor system and instructions on the use of the system. At least one anchor point shall be provided at each side of the rear ground bar
- (ii) the horizontal pull force under Clause 6.3.1 (Stability Test) as specified in AS 4866.1-2007 will be amended from 2000 N to 1100 N to be consistent with the force specified in European standard EN 748:2004 and US standard ASTM F2056:2000;
- (iii) the stability test set out in Clause 6.3.1 would be conducted with the recommended minimum number of ground anchors in place;
- (iv) the fall over test, clause 6.1(a) and weight test clause 6.1(c) have been removed; and
- (v) requirements for the supplier to provide a test report and entrapment requirements have been removed.

11. IMPLEMENTATION AND REVIEW

It is recommended that a Trade Practices Act consumer product safety standard be introduced as a consumer product safety standard under Section 65C of the *Trade Practices Act 1974*. The recommended standard would be similar to the *NSW Fair Trading (General) Amendment (Soccer Goals) Regulation 2005*, but would include provisions for the supply of full-size lightweight soccer goals in addition to training goals.

It is proposed that the new standard would take effect from 31 December 2010 to replace existing State and Territory regulations that are due to lapse from 1 January 2011.

The standard would be reviewed periodically to ensure that it remains effective and relevant to the market.

ATTACHMENTS

1. Proposed Mandatory Standard for Movable Soccer Goal Posts Under the *Trade Practices Act 1974*.
2. Australian Soccer Goal Post Suppliers – Combined List.
3. Summary of submissions of amended RIS issued on 29 January 2010.

RIS Attachment 1

DRAFT

Proposed Mandatory Standard for Movable Soccer Goal Posts Under the *Trade Practices Act 1974*

I, (Minister), pursuant to subsection 65E (1) of the *Trade Practices Act 1974* and for the purposes of section 65C of that Act, hereby DECLARE that after 30 December 2010, the consumer product safety standard for outdoor movable soccer goals that weigh more than 28 kg is the standard approved by Standards Australia specified in Division 1 of the Schedule, as varied by Division 2 of the Schedule.

THE SCHEDULE

Division 1: The Standard

Australian Standard AS 4866.1-2007 Playing field equipment - Soccer goals - Safety aspects, published by Standards Australia on 23 November 2007.

Division 2: Variations

AS 4866.1-2007 is varied by

- (i) In clause 1 deleting the words “and indoor arenas”;
- (ii) Deleting clause 3;
- (iii) Deleting clauses 5.1, 5.2, 5.3(a), 5.3(b), 5.3(c) and 5.3(d);
- (iv) Deleting the text of clause 5.3(f) and replacing with the following, “Goals shall be provided with an effective ground anchor system and instructions on the use of the system. At least one anchor point shall be provided at each side of the rear ground bar.”;
- (v) Deleting Figure 2
- (vi) Deleting clauses 5.4 and 5.5;
- (vii) In clause 5.6.1(a) deleting the words “produce an impact force of less than 200 N when tested in accordance with Clause 6.1(a), and”;
- (viii) Deleting clause 5.6.1(b);
- (ix) Deleting clauses 5.6.2, 5.6.3 and 5.7;
- (x) Deleting clauses 6.1(a), 6.1(c) and 6.2;
- (xi) Modifying clause 6.3.1(a) by deleting the words “without pegs, stakes or other forms of temporary anchoring device” and replacing with the words “using the recommended minimum ground anchors”
- (xii) Modifying clause 6.3.1(b) by deleting the word “2000 N” and replacing with “1100 N”;
- (xiii) Deleting clauses 6.3.2, 7 and 8;
- (xiv) Delete clause 9 and replace with the following:
“9 WARNING LABELS
Movable soccer goals must have the following warning permanently marked clearly and legibly with upper case letters at least 25 millimetres high and lower case letters at least 12.5 millimetres

high:

“WARNING—ALWAYS ANCHOR GOAL—NEVER CLIMB OR HANG ON CROSSBAR. Unanchored goals can tip over causing serious injury or death.”;

- (xv) In the examples provided in Figure 4, deleting “Unsecured goal’ and replacing it with “Unanchored goals”; and
- (xvi) Deleting clauses 10, and 11.

RIS Attachment 2**Australian Soccer Goal Post Suppliers – Combined List****ACROMAT**

(H/O) 25 Manchester Street, MILE END SA 5031 Tel: (08) 8352 2288.

ADDA FLAG POLES PTY LTD

14 Iraking Avenue, MOOREBANK NSW Tel: (02) 9601 2666.

RMA SPORT AND LEISURE PTY LTD

PO Box 386, BEECROFT NSW 2119 Tel: (02) 9484 1120.

GRAND SLAM SPORTS EQUIPMENT

PO Box 5579, BRENDAL QLD 4500 Tel: (07) 3205 3388.

ABEL FLAG POLES AND FLAGS

290 Macaulay Road, NORTH MELBOURNE VIC Tel: (03) 9328 1155.

TRU-LINE

PO Box 499, KILSYTH VIC Tel: (03) 9761 6556.

AEC SPORTING PRODUCTS

19 Famechon Crescent, MODBURY NORTH SA Tel: (08) 8265 6822.

PILA GROUP

Factories 1 & 2, 6 Wilmette Pl, MONA VALE NSW 2103 Tel (02) 9999 2244

Fax (02) 9999 2264

HART SPORT

Building East 2, 605 Zillmere Road, ASPLEY QLD 4034

Tel: (07) 3863 6000 OR 1800 808-247

GSM/VETO SPORTS

999 Fairfield Road, ROCKLEA QLD 4106

Tel: (07) 3892 4999 / 3892 4990

BUFFALO SPORTS

Unit 1/143 Granite Street, GEEBUNG QLD 4034

Tel: (07) 3265 2900

RIS Attachment 3

Summary of submissions on amended RIS issued on 29 January 2010

An initial draft RIS was issued on 12 October 2009 and a period of six weeks was provided for interested parties to provide written submissions to the ACCC on the proposed regulatory measure. A total of eight submissions were received on the initial draft RIS.

The ACCC took into account all submissions received from interested parties and made amendments accordingly. A revised RIS was issued on 29 January 2010 and a further 2 week period was provided to interested parties for submissions followed by discussions with a number of suppliers to formulate an acceptable product safety standard.

On 26 May 2010 revised technical requirements for a safety standard based on AS 4866.1-2007 were sent to the eleven known Australian suppliers seeking their views on the applicability of the requirements to their products. Several responses were received and are discussed below.

The ACCC also contacted an expert at the University of Technology in Sydney who had been closely involved in developing test requirements for movable soccer goals.

Respondents supported the proposed introduction of a mandatory safety standard as the most appropriate option for addressing injuries associated with movable soccer goals.

Comment was received on a number of aspects of the proposed standard, including the technical content, with recommendations for varying the standard. The recommendations were analysed and taken into account in the development of the final form of the proposed standard.

Below is a summary of the comments received on the proposed mandatory safety standard, together with the ACCC response determined after analysis:

- a) **Comment:** One supplier of lightweight movable soccer goals commented that based on their regular in-house product development and testing results, they do not believe that it will be possible to comply with the stability test revised specification of 1100 N, amended from 2000 N, if anchoring is not able to be used. Any goal post that is not anchored will obviously fail to remain upright with a pull force much less than 2000 N or 1100 N, so the amendment, in their opinion, will change nothing in terms of practical design or use of portable goal posts.

Response: It is agreed that compliance with the stability test and the alternate static load test option as per the original standard would be problematic for manufacturers of lightweight goals. Accordingly the requirements of the proposed standard have been amended to include the use of ground anchors.

- b) **Comment:** One soccer club commented that the problem they are having is the feature of the Australian Standard that requires goals to be anchored at TEN points. The evidence they have gathered locally suggests that those who already have these goals are either not anchoring them at all or are using perhaps a couple of pegs at the back. It requested that the standard address the issue of the required number of anchor points for these smaller, lightweight goals for use with small-sided games, because it believed that for these goals, 10 anchor points is excessive.

Response: Agreed that the standard's requirement for at least 10 anchor points could be excessive and may discourage users from properly installing the goals. On reviewing the requirement for anchor points it is apparent that the provision of anchor points should depend on the design of the goal and anchor system, with the effectiveness of the specified anchors being tested under the stability test. Accordingly, the mandatory standard now proposed replaces the 10 anchor point requirement in the Australian Standard with the requirement for at least 2 anchors on the rear ground bar, as specified in the European standard.

- c) **Comment:** If an unsecured portable goal post is able to be made heavy enough to withstand the horizontal pull force of 1100 N, it will likely be made of steel and it will be very heavy therefore not portable and it will be dangerous. This comment is based on the assumption that in order to comply with the stability requirements of the mandatory standard, the goalposts will need to be constructed from steel rather than aluminium as is the case for most products currently being supplied. The respondent considered that the goalposts will be extremely heavy and therefore dangerous and not portable.

Response: As noted above it is agreed that compliance with the stability test and alternate static load test as per the original standard would be problematic for manufacturers of lightweight goals and the standard has been amended accordingly.

- d) **Comment:** Goalposts are NEVER subjected to horizontal forces. If a person swings on the crossbar the forces on the crossbar are vertical to about 45 degrees. They are not horizontal forces. Therefore testing the stability of the portable goals should reflect above. To test for stability of the goals when horizontal forces are applied is not realistic as it never happens. I would suggest that 1100 N at 45 degrees would be more realistic. This would ensure that the goals are stable, while allowing sports companies to manufacture them. Testing for stability using horizontal forces just ensures that the goals cannot be manufactured to meet the requirements.

Response: As noted above it is agreed that compliance with the stability test and alternate static load test as per the original standard would be problematic for manufacturers of lightweight goals and the standard has been amended accordingly.

- e) **Comment:** Why must the goalposts have warning stickers on them telling users to anchor goals at all times, and why does all safety information and guidelines to date also specify the use of anchors to be mandatory, yet the testing must be done without anchors?

Response: The applicability of the proposed standard has been amended to exclude goals weighing up to 28 kg. Goals that are subject to the proposed standard will need to meet one of test options to reduce the tip-over hazard, but may not be fully stable when not anchored and subject to various forms of misuse, hence there is a need for safe use warnings, including advice on the need to use anchors.

- f) **Comment:** Once the amendment is finalised, all manufacturers will have to provide complete testing compliance certificates or they can not sell portable goal posts?

Response: This has been addressed as the RIS now states that the current State and Territory requirements for the supplier to provide a test report and entrapment requirements have been removed.

- g) **Comment:** How will the regulators ensure this happens across the board and how will they stop all non compliant manufacturers, which is currently every manufacturer, at the same time, ensuring fair and equal rights for all and that not one or another manufacturer is commercially disadvantaged while another is still selling.

Response: In terms of ensuring compliance, the ACCC will attempt to communicate the new mandatory standard as widely as possible. There are already a number of mandatory standards and bans in place that the ACCC actively enforce by surveying retail outlets and websites, by responding to complaints and by acting promptly against offending suppliers. It is not the intention of the ACCC to intentionally disadvantage one competitor against another, but it is not always possible to identify all cases of non-compliance. The ACCC will investigate any credible allegations of non compliance with product safety regulations.