

From: [REDACTED]
Sent: Tuesday, 29 July 2014 4:57 PM
To: Scott, Ian
Cc: [REDACTED] Hutchison, Steve
Subject: RE: TRIM: OBPR - Child Restraints Review [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Ian

Re: Child restraints for use in motor vehicles

Thank you for providing the additional information on the above mentioned proposal. Based on the information provided the OBPR can confirm its previous advice that it considers the proposal will have less than minor regulatory impacts and that a Regulation Impact Statement is not required. As previously, this assessment reflects that the existing state and territory requirements exceed the ACCC standard. Please note that you can refer to our previous reference number for this proposal (ID 16969). If you have any further queries please call me on [REDACTED]

Regards,

[REDACTED]
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
[REDACTED]

From: Scott, Ian [<mailto:Ian.Scott@acc.gov.au>]
Sent: Tuesday, 29 July 2014 2:08 PM
To: [REDACTED]
Cc: [REDACTED] Hutchison, Steve
Subject: RE: TRIM: OBPR - Child Restraints Review [SEC=UNCLASSIFIED]

Thanks [REDACTED] I'd appreciate the name of someone to speak to about this issue please?

Ian Scott

From: Scott, Ian

Sent: Tuesday, 22 July 2014 2:35 PM

To: helpdesk@obpr.gov.au

Cc: [REDACTED] Scott, Ian; Hutchison, Steve

Subject: TRIM: OBPR - Child Restraints Review [SEC=UNCLASSIFIED]

Review of mandatory standard – child restraints for use in motor vehicles

1. This email seeks advice from OBPR on whether a RIS is required for amendment of the Consumer Product safety Notice (mandatory standard) for child restraints for use in motor vehicles.

This issue has been the subject of previous discussion with OBPR and of two wide rounds of stakeholder consultation by the ACCC.

The second round of consultation has occasioned a review of the policy direction likely to be taken and therefor to this further discussion with OBPR.

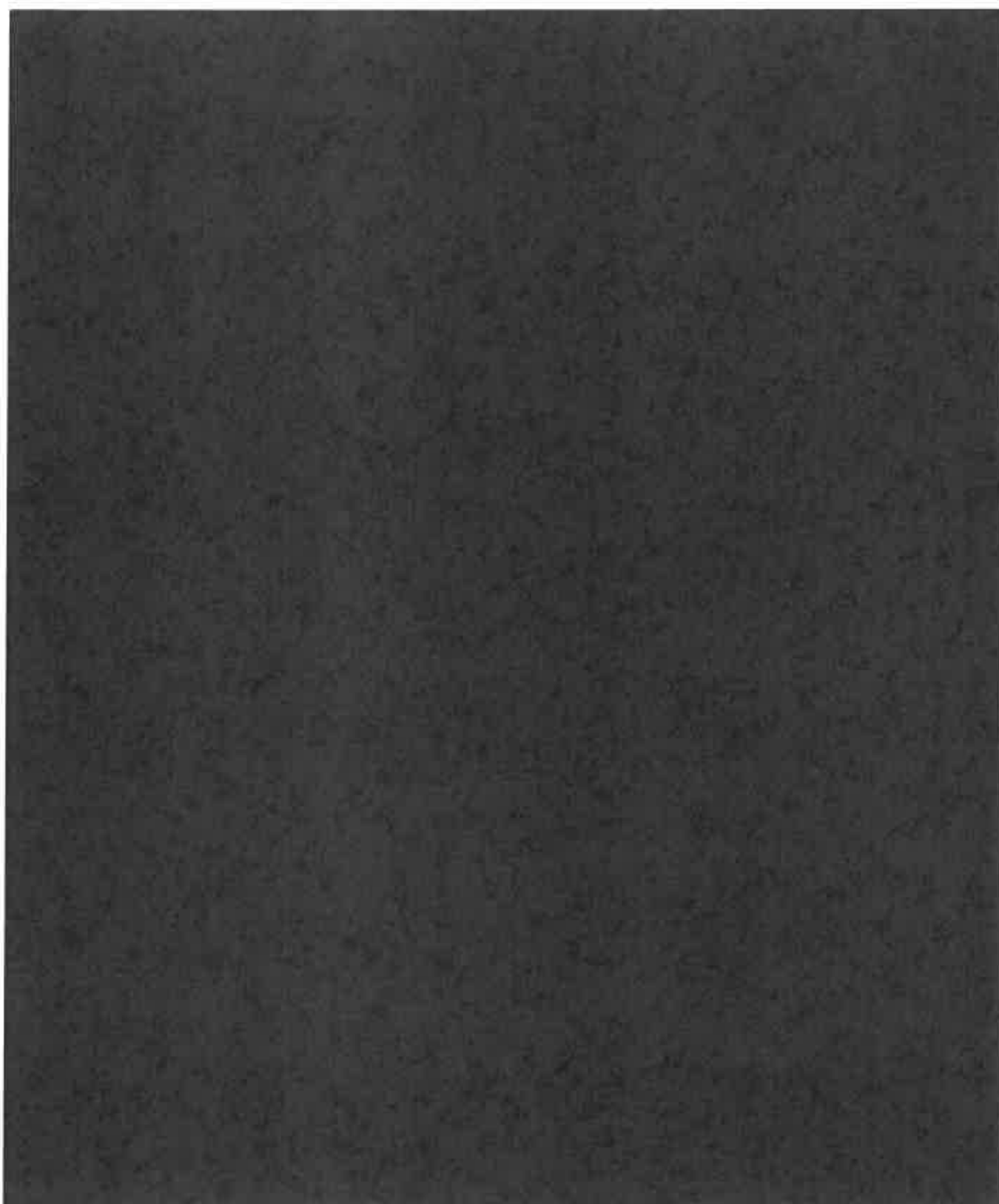
Background

2. The background to the CPN (with associated links) and to the two consultation rounds are below (in the earlier email exchanges) and have not changed since the previous discussion with OBPR.
3. The ACCC released a June 2014 consultation paper proposing that the mandatory standard be revoked and the voluntary standard (AS/NZS 1754) be supported using the 'general provisions' of the Australian Consumer Law to support the road safety 'user' regulations which require those carrying children in motor vehicles to use restraints that (at the least) comply with AS/NZS 1754. This proposal received an OBPR exemption from preparation of a RIS (ID 16969). The consultation ended Friday 18 July (although not all submissions have yet arrived).



A Consultation Paper proposing exactly this action was released in November 2013 and it was the responses to this consultation that lead to the June 2014 Consultation Paper proposal to revoke the mandatory standard and use the general powers of the ACL to which stakeholders are now strongly saying 'not yet'.

6. Regulation to ensure that child restraints offered for supply comply to reasonable levels of safety have been a fundamental part of road safety since the first regulation in 1978. The regulation has always been based on the voluntary Australian Standard AS/NZS 1754. While the ACCC has been reviewing the mandatory standard the focus was first on matters of detail to be included in the regulation and then on the best, most effective, most efficient way of ensuring that restraints are reasonably safe. The idea that Australian requirements should be linked to the provisions of AS/NZS 1754 has not at any time been in question.



Ian Scott

Assistant Director | Recreation & Automotive | Product Safety
Australian Competition & Consumer Commission

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From: [REDACTED]
Sent: Thursday, 1 May 2014 11:37 AM
To: Scott, Ian
Cc: [REDACTED]
Subject: TRIM: ACCC review - Child restraints [SEC=UNCLASSIFIED]

Ian

Re: Possible revocation of mandatory standard – child restraints for use in motor vehicles

Thank you for providing information on the above mentioned proposal. Based on the information provided the OBPR considers that the proposal will have minor regulatory type impacts. As such a Regulation Impact Statement assessed by the OBPR is not required. This assessment is based on the existing state and territory requirements exceeding the ACCC standard. Please note our reference for this proposal is ID 16969 and retain this e-mail as a record of the OBPR's advice. If you have any further queries please call me on [REDACTED]

Regards,

[REDACTED]
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet

From: Scott, Ian [mailto:Ian.Scott@accg.gov.au]

Sent: Thursday, 17 April 2014 6:02 PM

To: Helpdesk-OBPR

Cc: Scott, Ian

Subject: Request to OPBR - Is a RIS required? - ACCC review - Child restraints [SEC=UNCLASSIFIED]

Following early correspondence on the process and information required (appended)

Request to OPBR - Is a RIS required?

Possible revocation of mandatory standard – child restraints for use in motor vehicles

Agency: Australian Competition and Consumer Commission

Proposal:

Review of mandatory product safety standard child restraint systems for use in motor vehicles. Information on this standard is at:

<http://www.productsafety.gov.au/content/index.phtml/itemId/973889/fromItemId/971517>

Nature of the proposal

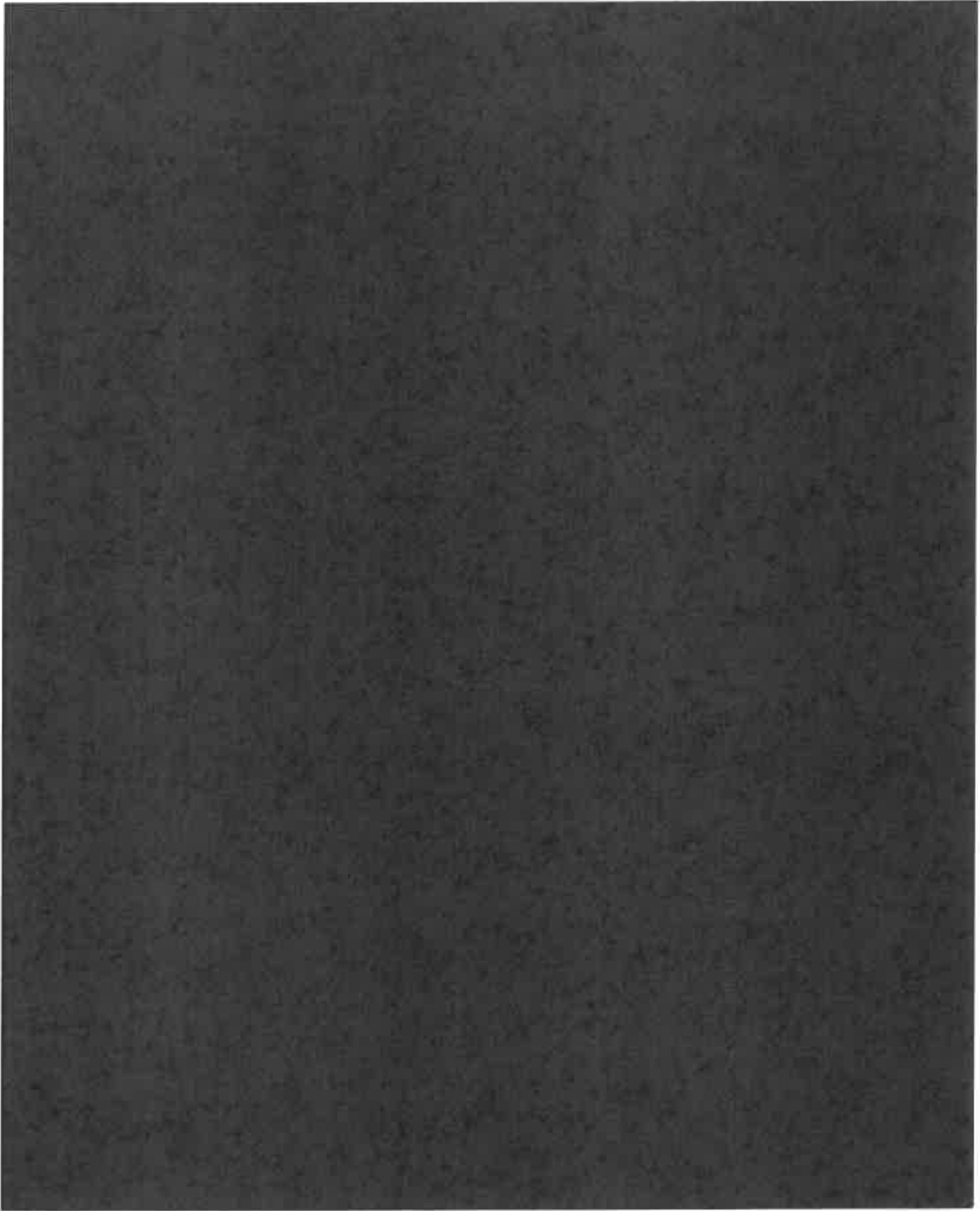
ACCC is reviewing the mandatory standard for child restraints in motor vehicles.

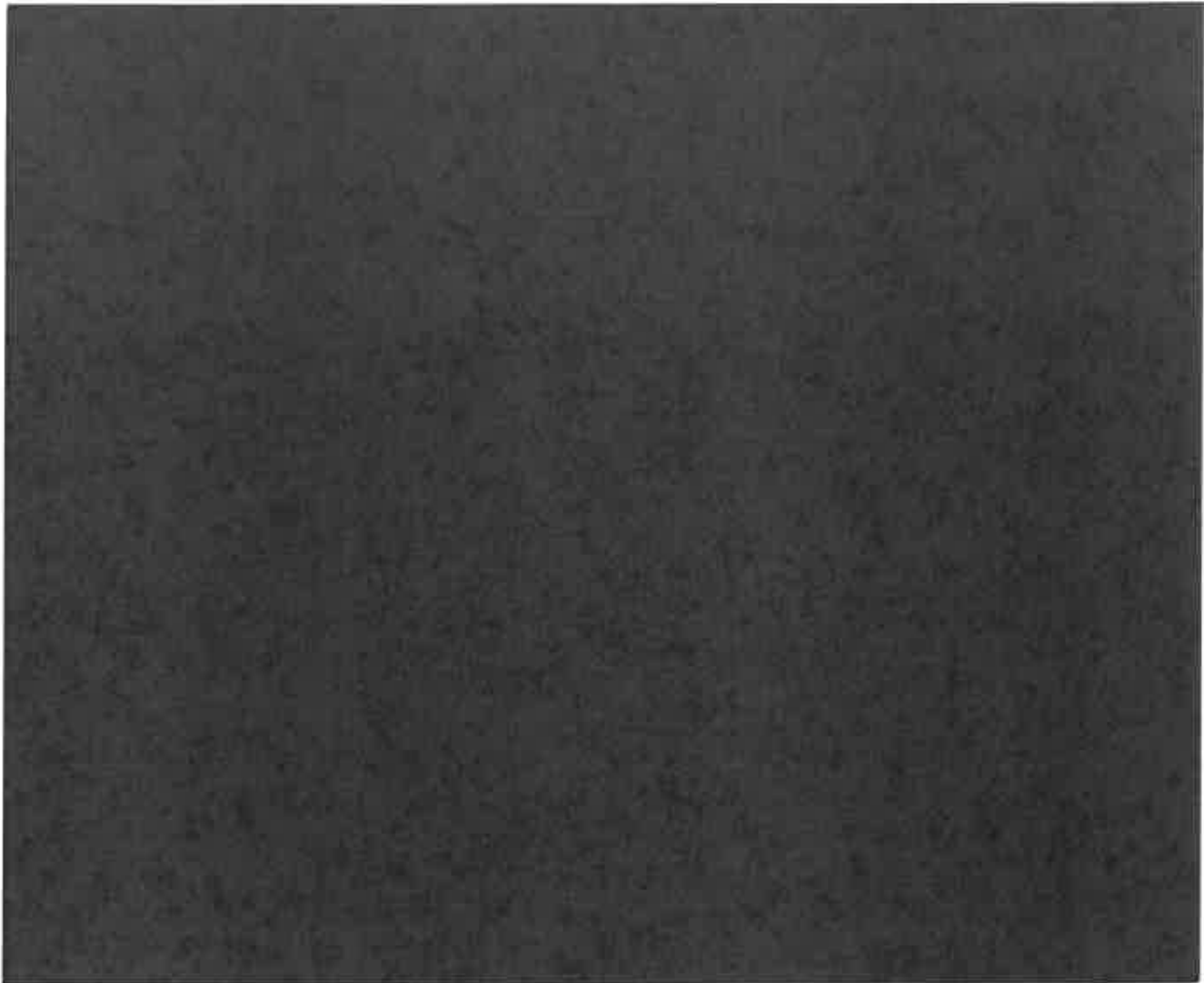
- The mandatory standard first came into effect on 7 November 1978 and was last amended 7 May 2011. (<http://www.comlaw.gov.au/Details/F2011L00721>)
- It has requirements for the design, construction, performance, user instructions, marking and packaging of child car restraints.
- The current review is in response to revisions to the relevant Australian voluntary standard (AS/NZS 1754) published in June 2013.
- A discussion was held with OPBR (email reference attached).
- A Consultation Paper seeking public comment on the proposed changes to the mandatory standard was released by the ACCC in November 2013 (<http://www.productsafety.gov.au/content/index.phtml/itemId/1004111>). The paper was sent directly to 95 stakeholders and circulated through a number of relevant networks. Nineteen responses were received, with universal support for regulation of child restraints and significant comment on the five requirements that the ACCC proposed be excluded from a remade CPN.

Child restraints are covered by overlapping regulation.

- Since 1978 federal product safety regulations have required the products to comply with all or most of the provisions of the relevant Australian Standard, this is referred to as 'supply' regulation.
- State and Territory road authorities started to require in 1986 that restraints comply with the Australian Standards, some jurisdictions also required the restraints to be certified to that standard (and one still does) these are referred to as 'user' regulations.

- The mandatory product safety standard ('supply' regulation) does not include all the provisions of the Australian Standard the road 'user' regulations do require compliance with all the provisions.





Questions to OBPR

- (1) If the option of revoking the CPN is taken (following consultation with road authorities) will this process require a RIS;
- (2) If the option of revoking the existing CPN and replacing it with a revised CPN (informed by the public consultation conducted in 4th quarter 2013) is taken would this require a RIS?

With thanks,

Ian Scott

Appended

- email to OPBR May 2013
- email exchange April 2014 on information required for a determination

Ian Scott

Assistant Director | Recreation & Automotive | Product Safety
Australian Competition & Consumer Commission


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Appended – email to OPBR

From: Ham, Samson

Sent: Thursday, 2 May 2013 6:06 PM

To: [REDACTED]

Cc: Johnston, Lauren

Subject: Review of the mandatory consumer product safety standard for Child Restraint Systems for Use in Motor Vehicles [DLM=For-Official-Use-Only]

Hi [REDACTED]

Good speaking with you.

As mentioned, the ACCC is considering to commence a review the mandatory consumer product safety standard for child restraint systems for use in motor vehicles (**child restraints**) after the anticipated publication of a new voluntary standard, the Australian/New Zealand Standard for child restraints - AS/NZS 1754, within this month or soon thereafter.

Thank you for providing some broad guidance as regards the OBPR processes for reviews of mandatory standards.

I'll be in touch.

Kind regards,

Samson Ham
Senior Project Officer | Chemicals, Education and Regulated Products, Product Safety
Australian Competition & Consumer Commission
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From: Helpdesk-OBPR [<mailto:Helpdesk-OBPR@pmc.gov.au>]
Sent: Wednesday, 16 April 2014 4:13 PM
To: Scott, Ian
Subject: RE: Consultation on whether a RIS is required [SEC=UNCLASSIFIED]

Hi Ian,

As discussed, here is the link:

http://www.dpmmc.gov.au/deregulation/obpr/proposal/government_requirements/ria-guidance.cfm

 Office of Best Practice Regulation
Department of the Prime Minister and Cabinet


A: 1 National Circuit, BARTON ACT 2600 | W: ris.dpmmc.gov.au

Please consider the environment before printing this email.

From: Scott, Ian [<mailto:Ian.Scott@acc.gov.au>]
Sent: Wednesday, 16 April 2014 2:31 PM
To: Helpdesk-OBPR
Cc: Scott, Ian
Subject: Consultation on whether a RIS is required [SEC=UNCLASSIFIED]

Hello,

Last year one of my colleagues consulted OBPR on whether a RIS was required. They did this by submitting a form "Best Practice Regulation – IS a RIS required?"

I now need to consult OBPR on the same issue, in this case the possible revocation of regulation.

Is submission of a specific form the current process?

With thanks,

Ian

Ian Scott

Assistant Director | **Recreation & Automotive** | **Product Safety**
Australian Competition & Consumer Commission

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