



Toppling furniture decision final recommendation to the Minister

February 2023



Acknowledgment

This Final Recommendation includes data collected by the Australian Competition and Consumer Commission (ACCC), health services, state and territory consumer protection and fair-trading agencies, stakeholders and international organisations. The ACCC acknowledges the assistance and cooperative effort contributed by individuals and officers within these agencies which has enabled a collaborative response to this important safety issue.

The ACCC acknowledges the courage of caregivers affected by toppling furniture related injuries and deaths in campaigning for reform. In particular, the ACCC acknowledges and thanks the family of Reef Kite and the 'Bolt it back for Reef' campaign, for their ongoing efforts in bringing public attention to the safety risks of toppling furniture.

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Glossary

Term	Definition
ACCC	Australian Competition and Consumer Commission
ACL	Australian Consumer Law, Schedule 2 of the <i>Competition and Consumer Act 2010</i>
Anchor device	Apparatus to secure furniture to wall or stable surface. May also be called furniture restraint.
AS/NZS	Denotes Australian and Australian/New Zealand Standards
ASTM International (ASTM)	Denotes a technical standard drafted and maintained by ASTM: a north American organisation that develops industry standards (formerly, the American Society for Testing and Materials).
CCA	<i>Competition and Consumer Act 2010 (Cth)</i>
CHOICE	An Australian independent member-funded consumer advocacy group
ED	Emergency department
EN	Denotes a technical standard drafted and maintained by the European Committee for Standardisation
Fixings	Screws, bolts, or inserts for different surface types (timber / masonry).
Freestanding storage furniture	Furniture items in scope of the proposed policy options including chests of drawers, bookcases, wardrobes, cabinets, and entertainment units. Also referred to as 'storage furniture'.
ISO	Denotes a technical standard drafted and maintained by the International Organization for Standardization
National Strategy	National Toppling Furniture and Television Safety Strategy
NCIS	National Coronial Information System
NRA	National Retail Association
NRA Guide	NRA Best practice guide for furniture and television tip-over prevention
OECD	Organisation for Economic Co-operation and Development
QISU	Queensland Injury Surveillance Unit
STURDY Act	Stop Tip-Overs of Unstable, Risky Dressers on Youth Act
VISU	Victorian Injury Surveillance Unit
VSL	Value of Statistical Life
US CPSC	United States Consumer Product Safety Commission

Mandatory information standard recommendation

1 Executive summary

The ACCC recommends a **mandatory information standard** requiring certain freestanding storage furniture products to include safety information about the hazards associated with furniture toppling and how to reduce the likelihood of an incident by:

- affixing a permanent warning label to the furniture.
- providing safety information in the manual and/or assembly instructions highlighting the risk of toppling and the importance of anchoring.
- providing warnings about toppling hazards at point of sale in-store and online.

The ACCC recommends a transition period of 12 months.

Warnings and safety information must be provided with the supply of¹:

Category 1 – highest risk items prevalent in injury and fatality data

- A freestanding furniture item with a height above 500mm that contains one or more drawers or other extendible elements and intended for the storage of clothing. It may also contain one or more doors or one or more shelves, or both, in various configurations.
- A freestanding item with a height above 600mm primarily intended for the storage of books. It may also feature doors, drawers, or other extendible elements.

Category 2 – items where the risk is unsecured heavy items falling off

- Entertainment units of any height typically used for housing televisions, home theatre systems and/or gaming consoles.

Category 3 – other items that appear in injury and fatality data

- Hall tables, display cabinets, buffets, and sideboards with a height above 500mm.

Example warning label

Category 1



Exclusions: The requirements will not apply to second-hand furniture.

¹ The height references for the regulatory options are largely consistent with AS/NZS 4935:2009—an Australian and New Zealand voluntary standard that manufacturers and suppliers may already be familiar with.

The ACCC is aware of at least 28 deaths associated with toppling furniture in Australia since 2000. We estimate toppling furniture causes at least 900 injuries a year that require medical treatment.² In dollar terms, the cost to government is at least \$8 million dollars a year, and the true cost to families and communities is incalculable.³

Freestanding storage furniture such as chests of drawers, cupboards, wardrobes and bookcases pose the greatest risk of toppling over and causing injury or death. Children aged up to 4 years are most at risk, with older Australians also vulnerable. Previous government and industry attempts to address this problem have not been successful in reducing consumer harm.

The ACCC has released two public consultation papers seeking feedback on ways to improve storage furniture safety. A wide range of stakeholders provided submissions, which have informed this final recommendation paper. All stakeholders, including retailers and industry representatives, indicated more education and safety information is needed to raise consumer awareness. However, many submissions highlighted the complexities in implementing an effective safety standard (including stability and/or anchoring requirements) at this time.

The ACCC has now refined the options previously presented in the [Consultation Regulation Impact Statement \(Consultation RIS\)](#). The revised options are:

1. **Status quo, no change.**
2. **A mandatory information standard including warning labelling and the provision of safety information, including at point of sale (recommended).**
3. **A mandatory safety standard including warning labelling and the provision safety information with the product, and stability and anchoring requirements.**
4. **A mandatory safety standard and a mandatory information standard (combination of Option 2 and Option 3).**

The ACCC recommends the Minister make a mandatory information standard for toppling furniture (Option 2).

The ACCC recommends a mandatory information standard to commence 12 months after registration of the instrument to allow a transition period for suppliers.

The ACCC considers that a mandatory information standard will improve safety outcomes for freestanding storage furniture by:

- educating consumers on risks, safe furniture use, and effective anchoring strategies through affixed permanent warning labels
- providing mandatory instore warnings such as hang tags and placards to raise awareness at point of sale
- supporting information equity with the use of clear graphic warnings and plain English

Because this option is limited to providing information and does not require furniture design changes, we anticipate it will cause minimal disruption to the market.

The ACCC will complement this regulatory option with an education campaign during the transition period for the mandatory information standard, to raise awareness of the dangers

² Extrapolated from available Queensland hospital data. Further discussed in section 5.1.

³ The ACCC's estimates are based on available data, noting there is no single repository of injury data.

of toppling furniture and provide tools and advice on anchoring furniture. The ACCC anticipates a mandatory information standard and consumer education campaign will address toppling furniture risks in a timely and wide-reaching manner.

It is acknowledged that a mandatory safety standard as set out in Options 3 and 4 would more comprehensively address risks associated with toppling furniture. However, these options rely on referring to suitable stability requirements as set out in an existing voluntary standard, or independently developing and testing new requirements.

The Australian and New Zealand voluntary standard (AS/NZS 4935:2009), and the American standard (ASTM F2057-19), are currently under review and it is likely their stability test requirements will change. Waiting for these standards to be introduced (and then assessing their suitability), or undertaking independent research to develop a suitable stability requirement, would take significant time. This could cause confusion and burden for industry as well as duplicate the efforts of other standards committees.

For these reasons, the ACCC does not recommend the introduction of a mandatory safety standard at this time, however, recognises it may be appropriate to revisit following the publication of any relevant new or revised voluntary standard in the future.

2 Introduction

Mandatory information standards provide a set of rules for specific information which must be provided with goods or services. This information is usually provided with products as a warning or information label (supplied with or attached to a product) and may be provided at the point of sale. Mandatory information standards are enforceable and are intended to make sure consumers are provided with important safety information about a product. Penalties for breaching a mandatory information standard can be up to \$500,000 for an individual and more than \$10,000,000 for a body corporate.

The ACCC has undertaken a comprehensive consultation process to inform its final recommendation. The ACCC released an [Issues Paper](#) in August 2021 seeking information to assess factors affecting safety, and potential options to reduce the risk of injury and death.⁴ We received 30 submissions in response to the Issues Paper from a broad range of stakeholders.

Submissions informed the development of the [Consultation Regulation Impact Statement \(RIS\)](#), published in May 2022.⁵ The Consultation RIS summarised 5 options intended to improve the safety of storage furniture, the ACCC's preliminary recommendation, and a series of questions for stakeholder consideration. We received 32 submissions and undertook additional targeted consultation with key stakeholders.⁶

An overview of the major milestones in the development of this final recommendation is in Appendix A.

⁴ ACCC Toppling furniture and televisions – Issues Paper, available at <https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televisions-issues-paper/>

⁵ Toppling furniture – Consultation Regulatory Impact Statement, available at: <https://consultation.accc.gov.au/product-safety/toppling-furniture-consultation-regulation-impact/>

⁶ See section 6 for more information

3 What is the problem we are trying to solve?

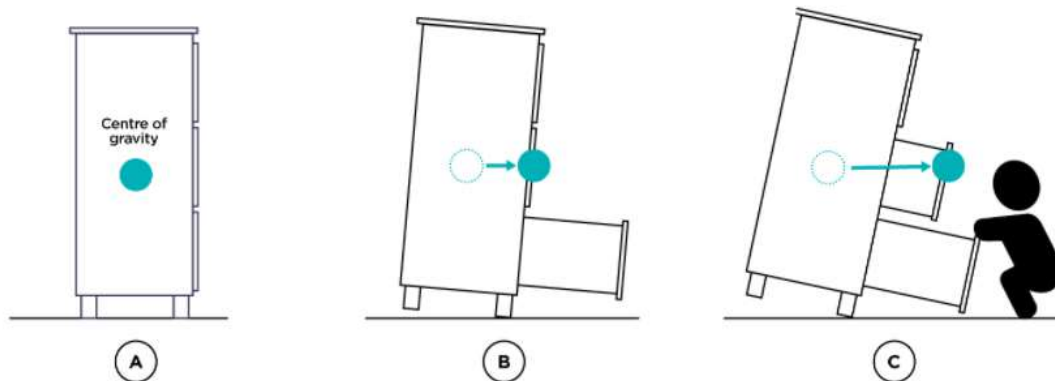
Furniture can topple and cause severe injury and death. The greatest risk of injury or death arises when children attempt to climb furniture, as the weight of a child on an open drawer or shelf may unbalance the furniture.

Consumers appear to remain unaware of the risks associated with toppling furniture and may assume that furniture items available in Australia have been designed with safety in mind.⁷ This can result in consumers not taking precautions to mitigate the risk of furniture toppling, such as by securing furniture or preventing children from climbing furniture.

The design characteristics of storage furniture items mean that they have a propensity to tip-over if unsecured. This is because:

- they are generally tall and wide with a narrow base
- open drawers or doors bring the mass further toward the front of the unit
- a high and forward centre of mass is further compromised when mass is added to the front of the object

This may happen when a child opens drawers and climbs onto the furniture to reach objects.



Chests of drawers are often heavy. This may give the impression it is stable, but it might not be.

Opening the drawers moves part of the furniture's weight out in front of the unit, creating a toppling risk.

The risk increases if a child starts to climb the furniture, adding their weight to the front of the unit.

3.1 Types of furniture at risk of toppling

Common household storage furniture can easily topple causing serious injuries and death.

Data shows that the following items present the greatest risk:⁸

- chests of drawers
- bookcases
- wardrobes

⁷ CHOICE submission to the ACCC Issues Paper – Toppling Furniture and Televisions. Available at: https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televisions-issues-paper/consultation/view_respondent?uuld=1062962370

⁸ See section 4.2 for more information

- cabinets/cupboards
- entertainment units.

Storage furniture is often tall and wide with a high and forward centre of mass. Opening drawers and doors brings the centre of mass further forward, increasing the toppling risk.

The risk of instability resulting in furniture toppling is increased when:

- there is an uneven or top-heavy distribution of stored items
- heavy items or televisions are placed on top of furniture
- children swing on open doors or use drawers to climb on furniture.

The options proposed in this final recommendation will apply to storage furniture including chest of drawers, cabinets, and wardrobes, with a height above 500mm; bookcases with a height above 600mm; and hall tables, display cabinets, buffets, sideboards with a height above 500mm.⁹

No minimum height has been set for entertainment units as there is a greater need for stability and anchoring when televisions are placed on top of them regardless of height. This is due to the risk of televisions toppling if they are unsecured or the unit is unbalanced by the television.

3.2 Exclusions

Televisions are broadly consistent with storage furniture in terms of the nature of the toppling hazard, recommended safety measures and those most vulnerable (children aged 4 years or younger).

Since 2000, the ACCC is aware of one death caused by a television falling that did not also involve furniture, and the frequency of injuries associated with televisions toppling has been steadily decreasing in Australia since 2010.¹⁰ In addition, in 2019, a regulatory framework for televisions was introduced, which addresses stability, anchoring, and safety information to accompany the product.¹¹

To prevent regulatory duplication, the ACCC has not included televisions within the scope of this recommendation. Other furniture items, such as chairs, also appear in injury data. However, these furniture types have not been explored further at this time due to:

- data which suggests the injuries are less serious when compared to storage furniture.¹²
- variability of designs, which makes regulatory measures relating to stability unfeasible
- the impracticality of anchoring for this category of furniture.

⁹ Height references for the regulatory options are largely consistent with AS/NZS 4935:2009

¹⁰ ACCC Issues Paper, Toppling furniture and televisions, p.12, available at https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televisions-issues-paper/supporting_documents/Toppling%20furniture%20and%20televisions%20%20issues%20paper.pdf

¹¹ Electrical Equipment Safety System. Accessed 15 March 2022, available at: <https://www.eess.gov.au/>

¹² Queensland Injury Surveillance Unit, *Furniture and TV tip-over injury data*, 'Table 3.4.1 – All related product & Triage category', March 2021.

4 Why is government action needed?

From 2000 to the present, toppling furniture has been linked with at least 28 deaths in Australia,¹³ and is estimated to cause at least 900 injuries each year that require medical treatment. In dollar terms, the cost to government is at least \$8 million dollars a year, and the true cost to families and communities is incalculable. The ACCC considers toppling furniture poses an unacceptable risk to human safety, particularly for vulnerable groups such as young children and elderly Australians.

There is currently no mandatory Australian or international standard that addresses the risks associated with toppling storage furniture. There is also no general legislative provision restricting the supply of unsafe goods in Australia. This means there is currently no legal requirement for businesses to supply storage furniture that mitigates toppling safety risks and no enforcement avenue to address these risks.

Government action that requires a consistent direction for customer protection measures provides the strongest approach to achieving a positive outcome for the Australian community.

4.1 Objectives of intervention

The ultimate objective of regulatory intervention is to reduce deaths and injuries caused by toppling furniture. Improving consumer awareness about the risks posed by toppling furniture and strategies to mitigate these risks, is expected to help achieve this outcome.

Industry compliance is an important factor of regulatory intervention, and non-compliance, whether deliberately or by omission would limit the effect of the regulation. For an optimal outcome, retailers and the wider furniture industry must engage with the regulation, meeting the prescribed requirements and further promoting the relevant information to consumers.

The intervention must also resonate with consumers, in the purchase and use of the furniture. Should the intervention be unclear or be ignored, the intervention will have a diminished outcome.

We expect that an improvement in consumer awareness over 5 years will demonstrate that the intervention has had a positive impact for Australian consumers.

4.2 Deaths and injuries

In Australia, the majority of fatalities associated with toppling furniture reported since 2000 involved children under 7 years of age. In the available data children aged 4 years and under account for a significant proportion of emergency department (ED) presentations due to furniture tip overs.

4.2.1 Deaths¹⁴

The most common causes of death are head and crush related injuries, and asphyxiation. 17 of the 28 identified deaths involve children aged 4 years and under, and older Australians (60 or older) comprise 4 of the 28 deaths. The number of deaths by product type since 2000 is shown in Table 1.

¹³ NCIS data collection for all Australian States and Territories commenced on 1 July 2000, with the exception of Queensland which commenced on 1 January 2001.

¹⁴ NCIS accessed April 2021. also includes a fatality confirmed by the Coroner's Court of Queensland, and another incident reported in the media in early 2022 - further details are not yet available on NCIS

Table 1. Types of furniture associated with a death since 2000

Product	Number of incidents involving a death
Chest of drawers	7
Furniture with a TV on it	10
Wardrobe	4
Cabinet / Cupboard	5
Table	2
Total	28

The story of Reef Kite is an example of the devastating impact unsafe furniture can have on a young child, their family and community.

Reef Kite's story

In 2015, Reef, a 21-month-old boy from Western Australia was found trapped underneath a chest of drawers filled with clothing in his bedroom. Although he was rushed to the hospital, attempts to resuscitate him failed. While the circumstances in which he came into contact with the chest of drawers were unclear, Reef's mother reported he had never climbed any of the cabinets or chests of drawers in the house.

Police officers who visited the home were surprised at how easily the chest of drawers toppled over when minimal force was applied with the drawers in a closed position. It was also very heavy and required 2 men to lift. Once the chest of drawers started falling forward, it was difficult for an adult to stop it toppling over, let alone a child.

Reef's mother said she had thought the weight of the chest of drawers was an advantage as it may make it more stable. Although she was aware of the benefits of securing furniture to the wall, she was unable to do so as she had not been given permission by her landlord.

As a result of advocacy efforts, amendments to the tenancy law were passed in Western Australia in 2020, allowing tenants to make a request to their landlord to attach furniture to a wall to prevent it from toppling. Landlords may only refuse the request in limited circumstances, such as where the home is heritage listed or contains asbestos.

4.2.2 Injuries

There is currently no single source of injury data for ED presentations in Australia. As such, nationwide injury trends have been extrapolated from the information that is available.

Injuries associated with toppling furniture can include bone fractures, dislocations, crush injuries, or traumatic brain injuries. Although small children are particularly at risk, the statistics show that older Australians are also vulnerable to these injuries.

Most incidents reported involved an injury to the head region, but ankle and feet injuries are also common. Of the identified ED presentations in Victoria and Queensland, 17% of

patients in Victoria and 20% of patients in Queensland were admitted to hospital for further treatment.

4.2.3 Injury data collection¹⁵

The Victorian Injury Surveillance Unit (VISU) and the Queensland Injury Surveillance Unit (QISU) provided ED presentation data from hospitals to the ACCC.

QISU and VISU both report on injury surveillance data collected by participating emergency departments. In Victoria, all emergency departments with an overnight facility are mandated to collect level 1 injury surveillance data. In Queensland, participation is voluntary and only a selection of hospitals participate, collecting level 2 injury surveillance data. Level 2 data contains more coded fields and may capture more product information than level 1 depending on the product type.¹⁶

Due to the voluntary nature of QISU data collection data completion (ascertainment) at QISU sites varies over time. For this reason, VISU data may be more useful for trend analysis. Limited QISU trend analysis can be performed using data collected at paediatric hospitals which have been long-term participants in data collection.

Because of the way the systems are set up, QISU data systems collect more injury text narrative relative to VISU and this can affect case identification, depending on the product being investigated. Therefore, whilst direct comparison of QISU and VISU case numbers is not useful, the two data sets can be used to understand changes in demographics and pattern of injury.

4.2.4 Emergency department presentations

The following data shows ED presentations for toppling furniture incidents involving storage furniture items in scope; shelves, cupboards, wardrobes, drawers, entertainment units.

The 10+ age group includes all ages above 10. Whilst the data indicates young children are most affected by toppling furniture incidents, Australians of all ages may be impacted including older people for whom injuries' may result in more serious outcomes.

¹⁵ The Victorian Injury Surveillance Unit data is provided from July 2016 to June 2020 while the Queensland Injury Surveillance Unit data is provided from January 2016 to June 2020. The data provided by VISU and QISU does not capture all hospitals with an emergency department. Population demographics and the type of participating hospitals may influence the data captured. For example, children's hospitals may capture more incidents in the younger age groups and hospitals with 24-hour emergency departments may capture more overall incidents than those without.

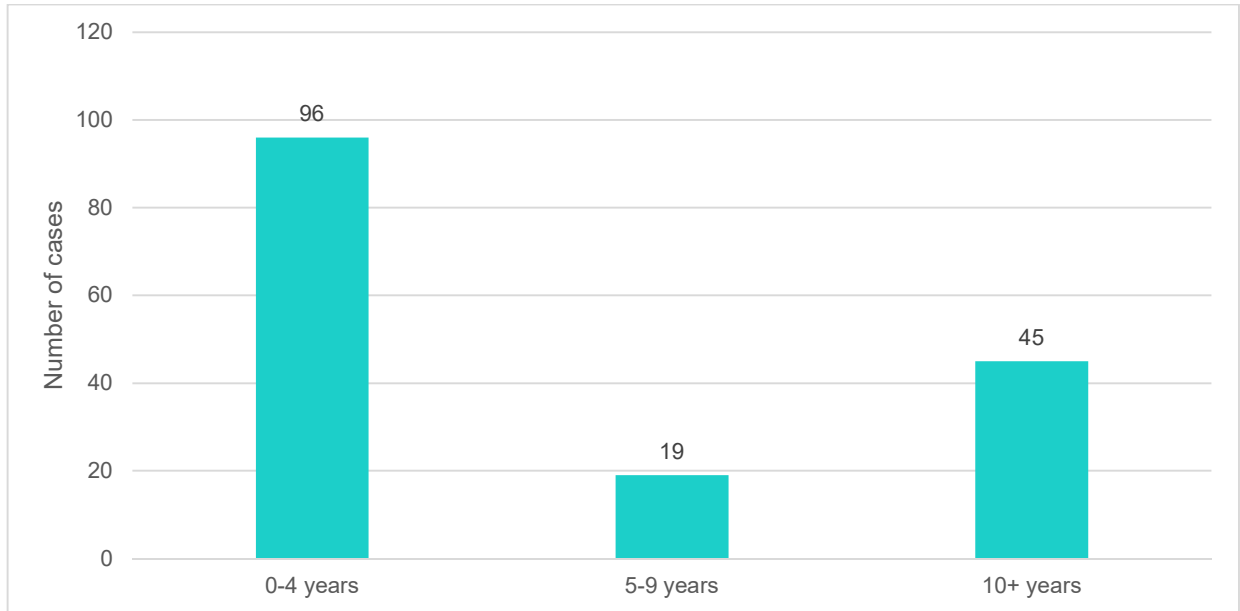
QISU collects injury data from emergency departments (ED) at participating hospitals across Queensland. The data is estimated to represent roughly 20% to 25% of all ED injury presentations in the state depending on the age group and injury type studied. The QISU database contains injury data collected from Jan 1999-present (currently 23 years). Not all hospitals have collected for the full 23 year period. Data is collected in the following Hospital and Health Service areas: Darling Downs HHS, Cairns and Hinterland HHS, Central QLD HHS, Children's Health QLD HHS, Mackay HHS, Metro North HSS, Metro South HHS, North West HHS, Townsville HHS and Wide Bay HSS.

QISU data is collected at the point of triage; when the triage nurse ticks yes to an injury this triggers an injury module to open for completion by the triage nurses (64% average completion rate). The injury module fields are not mandatory, allowing the triage nurses to skip part of or all the injury fields depending on clinical flow priorities. Consequently, the data may have missing codes in the injury data fields. QISU coders can supplement coded fields based on information in the injury description field (triage text in EDIS and the Injury Surveillance field in FirstNet).

Each record is validated and coded in accordance with the National Data Standards – Injury Surveillance (NDS-IS) (National Injury Surveillance Unit 1998). This process lags several months behind data intake. In some situations, machine validation can be used to include more recent data.

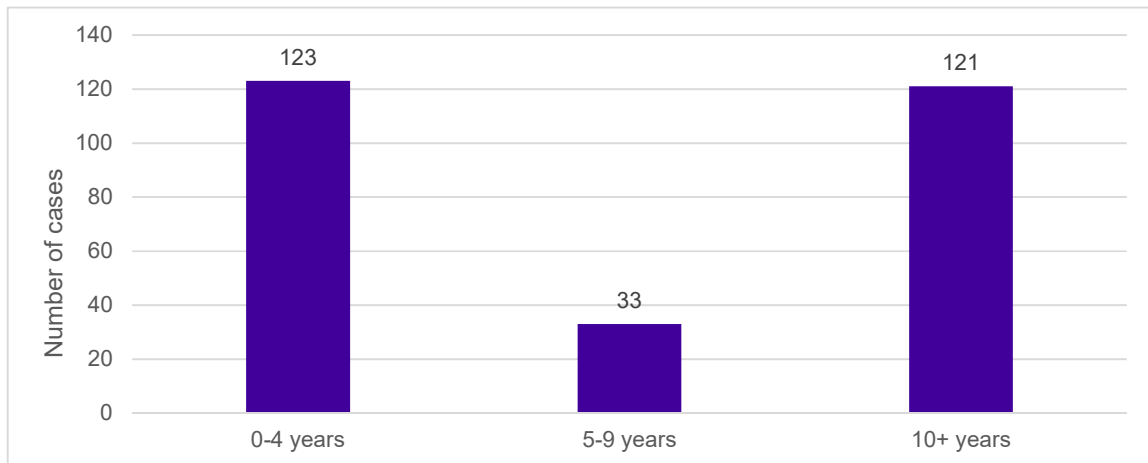
¹⁶ For more information on NDSIS data collection refer to <https://www.cdc.gov/nchs/data/ice/ice95v2/c04.pdf>

Figure 1- Queensland ED presentations from QISU participating sites for furniture tip-over incidents involving selected storage furniture by age group; all ages, N = 160 (January 2016 – June 2020)*



*Data presented excludes the following cases: 26 injuries related to television, 19 injuries related to children climbing and falling off (near miss events).

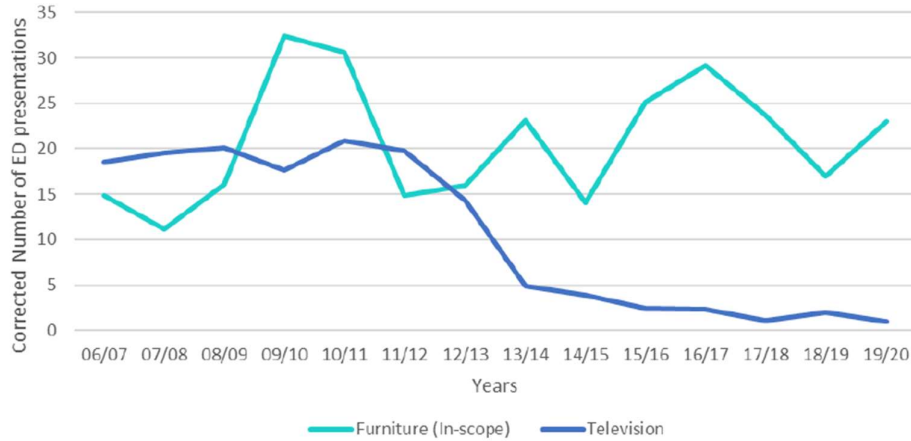
Figure 2 Victoria ED presentations involving selected storage furniture by age group (N = 277) (June 2016 – June 2020)



VISU data shows 277 ED presentations for injuries arising from toppling furniture incidents for select storage furniture items over the 4-year period. Of these, 123 incidents involved children aged 4 years and younger, representing 44% of the related ED presentations.

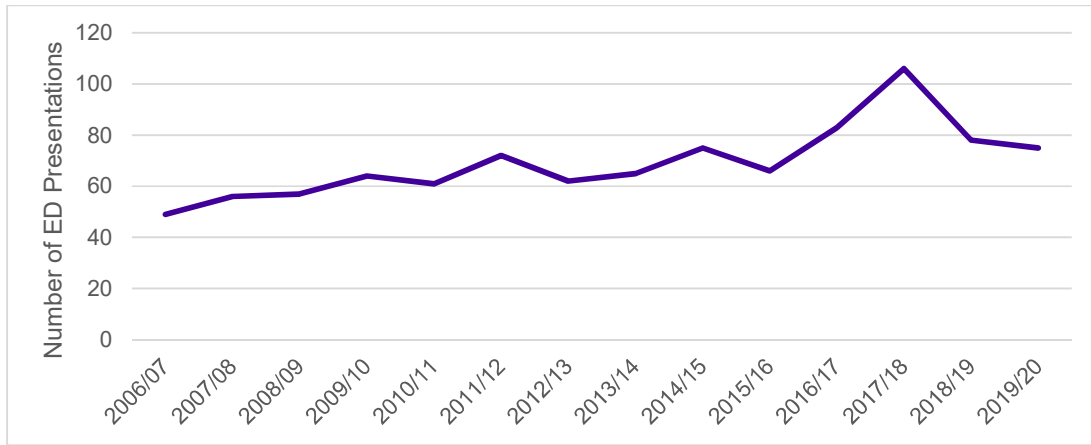
QISU data shows 160 ED presentations for injuries arising from toppling furniture incidents for select storage furniture items over the 4-year period. Of these, 60% (96 incidents) involve injury to children aged 4 years and younger.

Figure 3: Paediatric trend analysis: Queensland ED presentations for furniture tip-over incidents (presenting to paediatric hospitals only) involving selected storage furniture from July 2006 to June 2020 (N=340):¹⁷



TV-related incidents have also been included in Figure 3 for comparison. Whilst the number of storage furniture related incidents has fluctuated, the number of TV-related incidents has declined significantly during the study period. This is likely due to recent introduction of TV stability standards and a trend towards flat screen wall mounted devices.

Figure 4 Victoria ED presentations involving selected storage furniture over July 2006 to July 2020 (N=971).

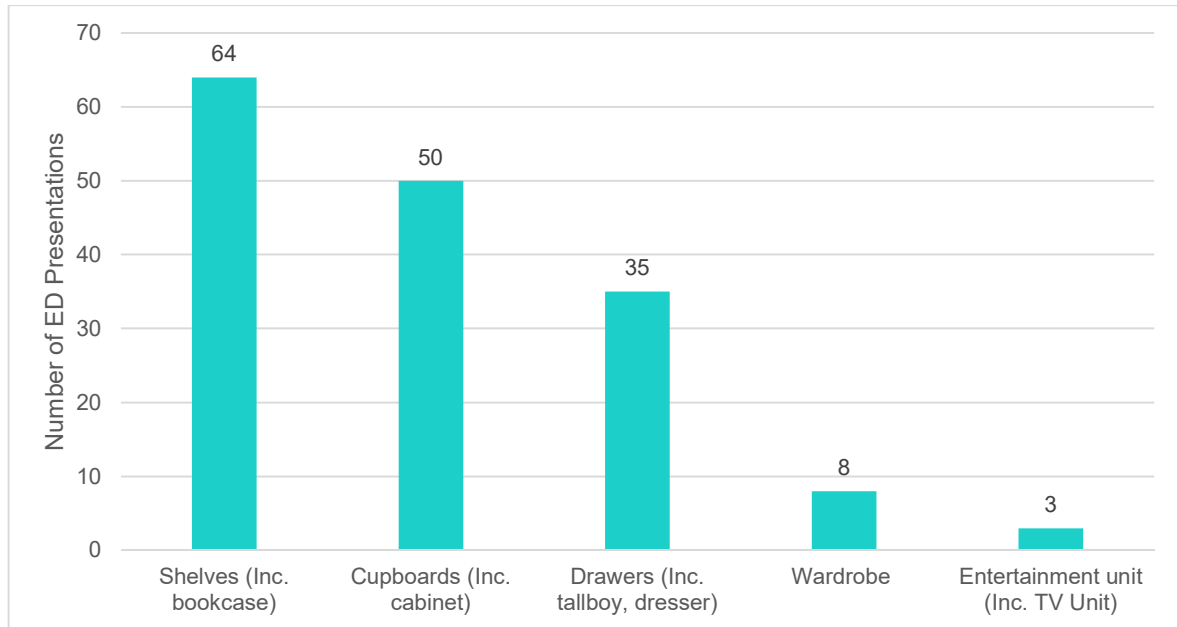


Figures 3 and 4 do not account for population changes over time. The injury data in Figure 3 and 4 shows incidents involving selected storage furniture increased between 2006 and 2020, though there is some year-to-year variance.

¹⁷ Tip over related injury (aged 0-13): Trend over 14 years (Data from Queensland Paediatric Hospitals [corrected for ascertainment rate]) The graph shows number of injuries presenting at Queensland's paediatric hospitals (Mater Children's and Royal Children's Hospitals which were merged to form the Queensland Children's Hospital in November 2014) due to furniture tip over incidents involving selected storage furniture (shelves, cupboards, drawers, wardrobes and entertainment units). The paediatric hospitals have continually collected data for QISU over the 14 year-period serving a paediatric population of 0-13 years of age. During that time, the data completion rate (case ascertainment) has varied and the paediatric population has grown. Data presented above shows the number of ED injury presentations for in-scope furniture (corrected for ascertainment) over the 14 year-period.

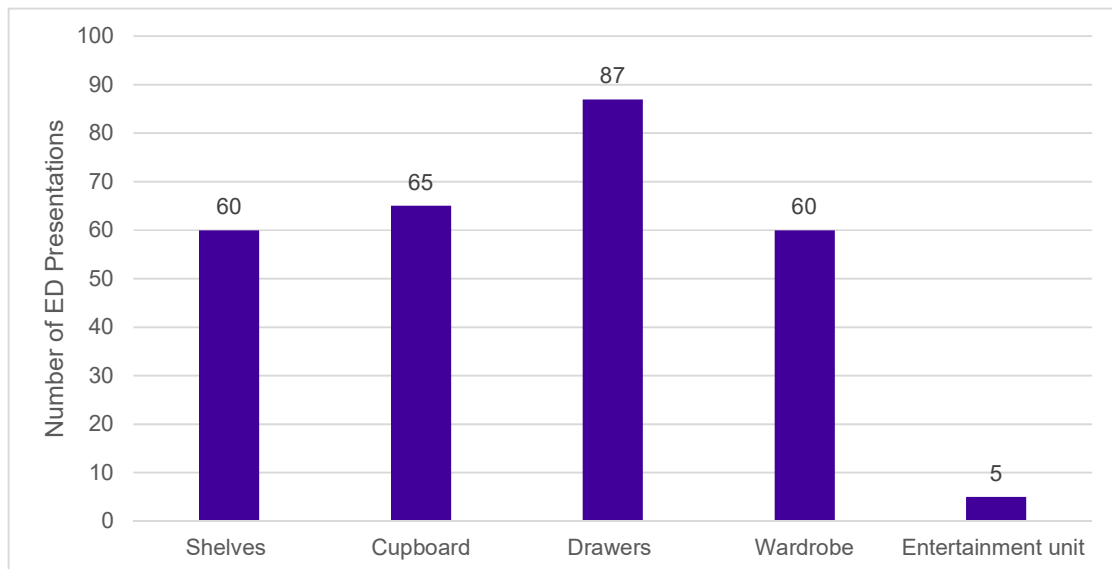
4.2.5 Types of furniture

Figure 5. Queensland ED presentations to participating QISU sites for furniture tip-over incidents involving selected storage furniture by product type, all ages, N = 160 (January 2016 – June 2020)*



*Data presented excludes the following cases: 26 injuries related to television, 19 injuries related to children climbing and falling off (near miss events).

Figure 6. Victoria ED presentations for selected storage furniture by product type, (2016 to 2020)



4.3 Previous attempts to mitigate toppling furniture risk

Industry, state governments and consumer and child safety advocates have attempted to mitigate the risk of toppling furniture through several initiatives, but these have not been effective. For example:

- The National Retail Association (NRA) released **the NRA Guide** in 2016. This is a best practice guide for furniture and television tip-over prevention to promote stability, anchoring and education by industry.¹⁸ The ACCC and state and territory ACL regulators evaluated the implementation of these recommendations as part of the National Strategy in 2019 and found that there was insufficient uptake of the recommendations.
- **Voluntary Australian and international standards** have been developed by industry, including stability, anchoring and education requirements. The Australasian Furnishing Research and Development Institute (Furntech) is an independent not-for-profit technical organisation providing standards, testing, product certification and research for buyers and sellers of furniture. It is the only testing laboratory in Australia that assesses furniture stability. Furntech Australia advised that they are rarely asked to test domestic furniture to these standards, indicating suppliers are not seeking accreditation and compliance with a voluntary standard.¹⁹
- **Tenancy laws** making it easier for tenants to anchor furniture to walls has been implemented in New South Wales, Victoria and Western Australia (accounting for nearly half the Australian population).²⁰ This legislation has only recently been introduced and there is no current data about take-up so the effectiveness of this initiative cannot be fully assessed.
- **Coroners** have recognised the need to reduce the risk of toppling furniture and have made a range of recommendations, including that the ACCC:
 - consider the suitability of the voluntary Australian standard (AS/NZS 4935:2009) for introduction as a mandatory standard under the ACL.
 - consider mandating safety information and labelling requirements for furniture that poses a toppling risk to children, including providing information about toppling risks at point of sale.
 - develop a public awareness campaign aimed at parents and carers of young children, aiming to raise awareness of toppling furniture risks.²¹

Despite these measures, deaths and injuries continue to occur (section 4.2 figures 3 and 4). The initiatives do not appear to have increased consumer awareness of the risks of toppling

¹⁸ National Retail Association, *Best practice guide for furniture and television tip-over prevention*, Available at: <https://www.nra.net.au/app/uploads/2018/11/NRA-furniture-and-TV-tip-over-best-practice-guide.pdf>

¹⁹ Furntech-AFRDI submission to the ACCC Issues Paper – Toppling Furniture and Televisions. Available at: https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televitions-issues-paper/consultation/view_respondent?uuld=992755904

²⁰ Fair Trading NSW, *Changes to the residential tenancy laws*. (Changes from March 2020) Available at: <https://www.fairtrading.nsw.gov.au/about-fair-trading/legislation-and-publications/changes-to-legislation/new-residential-tenancy-laws> Consumer Affairs Victoria. Available at: <https://www.consumer.vic.gov.au/housing/renting/repairs-alterations-safety-and-pets/renters-making-changes-to-the-property>. WA Department of Commerce, *New child safety laws now in force to prevent toppling furniture*. Available at: <https://www.commerce.wa.gov.au/announcements/new-child-safety-laws-now-force-prevent-toppling-furniture-accidents>.

²¹ https://www.coronerscourt.vic.gov.au/sites/default/files/2018-12/redacted_lq_075510.pdf

furniture, which the ACCC and many stakeholders consider an important risk mitigation strategy.

4.4 Estimated future impact

The ACCC estimates if no government action is taken, nearly 10,000 injuries requiring medical attention and 14 fatalities will occur over the next 10 years. The combined cost of deaths and injuries is estimated to be at least \$80.6 million over a period of 10 years²².

The true impact of fatalities and severe injuries is not quantifiable due to intangible costs faced by families and caregivers following a fatality or serious injury. The loss of a child will have an immense effect on the wellbeing of those affected in subsequent years.

²² See section 5 for details

5 What is the cost to the Australian economy?

When considering the impact of regulatory proposals aimed at reducing the risk of physical harm, a concept known as *value of statistical life* (the VSL) may be adopted. The VSL is an estimate of the value society places on reducing the risk of dying. The ACCC acknowledges that it is not truly possible to allocate a fiscal figure to the life of a person. However, to facilitate comparison of the options, the ACCC has adopted the VSL in its calculations

Based on empirical evidence, the Office of Impact Analysis estimates the VSL is \$5.3 million in 2022 dollars.²³ The VSL calculation is based on a healthy young person that may live for another 40 years. As the available data indicates that children are disproportionately affected by unsafe furniture, the VSL may be an underestimation of both the value society places on protecting children, and the potential future lifespan for a child (greater than 40 years).

5.1 Forecast injuries

The cost of injuries will vary depending on their severity. However, there is no central repository of Australian data for injuries caused by toppling furniture.

Due to the lack of available data, the below forecast is based on injury data obtained from QISU relating to emergency department presentations. It includes the following key points and assumptions:

- Queensland hospitals recorded 160 ED presentations relating to storage furniture from December 2015 to June 2020 (a period of about 4 and a half years).
- This data is from participating Queensland hospitals, which represent 20% of the hospitals in Queensland.²⁴ It was used as an indicative representation of ED presentations nationally.²⁵
- Queensland represents a fifth of the total population in Australia.²⁶ Based on those calculations, the projected total number of ED presentations relating to toppling furniture nationally is estimated at 921 for 2022 based on a projected population of 26.7 million, increasing to 1044 for 2031 (based on projected population of 30.3 million).²⁷

For the 2018–19 financial year, the National Hospital Cost Data Collection estimated the cost per ED presentation at \$732. The ACCC used this figure to estimate the likely yearly total cost of ED presentations relating to toppling furniture to be in the range of \$673,951 in 2022 and increasing to \$764,409 in 2031.

²³ Department of Prime Minister and Cabinet, Office of Best Practice Regulation, *Best Practice Regulation Guidance Note Value of statistical life*, August 2022, accessed 28 September 2022. Available at: <https://obpr.pmc.gov.au/resources/guidance-assessing-impacts/value-statistical-life>.

²⁴ QISU estimates the injury data provided from ED at participating hospitals represent roughly one quarter to one fifth of all ED injury presentations in Queensland depending on the age group and injury type studied.

²⁵ The ACCC recognises the inherent limitations in the data available, namely that there is no national data available nor is there data that reflects the entirety of a state and has been conservative in the national projections of ED presentations.

²⁶ Australian Bureau of Statistics, *Quarterly population by sex, by state and territory, from June 1981 onwards*, September 2021. ABS.Stat Dataset, cat. no. "3101.0, National, state and territory population, TABLE 4. Estimated Resident Population, States and Territories (Number)", accessed 14 February 2022. Available at: <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>

We estimated that Queensland represents a fifth of the total population based on the following formula: Queensland population (December 2015 + June 2020) / Australia population (December 2015 + June 2020) = (4804933 + 5175245) / (23984581 + 25693267) = 20.09%

²⁷ Australian Bureau of Statistics, *Population Projections, Australia*, "Population projections (based on assumptions of fertility, mortality and migration) (medium series) for Australia, states and territories and capital cities", accessed 23 February 2022. Available at: <https://www.abs.gov.au/statistics/people/population/population-projections-australia/2017-base-2066>.

Table 2: Forecasting injuries and cost of ED presentation in Australia

Year	Projected Population	Injuries per 100,000 population	Forecast Injuries	Estimated average total cost of ED presentation
2022	26,727,025	3.444820	921	\$ 673,951
2023	27,147,199	3.444820	935	\$ 684,546
2024	27,562,195	3.444820	949	\$ 695,011
2025	27,970,435	3.444820	964	\$ 705,305
2026	28,372,315	3.444820	977	\$ 715,439
2027	28,765,734	3.444820	991	\$ 725,359
2028	29,157,085	3.444820	1,004	\$ 735,227
2029	29,545,877	3.444820	1,018	\$ 745,031
2030	29,931,725	3.444820	1,031	\$ 754,761
2031	30,314,335	3.444820	1,044	\$ 764,409
			9,835	\$ 7,199,038

5.2 Forecast fatalities

The data currently available to the ACCC indicates there have been at least 28 deaths associated with toppling furniture between 2000 and 2021, with children aged 4 years and under representing the highest proportion.

To obtain the rate of fatalities per 100,000 the average forecasted number of fatalities was divided by the projected population for 2021. Based on this trend and the projected increase in Australia's population, the ACCC estimates a high probability of 14 fatalities in the next 10 years.

Based on the estimated VSL, the cost to society of toppling furniture fatalities is estimated to be between \$6.88 million and \$7.8 million for the forecast period (2022 – 2031).²⁸

²⁸ The figures presented here are in 2021 dollars and did not account for inflation and for uncertainty in future costs.

Table 3: Forecast number of fatalities and associated cost

Year	Projected Population	Fatalities per 100,000 population	Forecast fatalities	Estimated VSL
2022	26,727,025	0.005050	1.35	\$ 7,155,000
2023	27,147,199	0.005050	1.37	\$ 7,261,000
2024	27,562,195	0.005050	1.39	\$ 7,367,000
2025	27,970,435	0.005050	1.41	\$ 7,473,000
2026	28,372,315	0.005050	1.43	\$ 7,579,000
2027	28,765,734	0.005050	1.45	\$ 7,685,000
2028	29,157,085	0.005050	1.47	\$ 7,791,000
2029	29,545,877	0.005050	1.49	\$ 7,897,000
2030	29,931,725	0.005050	1.51	\$ 8,003,000
2031	30,314,335	0.005050	1.53	\$ 8,109,000
			14	\$ 76,320,000

5.3 Total costs of fatalities and injuries

The estimated cost of fatalities and injuries caused by toppling furniture for 2022 is around \$8 million (2022 dollars).

This a conservative estimate, which cannot adequately cover the full impact of fatalities and injuries, particularly those sustained by the most vulnerable in our society. The estimate only considers injuries presented to an ED and appropriately recorded (it would not cover consultations with private physicians).

Further, the estimate does not include emotional costs including the pain and suffering of family and friends, emergency workers and affected communities. The ACCC recognises that the death or serious injury of a child (or other victim) would have a devastating and ongoing impact to those around them.

6 Who we consulted and what they said

Key points

- The ACCC received 61 written submissions from 54 stakeholders across 2 consultations.
- All stakeholders agreed that some action needed to be taken to reduce toppling furniture incidents.
- 27 submissions clearly supported additional information be provided to consumers through either labelling, education campaigns, or a combination of both. None of the submissions disputed the need for increased consumer awareness of the issue.
- 6 the stakeholders identified the issue that there was no feasible voluntary standard for furniture stability to inform the development of a mandatory safety standard.

6.1 Issues paper

In August 2021, the ACCC published an Issues Paper which sought stakeholder input on the key issues associated with toppling furniture and televisions.²⁹

Broadly, stakeholders recognised the difficulty in addressing the issue of toppling furniture and expressed support for a regulatory measure. However, stakeholders noted:

- the cost of implementation and compliance should not be overly burdensome
- regulation should not limit consumer choice
- compliance with international standards should be considered.

Feedback from this consultation process informed the decision to limit the scope of the standard to storage furniture, excluding televisions and other furniture.

Stakeholder responses indicated televisions are already required to be tested for mechanical stability compliance and registered on the Electrical Equipment Safety System (EESS) national database prior to sale in Australia.³⁰ Registration is contingent on compliance with voluntary standards which address safety requirements for audio/video equipment. This incorporates unique Australian performance and instructional safeguards to address reasonably foreseeable safety risks, including additional instructions for installing anchoring devices.

There was minimal comment on other furniture types, other than to note some voluntary standards for chairs and tables include developed stability tests. It was also recognised some injuries result from intentional misuse.

6.2 Consultation RIS

In May 2022, the ACCC published a Consultation RIS inviting public feedback on 5 proposed policy options.³¹ These options were informed by responses to the Issues Paper and addressed the key concepts associated with furniture tip-overs: product design, anchoring and consumer education.

²⁹ Toppling furniture and televisions – Issues Paper, available at: <https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televisions-issues-paper/>

³⁰ Electrical Equipment Safety System. Accessed 15 March 2022, available at: <https://www.eess.gov.au/>

³¹ Toppling furniture – Consultation Regulation Impact Statement, available at <https://consultation.accc.gov.au/product-safety/toppling-furniture-consultation-regulation-impact/>

Options proposed in the Consultation RIS:

1. Status quo, no change
2. A mandatory safety standard including: warning labelling and safety information, and anchoring requirements
3. A mandatory information standard including: warning labelling and safety information at the point of sale in-store and online
4. A mandatory safety standard including: warning labelling and safety information, and stability and anchoring requirements
5. A mandatory safety standard and a mandatory information standard. This would take the form of either:
 - a) a combination of options 2 and 3
 - b) a combination of options 3 and 4.

The consultation was designed to seek a variety of views on the proposed policy options.

To ensure comprehensive consultation, the ACCC reached out to a wide range of stakeholders including from industry, government, academia and the medical field.

We received 31 submissions from a wide range of stakeholders, including:

- advocacy groups
- state regulators, and other government agencies (domestic and international)
- subject matter experts
- manufacturers and retailers (domestic and international, large and small)
- medical practitioners
- members of the public
- peak bodies and industry associations

All public submissions to the Issues Paper and Consultation RIS are available via the [ACCC's consultation hub](#).³²

6.3 Summary of stakeholder feedback

6.3.1 Overview

All stakeholders indicated some regulatory action should be taken to improve consumer safety, and that option 1 (status quo, no change) was not appropriate. There was broad support from stakeholders for consumer education on the risks associated with toppling furniture and advising consumers to improve stability through anchoring.

A number of stakeholders including medical bodies (including the Australian Medical Association and Sydney Children's Hospitals Network) and consumer advocacy groups indicated a preference for Option 5b (combination of an information standard with a mandatory safety standard that included stability and anchoring requirements).

Other peak industry bodies (the Australian Retailers Association and the National Retailers Association) supported Option 5a – information standard and mandatory safety standard that did not include a stability requirement.

³² N.B. Stakeholder views discussed in this paper have been summarised and collated by theme.

Some stakeholders recommended narrowing the scope of the preferred policy option to relevant furniture identified as presenting a high-risk to consumers (for example, chests of drawers). Separately, some stakeholders recommended against implementing a mandatory safety standard as there is currently no appropriate voluntary standard to inform stability testing.

6.3.2 Scope

Medical and consumer advocacy groups recommended a broad scope of reform to include second-hand furniture and furniture sold via online platforms such as Facebook Marketplace and Gumtree. CHOICE stated the risk of injury is present whether furniture products are new or previously used.

Other industry stakeholders did not support extending the scope of the options to second-hand furniture, due to the practical difficulties in requiring second-hand products to be tested or comply with new regulations:

- IKEA was of the view that any safety standard should target the most dangerous products according to statistics and data, which IKEA identified as chests of drawers.
- the National Retailers Association recommended a number of products should not be included in scope, including second hand furniture, custom-made furniture and living room furniture (e.g. coffee and dining tables). They also recommended consideration of the definitions of the in-scope items, noting that in Australian and overseas markets, differing terms may be used to describe a product.

The Consumer Electronics Suppliers Association welcomed the ACCC's exclusion of televisions from the scope of the policy options, noting the relevant standard for televisions had been recently updated to mandate the inclusion of a restraining strap in addition to existing stability tests.

6.3.3 Safety information and warning labels

A common theme across almost all submissions was a preference for warning labels to be primarily pictorial, with any text to be in simple language. Pictorial information is universal and easily understood regardless of literacy levels and ensures that messaging is accessible to culturally and linguistically diverse audiences. Stakeholders noted that labels should inform consumers about the tip over hazard as well as how it can be prevented. It was also recommended that labels and safety messages be large to assist visibility and accessibility.

Multiple stakeholders supported warning labels based on those in the American standard, and pictograms developed by the United States Consumer Product Safety Commission (US CPSC). CHOICE endorsed several examples of effective labels and warning messages, including labels and warnings from the NRA Guide.

CHOICE noted a 2020 survey that indicated only 45% of respondents recalled being provided with tip over information at the point of sale. Consumer advocates and some industry representatives expressed views that point-of-sale safety and educational messaging should be required for both second-hand and new furniture retailers.

eBay explained the challenge in requiring marketplaces to provide safety information at the point of sale, as the individual listers are responsible for providing safety information. However, eBay indicated they would be willing to engage on this matter and provide updated guidance to sellers.

Stakeholders including the Queensland Family and Child Commission noted most children who had died in toppling furniture incidents in Queensland were from a low socio-economic background. Therefore, messaging must be accessible and targeted to those backgrounds or other disadvantaged groups.

6.3.4 Anchoring

CHOICE recommended the Government implement measures to improve access to anchoring for consumers at low or no cost. CHOICE highlighted that only 3% of consumers recall anchoring recommendations at the point of sale.³³

IKEA reiterated its view that correct anchoring was the best way to prevent furniture from toppling and supported 'universal' fittings.

Some stakeholders reinforced concerns about inconsistent rental laws between states. The Consumers' Federation of Australia (CFA) recommended the ACCC encourage relevant state and territory ministers to adopt a consistent national requirement for landlords to permit tenants to secure furniture to walls. The CFA considered it was not acceptable that those who rent endure a less safe living environment than those who own their own home. Health Canada suggested the ACCC also consider an option requiring that products only fully function when an anchoring or safety device is installed.

Not all stakeholders thought anchors should be mandated. Furntech suggested anchor devices and guidance material be required but not wall fixtures themselves. Other stakeholders noted reliance on anchors places the responsibility on consumers to anchor their furniture, rather than placing the onus on suppliers to ensure their products are safe to use.

6.3.5 Stability requirements

Stakeholders agreed in principle on the benefits of stable furniture. Consumer and medical groups strongly supported the inclusion of a stability requirement, though there was no consensus as to which voluntary standard was most appropriate for a mandatory standard to refer to.

Furntech noted there was not currently a standard that could be adopted as the relevant American and Australian standards were under review. This presents the most significant barrier to pursuing a safety standard with stability requirement at this time. In addition, stakeholders noted the current development of a mandatory safety standard for clothing storage units in the US which could complement or influence a similar standard in Australia.

Retailers noted that stability and safety were key considerations in furniture design. IKEA submitted there had been considerable work done to improve furniture stability and noted its business model centres on well designed, safe, and affordable home furnishing solutions. IKEA highlighted the significant cost of furniture redesign, and the challenge of market specific design changes. Redesigned products could face significant delays due to supply chain constraints. Industry stakeholders broadly agreed that should the ACCC seek to implement a stability requirement, there would need to be significant additional consultation.

6.3.6 Cost to industry

The NRA identified a number of costs associated with the options in the Consultation RIS, including product testing costs, the cost of developing products to comply with regulations, and the costs of labelling and instructions. The NRA suggested that costs could be reduced via testing in the country of manufacture (predominantly in Asia). Separately, it noted that retailers would incur costs as a result of lost sales due to some current products potentially failing any new stability requirements given the slower product turnover in the furniture market. Stakeholders noted the cost impact would be greater on the lower end of the market.

The CFA, conversely, was of the view that the ACCC ought to place less importance on costs of implementing regulatory measures. The CFA stated that the removal of unsafe

³³ Longmire M, (2 July 2020) '[Anchoring furniture saves lives](#)'. CHOICE website, accessed 7 June 2021.

products from markets is common, and the community would be comfortable with increased costs or reduced consumer choice given the importance of safety, especially for children.

Nearly all stakeholders shared the view that a staged transition is appropriate, recognising some of the proposed measures would be less onerous for industry to adopt than others. A period of 6-12 months was generally seen as a suitable transition for the inclusion of warning labels and information requirements. Most stakeholders considered a transition period of 24 months would be appropriate for the stability requirements in Option 5b.

6.3.7 Further stakeholder consultation and international developments

The ACCC met with Furntech to discuss product testing. Furntech noted that stability testing to the Australian voluntary standard is somewhat subjective and may not produce results that are universally replicable or entirely scientifically accurate. If stability requirements in the voluntary standards were to be made mandatory, Furntech considered it likely that most products currently on the market would fail testing. Furntech also noted current testing weight is based on a child at 5 years and 11 months of age, whereas ACCC data indicates children aged 4 years and younger are most vulnerable to injury or death.

In August 2022 ACCC also met with the United States Consumer Product Safety Commission (US CPSC) and noted the development of a US mandatory safety standard for clothing storage units (including wardrobes but excluding bookcases).

From media coverage, the ACCC understands this standard was approved in October 2022. The standard is expected take effect 180 days from the date it is registered.³⁴ The standard included comprehensive stability testing for clothing storage units with a unit's stability rating to be displayed on a hang tag, and requirements for warning labels. The ACCC may consider this standard as part of any future review.³⁵

As a further development, on 23 December 2022 the Stop Tip-overs of Unstable, Risky Dressers on Youth (STURDY) Act became law in the United States of America. The Sturdy Act only applies to clothing storage furniture and will require the US CPSC to adopt an updated version of the ASTM International F2057 voluntary standard as a mandatory safety rule, if the US CPSC considers it meets the performance requirements outlined in the STURDY Act. The revised ASTM standard is anticipated to be released in late February, to then be considered by the US CPSC. The American furniture industry is generally more supportive of the Sturdy Act (and ASTM standard) than the standard drafted by the US CPSC, which was opposed due to its complexity and stability rating system.

³⁴ US CPSC newsroom, 19 October 2022: <https://www.cpsc.gov/Newsroom/News-Releases/2023/CPSC-Approves-New-Federal-Safety-Standard-for-Dressers-and-Other-Clothing-Storage-Units-Rule-Aims-to-Reduce-Injuries-and-Deaths-Associated-with-Tip-Overs>

7 What has informed the options?

7.1 Current safety standards

There are a number of Australian and international standards covering the design and testing of storage furniture. Voluntary standards set out recommended specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform as intended. Businesses may choose to comply with voluntary standards but are not required to do so. The variability of standards, as well as the voluntary uptake, can make it difficult and confusing for consumers to assess product safety.

Throughout consultation and research, it became evident the current voluntary standards are not adequate to be adopted as a mandatory standard.

The American (ASTM F2057-19) and Australian standards (AS/NZS 4935:2009) which relate to furniture stability are currently under review, and it is likely the test requirements they currently prescribe for stability will change. These reviews are expected to take between 18 and 36 months to complete. If an Australian mandatory safety standard based on these voluntary standards is developed now, it would shortly become obsolete when those voluntary standards are updated.

Other international standards cannot be usefully referenced because they only outline test protocols and do not establish minimum stability requirements.

The US CPSC safety standard for clothing storage units, once implemented, may provide an appropriate benchmark from which to model a mandatory Australian standard in relation to clothing storage furniture. However, this standard does not include all categories of furniture that the ACCC is concerned about so would need to be assessed and adapted for Australia.

7.2 Furniture stability testing

Furntech advised they are rarely commissioned to test domestic storage furniture to the voluntary Australian standard (AS/NZS 4935:2009). Since 2009 Furntech has only been commissioned to test products under the voluntary standards on behalf of the ACCC (in relation to developing this standard) and one other entity. Based on this experience, Furntech estimated that approximately 75% of furniture available on the market (relevant to this recommendation) would not meet stability requirements specified by the voluntary Australian standard.

To better understand the current safety environment for furniture in Australia, the ACCC commissioned testing of chests of drawers, free-standing wardrobes and shelves. Products were selected to provide a sample of the current market. Particular attention was given to popularity due to price point or style, and items that are more likely to be in a child's bedroom.

Furntech tested the sample items against relevant industry standards (including the approach proposed by the US CPSC³⁶). Test results indicate most items (approximately 70%) would not pass current stability tests.

The ACCC considers that the high failure rate and lack of testing consistency could result in disruption and confusion for industry, and reduced choice for consumers, if these requirements were mandated in their current form.

³⁶ This is a proposed standard and is not currently in force. Bookcases were out of scope for tests to this standard, as the standard prescribes testing limited to clothing storage units.

8 What are the regulatory options?

8.1 Regulatory options under the ACL

Under the ACL, the responsible Commonwealth Minister has a number of regulatory options to help prevent or reduce the risk of injury associated with storage furniture, including:

- a mandatory safety standard under section 104 of the ACL requiring storage furniture to meet minimum stability requirements, have anchor kits integrated into the design or be supplied with products, and provide warnings and safety information on the product, packaging and in assembly instructions.
- a mandatory information standard made under section 134 of the ACL requiring the provision of warnings and safety information be provided on the product, packaging and in assembly instructions (instore and online).
- a safety warning notice made under sections 129 and 130 of the ACL to inform consumers and suppliers that toppling furniture when used in reasonably foreseeable ways may injure someone directly, warning of possible risks.
- interim and permanent bans under section 109 and section 114 of the ACL.
- a compulsory recall notice under section 122 of the ACL can be issued where a certain type of product poses a safety risk and voluntary recall action is not effective.

Given the enduring trend of toppling furniture injuries and deaths, the ACCC has decided to focus on pre-emptive risk mitigation strategies (mandatory standards) rather than reactive options such as warning notices, bans or recalls to better address the problem.

8.2 Assessing the regulatory options

At this time, ACCC is of the view that a mandatory information standard (Option 2) is the most effective, practical and timely option to reduce the risk of injury and death caused by toppling furniture.

Stakeholder responses have informed the preferred option, having regard to both quantitative and qualitative considerations including the cost to industry and effectiveness at preventing or reducing the risk of injury and death.

Benefits and costs for each option were also considered, noting they contain a degree of uncertainty. There is limited specific market information available, so cost-benefit calculations were based on various assumptions.³⁷

The requirements in each option would apply to any entity (including manufacturers, importers, distributors and retailers) who offers to supply storage furniture:

Proposed category 1 furniture:

- freestanding clothing storage furniture such as chest of drawers, dressers, bureaus, and wardrobes, with a height above 500mm
- freestanding bookcases and bookcases with a height above 600mm

Proposed category 2 furniture:

- entertainment units of any height typically used for housing a television, home theatre system or gaming consoles

³⁷ See Attachment B

Proposed category 3 furniture:

- hall tables, display cabinets, buffets, sideboards with a height above 500mm

The furniture selected for inclusion in the mandatory information standard aligns with death and injury data. Height references align with AS/NZS 4935:2009, noting this is a voluntary standard that manufacturers and suppliers may already be familiar with. No minimum height is specified for entertainment units due to the additional risk of toppling posed by having televisions placed on top of them.

8.3 Option 1: Status quo

No regulatory response and continued reliance on voluntary self-regulation to address the risks associated with toppling furniture.

Retailers, manufacturers and importers would still need to comply with relevant provisions of the ACL, including the consumer guarantees that require goods to be of acceptable quality, fit for purpose and free from defects. Storage furniture supplied in Australia would not have to meet any additional safety requirements.

Under the status quo, industry safety initiatives may be adopted on a voluntary basis by suppliers, including recommendations set out in the National Retailers Association guide, consumer education and awareness raising activities and voluntary compliance with national and international standards.

8.4 Option 2: Mandatory information standard (recommended)

Section 134 of the ACL allows the Commonwealth Minister to make a mandatory information standard. Mandatory information standards ensure that consumers are provided with important information about a product to assist them in making a purchasing decision.

A mandatory information standard would require the inclusion of safety information about the hazards associated with furniture tip overs and how to reduce the likelihood of a tip over incident by:

- affixing a permanent **warning label** to the furniture
- providing **safety information** in the manual and/or assembly instructions highlighting the risk of toppling and the importance of anchoring; and
- providing **warnings** about toppling hazards **in-store** (e.g., 'hang tag' or 'placard') and **online**.

Option 2 proposes the introduction of a mandatory information standard to warn consumers about the safety risks associated with furniture tip overs before, during and after purchase.

A mandatory information standard differs from a safety standard in that it can mandate the content, manner and form of the information that consumers are provided with to assist them in making an informed purchasing decision. For example, an information standard could require manufacturers to supply safety information with the product, and retailers to provide information instore and online. In contrast, a safety standard would only require information to accompany the product.

8.4.1 Warning label and safety information to accompany the product

Option 2 requires new storage furniture to be supplied with:

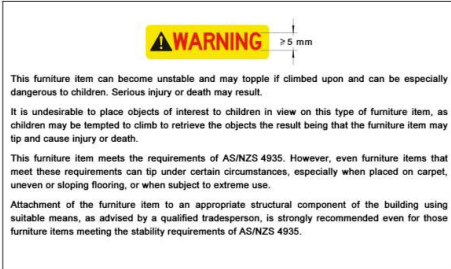

- an affixed permanent and durable warning label that will last the lifetime of the product during normal use; and

- safety information in assembly instructions or manuals highlighting the safety risks of furniture tip overs, prevention measures and correct installation of anchoring devices to different surface types
- Warning information relevant to the risks of that furniture (i.e., category 1 and 3 furniture labels will provide information specific to the severity and risk posed by that type of furniture. This will vary from category 2 furniture labels which will consider the specific risks of entertainment units.)

Safety information in assembly instructions or manuals must have text that is larger than non-safety related information (8-point type or larger), and stand out from the background, i.e., black text on white background. It must also be accessible to consumers regardless of English literacy levels, i.e., using pictograms and clear safety symbols. The mandatory information standard will prescribe information to be provided that is specific to the risk profile of the furniture.

There are currently voluntary standards which include requirements for warning and safety information to be provided with furniture. The ACCC has considered these standards and believes the recommended mandatory information standard will go further to educate and protect consumers.

Table 4 – Voluntary standards that require warning labels

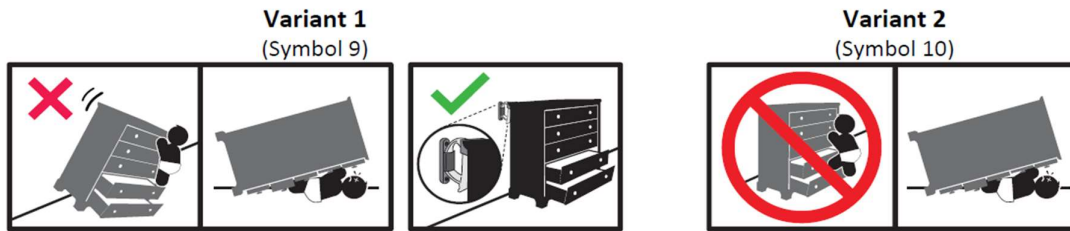
Standard	Requirement	Labels
<p>AS/NZS 4935:2009</p>	<p>Warning labels must be on particular locations on the furniture and on instruction sheets supplied with the furniture. There are different warning labels for furniture that passes the stability requirements. There is a requirement for swing tags for furniture tested compliant with the standard.</p>	 <p>The image shows a yellow warning label with a black triangle and the word 'WARNING' in red. To the right of the label is a vertical dimension line indicating a height of > 5 mm. Below the label is a block of text: 'This furniture item can become unstable and may topple if climbed upon and can be especially dangerous to children. Serious injury or death may result. It is undesirable to place objects of interest to children in view on this type of furniture item, as children may be tempted to climb to retrieve the objects the result being that the furniture item may tip and cause injury or death. This furniture item meets the requirements of AS/NZS 4935. However, even furniture items that meet these requirements can tip under certain circumstances, especially when placed on carpet, uneven or sloping flooring, or when subject to extreme use. Attachment of the furniture item to an appropriate structural component of the building using suitable means, as advised by a qualified tradesperson, is strongly recommended even for those furniture items meeting the stability requirements of AS/NZS 4935.'</p>
<p>ASTM F2057-19</p>	<p>Warning labels must be permanent and should state tip over restraints should always be installed.</p> <p>Requires a pictogram that portrays the danger but not the prevention.</p>	 <p>The image shows a permanent warning label with an orange header and a black border. The header contains the word 'WARNING' in white on a black background. Below the header is a pictogram of a child climbing on a piece of furniture, with a red circle and slash over it. To the right of the pictogram is a block of text: 'Children have died from furniture tipover. To reduce the risk of furniture tipover: • ALWAYS install tipover restraint provided. • Replace with attachment addressing TV use. • NEVER allow children to stand, climb or hang on drawers, doors, or shelves. • NEVER open more than one drawer at a time. • Place heaviest items in the lowest drawers. This is a permanent label. Do not remove!'</p>

US CPSC research indicates a warning label with a pictogram that clearly shows the danger and how to prevent it is the most comprehensible to consumers.³⁸

Some examples of pictograms used in the US CPSC research are below. Variant 1 was the most comprehensible, with participants correctly identifying the hazard and perceiving that attaching furniture to the wall was recommended to prevent tip-over. It was less clear that children should be prohibited from climbing furniture regardless of whether it was anchored.

³⁸ Consumer Product Safety Commission, *Warning Label Safety Symbol Research – Final Report with CPSC Staff Statement*. December 14, 2021. Available at: <https://www.cpsc.gov/content/CPSC-Warning-Label-Safety-Symbol-Research-Final-Report-with-CPSC-Staff-Statement>

The use of the green tick and red cross and the lines depicting motion were helpful indicators.



8.4.2 Compliant warning label and safety information example

The ACCC proposes to require a warning label and safety information that has similar content and form to the American Standard (ASTM F2057-19) and pictograms similar to Variant 1 above. Additional information on how to secure the furniture using the anchoring device will be required in the assembly instructions.

Example of compliant warning label (not to scale):



Compliant with Category 1 & 3



Compliant with Category 2

8.4.3 Providing warnings online

Online retailers will be required to provide information online on the listing page and/or at the checkout. The warning will be required to include:

- a warning that toppling furniture can result in serious injury or death
- how to prevent furniture toppling, such as not placing a television on top, or by anchoring

- where to go to get further information (e.g. online, supplied with the product).

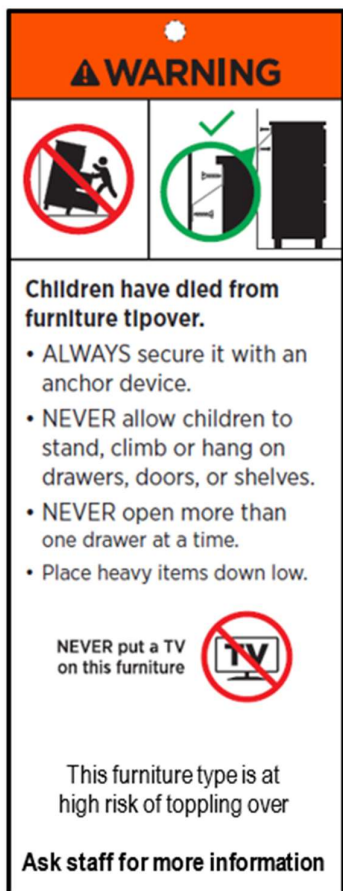
8.4.4 Providing warnings in-store

The mandatory information standard will require retailers to provide warning information in store, including a hang tag attached to display furniture or a placard located in the vicinity where furniture is displayed. Both are required to include:

- a warning that toppling furniture can result in serious injury or death
- how to prevent furniture toppling, such as not placing a television on top, or by anchoring
- where to go to get further information (e.g. online, talk to staff).

8.4.5 Compliant hang tag example

An example of compliant hang tag (not to scale):



Compliant with Category 1 & 3



Compliant with Category 2

The exemplar is clearly legible and communicates the risks of the product to consumers, the importance of anchoring the product and advice on how to find further information. They include visual and written information to ensure broad understanding of the risks.

8.5 Option 3: Mandatory safety standard – warnings, anchors and stability

Section 104 of the ACL allows the commonwealth minister to make a mandatory safety standard which sets out requirements that consumer goods must meet before they are supplied. They are introduced when considered reasonably necessary to prevent or reduce the risk of injury to a person.

A mandatory safety standard would require furniture items to:

- have a suitable **anchoring device** integrated into the design or supplied with the product
- meet **minimum stability requirements**

8.5.1 Anchoring device

This option requires storage furniture to have a suitably designed and tested anchor device integrated into the design or supplied with the furniture.

There are 3 voluntary standards providing performance requirements for anchoring devices (see Table 5 below). Only the ISO 7170:2021 and EN16122:2012 standards include tests to assess the strength of anchors when mounted to a wall and attached to the unit. The purpose of these tests is to assess the strength of the anchor to ensure it does not become detached from the structure or furniture it is attached to, and the furniture does not topple when it is anchored.

The ACCC's view is that anchors should be fit for purpose and unable to be easily removed or become detached while under tension. Tests set out in ISO 7170:2021 and EN16122:2012 standards would satisfy this requirement.

Table 5 – Voluntary standard requirements for anchoring

Standard	Requirements
ASTM F2057-19	Tip over restraints should be included with each item of furniture. It should meet the requirements F3096-14, the Standard Performance Specification for Tip over Restraints Used with Clothing Storage Units.
EN16122:2012	Includes tests to assess strength of anchored devices when mounted to the building or structure and when attached to the unit. The unit should remain attached to pass the test.
ISO 7170:2021	Similar tests to the EN16122:2012 with an additional specific test for anchor devices. Units are to be anchored then tested to determine if it overturns.

8.5.2 Stability requirement

Option 3 would require storage furniture to meet minimum stability requirements when tested in accordance with a standard listed in Table 6. If the product did not pass the test, it would not be able to be sold in Australia.

Manufacturers can improve stability several ways, including but not limited to:

- counterweights
- retractable stabilising feet
- anti-rebound mechanisms for drawers
- anti-tilt devices and mechanisms to prevent multiple drawers being opened at once.

Many voluntary standards have testing methods and performance benchmarks for stability when tested with open drawers or doors (chests of drawers, wardrobes) and bookcases loaded with weights to simulate the forces generated when a child interacts with the furniture when empty.

Table 6: Voluntary standard requirements for stability testing

Standard	Requirement	Testing weights
AS/NZS 4935:2009	Unloaded and loaded tests, with tests specific for chests of drawers and wardrobes, and bookcases/ bookshelves.	≤5 years and 11 months, within 95th percentile stature and body mass conducted while the unit is empty.
ASTM F2057-19	Unloaded and loaded for in-scope furniture.	Weight tested to children ≤5 years of age conducted while the unit is empty.
EN16122:2012	Loaded and unloaded tests, with doors and drawers opened and closed, with weights applied.	Specified masses of 1.7kg and 2.5kg but standard does not mention age. Note these weights are equivalent to or less than a newborn baby, not the weight of children expected to be climbing furniture.
ISO 7170:2021	Loaded and unloaded tests, including separate tests for TV-furniture, furniture with castors, and furniture supplied with anchoring kits.	Dependent on the furniture item being tested (e.g. height and volume of the drawers). Standard does not mention what age the forces/weights correlate to. Does not measure whether a unit passes or fails.
EN14749:2016	Loaded and unloaded tests, including additional tests for storage furniture >1000 mm height, and TV furniture.	Not specified.

The ISO 7170:2021 and EN14749:2016 only outline test protocols and do not establish minimum stability requirements. The ACCC understands the Australian Standard (AS/NZS 4935:2009) and the American Standard (ASTM F2057-19) are currently being reviewed. As such, none of the current voluntary standards has stability requirements that could be adopted in a mandatory standard.

8.6 Option 4: A mandatory safety standard and a mandatory information standard

Combine options 2 and 3

Safety standard

- a permanent **warning label** affixed to the furniture and **safety information** highlighting the risks of furniture tip overs included in assembly instructions
- a suitable **anchoring device** integrated into the design or supplied with the product
- meet minimum **stability requirements**

Information standard

- retailers to provide warnings and safety information about toppling hazards **in-store** (e.g., 'hang tag' or 'placard') and **online**.

The combination of options 2 and 3 would deliver all the benefits and limitations associated with the provision of warnings and safety information, an anchoring device and stability testing.

9 Costs and benefits of regulatory intervention

The cost-benefit analysis indicates the cost of intervention relative to outcomes in terms of injuries and fatalities prevented and suggests there is a net benefit associated with any of the proposed regulatory options. A safety standard would be viable in future according to this analysis.

Due to the nature of the policy problem, there are a number of limitations to the analysis of costs and benefits.

- There is no comparable intervention to indicate the relevant efficacy of mandatory information or safety standards to reduce deaths and injuries caused by toppling furniture. The effectiveness of comparable legislation implemented in another jurisdiction would provide a benchmark from which likely outcomes could be predicted.
- There is a lack of information regarding the number of affected households, furniture items available for sale in Australia and the potential number of businesses likely to be affected by the regulatory intervention. This information would enable the development of a more robust cost benefit analysis.

As a result of the data limitations, the cost-benefit analysis relies on certain assumptions, including the number of households in Australia with children under 5 years of age, the number of in-scope furniture items in each household, the frequency of replacement and the reduction of deaths and injuries as a result of intervention.

The cost-benefit analysis has assumed benefit from intervention broadly, but does not differentiate by the type of intervention, whether that be stability requirements, anchoring or the provision of information. As such, the cost-benefit analysis suggests that all options are viable but does not directly demonstrate the costs and benefits of recommended option.

9.1 Costs of compliance

The ACCC undertook a cost-benefit analysis incorporating a number of assumptions. The assumptions can be found in Attachment B.

To consider whether the benefit of regulation will outweigh the relative cost of compliance, the ACCC considered the estimated costs of compliance. Based on market research and quotes, the ACCC estimated the cost to comply with the labelling and safety information, stability and anchoring requirements as shown in Table 7.^{39,40}

Costs which relate to product model (testing, online warnings, point of sale warnings) can be divided by the number of individual items that are sold. For example, creating an online warning may have a substantial upfront cost, but would potentially cover thousands of sales. However, data is not available to determine the number of items subject to the proposed regulation or the number of businesses likely to be affected.

³⁹ The estimates are based on previous ACCC market research and a combination of retail and commercial printing quotes. The cost range for anchoring devices was sourced from major hardware retailers.

⁴⁰ Estimated costs to conduct expert and in-house stability testing were provided by Furntech AFRDI

Table 7: Estimated compliance costs

Permanent label	\$0.20 - \$1 per unit
Including warnings on product packaging	\$0.05 per unit
Including warnings in the instruction manuals	\$0.05 per unit
Providing anchoring devices	\$0.50 - \$2 per unit
Amend online materials to include warning message	Cost may vary from negligible to upwards of \$500
Print warning signs for point of sales	\$1.50 - \$3 per sign
Stability tests conducted in-house (initial cost)	\$300 - \$700 per model
Stability tests conducted by expert test lab	\$ 900 - \$1000 per model*

9.2 Benefits associated with regulation

The cost-benefit analysis establishes the benefit gained by all consumers from regulation, in the form of reduced deaths (an assumed 30% fewer deaths) and injuries (an assumed 50% fewer injuries), would be approximately \$0.60 per item of furniture (see Table 8).

Table 8: Benefit from regulation (all households)

	Status quo	After intervention	Change (Benefit)	Units
Deaths	1.5	1.05	0.45	deaths per year
Injuries	1000	500	500	injuries per year
Total cost	\$ 8,250,000	\$ 5,625,000	\$ 2,625,000	cost per year
New furniture (no.)	4,410,000	4,410,000	-	items acquired per year
Cost per item	\$ 1.87	\$ 1.28	\$ 0.60	\$/item

The cost-benefit analysis assumes that toppling furniture incidents primarily affect young children, with this demographic accounting for 80% of deaths and 50% of injuries. Consequently, there is greater benefit for households with young children. The cost-benefit analysis suggests that for these households the benefit gained from regulation would be approximately \$4.40 per item of furniture. For households without young children, the benefit is approximately 16 cents per item of furniture.

9.3 Sensitivity Analysis

The ACCC estimates about 1.5 deaths and about 1000 injuries per year at a cost of \$5 million per death and \$750 per injury. This is a total cost of \$8.25 million per annum with no intervention.

There are around 9,800,000 households in Australia. The ACCC estimates that each of these households has at least 1 chest of drawers, 1 free-standing wardrobe and 1 shelving unit, with between 1 and 2 of these items duplicated in the household and that around 10% is replaced per annum.

This equates to around 4,410,000 new items of furniture purchased each year. The total cost of injuries and deaths divided by the number of new furniture items is \$1.87 which represents the current cost of deaths and injuries per furniture item sold.

Table 9 considers the cost of intervention based on the assumptions outlined above linked to changes in injury and death resulting from regulation

Table 9: Sensitivity analysis (x divided by y = z)

Assumption	Injuries after intervention	Deaths after intervention	Total cost (x)	New furniture items (y)	Cost per item of furniture (z)	Change (benefit)
0% fewer deaths 5% fewer injuries	950	1.5	8,212,500	4,410,000	\$ 1.86	\$ 0.01
5% fewer deaths 10% fewer injuries	900	1.425	7,800,000	4,410,000	\$ 1.77	\$ 0.10
10% fewer deaths 15% fewer injuries	850	1.35	7,387,500	4,410,000	\$ 1.68	\$ 0.20
20% fewer deaths 30% fewer injuries	700	1.2	6,525,000	4,410,000	\$ 1.48	\$ 0.39
30% fewer deaths 50% fewer injuries	500	1.05	5,625,000	4,410,000	\$ 1.28	\$ 0.60
40% fewer deaths 70% fewer injuries	300	0.9	4,725,000	4,410,000	\$ 1.07	\$ 0.80

Table 10: Benefit from regulation (households with small children)

	Status quo	After intervention	Change (Benefit)	Units
Deaths	1.2	0.84	0.36	deaths per year
Injuries	500	250	250	injuries per year
Total cost	\$ 6,375,000	\$ 4,387,500	\$ 1,987,500	cost per year
New furniture (no.)	450,000	450,000	-	items acquired per year
Cost/furniture	\$ 14.17	\$ 9.75	\$ 4.42	\$/item

The benefit to be gained from regulation is likely to cover the cost of all regulatory options for which compliance costs have been calculated (see Table 7), including the cost of stability testing if the cost of testing was averaged across supplied units.

The cost of regulation is likely to be absorbed into the retail price of products and seems to be an affordable cost for consumers based on current calculations (approximately 60 cents per newly acquired item of furniture).

9.4 Maintaining the status quo

No additional regulatory costs would be imposed on manufacturers, distributors or retailers and no requirements would be placed on the supply of storage furniture if the status quo is maintained.

Manufacturers and retailers who have not already voluntarily adopted safer practices are not likely to do so, and more children and their families are likely to suffer significant harm or death due to toppling furniture incidents.

The ACCC assumes that maintaining the status quo (taking no action) will result in toppling furniture incidents continuing to occur at the current rate.

10 What is the best option?

10.1 Recommended option

The ACCC's view is that implementing a mandatory information standard (Option 2) is the best option. This view is informed by stakeholder submissions and subject matter experts and is supported by the regulatory cost-benefit analysis, which indicated that any of the proposed options would be viable and that the cost of Option 2 is considerably less than some of the other Options.

Many stakeholders considered additional safety information and warnings to be a beneficial measure, and that this is a wide-reaching option that can be implemented within a short timeframe. It can also work effectively with a range of complementary measures, including an education campaign led by the ACCC.

A mandatory information standard would not apply to second hand furniture.

We acknowledge some stakeholders supported the adoption of a combined mandatory information standard and safety standard that included stability requirements, anchoring devices or both. It is the ACCC's view there are currently no feasible domestic or international stability standards to inform a mandatory safety standard and as such, the ACCC considers this is currently not a practical option.

The ACCC recognises a mandatory safety standard prescribing anchoring requirements may be beneficial but considers there are shortcomings associated with this option, including:

- anchoring relies on consumers correctly anchoring the product, which may not occur for a variety of reasons (i.e. no technical capacity or no landlord approval)
- anchoring would be more effective if introduced simultaneously with stability requirements.

Acknowledging the potential for both stability and anchoring requirements to improve safety outcomes, the ACCC considers a phased regulatory approach may be appropriate. A mandatory information standard can be introduced first and the possibility of stability and anchoring requirements could be re-assessed once implementation of the mandatory information standard is evaluated, and voluntary Australian and international standards are further progressed.

10.2 Complementary measures

The ACCC considers additional risk mitigation measures should be taken and will undertake an education campaign to raise consumer awareness. The ACCC will continue to engage with consumer advocacy groups to promote safety awareness messaging, particularly targeting parents and carers of young children.

The ACCC will also engage with industry partners to support consumers with practical guidance on how to safely install products. The ACCC recognises the utility of targeted messaging to influence consumer behaviour and acknowledges this education will be an ongoing project.

The ACCC will explore opportunities to engage with sellers of second-hand furniture. These entities will not be subject to the mandatory information standard but still have customers that would benefit from education and resources.

The ACCC will continue to advocate for legislative changes to allow renters to install anchor devices in states where this is not yet permitted.

10.3 Benefits of a mandatory information standard

A mandatory information standard is expected to influence consumer behaviour. Providing multiple warnings and consistent product safety information at the point of sale (instore and online) will inform consumers about the risk and type of furniture prone to toppling.

A mandatory information standard will also serve to promote the use of anchors. While not a proxy for a safety standard, it is anticipated repeated and consistent exposure to anchoring recommendations will increase consumer awareness and use of anchor devices.

Accessibility of information was highlighted in stakeholder submissions. The mandatory information standard supports universal understanding by endorsing standardised graphics-based safety labels and plain English warnings. These pictograms clearly communicate the risks of children climbing on the furniture and promote the use of anchor devices.

The mandatory information standard will also provide benefit during the lifespan of the product through affixed permanent warning labels. The mandatory information standard requires labels be positioned where they will be visible when the product is empty (for example on the inside of a door or drawer). This will have the additional benefit of educating consumers who acquire the product second-hand. However, it is not proposed that the requirements in the mandatory information standard will apply to second-hand products as it would be impractical to implement or enforce. The ACCC intends to support second-hand consumers and retailers with information and education.

Of the options recommended in the Consultation RIS, stakeholders were generally of the view that a mandatory information standard would be the most time-efficient option to implement. It is expected to take up to 12 months for manufacturers and retailers to comply with a mandatory information standard.

10.4 Issues with introducing a stability requirement

Safety by design is product safety best practice. Regarding storage furniture, the ACCC considers a stability requirement has potential to improve consumer safety. However, it became evident during the research and consultation that there is not currently a suitable voluntary standard that may be considered for mandatory adoption. It is not feasible for the ACCC to develop a bespoke safety standard at this time, as it risks duplication and/or inconsistency with the Australian and US standards currently under review.

The ACCC is also aware there is only one suitable testing facility based in Australia in Launceston, Tasmania. While multinational manufacturers and retailers may have access to international testing facilities, local manufacturers may face prohibitive costs in accessing international testing facilities if there is a lack of domestic testing capacity.

Stability testing commissioned by the ACCC indicates that approximately 70% of products tested fail the stability testing threshold set out in the current voluntary standards. As such, if one of these standards were adopted it would likely cause market disruption in establishing compliance. This may reduce consumer choice and affordability and cause negative economic impacts to retailers and suppliers.

There is some risk in implementing a safety standard specific to the Australian market. Stakeholders indicated multinational retailers may not have the appetite or capacity to tailor furniture specifically for the relatively small Australian market. Consequently, it would be preferable to establish a mandatory standard that aligned with relevant international standards where appropriate. Further, any requirement for product redesign could take years to be fully implemented, due to current constraints in the global supply chain.

10.5 Issues with introducing an anchoring device

The proposed mandatory information standard strongly encourages the use of anchoring devices but does not mandate their use or inclusion with a product. While furniture anchors can be an effective tool to prevent tip-overs, they are not practically an option for all consumers.

Consumers may not have the technical knowledge or ability to correctly install an anchor device. To be effective, the anchor device must be attached to the furniture and a wall. This requires the installer to locate and install the anchor in a wooden stud, or otherwise use specialised tools and hardware to anchor in a masonry wall. Consumers may need to engage a tradesperson, which may not be affordable (particularly for vulnerable low socio-economic households). Anchors that are installed incorrectly may promote a false sense of security without mitigating risks to consumers.

Renters in some states may also face barriers in installing anchoring devices, where permission is not granted by the landlord. The ACCC notes there has been positive legislative change in some states to enable renters to make minor modifications to their home without requiring permission from the landlord. However, these rights are not yet nationally consistent, potentially compounding safety inequality.

There is also some concern that many anchoring devices supplied with products would be immediately disposed of, particularly in residences without young children. When the scale of the storage furniture market is considered, this could contribute to waste.

Developing and introducing any anchoring requirements would likely require significant technical expertise and would be more effective if introduced in tandem with mandatory stability requirements. The ACCC may consider a safety standard incorporating stability requirements in the future, which could also include anchoring requirements to maximise regulatory impact.

11 How will the ACCC implement and evaluate the chosen option?

11.1 Implementation and review

Under section 134 of the ACL, the commonwealth minister has the power to make or declare a mandatory information standard for a consumer product or product-related service. These standards apply nationally.

The ACCC is required to notify the World Trade Organisation (WTO) of any mandatory standards or technical regulations that may have a significant impact on trade as part of a notification process. Once the instrument has been drafted, the ACCC must notify the WTO and publish an exposure draft of the standard for a 60-day consultation period, consistent with WTO requirements.

Product safety regulation in Australia is a shared responsibility and is enforced by the ACCC and state and territory consumer protection agencies. Per clause 34 of the *Intergovernmental Agreement for the Australian Consumer Law* the Commonwealth Minister is also required to consult with relevant state and territory Ministers before a mandatory information standard is implemented. This will include a 90-day consultation period, as well as an additional 35-day period in which a decision must be made.

A mandatory information standard may be subject to the Trans-Tasman Mutual Recognition agreement between Australian and New Zealand. A mandatory information standard will also be subject to decision process between Commonwealth and state and territory governments, per the Intergovernmental Agreement for Consumer Law.

11.1.1 Transition period

The ACCC considers that any new mandatory information standard to address issues associated with toppling furniture should be subject to a 12-month transition.

This transition period would allow industry to implement any design changes to products and packaging. This staged transition period will also provide time for industry to deplete or modify non-compliant stock. It also accounts for residual delays in the supply chain resultant from the COVID-19 pandemic.

This transition period is considered appropriate given the broad range of consumer goods likely to be affected. It was also considered reasonable by most stakeholders.

Once implemented, the ACCC will monitor compliance with the mandatory information standard. Under section 136 of the ACL, pecuniary penalties may apply for the supply of goods that do not comply with mandatory standards.

11.1.2 Review of standard

The ACCC considers that a formal review of the operation of any new mandatory information standard should be conducted 5 years from the date of commencement. Any review should consider levels of compliance with mandatory standards, consumer awareness about the risk of death and injury, and the prevalence of injuries and deaths caused by toppling furniture.

- Compliance with mandatory standards: The ACCC will monitor industry compliance with the mandatory information standard through complaints to the ACCC and industry engagement. The ACCC will take enforcement action where appropriate. The ACCC considers that observed levels of industry compliance and limited reports of non-compliance to the ACCC will in part demonstrate effectiveness.

- Levels of consumer awareness: The ACCC notes the information provided by CHOICE that only 45% of survey respondents recalled being provided with information about the toppling hazard when purchasing furniture. Following the implementation of the mandatory information standard, the ACCC considers that a successful outcome would be a consumer awareness level of at least 90% (in a survey with similar parameters). As all suppliers of in-scope furniture would be required to implement instore/point-of-sale signage, this metric is considered feasible.
- Further, the ACCC will seek to understand the level of consumer awareness of toppling furniture hazards and appropriate risk mitigation, by facilitating its own survey prior to the implementation of the mandatory information standard, and then at intervals following the commencement. Over the 5 years from the commencement, the ACCC considers that a 50% improvement in overall consumer awareness would be a successful outcome of the intervention.
- Injuries and deaths: Ultimately, any reduction in death or injuries is an indicator of success. Ideally, a measure of success is no injuries or fatalities, however the ACCC considers that a more realistic aim of this intervention is a 30% reduction in deaths and a 50% reduction in injuries. This information can be extrapolated from hospital and coronial data following the implementation of the mandatory information standard.

Improved consumer awareness, including through the engagement and reach of any education campaigns, will also demonstrate success.

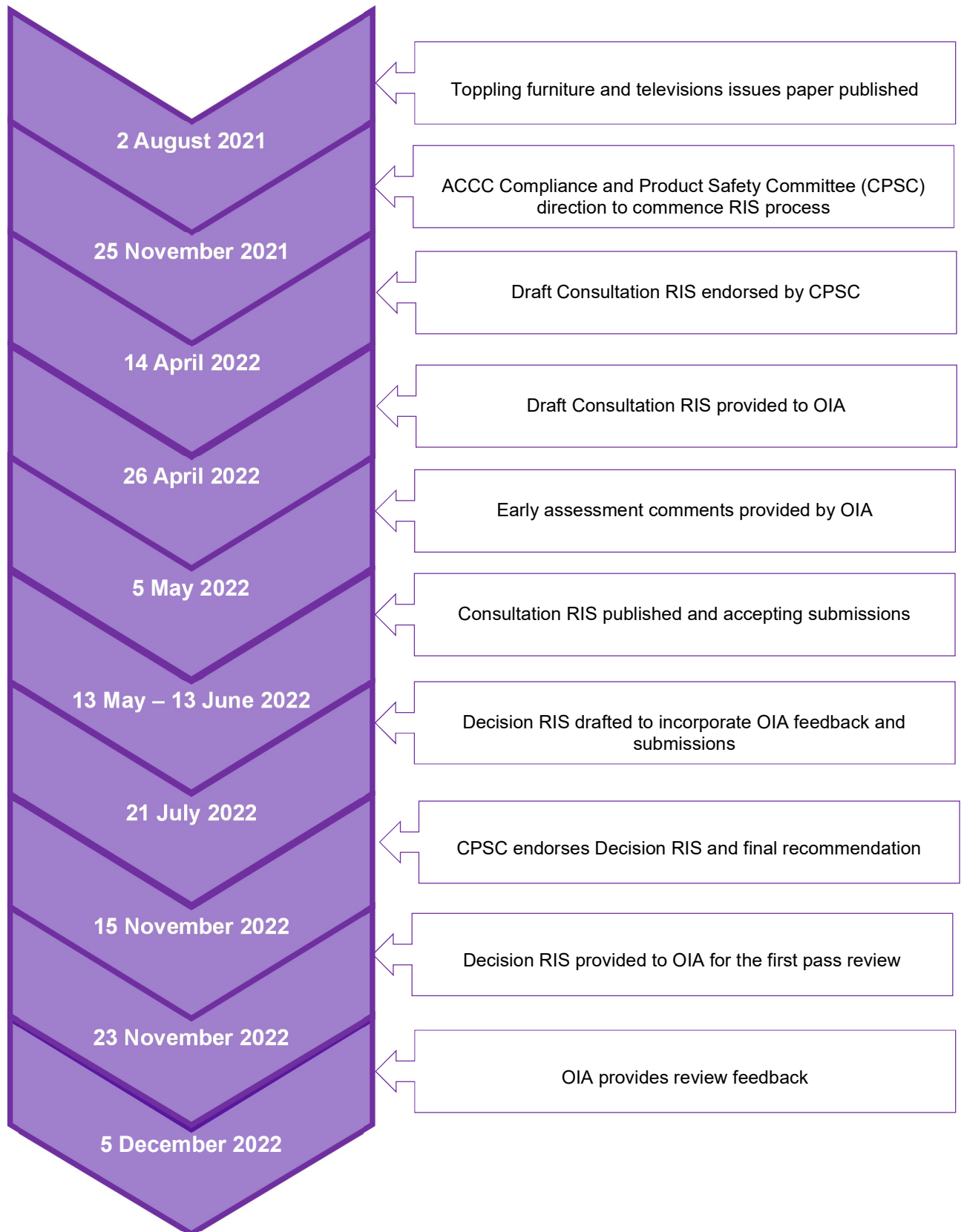
It may also be appropriate to reconsider a mandatory safety standard following the publication of any relevant new or revised furniture stability standard. This should be weighed against the efficacy of the mandatory information standard. The future adoption of any safety standard will require an additional consultation process and consideration of any revised safety standards published by standards development organisations.

11.1.3 Administrative guidance

If a mandatory information standard is introduced, the ACCC intends to engage with industry to provide administrative guidance and further clarity on the application of the requirements and best practice recommendations.

To assist suppliers to comply with the mandatory information standard, the ACCC will provide resources such as example warning labels and graphics. This should remove barriers to compliance that might face smaller suppliers who do not have inhouse resources or design capacity.

Appendix A : Major milestones



Attachment A: 2021 Issues Paper and Consultation RIS stakeholder list

Stakeholder	Description
Consumer Advocates	
CHOICE	Independent and member-funded Australian consumer advocacy group.
Kidsafe Australia	Independent not-for-profit dedicated to the prevention of unintentional death and serious injury to children.
Red Nose Australia	National charity working to save lives and support families impacted by the death of a baby or child
Bolt it Back for Reef	Grassroots advocacy group started by the family of Reef Kite
Regulators	
Australian Small Business and Family Enterprise Ombudsman	Government advocate for small businesses and family enterprises
Consumer Affairs Agency Japan	Japanese government regulator for consumer rights.
Consumer Protection Western Australia	State government agency promoting fair trading and consumer protection
NSW Fair Trading	State regulator for fair trading and consumer protection. Division of the Department of Customer Service
Office of Product Safety & Standards UK	UK government regulator for product safety and standards
Queensland Family and Child Commission	Queensland's child protection system regulator
Queensland Office of Fair Trading	State regulator for consumer protection
Superintendence of Industry and Commerce Columbia	Colombian competition and consumer authority
Wellbeing SA	A state government agency leading a renewed focus on prevention and supporting the physical, mental and social wellbeing of all South Australians
Industry Associations	
Australasian Furniture Association	Peak Australian industry association for the furniture sector supply chain

Australian Cabinet and Furniture Association	Peak Australian association representing the interests of the furnishing, cabinet making, kitchen and joinery industries
Australian Retailers Association	Not-for-profit organisation representing the interests of retailers across Australia
Compliance Wise Consulting	Consulting business who specialises in consumer product safety and compliance
Consumer Electronics Suppliers Association	Industry association representing suppliers of a wide range of consumer appliances in the Australian and New Zealand market
Consumers Federation of Australia	The peak body for consumer organisations in Australia
Juvenile Products Manufacturers Association (US)	North American industry association for baby and children's products
National Retail Association	Not-for-profit organisation representing the interests of retailers across Australia
Technical Experts	
Furntech-AFRDI	Independent not-for-profit technical organisation providing standards, testing, product certification and research for buyers and sellers of furniture
CertAssure	CertAssure provides certification and assurance services for domestic and commercial products
Shaun McGrath	Former Risk and Compliance advisor within the retailer and supplier network
Standards Australia	Independent, non-governmental, not-for-profit standards organisation
UL LLC	US-based global safety certification company that provides safety, research and commercial services
Medical Industry	
Australian Medical Association	The peak professional body for doctors in Australia
Australian Paediatric Surveillance Unit	National resource facilitating active surveillance of uncommon childhood diseases, complications of common diseases or adverse effects of treatment
Children's Health Queensland	A specialist statewide hospital and health service dedicated to providing the best possible family-centred health care for every child and young person in Queensland
Health Canada	Federal institution responsible for helping Canadians maintain and improve their health

Royal Australasian College of Surgeons	Not-for-profit representing the interests of surgeons in Australia and New Zealand. Advocate for surgical standards, professionalism, and surgical education.
Sydney Children's Hospitals Network	Paediatric health care partnership aiming to improve the health and wellbeing of children through clinical care, research, education and advocacy
Manufacturers/Retailers	
Canohm Australia	Australian importer and distributor of audio equipment specialising in mounting solutions
Carjo Furniture	Small Melbourne furniture manufacturer and wholesaler
eBay (AUS/NZ)	A multinational e-commerce company
Herman Miller	US-based furniture manufacturer for residential and commercial buildings
IKEA	World's largest furniture retailer selling ready-to-assemble furniture, kitchen appliances and home accessories, among other goods and home services
Infa Group	A family and Australian owned company with over 65 years of experience in juvenile products
Kmart Australia	Australian-based chain of affordable retail stores selling consumer goods such as homeware, apparel, toys and furniture
Mabarrak Furniture Factory	Adelaide based furniture manufacturer and retailer
Planex	Australian-owned furniture designer and manufacturer specialising in storage furniture mainly for office buildings
TEMPO	Australian owned supplier to the Consumer Electronics and Home Appliance global marketplace

Attachment B: Cost benefit analysis - assumptions

The following assumptions have been made in relation to the cost-benefit analysis. The basis for these assumptions is detailed below.

Inputs to analysis	Number	Source	Comments
Australian households (no.)	9,800,000	AIHW, 2022 ; ABS Census, 2021	
Households with young children (no.)	1,000,000	ABS Census, 2021 ; ABS Births, 2021	<p>It is known there are 2.5 million Australian households with children aged under 15. Assuming children's age is evenly distributed, approximately 800,000 households would have children aged under 5. We do not know whether age groups are evenly distributed across households and have rounded up to 1 million to accommodate this uncertainty.</p> <p>It is known there are about 300,000 births in Australia per year. We can therefore assume there is approximately 1.5 million children aged under 5 in Australia. Some households would be expected to have multiple children aged under 5.</p>
Share of households with young children	10.2%	-	Obtained by dividing households with young children (no.) by Australian households (no.)
At-risk furniture per household (no.)	4.5	Assumption	Assumes every household has at least 1 chest of drawers, 1 free-standing wardrobe and 1 shelving unit, with between 1 and 2 of these items duplicated in the household
Existing furniture exchanged for new furniture by households per year (%)	10%	Assumption	Assumes that nationwide, Australian households will replace 10% of their existing furniture with new furniture each year

Inputs to analysis	Number	Source	Comments
Deaths per year (status quo) (no.)	1.5	Consultation paper (ATTM B, Table 9)	The projected 14 deaths over the next decade has been rounded up to 15. Divided by 10 to give an annual estimate provides 1.5 deaths per year (or 3 deaths every 2 years)
Injuries per year (status quo) (no.)	1,000	Consultation paper (ATTM B, Table 8)	The projected 9,835 injuries over the next decade has been rounded up to 10,000. Divided by 10 provides 1,000 injuries per year
Cost per death (\$)	\$5,000,000	Consultation paper (ATTM B)	“The Office of Impact Analysis estimates the value of statistical life (VSL) at \$5.1m”. This has been rounded down to \$5m for simplicity
Cost per injury (\$)	\$750	Consultation paper (ATTM B, Table 8)	The estimated cost of each injury, calculated at \$731.98 (obtained by dividing the ten-year estimated cost of ED presentation, \$7,199,038 by the ten-year forecast injuries, 9,835), has been rounded up to \$750 for simplicity
Reduction in deaths following intervention (%)	30%	Assumption	Assumes that as awareness of the hazard increases, consumers may take measures to reduce the rate of incidents
Reduction in injuries following intervention (%)	50%	Assumption	Assumes that as awareness of the hazard increases, consumers may take measures to reduce the rate of incidents
Children’s share of deaths	80%	Assumption	Assumes children are more susceptible to fatality if there is a furniture tip-over event
Children’s share of injuries	50%	Assumption	Assumes injuries are equally likely for children and adults if there is a furniture tip-over event