



Unsafe products complaints guide

You can lodge a complaint about unsafe products with the Department of Commerce, the government agency that regulates product safety in Western Australia.

Australian consumers are protected by the Australian Consumer Law (ACL) a single national consumer law that ensures fair trading.

Product Safety Unit

To lodge a consumer complaint about unsafe products in Western Australia, contact the Consumer Protection Advice Line on 1300 30 40 54 and ask for a complaint form.

The Product Safety Unit of the Consumer Protection Division investigates and regulates the supply of unsafe products. The work of the unit is generally research-based and involves consultation with the Australian Competition and Consumer Commission, other State and Territory regulators, safety committees, consumer groups, scientific bodies and specialist government and private agencies.

The Product Safety Unit does not directly deal with matters relating to consumers' rights in areas such as refunds, replacement and customer dissatisfaction with goods. If you need help in these matters, the Department has teams that can advise, conciliate and investigate.

Banned, restricted, and regulated products

Under the ACL, Australian governments can regulate consumer goods and product related services by:

- issuing safety warning notices;
- banning products, either on an interim or permanent basis;
- imposing mandatory safety standards; or
- issuing a compulsory recall notice that requires suppliers to recall a product.

Some unsafe products, such as flammable candlestick holders, toy-like novelty cigarette lighters, sky lanterns and fire foot bags, have been banned from the marketplace.

Due to the potentially unsafe nature of other products, such as bunk beds, baby dummies and toys for children under three, the government has restricted their supply and imposed certain requirements on suppliers to make sure they are safe.

You can find out which products are banned, restricted, or regulated on the national website www.productsafety.gov.au or by calling the Consumer Protection Advice Line on 1300 30 40 54.

The Product Safety Unit check traders are complying with product safety laws and researches if new laws should be created to cover dangerous products.

How to lodge a complaint

If you think that you have been supplied a banned, restricted, or regulated product, which does not meet the legal requirements, or have serious concerns that a product you have purchased is highly unsafe, you may wish to lodge a complaint with the Product Safety Unit.

To lodge a complaint, ring the Consumer Protection Advice Line on 1300 30 40 54 and ask to speak to a Product Safety Inspector, or write to the following address:

Department of Commerce
Retail and Service Industries Branch -
Product Safety Unit
Locked Bag 14, Cloisters Square
Perth Western Australia 6850

What information we need

Provide as much information as possible about the product and why you think it might be unsafe. A Product Safety Inspector will ask for details about:

- the product, eg date purchased, brand name, model number;
- where you bought the product, eg supplier's name and address;
- any injuries suffered, eg nature of injury, medical treatment sought; and
- any contact you made with the supplier, eg date of subsequent contact, supplier's response.

If you have kept the product, a Product Safety Inspector may contact you to arrange collection for inspection purposes. It is best if you do not send the product directly to the Product Safety Unit without letting us know beforehand.

How we deal with your complaint

When the Product Safety Unit receives your complaint, it will be assessed and assigned to a Product Safety Inspector who will conduct inquiries. We will advise you in writing that we have received your

complaint, and a Product Safety Inspector will later contact you to discuss the matter further.

The Product Safety Inspector will commence a preliminary investigation within 10 calendar days of receipt of your complaint and may carry out a range of activities, such as:

- lodging your complaint on the Department's Database;
- searching for similar complaints throughout Australia;
- researching the product;
- testing products against regulatory requirements;
- liaising with retailers, distributors and manufacturers; or
- discussing matters with advisory bodies such as Standards Australia.

After the preliminary investigation, the Product Safety Unit will decide if further investigation is warranted. If the complaint file is closed at this point, we will write to let you know and why.

The Product Safety Unit may decide to investigate further if:

- there is sufficient evidence that a supplier has breached the product safety laws; or
- there is sufficient evidence that a product is very dangerous, and might need to be banned, restricted, or regulated.

The length of time for a full investigation depends upon the nature of the issues involved. You can be sure, however, that the Product Safety Inspector will stay in contact with you about the progress of the investigation.

After the full investigation is finished, the Product Safety Unit will decide the appropriate action to take. If the complaint file is closed at this point, we will also write to let you know and why.

What we can do

There are a range of actions the Product Safety Unit can take to educate product suppliers, enforce product safety laws, and deal with potentially dangerous products.

If an investigation reveals that a supplier's conduct is not appropriate, but the conduct does not warrant prosecution, an infringement notice or a written warning may be issued to that supplier explaining why their conduct is unacceptable, and what action to take to make sure these suppliers comply with product safety laws.

Alternatively the Product Safety Unit can, and does, prosecute traders who break the law. However, the decision to prosecute will only result after consideration of a number of factors, including the seriousness of the offence, the number of consumers affected, and the product supplier's previous behaviour.

Potentially dangerous products can also be referred to the Australian Competition and Consumer Commission to consider if a ban or mandatory safety standard should be introduced.

What we can't do

The Product Safety Unit generally cannot compel a trader to pay damages or compensation to you.

If you believe that the actions of a product supplier have cost you money and you wish to obtain damages or compensation, you will need to seek legal advice and consider taking action through the courts or reach an agreement with the supplier.

Further information

For further information or general advice relating to consumer protection issues please contact the Consumer Protection Advice Line on 1300 30 40 54.

National Relay Service: 13 36 77
Quality of service feedback line: 1800 30 40 59

This publication is available in other formats on request to assist people with special needs.

Regional Offices

Goldfields/Esperance	(08) 9026 3250
Great Southern	(08) 9842 8366
Kimberley	(08) 9191 8400
Mid-West	(08) 9920 9800
North-West	(08) 9185 0900
South-West	(08) 9722 2888