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|  | Our Ref: | A27097496 |
| 16 May 2019 | Enquiries: | Catherine Thomson (08) 6552 9237 |

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| To whom it may concern  Balingup Progress Association |  |

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**PRODUCT SAFETY – AUSTRALIAN CONSUMER LAW**

As you may be aware, the Department of Mines, Industry Regulation and Safety, the Consumer Protection Division (Consumer Protection) is the statutory authority responsible for ensuring compliance with the Australian Consumer Law (WA) (the ACL).

**BACKGROUND**

For more than a decade, Consumer Protection has worked actively with the Royal Agricultural Society of Western Australia (RASWA) to ensure that items supplied in show bags and by stallholders comply with the safety requirements of the ACL and do not pose a potential hazard to children.

You may have seen the recent media concerning a young child who suffered a severe eye injury at the Harvey Show as a result of a gel gun being misused by another child.

Whilst the Western Australian Police are investigating the supply of a firearm as a result of this, Consumer Protection would like to take this opportunity to engage with agricultural societies and provide support and assistance to reduce the likelihood of potential hazardous goods being supplied, either in show bags or by stallholders.

**INFORMATION FOR SUPPLIERS/STALLHOLDERS**

Under the ACL, a single national approach to implementing mandatory safety standards and bans for consumer goods was developed.

The goods affected by these standards and bans can be viewed at the Product Safety Australia website ([www.productsafety.gov.au](http://www.productsafety.gov.au)).

In addition to these regulated items, Consumer Protection also wish to bring to your attention other items that may be available for sale, which may also pose a risk to consumers, including products that contain easily accessible [button batteries](https://www.productsafety.gov.au/products/electronics-technology/button-batteries).

In addition to these requirements, the ACL details a number of obligations placed on businesses generally, which may apply to your stallholders.

Stallholders and businesses operating at the Balingup Small Farm Field Day are required to supply proof of transaction to consumers for any transaction valued at more than $75.

Furthermore, should goods sold by stallholders develop a fault, the proof of transaction will enable consumers to return goods for remedy, as permitted by law.

These requirements are detailed on Consumer Protection’s website ([www.consumerprotection.wa.gov.au](http://www.consumerprotection.wa.gov.au)).

**Conclusion**

The following link to the Product Safety Guide for Business can be utilised by the Balingup Small Farm Field Day and disseminated to stallholders to ensure that items sold at the shows are compliant with product safety regulations and other provisions of the ACL that may be applicable.

[www.productsafety.gov.au/content/index.phtml/itemId/996539](http://www.productsafety.gov.au/content/index.phtml/itemId/996539)

This information has also been forwarded to the Local Council in your region for their perusal.

Officers from Consumer Protection will be attending Agricultural Shows in the future to inspect regulated items however due to the considerable number of Shows this may take some time to accomplish and we may not be able to inspect every bag or all stallholders.

Therefore, Consumer Protection seeks the assistance of the Balingup Progress Association in ensuring that items supplied at the Balingup Small Farm Field Day are not unsafe.

Should you or your stallholders identify any show bag item or other goods available at the Balingup Small Farm Field Day that are of concern, we encourage you or the stallholder to contact Consumer Protection directly to seek clarification. Consumer Protection may seek a sample product at this time for inspection.

Thank you for your anticipated cooperation and should you have any specific queries with regard to the information contained within, please do not hesitate to contact Consumer Protection on 1300 30 40 54 or visit the Product Safety Australia website.

Yours sincerely



David Hillyard

**COMMISSIONER FOR CONSUMER PROTECTION**