

CHOICE

SUBMISSION TO THE AUSTRALIAN COMPETITION AND
CONSUMER COMMISSION

TOPPLING FURNITURE - AUGUST 2021



About us

CHOICE is the leading consumer advocacy group in Australia. CHOICE is independent, not-for-profit and member-funded. Our mission is simple: we work for fair, just and safe markets that meet the needs of Australian consumers. We do that through our independent testing, advocacy and journalism.

To find out more about CHOICE's campaign work visit www.choice.com.au/campaigns

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INTRODUCTION

Right now, furniture and TVs in people's homes across Australia present toppling risks. These are creating avoidable risks of injury and, in the most serious of cases, death. More can and should be done to ensure that products on the Australian market are safe, including furniture and TVs that are otherwise prone to toppling.

CHOICE welcomes the Australian Competition and Consumer Commission's Issues Paper on Toppling Furniture.

CHOICE conducted a survey among CHOICE members in 2020 on the issue of furniture and TV tipovers.¹ The experiences shared by people in their responses, along with CHOICE's extensive product testing and reviews experience, have informed this submission and our recommendations.

To minimise and avoid the risk of injury and death caused by toppling furniture and TVs, CHOICE recommends the introduction of a mandatory safety standard for items at high risk of toppling and an information standard for items at moderate risk of toppling. These measures are necessary given reactive, post-market controls alone are not sufficient to keep people safe and because injuries and fatalities continue despite voluntary initiatives.

Renters face acute challenges if anchoring is needed to prevent furniture or TVs from toppling. Specifically, the continued existence of no grounds evictions in almost every jurisdiction means that many renters feel inherently insecure in their tenure and unable to ask for permission to anchor furniture. In addition, only a handful of jurisdictions provide renters with meaningful, legal rights to anchor furniture. Urgent legislative change is needed at the state and territory level to address these barriers. It is tragic that a child died in Western Australia before renters were provided with a meaningful legal avenue to enable them to anchor furniture. All governments should be on notice that lives are at stake while tenancy legislation fails to protect the rights of renters to make their homes safe without fear of eviction.

¹ The online survey was designed, executed and analysed by CHOICE's Consumer Insights Team. It was in field from May 26 to 2 June 2020. A total of n=1,183 respondents across Australia completed the survey. The majority of respondents (n=956) were invited via CHOICE's "Voice Your Choice" research panel which includes members and supporters of CHOICE. Further respondents replied to the survey via CHOICE's Facebook page. Survey participation was voluntary and non-incentivised.

1. Summary of recommendations

Recommendation 1: To address the specific barriers that renters face:

- 1) No grounds evictions be abolished in all jurisdictions in Australia; and
- 2) All jurisdictions should provide renters with the right to anchor or affix items, furniture or TV for the purposes of safety and landlords should not be able to unreasonably prevent them from doing so.

Recommendation 2: Australia should introduce a mandatory safety standard applying to all furniture and TVs that are at high risk of toppling. The mandatory safety standard should require the product to be safe and stable based on normal or reasonably foreseeable scenarios and conditions including toppling risks presented by children, pets or otherwise by conditions of usage. Furniture at high risk of toppling would include narrow bookcases, chests of drawers, buffet and hutches where the upper section is not attached to the lower section, TVs that are placed on top of inappropriate furniture, anything with drawers or ledges that can be pulled out and used as steps, making them unstable and furniture that can be easily top weighted to make it unstable (such as filing cabinets).

Recommendation 3: Australia should introduce an information standard applying to furniture and TVs that are at moderate risk of toppling.

Recommendation 4: Both the mandatory safety standard and information standard should include a requirement that manufacturers, distributors and retailers include warnings about toppling risks and relevant safety information before purchase (for example, through warnings wherever item sold and warnings on the packaging of the product) as well as a warning label on the item designed not to be removed.

Recommendation 5: A further mandatory safety standard should be introduced to ensure that anchors are tested to a standard to withstand significant force in the back of the piece of furniture. The mandatory standard should also require that any product requiring anchoring for stability come with:

1. a prominent warning to alert consumers that the item requires anchoring to be safe that is visible before they purchase the item (for example, through warnings wherever the item is sold and warnings on the packaging of the product) as well as a warning label on the item designed not to be removed;

2. an anchoring linkage device and wall fastener. A fastener suitable for every type of wall (e.g. plasterboard, wood, brick etc) must be supplied; and
3. instructions for anchoring (illustrated and worded).

Recommendation 6: Australia should introduce a general safety provision into the Australian Consumer Law. To inform this process, the Treasury should release a final Regulatory Impact Statement in follow up to the 2019 *Consultation Regulation Impact Statement - Improving the effectiveness of the Consumer Product Safety System* as soon as possible.

Recommendation 7: A public national database on injury resulting from consumer goods should be established.

Recommendation 8: The confidentiality of mandatory reports should be abolished, and a public portal and publicly accessible, searchable database of consumer product incident reports should be created in Australia.

Recommendation 9: Consumer awareness activities should focus on carers and parents of young children, for example, through including safety information on minimising toppling risks in information provided to new parents (such as at retailers of baby and children's supplies, and government initiatives for new parents such as the NSW Baby Bundle).

Recommendation 10: Consideration should be given to measures to practically assist people to have access to low or no-cost anchoring by qualified tradespeople (for example, through rebates, incentives or by requiring retailers who sell products requiring anchoring to provide access to such services).

2. Key safety factors (section 5)

Question 6. In your experience what are the main obstacles to anchoring furniture and televisions and what more could be done to facilitate this?

Responses to the 2020 CHOICE Tipover Survey indicate that the main obstacles to anchoring furniture and TVs are²:

1. Inadequate rights for renters to enable them to secure furniture or TVs. For renters, the main reason they did not secure furniture or TVs was because they are not allowed to make changes to furniture or walls (58%). See our response to Question 7 for further information.
2. A lack of awareness about toppling risks is also an issue - 13% of people indicated that they had never thought about securing furniture/TVs.
3. People feel they lack the necessary tools and/or skills to properly and safely secure their furniture and TVs.

Our recommendations about how these barriers can be overcome are outlined in our responses to Questions 7, 16 and 17.

Question 7. How effective are state and territory tenancy laws in enabling tenants to anchor furniture and televisions to walls in rental properties? What more can be done?

A major concern highlighted by the CHOICE's 2020 Tipover Survey was that a majority of renters (58%) say that they are not allowed to make changes to furniture or walls. Given the risks of injury and death due to toppling furniture, this is unacceptable.

Laws that give primacy to landlord discretion are major contributors to this. These include:

- 1) Tenancy legislation in almost every state and territory that allows landlords to evict renters for no reason (commonly referred to as no grounds evictions); and
- 2) Jurisdictions that do not specifically provide a legal right for renters to ask to anchor furniture.

² 2020 CHOICE Tipover Survey, Question 4. Note answers exclude responses from people who do not feel that securing furniture to their walls is necessary because, for example, there are no kids or pets in the home.

Because of these laws, renters are often unfairly forced to choose between their childrens' safety and adherence to their landlord's expectations and preferences, however unreasonable they may be, because the landlord controls the renter's security of tenure in their home.

No grounds evictions leave renters vulnerable to eviction at the discretion of landlords

In every state and territory in Australia except Victoria, people renting can be evicted without grounds.³ This means that, in reality, renters can be evicted at any time for something as reasonable as complaining about repairs, or simply for no reason at all. The exception to this is in Victoria where, from 2021, a landlord can only institute a no-grounds eviction at the end of the first fixed term.⁴

The effect of these laws is that many renters feel highly insecure in their tenancy. This is particularly in markets where there is high demand for rental properties. No grounds evictions can have a 'chilling effect' meaning that renters are reluctant to make requests or change the property in any way, even for safety reasons, because they know, or are fearful of, being evicted for no grounds. This was a common fear expressed by renters in their survey responses (see below).

Renters lack legal avenues to enable them to anchor furniture

Tenancy laws in a minority of states enable tenants to anchor furniture and televisions to walls in rental properties. These include Western Australia⁵ NSW⁶ and Victoria⁷.

The Western Australian legislation provides a particularly noteworthy model for other jurisdictions. There, after the tragic death of a child in a rental property due to toppling furniture, the law was changed to require all residential tenancy agreements to allow a tenant to affix items for the purpose of ensuring the safety of a child or person with a disability, with the lessor's consent (which they can only refuse for limited, specific reasons outlined in the legislation).⁸ This is a good and

³ See further CHOICE, National Shelter and National Association of Tenant Organisations *Disrupted: The consumer experience of renting in Australia* (2018)

<<https://aaf1a18515da0e792f78-c27fdabe952dfc357fe25ebf5c8897ee.ssl.cf5.rackcdn.com/1965/Disrupted+-+2018+Report+by+CHOICE+National+Shelter+and+NATO.pdf?v=1543899746000>> p. 18.

⁴ *Residential Tenancies Act 1997* (Vic), ss 91ZZD and 91ZZDA. See further Consumer Affairs Victoria, *Limiting the use of 'end of fixed term' notices to vacate guide*

<<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/fact-sheet-4-limiting-the-use-of-end-of-fixed-term-notices-to-vacate>>.

⁵ *Residential Tenancies Act 1987* (WA), s 47. See also Government of Western Australia, Department of Mines, Industry Regulation and Safety, *Tenant chart 3 - Affixing furniture to the wall*

<<https://www.commerce.wa.gov.au/publications/tenant-chart-3-affixing-furniture-wall>>.

⁶ NSW Government, Fair Trading, *Making changes to a rental property*

<<https://www.fairtrading.nsw.gov.au/housing-and-property/renting/during-a-tenancy/making-changes-to-a-rental-property>>.

⁷ Consumer Affairs Victoria, *Making modifications in rental properties guide*

<<https://www.consumer.vic.gov.au/housing/renting/changes-to-renting-laws/resources-for-practitioners/fact-sheet-16-making-modifications-in-rental-properties>>.

⁸ *Residential Tenancies Act 1987* (WA), s 47.

positive recognition of the need for renters to have legal rights to anchor furniture or TVs for the purpose of safety.

In other jurisdictions, legislation frequently allows landlord discretion to refuse requests from renters, including requests to anchor items even when necessary for the safety of members of the household. In effect, many renters feel discouraged from asking permission to anchor furniture/TVs often through blanket 'no holes in walls' messaging from landlords and agents.

The insecurity and powerlessness that renters experience because of tenancy laws that favour landlord discretion were reflected in many stories shared by people in the CHOICE 2020 Tipover Survey:

2020 CHOICE Tipover Survey: Experiences of insecurity among renters

I do think that greater flexibility needs to be given to renters to be able to securely attach furniture to walls, instead of this blanket 'no holes in walls' rule, which is my experience. With more people unable to buy their own home and therefore becoming 'lifelong renters' I think these rules need to be made more sensible so that people can actually make a house a home. We are extremely lucky that our landlord allows pets, but we still can't secure things to the walls. The cheapest furniture seems to be the stuff that is most likely to tip and unfortunately many renters can't afford better furniture and are not allowed to secure it so they have no choice but to accept the risk.

Because I am renting, we are not able to secure freestanding furniture to walls. We can be as careful as we like but the safety of my child is compromised because we are not able to follow the safety recommendations of things like bookcases and stands in our home. It feels like punishment for not owning our own property and yet another way the odds are stacked against our kids for not having lots of money.

I could never get permission from the real estate agency to anchor furniture previously when I was renting. One told me if I did so I would be blacklisted for damaging the walls. At the time my children were young.

It's most important that renters can fix furniture safely without having to worry about the reaction of the owner. Maybe there are ways of doing it with minimal impact on the wall. But the safety of children is more important than a little hole in the wall which can be puttied and painted. Also, last time I looked, some big TV screens didn't appear to have any safety warnings.

There is a big issue in rentals in Australia. Often the house owner does not let tenants attach anything to the walls. This needs to change. Tenants also should not need strata approval to install any safety items in apartments. For example people should be able to use balcony nets if they have children without needing approval.

Renting and rental bond return is a huge issue in this. If I owned/if children's safety was valued by landlords above any minor changes, I would have many more items secure. At present, my way around this is to have the bare minimum furniture (no bookcases etc) and a teeny tiny tv that is thin and lightweight. But I'd still rather feel like I was able to make the furniture more secure.

We rent. Our previous property owner would have lost her mind if we drilled holes in walls, and current lease states we can't even use blutac or 3M command hooks so fairly certain they'd try to make us paint the whole house if we anchored to the wall.

Renting presents a significant barrier to securing furniture.

Renting is the only reason why we have not secured the furniture and tv to the wall. It's a major problem for renters.

Have lost part of bond in the past because we secured furniture for our children's safety. This was despite getting permission at the time, but it was only verbal, not in writing...They stung us for painting the wall.

I used to rent. It was always difficult to obtain any permission to make wardrobes or televisions safe for our daughter. We ended up buying a hardwood tv cabinet to anchor into. Once we bought a house, we anchored the chest of drawers in the kids room but while renting, it wasn't anchored and it was a concern. In hindsight, we should have just done it, permission or not. I do regret not doing it now.

I think this is a good initiative, but unfortunately is doomed to have limited effect, because of the rules surrounding tenants not being able to drill holes in walls. Most wardrobes these days are built-ins; the real danger of toppling furniture comes from bookshelves and other shelving, that is flat-pack and used in rental accommodation. Some very large TVs that I have seen in stores have comparatively flimsy feet and feet anchors. The ideal would be to mount them on the walls, but the prohibition on drilling holes in walls in rental accommodation will prevent this. I have lived in many overseas countries where renters are not constrained by this silly rule. I do not understand its purpose.

I don't understand my rights on securing furniture in my rental as I have previously been told off for doing so during an inspection.

Being in a rented unit I am not encouraged to contact my property manager about anchoring my furniture for safety purposes. Most owners/managers don't like receiving such requests and they kick up a fuss at the end of the tenancy lease about cleaning up and restoring the walls to the original state, which is a lot of work and cost for a tenant who's already stressed out about moving. There should be an initiative from real estates about maintaining tenants safety and encouragement to request to anchor furniture without worrying about retribution...

Renters should be allowed to secure all furniture in all states...

A number of people highlighted that in earthquake-prone countries, such as New Zealand and California, anchoring is accepted as a necessary safety measure. Although the risks are different in Australia, Australian governments and regulators should utilise both regulatory and non-regulatory measures - across both consumer law and tenancy law, to help normalise the awareness and acceptance of anchoring furniture and TVs as a necessary safety measure.

2020 CHOICE Tipover Survey: Anchoring furniture is accepted as a necessary safety measure in earthquake-prone countries

Having lived in NZ with earthquakes it is normal practice to anchor any furniture that could topple.

We should have the same legislation / rules as New Zealand. Because earthquakes are a way of life there everywhere you go things are secured. We shouldn't re-invent the rule book - I doubt we could do it better than them.

It's also a requirement in earthquake zones.

I grew up in California, where standards are in force and thought about. In Australia I was not as concerned, which was silly. Now kids are bigger and I never think about it. But we should.

Recommendation 1: To address the specific barriers that renters face:

- 1) No grounds evictions be abolished in all jurisdictions in Australia; and
- 2) All jurisdictions should provide renters with the right to anchor or affix items, furniture or TV for the purposes of safety and landlords should not be able to unreasonably prevent them from doing so.

Question 10. In your experience, are the risks associated with toppling furniture and televisions communicated at the point of sale and how? How could messaging be more effective?

The experiences of people purchasing furniture recently as reported in the 2020 CHOICE Tipover Survey indicate that, unfortunately, a significant proportion of people do not recall receiving information about tip-over hazards at the point of sale. Specifically, we asked people about what information they recalled receiving when purchasing furniture or TV in the last 12 months. Of the 395 respondents who had made such a purchase, the following percentage recalled the following:

Recalled the following:	Percentage of anyone who bought furniture/TV in the past 12 months (395 respondents):⁹
Information about tip-over hazards (e.g. in instruction manual)	45%
Anchoring kit to secure item to a wall or other building structure	43%
Included information about the various ways to anchor furniture and TVs	22%
In-store warnings in the vicinity of large furniture/ TVs advising consumers to use anchors to secure them	5%
The store assistant mentioning or recommending anchoring the item	3%
Don't recall any of the above	32%
Not sure	2%

Alarmingly, 32% did not recall any information about tip-over hazards, anchoring, warnings or advice from sales staff recommending anchoring when they purchased furniture or TVs in the preceding 12 months. This is an unacceptably high number of people recalling virtually nothing about toppling risks and precautions to prevent toppling.

Other experiences reported by people also indicate a high degree of variation regarding whether purchased furniture/TVs came with anchoring kits:

⁹ 2020 CHOICE Tipover Survey, Question 6.

2020 CHOICE Tipover Survey: Provision of anchoring kits with recent furniture/TV purchases

Our ALDI TV came with quite explicit and easily understood instructions - a big plus to them!

IKEA always includes a securing kit for bookshelves and cabinets, together with the relevant warnings.

The piece of furniture I bought was a kit from Fantastic Furniture that had glass doors - it was a buffet/hutch thing. When I had looked at the product online and checked the manual for the assembly instructions it didn't have the last page about securing the furniture. I can't recall if the shop assistant mentioned that it needed to be secured. It wasn't until I completed assembling it that I found that it needed to be secured because the instructions in the box had a final page about it. The unit was so unstable it would not have stayed in place without being tied down. The tie-down kit included flimsy screws and straps that I didn't think would hold the unit when it was fully stocked. I took it back and was refunded but I will never buy another unit like that and I will never buy a piece of furniture that has to be fixed to a wall to make it secure from falling. I only have a fridge that is lodged in a fixture which is attached to a wall to stop it rolling forward.

I bought my product from IKEA and was surprised and pleased to see it came with warnings and wall attachments for the item.

The only items I have EVER received securing kits for were from IKEA. I didn't even know they might be required before then.

We purchased a huge new flatscreen from JB recently, and absolutely nothing was mentioned of the need to or how to secure. We had our 1 month old in the pram at the time of purchase.

We had to buy a separate fixing kit. It was frightening once tv the was setup...we realised it wasn't safe so we had to get a kit quickly.

My recent TV & stand purchase came with an anchoring system, however after my assessment of its position (location & height) and overturning force required, I deemed it safe without anchoring. The stand is an Artiss (very good instructions and over toppling kit supplied) and a Sony 55" TV."

Recent furniture purchases have all included anchor kits which was great to see.

We outline below in our response to Question 16 how toppling warnings and safety information should be required through a mandatory safety standard and information standard, but a key insight based on consumer feedback is that it should be communicated prominently before sale, during set up and also for second-hand users of the item (through, for example, a sticker designed not to be removed).

3. Possible risk controls (section 10)

Question 16. What regulatory or non-regulatory option(s), listed at page 17, would be appropriate to address issues associated with toppling risks and why?

New pre-market controls are needed to keep people safe from toppling furniture

CHOICE believes that pre-market controls are needed to place the onus on manufacturers and suppliers to make sure that the products they put on the market are safe. This can be achieved by the introduction of a mandatory safety standard for items at high risk of toppling and an information standard for items at moderate risk of toppling. These measures are necessary given:

1. The risks of injury and fatality presented by toppling furniture, especially for children under 5 who are reliant on adults and society to keep them safe;
2. As concluded by the ACCC, the continuing injury rates caused by toppling furniture indicate shortcomings in industry initiatives and illustrate the need for more effective risk controls¹⁰;
3. Reactive, post-market controls alone are not sufficient to keep people safe¹¹;
4. Many consumers expect that manufacturers should be required to design products so that they do not topple, as indicated in responses to the CHOICE 2020 Tipover Survey; and
5. The numerous barriers people face if anchoring alone is relied upon for safety (including barriers faced by renters, as well as people not having the necessary tools and skills to properly anchor products).

A mandatory safety standard should be introduced that applies to all furniture that is at a high risk of toppling, including:

- tall furniture that has a relatively small base area, eg narrow bookcase;
- chests of drawers (as they can become a stairway for children to climb);
- buffet and hutches where the upper section is not attached to the lower section;
- TVs that are placed on top of inappropriate furniture;

¹⁰ Australian Competition and Consumer Commission, *Toppling Furniture and Televisions - Issues Paper* (August 2021) <<https://consultation.accc.gov.au/product-safety/toppling-furniture-and-televisions-issues-paper/>> p. 16.

¹¹ The Treasury, *Consultation Regulation Impact Statement - Improving the effectiveness of the Consumer Product Safety System* (October 2019) <https://consult.treasury.gov.au/market-and-competition-policy-division-internal/main-consultation/supporting_documents/CRISConsumerProductSafetySystem.pdf> pp. 22-23.

- anything with drawers or ledges that can be pulled out and used as steps, making them unstable; and
- furniture that can be easily top weighted to make it unstable (such as filing cabinets).

The mandatory safety standard should require the product to be safe and stable based on normal or reasonably foreseeable scenarios and conditions including toppling risks presented by children, pets or otherwise by usage.

An information standard should be introduced applying to furniture and TVs that present a moderate risk of toppling.

Both the mandatory safety standard and information standard should include a requirement that manufacturers, distributors and retailers include warnings about toppling risks and relevant safety information. Such information should be displayed prominently so that people can see such information before purchase, during product set up and installation, and also so as to ensure that important warnings and safety information remains on the product to alert second hand users (for example, by a sticker designed not to be removed).

Anchors present a secondary approach to stability which should be addressed with a primary approach, such as designing the product to be stable from the outset in accordance with a mandatory standard. Anchors are not necessarily appropriate or safe unless they are also tested to a standard. For example, if the back of a dresser is made of MDF, sometimes an anchor will simply rip out of the particle board. Anchoring is also not a feasible option for some due to a lack of necessary skills and tools to properly anchor furniture or TVs (discussed in our response to Question 17) and the barriers faced by renters (discussed in our response to Question 7).

If an anchor is required to ensure product stability, CHOICE recommends that the item and anchor also be subjected to a mandatory safety standard that requires testing to a standard to withstand significant force in the back of the piece of furniture. The mandatory standard should also require that any product requiring anchoring for stability come with:

1. a prominent warning to alert consumers that the item requires anchoring to be safe that is visible before they purchase the item (for example, through warnings wherever the item is sold and warnings on the packaging of the product) as well as a warning label on the item designed not to be removed;
2. an anchoring linkage device and wall fastener. A fastener suitable for every type of wall (e.g. plasterboard, wood, brick etc) must be supplied; and

3. instructions for anchoring (illustrated and worded).

Additional standards applying to anchoring should act as an incentive to ensure safety through the original design of the item without the need to anchor.

Aspects of some existing voluntary standards could be adopted in the mandatory safety standard. For example, CHOICE has seen how safety standards involving toppling tests applying to TVs have resulted in safer products being on the Australian market. These include AS/NZS 60065: 2018 Audio, video and similar electronic apparatus - Safety requirements and AS/NZS 62368.1:2018 Audio/video, information and communication technology equipment, Part 1: Safety requirements. Anecdotally, our testing staff have not tested one television new to the Australian market in the last 10 years that has failed the toppling test in these voluntary standards. The mandatory standard could require that products must be tested and comply with certain clauses of these standards in order to be imported to Australia or offered for sale in Australia.

Many members of the public support the introduction of safety requirements in the design of furniture to minimise the risk of toppling furniture causing injury or death, along with requiring more prominent warnings and safety information:

2020 CHOICE Tipover Survey: Support for safety in design (i.e. a mandatory standard)

I think furniture should be designed with safety in mind. Of course consumers should have a responsibility in making sure furniture is safe too, but design is the first link in the chain.

I strongly prefer the idea of items being designed for stability, with anchoring being a second choice when design alone is insufficient.

If furniture cannot be designed to avoid the need for anchoring, the retailer should provide an installation service.

...If there are Australian standards for the stability of furniture then I suppose they ought to be mandatory.

Furniture/TV's can be designed for "topple avoidance". If filing cabinets can only have one drawer open at a time (if so enabled), why not a chest of drawers?

Anchoring is not a practical solution. Many people live in concrete structures (townhouse, apartments, even standalone houses), meaning you cannot drill holes into the wall without a concrete drill, and we cannot expect people to have a concrete drill available (or any drill for that matter). The focus should be on the furniture itself, it just should not tip over easily in the first place.

It seems odd that an object that is to be placed in a normal home is not manufactured in a manner that is inherently stable.

This is not to say that an object should be totally "untippable", but an object intended for domestic use should be expected to tolerate the normal stresses in a domestic environment - including children and pets. I have seen some objects that are clearly not stable enough to provide any level of confidence and it is those that need to be addressed.

In part this is an issue as furniture is made out of lighter materials and the need to make Better use of vertical space in smaller rooms. Furniture is less bulky, which overall is a good trend (Dematerialisation), but less sturdy when loaded up with items e.g. a lightweight aluminium bookshelf is great if you're moving around a lot but not so great if you have Boisterous kids.

I think this is a massive issue and would love a solution that doesn't cause permanent damage to walls (eg. Furniture designed not to tip).

I am completely amazed at the notion that it's possible to buy furniture or TVs that are not sufficiently stable so as not to tip over!! Standards should not be VOLUNTARY if there is real danger...

Support for more information being provided to consumers

The manufacturers should tell you that things need to be secured BEFORE you buy, not in small print inside the box so that you cannot return it.

Items which are designed to be fixed, or built-in, need to be clearly labelled as such.

Definitely desirable that a warning be stated and a useful strap and mount be supplied. The item supplied with our very recently purchased TV did not quite match this specification.

Adequate anchors and warnings should be mandatory.

Furniture should be supplied with appropriate kits and warnings...

Anchor kits should be offered as extras like insurance and it opens the dialog for education as to why they are important.

All manufacturers of potentially unstable furniture should be required by law to supply fit for purpose devices which secure furniture or appliance to wall to prevent overturning, together with clear installation instructions.

Recommendation 2: Australia should introduce a mandatory safety standard applying to all furniture and TVs that are at high risk of toppling. The mandatory safety standard should require the product to be safe and stable based on normal or reasonably foreseeable scenarios and conditions including toppling risks presented by children, pets or otherwise by conditions of usage. Furniture at high risk of toppling would include narrow bookcases, chests of drawers, buffet and hutches where the upper section is not attached to the lower section, TVs that are placed on top of inappropriate furniture, anything with drawers or ledges that can be pulled out and used as steps,

making them unstable and furniture that can be easily top weighted to make it unstable (such as filing cabinets).

Recommendation 3: Australia should introduce an information standard applying to furniture and TVs that are at moderate risk of toppling.

Recommendation 4: Both the mandatory safety standard and information standard should include a requirement that manufacturers, distributors and retailers include warnings about toppling risks and relevant safety information before purchase (for example, through warnings wherever item sold and warnings on the packaging of the product) as well as a warning label on the item designed not to be removed.

Recommendation 5: A further mandatory safety standard should be introduced to ensure that anchors are tested to a standard to withstand significant force in the back of the piece of furniture. The mandatory standard should also require that any product requiring anchoring for stability come with:

1. a prominent warning to alert consumers that the item requires anchoring to be safe that is visible before they purchase the item (for example, through warnings wherever the item is sold and warnings on the packaging of the product) as well as a warning label on the item designed not to be removed;
2. an anchoring linkage device and wall fastener. A fastener suitable for every type of wall (e.g. plasterboard, wood, brick etc) must be supplied; and
3. instructions for anchoring (illustrated and worded).

A general safety provision should also be introduced into the Australian Consumer Law

In October 2019, The Treasury concluded in the Consultation Regulation Impact Statement - Improving the effectiveness of the Consumer Product Safety System (Product Safety RIS) that:

the current product safety system is slow to respond to prevent unsafe products entering the market or to address unsafe products/instances of harm — leaving consumers at potential risk. It relies heavily on post-market tools that address safety issues only after products have been sold on the market. This approach provides relatively few incentives for traders to consider product safety before placing products on the market or to deter them from supplying unsafe products. Time-intensive requirements and provisions in the law may inhibit quick and effective responses to product safety risks once they are identified.¹²

¹² The Treasury, *Consultation Regulation Impact Statement - Improving the effectiveness of the Consumer Product Safety System* (October 2019)

CHOICE agrees. For this reason, we have advocated for a general safety provision (GSP) to be introduced into the Australian Consumer Law for over a decade and we continue to do so. A similar requirement already exists in other jurisdictions like the United Kingdom. A GSP will require manufacturers to view consumer safety as a priority and stop the flow of unsafe products onto the Australian market and should lessen the need for individual, ad hoc and reactive regulatory action regarding specific products after harm has been caused.¹³

Recommendation 6: Australia should introduce a general safety provision into the Australian Consumer Law. To inform this process, the Treasury should release a final Regulatory Impact Statement in follow up to the 2019 *Consultation Regulation Impact Statement - Improving the effectiveness of the Consumer Product Safety System* as soon as possible.

Question 17. What other options do you consider may be effective in reducing the risks posed by toppling furniture and televisions?

A holistic response to the risk of injury and death by toppling furniture requires additional, non-regulatory measures including:

1. A national database recording the number and type of injuries resulting from different types of consumer goods;
2. Targeted consumer awareness activities; and
3. Measures to support people in anchoring their furniture or TVs when they don't have the skills or equipment to do so themselves.

Each of these measures is discussed in more detail below.

A national database is needed to ensure evidence-based and timely responses to regulatory intervention

The impact of any regulatory action to prevent injury and death will be limited while Australia lacks a public national database recording the number and type of injuries resulting from different types of consumer goods. ACL regulators, including the ACCC, require this information to consider and institute regulatory action in a timely way to prevent further harm, including issuing safety warning notices, utilising interim and permanent bans or instituting compulsory recalls. Over time, the

https://consult.treasury.gov.au/market-and-competition-policy-division-internal/main-consultation/supporting_documents/C_RISConsumerProductSafetySystem.pdf p. 7.

¹³ See further CHOICE and Consumer Action Law Centre, *Safety first: fostering a cultural shift in the product safety system: Submission to Treasury – Consultation Regulatory Impact Statement: Improving the Effectiveness of the Consumer Product Safety System* (November 2019) available at <https://www.choice.com.au/consumer-advocacy/policy-submissions20170112t141841>.

information collected in such a database will be important to also assess the efficacy of regulatory action, alert of gaps in regulatory responses and highlight emerging products or consumer behaviour of concern.

Recommendation 7: A public national database on injury resulting from consumer goods should be established.

Additionally, Australia should abolish the confidentiality requirement for mandatory safety reports made to the ACCC. An estimated 780 deaths and 52,000 injuries per year are caused by unsafe consumer products in Australia.¹⁴ More transparency is needed to protect consumers from dangerous products.

Recommendation 8: The confidentiality of mandatory reports should be abolished, and a public portal and publicly accessible, searchable database of consumer product incident reports should be created in Australia.

Targeted consumer awareness is needed to increase awareness among and support for parents

The 2020 CHOICE Tipover Survey found that, of people who did secure furniture or TVs, a higher proportion of people with kids secured most or all items (33% of people with kids compared to 25% all respondents) or some items (36% of people with kids compared to 29% of all respondents).¹⁵ Comments provided by people with children also reiterated their high degree of concern about the risks of toppling furniture:

2020 CHOICE Tipover Survey: Parent and carer concern about toppling furniture

This is such an important issue to me. As a new parent terrified of my baby getting hurt. Anything Australia can do to keep kids safe from unsafe consumer goods is a worthwhile pursuit.

I watched that Netflix doco (can't remember the name) about tipping furniture, and children who have died after being crushed under drawers. I knew about the dangers before but that really brought it to the forefront of my mind. Our baby is now 8 months old and the second she starts to show signs of crawling then we will be anchoring literally everything to the wall!!! It wasn't an issue before, with just two adults and a dog in the house but now we have a child to care for, it's definitely something that we have to consider!

As a grandparent of a baby, we are conscious that we have a responsibility to make the area safe as she grows.

¹⁴ Australian Competition and Consumer Commission, *Over a million recalled products still in circulation in Australia* (19 October 2021) <https://www.accc.gov.au/media-release/over-a-million-recalled-products-still-in-circulation-in-australia>

¹⁵ 2020 CHOICE Tipover Survey, Question 1.

Because children are disproportionately represented in the number of fatalities relating to toppling furniture and TVs, it makes sense to prioritise consumer awareness initiatives at carers and parents of young children.

Recommendation 9: Consumer awareness activities should focus on carers and parents of young children, for example, through including safety information on minimising toppling risks in information provided to new parents (such as at retailers of baby and children’s supplies, and government initiatives for new parents such as the NSW Baby Bundle).

Measures are needed to support people in anchoring their furniture or TVs when they don’t have the skills or equipment to do so themselves

Many people who responded to the CHOICE 2020 Tipover Survey expressed concern that they did not have the skills or tools necessary to safely and appropriately anchor furniture or TVs. Many understandably felt that they would need to seek the assistance of others including qualified third parties in order to do so safely and properly. Some expressed concern however that they couldn’t afford the cost of having a qualified professional assist them in anchoring their furniture or TVs.

2020 CHOICE Tipover Survey: People are concerned they don’t have the skills and tools to safely anchor furniture/TVs

Due to age and disabilities, I could not attach furniture to walls. I would have to pay someone to do it, and cannot afford to do this.

My husband is a tradesman so he has the skill and tools to secure furniture to the wall. If I had to do this on my own, I would not be unable to, so the items would be left unsecure

...there is the knowledge or skill required to secure items properly. Most people don’t have the skills or tools to be able to anchor to a wall stud or to improvise another solution where a wall just isn’t available. In fact, if anchoring is done poorly, you encourage a false sense of security.

Securing attachments usually supplied with product may be insufficient and unsuitable to the wall structure. Expert advice and the use of stronger attachments may be necessary.

Many people do not have the skills or equipment to safely secure furniture.

If there were kits readily available and easy to install I would certainly consider them. Only last night my cat tried to get behind the TV! But do TVs have standard fittings, or would I have to know exactly what TV and search high and low to find the right equipment and tools to drill into the wall etc - too much work!

I always find the stuff they give you to anchor very small and fiddly. It is difficult to attach something to the wall when there isn't really much space between that thing and the wall. I think this has been a factor in me not fixing things to the wall.

...If restraint kits are needed, then these should be installed by trained tradesmen with regards to walls/wiring etc, with recommended tradies available to contact, rather than leaving it all to the customer, otherwise it won't get done.

Many furniture items sold in Australia are not fit for purpose. As a tradesman I encounter really dangerous stuff on a regular basis. One horror was a heavy range hood fixed to a Gyprock wall with toggle bolts! I had to cut a slot in the Gyprock to install a noggin to screw it to then repair the wall. This sort of thing is not rare!

Many people might need help to secure tipping furniture, so I think they might read a warning but think it's too hard so take their chances (I've done that in the past). Maybe vendors of more expensive pieces could offer delivery & secure attachment, but if you can afford that then you can probably afford a handyman to install anyway. The higher risk group is made up of people like me, average joes who buy from IKEA or Fantastic and take their chances.

I think some consideration needs to be given to the handy-person skills of anchoring, or even the availability of tools.

Recommendation 10: Consideration should be given to measures to practically assist people to have access to low or no-cost anchoring by qualified tradespeople (for example, through rebates, incentives or by requiring retailers who sell products requiring anchoring to provide access to such services).