



SUMMARY OF SYMPOSIA AND WORKSHOPS AT ARSC2015

(Updated as at 22 October 2015)

Thursday 15 October: 2:00pm – 3:30pm

Room 9

Workshop

Regulating Supply and Use: Why must we choose which safety law to break?

Key Organiser:

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Overview:

The specification of the requirements for legal sale (supply) and use of products intended to improve the safety of road users is vested in a range of agencies and across a range of jurisdictions. While everyone has the same road safety objectives in view, our practice has drifted apart and it is now possible to legally purchase and use a road safety product in one jurisdiction but, across a border it is illegal, subject to a fine. Conversely, a road safety product that is legal to purchase in one jurisdiction may be illegal to supply in another.

This workshop aims to identify and explore existing problems with inter-jurisdictional differences in regulation of products used for road safety and provide an opportunity for participants to discuss and identify effective ways to overcome the issue through joint, coordinated action. It involves presentation of an extended abstract and summary of comments from stakeholders followed by invited respondents and a moderated discussion. The workshop is targeted towards regulators, administrators, drafters, enforcement and road safety researchers dealing with motorcycle helmets, bicycle helmets, child restraints and other road safety products.

Summary (prepared by Eric Chalmers)

The Seminar was jointly facilitated by Ian Scott of the Australian Competition and Consumer Commission and Eric Chalmers, Co-Vice President of the ACRS and CEO of Kidsafe ACT.

Objective

Our aim was to

- Identify and explore inter-jurisdictional differences in the regulation of road safety products
- Identify and discuss effective ways to overcome them.

Method

Before the seminar the facilitators prepared a brief outline of the issues together with some key questions. This was distributed to State and Territory road regulators and followed up with telephone interviews to obtain initial feedback.

A brief outline of the issues and initial feedback was provided at the seminar and this was then used to promote discussion on the key questions

Outline

The issue being discussed is the apparently increasing differences arising between the regulation of supply and use of key road safety products. These are occurring between jurisdictions; between the regulation / Mandatory Standards and voluntary standards; and concerning certification of products compliance with standards.

Examples include varying application of the ECE Standard by different states relating to motor cycle helmets; differences between jurisdictions in the treatment of compliance vs certification of child car restraints; differences between the mandatory and voluntary standards for child car restraints; and issues concerning the reliability of some certifiers of motor cycle helmets.

The seminar initially discussed the issues surrounding motor cycle helmets and child car restraints, but it is recognised that this is part of a broader issue involving products such as bicycle helmets, Bicycles, Pedelecs and upcoming issue such as go-pro cameras, head mounted lights, child car restraints accessorises, etc.

Discussion

The feedback and discussion revolved around three questions

1. *Is there a problem?*

It was generally felt that the problem is more extensive than at first indicated, with some significant safety implications. The range of products potentially involved is also greater.

2. *Why has it arisen?*

It seems that the issue has arisen over time as specific States dealt with individual pressures from groups within the community, creating an increasing divergence in individual attempts to address specific issues.

This has been aggravated by delays in consideration of changes to the Mandatory Standards, as well as increasing differences between what the ACCC is able to regulate and the expectations of states about what should be regulated.

There are also increasing signs that individual states have dealt with local requests for change on an individual basis, somewhat divorced from supply considerations.

3. *What to do?*

Ian and Eric undertook to summarise the discussion and provide feedback to the participants. The aim is to use this to continue the dialogue between regulators in order to develop a more consistent and coordinated approach to bring the “two ends” closer together and reducing these differences over time.

Conclusion

The seminar provided a useful discussion of the issues, including a general consensus that the issue is broader and of a greater magnitude than generally recognised.

The facilitators agreed to develop a summary of the discussion for distribution to interested people so that the discussion can be continued and a sustainable resolution found.