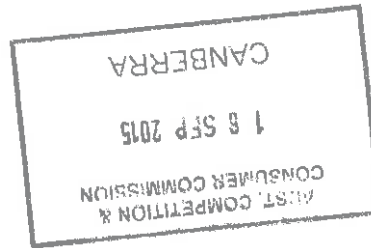




Our ref: D15/117387  
Your ref: 20111993  
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19 August 2015

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Dear Ms English

Thank you for your letter of 16 December 2014 to Mr Rod Sims, Chairman of the Australian Competition and Consumer Commission (ACCC), about your investigation into the death of Hailey Holmes. Mr Sims has asked me to respond on behalf of the ACCC.

I am sorry that this response has been delayed. I understand that we provided input at an earlier stage of the coronial investigation in our letter dated 23 September 2013 to Coroner Spooner.

### **Response to your recommendation**

You recommended: *"That the Australian Competition and Consumer Commission include a mandatory warning on all portable cots that they should only be used for temporary use only and are not suitable for long term or permanent sleeping arrangements"*. [Recommendation 3]

The ACCC does not consider that the issues identified in your report directly or adequately support the recommendation. The ACCC therefore advises that this recommendation will not be implemented at this time.

### **ACCC consideration**

The ACCC notes that your findings did not establish a conclusive link between the portable cot and the child's death and that you found that Hailey died from 'Sudden Infant Death Syndrome 2'.

You also found (Clause 11) that items such as blankets and a foam couch were introduced into the child's sleeping environment. The introduction of pillows, toys, loose blankets and other products can generate suffocation/asphyxiation hazards and risks not directly related to the product itself. This is emphasised in recent US Consumer Product Safety Commission research into infant deaths in nursery products ([cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Toys/Nursery-Products-Annual-Report-2014.pdf](http://cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Toys/Nursery-Products-Annual-Report-2014.pdf)).

### **2016 Review of the mandatory safety standard for portable cots**

The ACCC will take your recommendations into consideration in the next review of the mandatory safety standard for portable cots, currently scheduled for 2016. The ACCC will inform your office about the review once it begins.

In the review of the mandatory standard for portable cots, the ACCC intends to focus on ways to most effectively convey the key safety messages of:

- keeping the environment and bedding simple, with no additional items in the cot
- ensuring the portable cot has the correct and tightly fitting mattress
- inspecting and maintaining the portable cot regularly, including locking mechanisms.

### **General comments**

The ACCC considers three principles when considering warnings for use with consumer products. They are that warnings should:

- be prioritised by risk and their likely efficacy
- focus on specific actions that are understandable and likely to be followed
- be kept to an absolute minimum (more warnings or longer warnings have less effect on consumer behaviour).

Portable cots can be safely used as convenient, occasional and short-term sleeping products for young infants. Discussions with safe sleeping experts about the long term use of portable cots indicate that it is not the length of time the product is used or the age of the product itself that is associated with increased risk.

The two key safety risks associated with these products are

- incorrect assembly (resulting in potential collapse of the cot, creating a possible entrapment hazard)
- introducing ill-fitting or additional mattresses into the sleep environment (creating a potential entrapment or suffocation hazard).

The current mandatory safety standard requires safety markings on the portable cot to alert parents and carers to reduce these risks.

Older portable cots can generally be considered safe when used correctly and maintained in good working order. They may become less safe over time as the child grows and becomes too large for the cot or if the structural integrity of the product is compromised, such as after repeated transport and re-assembly. Parents and carers should carry out regular inspections and conduct maintenance. This will help identify an excessive wear and tear as the product ages.

As indicated in our letter of 23 September 2013, the ACCC currently provides safe sleeping guidance and we caution against hazards that contribute to the risks of SIDS. This includes advice not to place extra mattresses or items like padding, bumpers, soft bedding or toys in the cot and to use a mattress that fits snugly against all sides, in order to avoid the risk of suffocation.

Thank you for giving the ACCC the opportunity to consider your recommendation and for your patience while we developed our response.

Yours sincerely



Neville Matthew  
General Manager  
Product Safety Branch