

New Zealand: Product Safety Profile



Principal website:

Legislative framework

Part 3 of the *Fair Trading Act 1986* (FTA) provides the Minister of Consumer Affairs with the power to ban products, set standards through regulation and order compulsory recalls. The *Consumer Guarantees Act 1993* also provides a civil 'guarantee' that consumer goods are safe. The FTA is administered by the Ministry of Business Innovation and Employment (MBIE) and enforced by New Zealand Customs Services and by the Commerce Commission post importation. These provisions cover all consumer products with the exception of food, gas and electrical products, motor vehicles and cosmetics that are regulated by other agencies under product specific legislation.

Web reference: <http://www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers>

How are the rules for product requirements set?

MBIE draws on consumer complaints, marketplace sampling/testing and data and intelligence sourced from other organisations within New Zealand and overseas. The Minister is able to take action that ranges from interim bans of a product through to permanent regulations. The basis for the majority of these provisions are published standards. The preference is for New Zealand or joint Australia/New Zealand standards, the majority of which directly relate to the equivalent ISO standards.

Web reference: <http://www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers>

How are goods prohibited from sale for safety reasons?

The unsafe goods notice provisions are the most frequent means of banning unsafe products. They provide for an 18 month interim ban after which the ban can be made permanent. The Minister of Consumer Affairs can rescind or amend the unsafe goods notice within that 18 month period.

Web reference: <http://www.consumeraffairs.govt.nz/for-business/compliance/product-safety/requirements-for-importers-and-retailers>

Are there notification requirements?

No notification requirements are in force at present (but we see below) but in many cases, voluntary prior contact is made with MBIE by businesses contemplating a recall.

Web reference: <http://www.consumeraffairs.govt.nz/for-business/compliance/product-safety/recalls>

Are there likely to be any changes to regulatory arrangements?

The Consumer Law Reform Bill (CLRB) is anticipated to be enacted within the next few months and once implemented will provide additional regulatory options including:

- enabling the Minister to issue product safety policy statements that whilst not compulsory are aimed at being persuasive and seek marketplace correction
- introducing compulsory notification of product recalls to MBIE
- giving additional powers for product safety officials.

<http://www.consumeraffairs.govt.nz/legislation-policy/policy-development/consumer-law-reform?searchterm=Consumer+Law+Reform>