



**THE HON MICHAEL SUKKAR MP**  
Minister for Housing and Assistant Treasurer

## **MEDIA RELEASE**

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### **MANDATORY IMPROVEMENT TO BUTTON BATTERY SAFETY TO SAVE LIVES**

The Morrison Government is delivering on its commitment to improve the safety of button batteries with the introduction of new mandatory safety and information standards to help protect Australian children.

In Australia three children have died from injuries sustained as a result of swallowing a button battery, and since December 2017, there have been at least 44 individual cases where young children have suffered severe injuries following the ingestion or insertion of button batteries.

This equates to one child sustaining a serious button battery injury every month, with some of them sustaining lifelong injuries.

As button batteries are used in a wide range and variety of products found in people's homes a comprehensive and broad solution is required.

This is why the new mandatory safety and information standards will require:

- secure battery compartments for consumer goods that contain button batteries, where the batteries are intended to be replaced, to prevent children from gaining access to the batteries;
- compliance testing of consumer goods that contain button batteries, whether or not the batteries are intended to be replaced, to demonstrate the battery is secure and cannot be easily released;
- child resistant packaging for button batteries, based on their risk profile, to prevent children from gaining access to the batteries; and
- warnings and information to alert consumers that a button battery is included with the product.

No other country in the world has been able to design and deliver risk based mandatory regulation that applies to all consumer products containing button batteries.

Today's announcement is also a timely reminder in the lead up to Christmas of the dangers of button batteries and to remind parents to be alert to any that may exist in children's presents this year.

I commend the work of the ACCC who have shared the Morrison Government's concern about the safety surrounding the use of button batteries and have moved swiftly to reach today's outcome.

The ACCC has undertaken extensive consultation in developing these new standards including with industry, health professionals, consumer advocates, retailers, suppliers and government.

It is important to note that the majority of stakeholders who made submissions supported new mandatory safety and information standards.

A transition period of 18 months has been provided to allow industry to implement any manufacturing and design changes to products and packaging and undertake any testing necessary to ensure compliance with the new mandatory safety and information standards.

Further information about the new standards is available on the Product Safety Australia website at: <https://www.productsafety.gov.au/product-safety-laws/safety-standards-bans/mandatory-standards>

**Ends**

**Media contact: Andrew Hudgson 0428 697 041**

# Button Batteries

## New safety standards

### Issue

In Australia, children have tragically died from injuries sustained as a result of swallowing a button battery.





An average of one Australian child a month is seriously injured after swallowing or inserting a button battery, and some children sustain lifelong injuries.

Most button batteries are classed as lithium, alkaline, silver oxide or zinc-air. Lithium batteries pose the highest risk. Their typically larger diameter means they are more likely to become stuck in a child's oesophagus if ingested and their higher voltage means they can cause tissue damage more quickly.

### ACCC recommendation

The ACCC recommended the introduction of four instruments: a safety standard and information standard for consumer goods containing button batteries; and safety and information standards for button batteries themselves.

The standards will require:

-  secure battery compartments to prevent children from gaining access to the batteries
-  supplier compliance testing to demonstrate batteries are secure
-  child-resistant packaging for higher risk batteries
-  additional warnings and emergency advice on packaging and instructions

Further details on the requirements of each standard are on the next page.

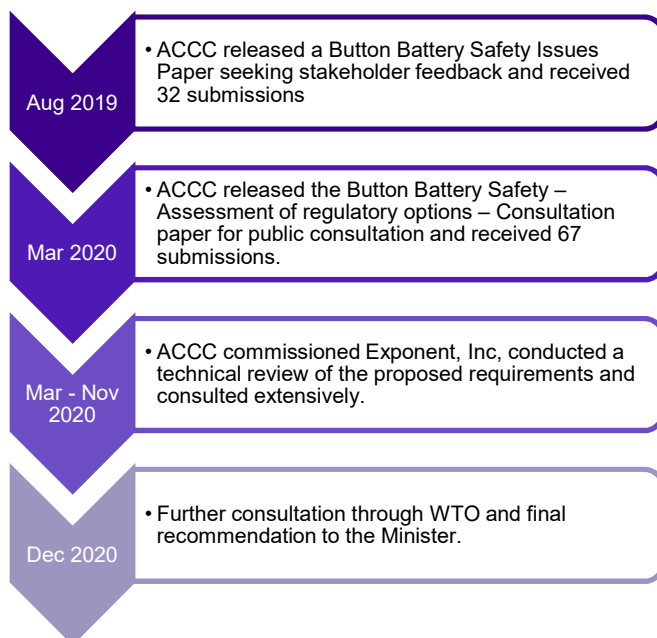
### When do the standards come into effect?

All four standards come into effect 18 months after they are made. This transition period is necessary given the broad range of products covered by the new standards.

### Penalty for non-compliance

For individuals, the maximum penalty is **\$500 000**. For a body corporate, the maximum fine is the greater of: **\$10,000,000**; three times the value of the benefit received, or 10% of annual turnover in the preceding 12 months (if the benefit cannot be determined). Civil penalties for the same amounts also apply.

### ACCC Consultation



### Issues raised in consultation

A key issue raised has been deviation of the proposed mandatory requirements from voluntary international industry standards. The ACCC has endeavoured to limit the extent of any deviation as appropriate.

The mandatory information standards require warnings that go beyond voluntary industry standards. In particular, a warning symbol is required on the front of the packaging of consumer goods that contain button batteries to allow consumers to make informed choices.

The mandatory safety standard for button batteries themselves requires child-resistant packaging for all lithium button batteries, and button batteries of other chemistry if they are 16mm and above. Some voluntary international standards do not require child resistant packaging for certain button batteries.

Energizer and Duracell, which have a combined market share of 50% in Australia, already supply button batteries in child-resistant packaging.

### Regulatory impact

The ACCC estimates its recommendation will result in a net economic benefit of \$12.38 million during the 10 year forecast period.

Standard	Simplified outline of requirements	Key exemptions
<b>Safety standard for consumer goods containing button batteries</b>	<ul style="list-style-type: none"> <li>Secure battery compartments (e.g. fastened with a screw) for consumer goods where batteries are intended to be replaced</li> <li>Compliance testing to demonstrate the battery is secure, regardless of whether the battery is intended to be replaced</li> </ul>	<p>Hearing aids as they use zinc-air batteries that are not as risky as other button batteries.</p> <p>Professional equipment (see below)</p>
<b>Information standard for consumer goods containing button batteries</b>	<p>The standard <b>requires:</b></p> <ul style="list-style-type: none"> <li>Packaging to be marked, at a minimum, with a warning symbol</li> <li>Instructions (if provided) to include a warning about the button battery that is clearly visible, prominent and legible.</li> <li>If no packaging/instructions, warning to be attached or included with the product (e.g. by a swing tag or sticker)</li> </ul> <p>The standard also <b>recommends:</b></p> <ul style="list-style-type: none"> <li>All consumer goods be marked clearly with a warning on the product itself</li> <li>Packaged goods contain both text and symbol warnings</li> <li>Goods supplied via an electronic platform include a warning in the product description</li> <li>Warnings contain the phone number for the Australian Poisons Information Centre and advice about safe disposal of button batteries</li> </ul>	<p>Professional equipment, such as specialist trade tools (i.e., equipment is intended to be used in trades, not intended for sale to the general public and not intended to be used where children are present)</p> <p>Audio-visual and information and communications technology equipment containing button batteries that are soldered in place</p>
<b>Safety standard for button batteries</b>	<ul style="list-style-type: none"> <li>Child-resistant packaging for lithium button batteries (of all sizes) and other types of button batteries with a diameter of 16mm and above</li> <li>Compliance testing to demonstrate the packaging of an applicable button battery is child-resistant.</li> <li>Where multiple button batteries are supplied, packaging must be designed to release only one battery at a time</li> </ul>	<p>Zinc-air batteries intended for hearing aids</p> <p>Button batteries supplied in bulk intended to be used in trades or professions</p> <p>Button batteries already installed in consumer goods</p>
<b>Information standard for button batteries</b>	<p>The standard <b>requires:</b></p> <ul style="list-style-type: none"> <li>Packaging used to supply button batteries must be marked clearly with a warning</li> <li>Lithium button batteries with a diameter of 20mm or more to be marked with a “keep out of reach of children” symbol on the cell of the battery</li> </ul> <p>The standard also <b>recommends</b></p> <ul style="list-style-type: none"> <li>Lithium button batteries with a diameter less than 20mm and other types of button batteries of all sizes be marked with a “keep out of reach of children” symbol on the cell of the battery</li> <li>Button batteries supplied via an electronic platform include a warning in the product description</li> <li>Warnings contain the phone number for the Australian Poisons Information Centre and advice about safe disposal of button batteries</li> </ul>	<p>Button batteries supplied in bulk intended to be used in trades or professions</p>