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Toy store fun over

Massive fines follow lethal products sale guilty plea



The dangerous toys

STOKLAND

Batteries accessible without the use of a tool or significant movement

Darts' protective suction tips detach, constituting a serious eye injury hazard

Small parts that could cause choking

Small parts that could present inhalation and ingestion hazard

Timely warning: A display of some of the dangers which were found lurking in the toy department of the Stokland store

SPELLING is the least of Stokland Depot's problems. This suburban Sydney variety store has been caught selling potentially lethal toys, despite repeated warnings to stop.

Earlier this month Metlej Pty Ltd — which apart from operating Stokland also trades as Bag-A-Bargain in Wellington — was fined more than \$20,000 by Bankstown Local Court for nine breaches of product safety regulations.

New Fair Trading Minister Anthony Roberts told *Public Defender* that the fines against Metlej Pty Ltd resulted from inspections which were

conducted from June 2009 to October last year.

"Investigators found non-compliant children's toys that had previously failed safety tests being offered for sale," Mr Roberts said. Inspectors also conducted safety tests on another six seized items.

"All seized items failed to meet regulated safety standards," he said.

The toys included baby pacifiers, bow-and-arrow sets and "Lovely Hens", which come in boxes that say "give best gift to child!"

Mr Roberts said that many of the toys "had the potential

to cause serious or potentially fatal injury to children".

"There is no place for dangerous toys and non-compliant consumer goods in the market," he said.

The non-compliant consumer goods Stokland sold included a hot-water bottle that could scald due to a faulty opening and thin walls.

Last financial year nearly 200 dangerous products, including more than 160 dangerous toys and 15 unsafe hot-water bottles, were removed from sale.

When *Public Defender* visited Stokland yesterday, the

manager, who asked not to be named, said it had inherited dodgy stock when they bought the business in 2006. He blamed the manufacturer for selling them unsafe toys.

"These items are purchased from suppliers, so you'd assume the supplier that's selling this product is selling it in good faith," the manager said.

"If the product doesn't fit the consumer standards or fit their requirements, they can bring it back."

Yes, that's really what he said. Metlej's sole director could not be contacted.

While Metlej pleaded guilty to the safety breaches, the manager said the director told him that he had appealed against the severity of the fines imposed by the court.

"We think we're wrongly done by," he said.

"You're talking \$21,000. That's a big amount for a small fish."

Mr Roberts, however, warned: "The court's decision sends a strong message to retailers that Fair Trading is active in the marketplace and will enforce product safety standards to protect the community."

Please help!

I need some legal advice

Excluded child can lay claim

Kothai asks: I have a disabled adult son from my previous marriage and a daughter from my current. My husband has a disabled adult son from his previous marriage. Before we

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got married, he had a financial settlement and gave his house and whatever cash he had to his ex-wife and all we have now — family home, investment property and some investments — is whatever we have earned after our marriage. When we went to make a will, the lawyer absolutely confused us. We wanted to make a simple will that said if anything happens to any one of us, the other one gets the lot and, after us, all our assets should be split between my son and our daughter. How do I do this?

Rebecca says: The first issue to consider is how your assets are currently held. A second consideration is that, if you seek to exclude your husband's son, your estate may be open to a family provision claim by him. It's important to note that even when family law arrangements are finalised, they do not necessarily preclude an excluded child from making a claim. For these reasons, I suggest that you see a lawyer who you can understand.

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