

Guidelines for Buying Second-Hand Equipment for People with Disability

Buying second-hand equipment is an affordable option for many people with disability. It may save time in accessing equipment, and may be better for the environment. However, it is important to keep in mind that buying used items or second-hand items does not provide the same consumer protection rights as when buying new items. It is important to check the product's condition before buying or accepting second-hand goods. You may want to seek assistance to ensure that a piece of equipment is suitable by organising a health professional to support you with selection and pre-purchase evaluation of the equipment. This may be a physiotherapist, occupational therapist, or another advisor in that particular equipment and functional need.

There are risks associated with buying second-hand items. According to the (Australian Competition and Consumer Commission (ACCC), 2014) second-hand products could cause serious illness or injury if they:

- are damaged in a way that prevents them from working properly
- have undergone haphazard repairs
- lack parts that are vital for safe use
- lack instructions for assembly or use
- are so old that they fail to meet requirements of current:
 - product safety mandatory standards
 - bans for similar new products on the market

The Therapeutic Goods Administration (TGA) is Australia's regulatory authority for therapeutic goods. It is recommended that purchasers of second-hand equipment check that it is registered with the TGA.

The TGA advises that there are risks associated with issuing second-hand medical devices. The TGA requires that the following points are considered:

- Is the product still covered by the warranty?
- Are the instructions for use included?
- Is there a service provider who can undertake repairs?
- Has the device undergone any repairs or has it been refurbished?

The TGA has established a medical device incident reporting and investigation scheme. Typical causes of adverse events with medical devices include:

- mechanical or material failure
- design issues
- labelling, packaging or manufacturing errors
- software deficiencies
- device interactions
- user/systemic errors

Different consumer protection laws apply if you are purchasing second-hand equipment from a private seller or a registered business. It is not advisable to buy second-hand medical devices from garage/car boot sales or Internet auction sites (Therapeutic Goods Administration, 2014). Please check the information provided here before purchasing second-hand equipment.

1. Checklist Before Purchasing Second-Hand Equipment

The following is a checklist to help you select second-hand items (Australian Competition and Consumer Commission (ACCC), 2014):

Current Condition:

1. Is the item sturdy and stable?
2. Does the item come with full instructions for assembly and use?
3. Do all parts work correctly?
4. Does the item have safety instructions?
5. What is the manufacturer's life expectancy for the item?
6. Was the item broken or damaged during previous use?
7. Does the item have tears, sharp edges, or points?
8. Is the item missing any vital parts?
9. Does the item have a history of being in an accident?
10. Are there hygiene issues associated with purchasing this second-hand item (e.g. urinal, mattress, etc.)?
11. Does the item have an Australian Register of Therapeutic Goods (ARTG) number?

Repairs / Maintenance:

1. Is the item still covered by the warranty?
2. Was the item banned by the manufacturer/supplier for safety reasons? (see below)
3. Was the item recalled by the manufacturer/supplier for safety reasons? (see below)
4. Was the item repaired previously? Who completed these repairs?
5. Did the item have any changes made that will make it unsafe (e.g. wrong size mattress in a cot)? Are new parts that replace broken parts still compatible with the item?
6. Can the item be fixed, if necessary, by the original supplier?
7. Are there mandatory safety standards or bans that may cover the second-hand product? (see below)

Keep in mind that it is better to avoid products that have suffered an impact. While a product may look undamaged, it may have weaknesses that make it unsafe for use. Consumers may think a broken second-hand product is a bargain because it can be repaired or modified so that it will work. It is always wise to assign the original manufacturer or a specialist in the field to repair or modify a product. Repaired and modified second-hand products can also cause serious injury or death.

Other Considerations:

1. It is recommended the Product Safety Australia website www.productsafety.gov.au is checked for a list of bans and mandatory standards to help identify products to avoid because they are: 1) banned, or 2) lack compulsory safety features currently required for similar new products, or 3) lack compulsory warnings and instructions required for similar

new products (Australian Competition and Consumer Commission (ACCC), 2014).

2. If appropriate, ensure the *safe working limit* of the equipment meets the weight requirements of the person using it.
3. Fitted items, such as stairlifts or overhead hoists would have been customised to suit the needs of the previous owner. Check that tracking and other fittings suit your requirements. These items should have a safety check and may need to be reconditioned. It is advisable to consult a supplier of these items before making a private second-hand purchase.

2. Buying from a Private Seller

Consumer guarantees do not cover any equipment you purchase from a private seller. You are held accountable for your selection. Be careful when choosing second-hand products from a photograph or on the internet. If possible, it is recommended to check the safety of a product before purchasing it by physically examining, handling, and testing the product (Australian Competition and Consumer Commission (ACCC), 2014). Please read the checklist provided to help you in selecting second-hand equipment. See also section 5 Buying Online.

3. Buying from a Registered Business

Under the Australian Consumer Law, when you buy products they come with automatic guarantees that they will work and do what you asked for (Australian Consumer Law, 2010). You have consumer rights if you buy something that is not right.

a. Consumer Guarantees

Goods are covered by the consumer guarantees as long as they are sold in trade or commerce and bought by a consumer. Second-hand, leased or hired goods are also covered (Australian Consumer Law, 2010). **However, the following do not apply for goods bought from one-off sales by private sellers, such as garage sales and fêtes.**

Since 1 January 2011, the following consumer guarantees on products apply. Products must be of acceptable quality, taking into account what is expected of the type of product and its cost:

- safe, lasting, with no faults
- look acceptable
- do all the things someone would normally expect them to do
- match descriptions made by the salesperson, on packaging and labels, and in promotions or advertising
- match any demonstration model or sample you asked for
- be fit for the purpose the business/person told you it would be fit for and for any purpose that you made known to the business before purchasing. As noted above, it is advisable to seek expert advice, e.g. from a health professional, as to the suitability of the item for the prospective user
- come with full title and ownership

- not carry any hidden debts or extra charges
- come with undisturbed possession, so no one has a right to take the goods away or prevent you from using them
- meet any extra promises made about performance, condition and quality, such as life time guarantees and money back offers
- have spare parts and repair facilities available for a reasonable time after purchase unless you were told otherwise

* These consumer guarantees on products also apply to second-hand products from businesses, taking into account age and condition.

b. Exceptions to Guarantees

Consumer guarantees do not apply if you (Australian Consumer Law, 2010):

- bought goods from one-off sales by private sellers, such as garage sales and fêtes
- got what you asked for but simply changed your mind, found it cheaper somewhere else, decided you did not like the purchase or had no use for it
- misused a product in any way that caused the problem
- knew of or were made aware of the faults before you bought the product

4. Recalled Items

Suppliers might recall some items for safety reasons. However, some will not be returned and may find their way on to the second-hand market. Avoid buying or accepting gifts or loans of second-hand products listed as a past or current recall. If you are worried about buying a recalled item, you can do an easy search on the Recalls Australia website: www.recalls.gov.au to check for any recent or past recalls of products.

5. Buying Online

When buying online, check that the product is clearly identified and all the important details are described, delivery options and costs are clear, and that you are able to easily contact the seller if anything goes wrong (Choice, 2009). This is particularly important when buying on auction or second-hand sites, such as eBay or Gumtree.

Safety standards apply to many products sold in Australia. If you buy from an overseas website, there is a risk that the product would not meet Australian standards. Look for statements that the item is certified to the relevant Australian standard.

6. Sources of Second-Hand Equipment

The Assistive Technology Australia (AT Australia) website www.at-aust.org has information on sources of second-hand equipment. This website has a second-hand equipment register for assistive technology as well where members of the public could add their items. If you have further questions, please contact the AT Australia Infoline on 1300 452 679 or by email help@ilcnsw.asn.au.

References

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