



Electrical Compliance Testing Association

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Consumer Product Safety
Productivity Commission
3300
PO Box 80
Belconnen ACT 2616

Dear Sirs,

Re: Review of the Australian Consumer Product Safety System

The Electrical Compliance Testing Association (ECTA) of Australia has been established as the peak industry body representing the interests of Australian testing laboratories accredited by the National Association of Testing Authorities (NATA) in the fields of electrical safety testing and electromagnetic compatibility (EMC) testing and electromagnetic radiation testing (EMR).

Our 14 member laboratories are located around Australia. Members participate in standards writing committees, provide advice to Government agencies on policy issues and provide accredited testing services to manufacturers and importers of electrical appliances. They are therefore engaged in assessing product safety and product compliance on a daily basis for both locally manufactured items and imported items.

It is noted (in the third last paragraph of section 1) in the Issues Paper published by the Commission that certain classes of goods, such as electrical products, are not directly covered under the Terms of Reference. However the experience of our members is that the issues of concern seem to fall within several of the terms of reference. We seek the opportunity to discuss this at a roundtable and have members from laboratories in each of Melbourne, Sydney, Adelaide and Brisbane who would be ready to attend a meeting to provide input.

In particular our members wish to contribute the following comments to the current review of the general safety system:

In Australia, State based legislation has been enacted to protect the community against unsafe electrical household products. Safety is concerned with shock hazard and fire. Each State has a government department responsible for the enforcement of the respective Act.

The standard AS/NZS 3820-1998 Essential Safety requirements for Low voltage electrical equipment was published to provide Australia and New Zealand with a set of outcomes-oriented criteria for the safety of electrical equipment.

1. Acceptance of testing reports by State regulators:

1.1 Acceptance of non-accredited testing.

State regulators accept reports from non-NATA accredited laboratories. There are numerous examples of Regulators accepting test reports without any formal accreditation not in accord with AS/NZS 3820 Clause 5.6 yet regulators accept such testing and issue Australian approval certificates.

Proposal:

State regulators should follow uniform and nationally agreed levels of recognised testing in accord with AS/NZS 3820 Clause 5.6

1.2 Australian National deviations test as part of International Electrotechnical Commission (IEC) Certified Body (CB) test reports

Whilst it is acknowledged that AS/NZS 3820 Clause 5.6 recognises IECEE CB reports, Regulators do accept IEC CB test reports but it is noted that the issuing test laboratories and overseas certification bodies have not been audited or accredited for testing to Australian national deviations. Testing to Australian specific requirements such as 240 V AC supply, environmental conditions or flammability requirements and specific marking/ warnings may be missed or done incorrectly.

This is potentially a significant problem with overseas product rated for 210-220 V connection having significant overheating problems on 240 V.

Most state based regulators actively participate on the Standards committees for AS/NZS and vote in favour of the Australian deviations, introduced for safety reasons (in accord with the WTO guidelines technical barriers to trade), yet some Regulators then ignore these deviation when issuing the approval certificates.

Proposal: All State regulators should accept Australian national deviations tests from laboratories accredited to the respective AS/NZS standards only in accord with AS/NZS 3820 Clause 5.6

1.3 Potential conflict of interest for regulators.

There is concern from time to time that some Regulators seem to be more focussed on operating their departments on a business footing rather than focussing on Electrical safety. Examples on the past where Regulators are chasing business to issue certificates of approval is considered not to be in the best interests of Safety and contrary to the independent regulatory role.

A further concern is the type of occasion where a Regulator carries out the investigation of an incident involving a product which it had originally approved.

Proposal: Ideally a national program can easily alleviate these problems. Regulators should not issue certificates of approval and regulate the industry unless they are accredited by JAS-ANZ to issue Certificates.

2. Post market surveillance

2.1 Unsafe products can have their certificate of approval cancelled in one State but the same product can be re-applied and approved in another State.

Proposal: Ensure a national approach by State regulators or streamline exchange of information between the States.

2.2 Post market surveillance of products on the market is not regular, it is only conducted sporadically at State level. Product approval numbers and safety markings are not checked and validated. New products are entering the market with markings that no longer apply under current legislation.

Proposal: Set-up a national safety surveillance program.

3. Uniform approach by State based Regulators

There are 4 main state Regulators issuing Certificates of Approval –Queensland, NSW, Victoria & South Australia. Each is responsible to a Government Minister, but not to each other or to the Australian Industry and community. As such there is no direct community accountability, no transparency of operation and no uniformity of operation. Some Regulators have “Approvals Committees” yet others do not. Decisions by some Regulators are not always followed by other Regulators.

Proposal: Provide a national uniform approach to certification of Electrical equipment with transparency

We would appreciate the opportunity to expand on the issues which concern our industry and impact on the safety of Electrical Equipment at a roundtable. Please contact the Secretary of our Association Malcolm Mulcare to make any arrangements.

Yours faithfully,



Gunther Theisz
President
Electrical Compliance Testing Association of Australia