

Hon. Tom Barton MP
Member for Waterford

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**Queensland
Government**

**Minister for Employment, Training and
Industrial Relations**

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BY: LACA

Ms Ms Joanne Towner
At Secretary
Standing Committee on Legal and Constitutional Affairs
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Ms Towner

Thank you for the opportunity to contribute to the current Inquiry into harmonisation of legal systems.

I have attached a background information paper to assist the Standing Committee in understanding the regulatory environment relating to the approval of electrical equipment in Australia.

This background is relevant to the particular area of 'standards of products' specified in the Terms of Reference of the Inquiry.

I trust this information is of assistance. However, should you wish to discuss the issues further, please contact Mark Fallon, General Manager, Electrical Safety Office, telephone (07) 323 70216 who will be pleased to assist you.

Yours sincerely

TOM BARTON MP
**Minister for Employment, Training and
Industrial Relations**

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House of Representatives Standing Committee on Legal and Constitutional Affairs

Inquiry into harmonisation of legal systems

Background Information Paper

The Electrical Safety Office (ESO) Queensland makes this submission to assist the Standing Committee in understanding the regulatory environment relating to the approval of electrical equipment in Australia. This background information is relevant to the particular area of 'standards of products' specified in the Terms of Reference of the Inquiry.

The ESO Queensland

Within the Queensland Department of Industrial Relations, the ESO is responsible for developing and enforcing standards for electrical safety and promoting strategies for improved electrical safety performance across the community.

The ESO facilitates socially responsible and safe electrical industry practices through such activities as:

- developing and implementing electrical safety legislation, standards, and initiatives;
- investigating electrical incidents, complaints, and unlicensed and unsafe electrical work;
- approving and registering electrical equipment, electrical systems and energy efficiency labels;
- administering a licensing regime which ensures only suitably qualified persons perform electrical work.

The Queensland regulatory system

Queensland supports a regulatory regime for electrical equipment under the *Electrical Safety Act 2002* which seeks to prevent electrical shocks or injuries and electrical related fires.

'Prescribed electrical equipment', as defined in the *Electrical Safety Regulation 2002* must not be hired or sold unless the equipment is approved by Queensland or another interstate jurisdiction. This approach is part of a national scheme of pre-sale approval of a range of typically domestic use electrical equipment, such as plugs, extension leads, toasters, and washing machines, necessary because purchasers of prescribed electrical equipment are unlikely to have the expertise to make an electrical safety assessment.

To be approved, prescribed electrical equipment must be tested and declared by an independent testing laboratory as complying with safety requirements of relevant Australian/New Zealand standards.

National product standards

Electrical safety product standards have been harmonised across Australia and New Zealand with joint publication of AS/NZS standards for many years. Australian and New Zealand electrical regulators actively participate in Standard Committees.

National electrical product safety approvals process

In the interest of safety the regulatory authority in each Australian state and territory administers a uniform approvals scheme, aimed at preventing the sale of unsafe electrical equipment in Australia. This is achieved through State based legislation. In Queensland, the *Electrical Safety Act 2002* and the accompanying Regulation set out specific provisions for the approval, sale and use of electrical equipment (including appliances).

The approval scheme is designed to provide for electrical safety and does not aim to set criteria for quality or non-safety performance, except when it is related to the safety of the equipment.

The development of a list of agreed nationally prescribed electrical products has served to enhance national uniformity for safety of electrical equipment. Under this system, electrical equipment may be classified as being 'Prescribed Electrical Equipment'.

Prescribed electrical equipment is nationally defined by the class definition, as published in *AS/NZS 4417.2:2001/Amdt 1:2005 - Marking of electrical products to indicate compliance with regulations – Part 2: Specific requirements for electrical safety regulatory applications*. Additional classes of equipment may be included in the prescribed listings as and when the need arises (after agreement by all Australian government regulators and the national standards committee responsible for *AS/NZS 4417.2*). Prescribed electrical equipment must have a certificate of approval prior to being sold or offered for sale in any State or Territory of Australia. A Certificate of Approval is given on the basis of satisfactory compliance to a relevant Australian Standard utilising results given in a test report by a recognised testing laboratory.

Also, by agreement between all Australian electrical regulators, there is legislation in each State and Territory that requires non-prescribed electrical equipment to comply with the requirements of *AS/NZS 3820:1998/Amdt 1:2004 - Essential safety requirements for low voltage electrical equipment*.

Many manufacturers and importers voluntarily submit 'non-prescribed' products for approval in a bid to differentiate their product by regulatory validation and to encourage retailers to stock their product.

Co-ordination of regulatory authorities

National uniformity is supported and progressed through close co-operation and liaison with other jurisdictions in various forums. The most important of these is the Electrical Regulatory Authorities Council (ERAC). ERAC, which includes New Zealand, is the forum that coordinates the harmonisation of electrical product safety and enforcement issues.

The aim of ERAC is to facilitate liaison between the eight Australian States/Territories and New Zealand to coordinate their activities with respect to regulatory strategies, policies and ongoing reforms. The scope of its charter includes electrical licensing, installations, networks and equipment.

One of the aims of ERAC is therefore to investigate appropriate strategies for harmonisation of the electrical equipment approval regime.

International congruence

As already discussed, approvals issued in one state are recognised across Australia and New Zealand. Further, where appropriate there is a concerted effort being made to bring AS/NZ Standards into closer alignment with European standards.

There are also mutual recognition arrangements in place, including one between Asia-Pacific Economic Cooperation members, to accept test reports from accredited testing laboratories of participating member economies.