

23 July 2015

Electricity (Consumer Safety) Regulation 2015  
Policy and Strategy  
NSW Fair Trading  
PO Box 972  
PARRAMATTA NSW 2124

Sent via email to: [policy@finance.nsw.gov.au](mailto:policy@finance.nsw.gov.au)

Dear Sir/Madam,

Master Electricians Australia (MEA) is grateful for the opportunity to provide a submission regarding the *Electricity (Consumer Safety) Regulation 2015*.

Overall, MEA supports option three as detailed in the Regulatory Impact Statement (RIS) which would see the making of the proposed regulation. New regulations provide the opportunity for the legislation to adapt to both domestic and international developments in the area of electrical safety. Our answers to the questions posed in the RIS that we are qualified to respond to are included below. We have also included some concluding general comments on the Regulation.

#### **Date of commencement**

1. *Is 1 September 2015 an appropriate start date for the new laws? If not, why, and when should the new laws start?*

MEA would agree with 1 September 2015 as the start date for the new laws.

#### **New offence for interference with electrical installations**

2. *Does the wording of this offence adversely impact any other industries?*

We acknowledge that the wording of this offence may have an impact on other industries. However, given the inherent risks involved in working with electricity, it is important for other industries affected by these provisions to adapt to the changes in the interests of consumer safety. The deaths that occurred under the Federal Government's Home Insulation Program are an example of what can happen when the dangers of electricity are not taken seriously enough by all industries.

3. *Does the maximum penalty amount appropriately reflect the seriousness of the offence?*

MEA believes the maximum penalty amount currently reflects the seriousness of the offence.

## Notification of results of safety and compliance tests

### 4. *Is seven days sufficient time to give notification of test results?*

In most situations where a contractor is performing work on a daily basis, seven days would be a reasonable amount of time to give notification of test results, provided the time is calculated using business days. However, MEA would like to see clarification as to whether an electrical contractor working on a large job over a period of several months would need to provide test results for every small part of the project that is energised as opposed a certificate at the completion of the job.

### 5. *Does the proposed change to the Regulation eliminate confusion as to who is required to give notice of the test results?*

Yes, the change does clarify who is required to give notice of the test results.

### 6. *Should the tester be responsible for keeping records of tests they conduct for five years?*

We have no opposition to this requirement.

### 7. *Does the proposed Regulation eliminate confusion as to who the notice must be served on?*

Yes, the change does clarify who must be served the notice.

## Application fee for model approval extension

### 8. *Is an application fee for an extension model approval appropriate?*

No comment

### 9. *Is the \$459 fee appropriate?*

No comment

## Requirement for application for extension of model approval

### 10. *Is prescribing the model approval extension application process appropriate?*

No comment

### 11. *Should anything else be included in the prescribed process?*

No comment

## Prescribed application fee for external approval scheme

12. *Are these fees appropriate?*

No comment

## Timeframe for application for renewal of model approval

13. *Is the application timeframe for model approval renewal appropriate?*

No comment

## Penalty increase for certain offences

14. *Is \$1,000 an appropriate penalty notice amount for an offence under sections 16(1)(a) and 16(1)(c) of the Act?*

MEA supports any measure that will prevent the public sale of unsafe electrical products. Monetary penalties are certainly a key deterrent, however, a system must be in place that will prevent unsafe electrical articles being offered for sale in Australia. The Electrical Equipment Safety System (EESS), developed by the Electrical Regulatory Authorities Council (ERAC), has been recognised in a number of states throughout Australia but New South Wales has not yet agreed to participate. The benefits of the EESS are discussed further below.

## General comments

### *Prohibition of sale*

Section 26 of the draft Regulation addresses publicising prohibition of sale of unsafe electrical articles and prescribes the newspapers in which any prohibition of sale must be published. While newspapers can be one effective means by which to notify the public of an unsafe electrical product, other strategies must be considered to ensure all purchasers of the product are aware of the faulty goods.

The widespread nature of the Infinity cable recall revealed significant inadequacies in the way product safety recalls are managed across Australia. It is likely that many homeowners are not even aware of the brand of cable installed in their premises and there was no established procedure to ensure all purchasers of these products were informed of the electrical safety risks present in their homes and businesses.

To address this issue, MEA proposes that changes to NSW legislation be made that would require sellers to maintain a register of electrical products that require installation by an electrician. This register would be used to contact purchasers in the event of a prohibition of sale or product safety recall.

Introducing a register would assist the regulator to identify the location of any equipment of this type that was later determined to be unsafe. This would facilitate a ready means to contact those at risk to ensure they take the steps to remove the product from their homes.

A mandatory system of this type would also provide more effective support to suppliers when they are required to withdraw unsafe or non-compliant product from the market. Additionally, requiring purchasers to provide their details could act as a deterrent to those who are intending to perform unlicensed electrical work.

### ***Electrical Equipment Safety System***

The Regulatory Impact Statement (RIS) states at page five that the *Electricity (Consumer Safety) Regulation 2015* will, among other things, provide a mechanism to approve safe electrical articles. The draft provisions detailed in the RIS will go some way towards achieving this. However, MEA urges the NSW government to commit to the introduction of the Electrical Equipment Safety System (EESS) and take steps to implement through both the Act and the proposed Regulations.

The Infinity cable recall demonstrated the serious gaps in the current process for importing electrical products into Australia that do not meet our safety standards. NSW needs to adopt a safety system that will consistently ensure that all products entering the market meet the appropriate safety standards. The implementation of the right safety system across all Australian jurisdictions will ensure only quality products can be bought by suppliers, installed by electrical contractors and used safely by consumers.

The system requires national consistency if the industry and community are to have confidence in both the enforcement of safety standards and the Regulator.

### ***Safety Switches***

The development of new regulations relating to consumer safety are an opportunity for the NSW government to provide for mandatory installation of safety switches on all safety switch capable circuits in all NSW homes. We recognise this to be a significant project for any Government to undertake, however we believe it is achievable with a staged approach that would provide for extended compliance periods to allow the public to adopt to the new requirements.

MEA has proven that it is capable of assisting Governments in implementation mandatory safety practices in the industry and community as a matter of priority. MEA can facilitate the roll out of such a program under the guidance of the NSW Government, and would be ready to assist in any way required.

## Conclusion

MEA is committed to electrical safety and is supportive of any legislative measures that will achieve this end. We would be eager to participate in any further discussions regarding the development and implementation of the *Electricity (Consumer Safety) Regulations*.

Yours sincerely,



Jody McGann  
State Manager – NSW/ACT