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2019-20 Queensland Electrical Safety Office (ESO) compliance and engagement campaign

Dear Michael

Thank you for the opportunity to allow Lighting Council Australia to comment on the development of the 2019-20 Queensland Electrical Safety Office (ESO) compliance and engagement campaign.

Lighting Council Australia has recently developed our own lighting industry compliance policy and action plan and the following suggestions have been drawn from that policy and plan. We ask Queensland ESO to consider including the following points in its 2019-20 compliance and engagement plan.

[Coordination of compliance activities in conjunction with other jurisdictions](#)

The supply of the vast majority of lighting and other electrical equipment is based on a national approach. Lighting Council Australia suggests that all States and Territory electrical safety regulators should coordinate the majority of compliance activities to maximise the efficacy of this work.

[Increased focus on lighting market compliance is needed now](#)

The lighting market has been in a state of significant flux for around ten years due to the increased technical and commercial viability of LEDs to take market share from traditional lighting products. The cost of LED products has reduced significantly meaning that the barrier to entry for new market participants is now very low (i.e. LED lamps and LED recessed luminaires can now be landed in Australia for less than two Australian dollars – although the compliance of such cheap products is questionable).

Lighting Council Australia has around 100 Members who agree to abide by our Code of Conduct and supply products that comply with Australian regulations and standards. Lighting

Council Australia educates our Members regarding Australian electrical safety regulations and standards applying to lighting.

We estimate there are an additional 150 to 300 commercial LED product suppliers in Australia who may be unaware or ignorant of their electrical safety compliance obligations and who are likely to remain in that state unless contacted by an electrical safety regulator.

Lighting Council Australia requests the Queensland ESO (and other electrical safety regulators) increase their compliance focus on the lighting market at this time in order to raise awareness and educate the many new lighting market entrants.

We also suggest that increased lighting market auditing, product check testing and enforcement is needed to help reduce the number of non-conforming lighting products on the market.

Identification and education of all lighting importers

Lighting Council Australia is aware (via information provided by the Greenhouse Energy and Minimum Standards (GEMS) Regulator) that The Commonwealth Department of Home Affairs statistical coordination unit (Statistical.coordination@homeaffairs.gov.au) is able to identify all lighting product importers. The majority of manufactured lighting products are now imported (i.e. LED lamps are not manufactured in Australia; The majority of LED luminaires are not manufactured in Australia).

Lighting Council Australia submits that the Part 6 of the *Australian Border Force Act 2015* allows the Queensland ESO to obtain and use lighting importer information obtained from the Department of Home Affairs through the following provisions of that Act:

- Section 44 (1) *Disclosure to certain bodies and persons*, allows the disclosure of information to a body to perform or exercise any of the functions, duties or powers of that body.
- Section 44 (4) specifically identifies State agencies and authorities as bodies for the purposes of sub-section (1)
- Section 46 *Permitted purposes* sub-sections (a) and (n) permits the disclosure of information for the purposes of administration and enforcement of State laws relating to laws that impose a pecuniary penalty and for the administration or enforcement of laws with respect to commerce between States (and Territories).

More information can be found from section 6 of the Australian Border Force Act at <https://www.legislation.gov.au/Details/C2017C00354>

Lighting Council Australia suggests the Queensland ESO undertake the following action in relation to all lighting equipment importers:

- Identification of all lighting importers (i.e. via the above Dept of Home Affairs statistical information);
- Identification of all Australian based online lighting suppliers via searches of sites such as eBay.
- Education of all suppliers identified with respect to the Queensland electrical safety laws;

- Auditing (i.e. desktop audit) in relation to the registration requirements of the EESS registration of *Responsible Suppliers*;
- Auditing in relation to product compliance based on a risk profile for each business as determined through the above process:
 - A lack of registration and poor/slow response from businesses should flag higher risk;
 - Product compliance documentation such as certificates of conformity/approval could be requested for level 3/declared articles as part of a desktop audit process. Registration auditing of level 3 articles on the ERAC National Database could also be conducted at this stage.

Product auditing and testing

Further to the above supplier identification and education campaign, Queensland ESO could conduct product auditing and testing based on:

- Risks identified through the above supplier identification and education campaign; and
- Any reports of suspected non-conforming products; and
- Non-compliance with minor aspects such as marking requirements may indicate that more serious problems exist and so detailed investigations should follow. Also, a minor breach should be lower cost to identify compared with product testing and may indicate that a supplier or product risk profile should be increased.
- Targeted auditing and testing of higher risk lighting equipment (e.g. LED drivers; recessed LED downlights; LED lamps) supplied by higher risk suppliers.

Wider market education

Lighting Council Australia suggests the Queensland ESO develop and publish consumer and contractor education material to assist contractors and consumers in purchasing compliant lighting products and identifying and avoid non-compliant products and suppliers.

Lighting Council Australia is developing our own market education material and we would be happy to share this with Queensland ESO.

Reporting non-conformance

Lighting Council Australia suggests further cooperation between LCA and Queensland ESO regarding suspected product non-conformance would be a positive step. For example:

- What is the minimum information needed by Queensland ESO to enable the progression of an investigation into product non-conformance?
- LCA would like to understand the process of action undertaken by Queensland ESO after suspected non-compliance is reported?
- After LCA reports a suspected non-conforming product, will a report outline be given back to LCA regarding the outcome of any investigation?
- LCA would like to understand the typical enforcement process that would follow different types of product non-compliance?

Reducing administrative burden

Lighting Council Australia highlights the need for harmonised electrical safety laws across all jurisdictions in Australia. We contend that harmonisation would reduce the confusion, administrative burden, duplication and red tape associated with the required knowledge and compliance of suppliers against the variety of different State and Territory legislation currently in place.

A reduction in confusion and duplication is likely to lead to higher rates of lighting market compliance particularly at this time with many new lighting market entrants.

Lighting Council Australia urges Queensland ESO to continue to remain active in encouraging all Australian States and Territories to adopt the Electrical Regulatory Authorities Council Electrical Equipment Safety System.

Audit program conducted in conjunction with industry testing facilities

Lighting Council Australia is aware the ERAC EESS is raising increased funding to contribute towards increased compliance efforts. We would like to discuss with the Queensland ESO and ERAC any potential for LCA to obtain compliance funding to conduct indicative product testing at LCA Member testing facilities at reduced costs.

Lighting Council Australia could support the compliance program coordination, administration and technical support. LCA Member conducted testing is likely to be lower cost than testing at commercial test laboratories and enable a greater number of products to be checked for risk. High risk products identified through indicative testing could then be sent to accredited test laboratories for official testing.

Such a program run in conjunction with industry is likely to lead to better targeted auditing and testing, increased numbers of products tested and overall increased effectiveness of lighting market auditing and testing.

Yours sincerely,

David Crossley



Technical Manager