

ESV Ref: CM-5799

23 January 2017

Consumer Law Enforcement and Administration  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

By online submission: [www.pc.gov.au/inquiries/current/consumer-law/](http://www.pc.gov.au/inquiries/current/consumer-law/)

Dear Commissioners

## **INQUIRY INTO CONSUMER LAW ENFORCEMENT AND ADMINISTRATION**

I refer to the Commission's Draft Report dated December 2016 with respect to this inquiry and thank the Commissioners for considering Energy Safe Victoria's submission which is clearly reflected in the Draft Report.

### **Recalls and bans**

In order for Energy Safe Victoria (ESV) to effectively respond to serious safety issues related to gas and electrical consumer products, ESV requires the ability to issue interim bans, recalls and permanent bans pursuant to the powers set out in the ACL.

This will ensure that a lead specialist regulator can respond quickly to a serious safety issue and enforce recalls and bans nationwide without the need to engage with the ACCC or ACL regulators who do not have the focus and expertise of the specialist regulators in relation to gas and electrical products.

This would require amendments to be made to the ACL and the Victorian ACL adoption legislation which could limit the exercise of the powers to unsafe or non-compliant gas and electrical equipment.

While this would be ideal from ESV's perspective, the priority for such a change is not currently considered to be urgent as most recalls coordinated by ESV are conducted voluntarily and are voluntarily rolled out nationwide if required. With respect to bans or prohibitions, the specialist regulators are able to coordinate the exercise of their local ban/prohibition powers to give some bans a multi-jurisdictional effect if required.

ESV supports the Commission's recommendation that interim bans be exempt from any regulatory impact statement requirements. ESV recommends that the period of an interim ban be extended to at least 12 months in duration (with the possibility to extend them for a further 6 months). This allows time for the need for a permanent ban to be properly considered and assessed.

Often a ban on an electrical or gas product will become unnecessary once amendments are made to relevant safety standards. This, however, can take 12 to 18 months. Further, a regulatory impact statement prepared in accordance with Victorian requirements for the purpose of a permanent ban would take approximately 6 to 12 months to complete.

#### **Uniform regime for electrical goods**

The Electrical Equipment Safety System (EESS) legislation which is currently in operation in Queensland provides a template for a nationally consistent safety regime in respect to electrical goods.

Victoria is currently leading the development of an intergovernmental agreement (IGA) in relation to the EESS which will require participating jurisdictions to enact legislation based on the Queensland model. ESV is confident that once the IGA is finalised, participating jurisdictions will be able to progress the implementation of the required legislation in their respective jurisdictions.

If a national law (similar to the ACL) is to be considered for electrical goods, ESV would be supportive provided that the national law was modeled on the current Queensland legislation and a multiple-regulator model was adopted.

Please contact me on 9203 9700 should you have any queries or would like to arrange further discussions.

Yours faithfully

Dr Roanne Allan  
EXECUTIVE MANAGER  
POLICY AND STRATEGY