

**Response to Australian Communications and Media Authority
Discussion Paper**

**PROPOSED CHANGES TO LABELLING ARRANGEMENTS—
IMPLEMENTATION OF A CONSOLIDATED REGULATORY COMPLIANCE
MARK AND ELECTRONIC LABELLING**

December 2009

INTRODUCTION

Lighting Council Australia is the peak body for Australia's lighting industry. The Council represents manufacturers and suppliers of luminaires, lighting controls, lamps and associated technologies.

Lighting Council Australia welcomes and supports the Australian Communication and Media Authorities (ACMA) discussion paper. A nationally consistent approach for product safety and performance standards and labelling is likely to result in an improved regulatory framework for equipment suppliers and consumers. In particular it should result in greater visibility, consistency and a truly national focus. As Australia is a single market for regulated products, so the requirements underpinning the regulatory framework should emanate from the Parliament of Australia rather than state and territory jurisdictions as far as possible.

Industry considers there are many benefits to the application of one form of compliance mark for electrical safety, electro-magnetic compatibility, telecommunications and radiocommunications. The model could well apply to a number of other regulated products in the longer-term.

The remainder of this submission will respond to questions raised in the Discussion Paper.

RESPONSE TO QUESTIONS RAISED IN DISCUSSION PAPER

1. Do you support the consolidation of the C-Tick, A-Tick and RCM into a single compliance mark? If not, why not?

Lighting Council Australia supports the consolidation of the four ACMA marks and the multiplicity of various state and third party safety compliance marks into a single ACMA/ERAC (Electrical Regulatory Authorities Council) endorsed mark - the

Regulatory Compliance Mark (RCM). A proviso relates to costs and transitional arrangements.

2. Are there any additional benefits to a consolidated compliance mark?

The RCM is not presently known as a consumer mark. This could be changed to the consumer's advantage if effectively promoted.

3. Are there any detriments to using a consolidated compliance mark?

A short-term problem is the extra cost associated with the changes. However this is real opportunity to enforce the use of a single set of reference marks throughout Australia. The establishment of a single authority to administer and police the use of a single mark is welcome. Transition to the new regime should not result in any additional costs for the manufacturer or supplier.

To avoid undue complexity it is important that the mark initially be associated only with ACMA and ERAC jurisdiction requirements. Expansion of the mark to indicate wider range compliance with water efficiency, energy efficiency and building codes could be considered once these present proposals are established.

It is important that the RCM not be confused with other regulatory requirements – for example, marking to denote energy efficiency. It should be made clear to all stakeholders that the RCM is not a mark denoting compliance with all relevant regulatory and standards requirements, but rather one that complies with specific mandatory regulations in place for the particular product.

4. What implications does the TTMRA have for the implementation of a consolidated mark?

The ACMA proposals will not affect lighting products under the TTMRA. However, lighting products will be affected by the TTMRA under the ERAC regulatory framework. ERAC is presently working towards a TTMRA solution by having all regulators involved in its working groups with input from industry. Presently there are significantly (approximately 60) more declared articles in Australia than in New Zealand. This also is likely to be addressed in standards committee QR-012.

5. What role should AS/NZS 4417 play in the operation of the RCM?

AS/NZS 4417 should be modified to become a key component in the overall compliance framework by providing uniform rules to underpin the ACMA and ERAC regulatory requirements. Generic requirements for safety, EMC, telecommunications and radiocommunications should remain in 4417. A suggestion is 4417 part 1 - generic, part 2 ACMA requirements, part 3 ERAC etc.

Regulators will continue to make the necessary regulations but using uniform rules rather than creating individual state-based regulations that are likely to slightly differ between jurisdictions.

ACMA and ERAC can maintain the list of appropriate compliance standards, declaring definitions, regulatory rulings and guidance documents on their websites.

Standards committee QR-012 should assist in synchronizing the timing and overall targets with other regulation/legislation. This co-ordination role should greatly reduce costs and improve acceptance

It is suggested that ACMA and ERAC should maintain active involvement in QR-012.

6. What should the CTM Rules for the RCM include?

Uniform rules on complaints and agreed timeframes for dispute resolution.

7. Should the amended Labelling Notices require the issue and/or display of a supplier code number?

No, provided that the company has a brand or ABN or ACN for identification displayed and the requirements are consistent with the ERAC proposals.

8. Should there be a common database for all products marked with the RCM?

Yes. The database should have supplier registration information publicly available to allow checking of suppliers' claims and traceability of product compliance marks.

ACMA should require the supplier using the RCM to be registered. ACMA should only require high (or similar) risk products to be registered.

The ERAC proposal is to register only high and medium risk (safety) products and only the supplier is registered for low risk products.

The database should have ACMA high risk, ERAC high risk Level 3 and medium level 2 risk product registration information publicly available to allow checking of suppliers' claims, traceability of product marks and compliance information.

Pre-sale on-line registration currently is acceptable methodology. However the website design and speed is critical especially for multiple registrations. If all products must be registered, it is recommended that the supporting website facilitate download of large data files. It needs to be recognised that some companies have large product ranges running into thousands of products.

9. What are the funding issues associated with a common database?

Database funding should be consistent with the ERAC review and regulatory impact statement – that is, a fee for supplier registration and registration of high and medium risk products only.

10. What other administrative issues are likely to arise in relation to a common database?

If all products were to be registered the ability to upload and download information will be a major issue. Lighting product suppliers have large ranges of similar

product types/style with minor differences. These need to be uploaded by mass data transfer.

In addition what information is available and when on the database is important. Product information being available before the supplier launch date would be embarrassing.

11. What additional administrative costs are likely to arise in relation to a consolidated mark?

Public information campaign to promote the mark.

12. What are the production costs associated with implementation of a consolidated mark?

Costs will be significant because of the large number of products involved and their relatively low value. Global manufacturers have always objected to an Australia only label.

13. How can those costs be determined?

Surveying manufacturers.

14. Taking into account the ERAC proposal to use the RCM, should the consolidated mark be used just as a regulatory mark or a consumer mark as well?

The RCM is not presently known as a consumer mark. Ideally it should be since it is an indicator of product compliance to requirements. The major benefits of a single mark are ease of identification, simplification and acceptance. A single mark will assist address the many illicit and counterfeit products. An advertising campaign to develop understanding through the product chain would be desirable.

15. What education awareness activities should be undertaken to promote awareness of the mark?

The main advertising mediums used by the lighting industry are catalogues, brochures, trade magazines and corporate websites. There is little TV or radio advertising. Advertising presently does not elaborate on technical compliance issues as it is too difficult to explain and compliance is accepted as a default requirement.

Standards development, publication of the regulation impact statement and government approval processes and application date are all important processes. Delaying any of these can lead to market distortions and unnecessary costs for suppliers.

16. What should be the transitional arrangements for the consolidated mark?

Based on wide spread notification of implementation date approximately 12 months before hand the following transitional time frames would appear realistic. New products from introduction date (nominally July 2011).

Existing local manufactured product with printed labels (6-12 months) and die tooled marking (3 years).

Existing imported printed labels (1 year) and die tooled marking (3 years).

Catalogues 5 years

All product grandfathered from date of introduction - ie stock existing prior to introduction date may be sold.

For any ERAC medium and high risk product (new Level 2 and 3), it would be advantageous and cost-effective to have the supplier/manufacturer use the consolidated mark at the time of renewal of the product certification. Five years is the usual renewal cycle.

17. Are there any additional benefits to electronic labelling?

While the proposal is not applicable to present lamps and luminaires, increasing sophistication in lighting products, especially when coupled with lighting control systems, indicates electronic labelling is a valid future-proofing concept.

18. Are there any detriments to electronic labelling?

None perceived.

19. Do you support the proposed changes regarding electronic labelling?

Yes. It should future-proof product development and simplify compliance.

20. Should suppliers be required to label both the accompanying documentation and the packaging of the device if using electronic labelling?

Yes, label both.

21. Do you have any other comments or observations on the electronic labelling proposal?

No.

22. Should consideration be given to extending the mark to other regulatory topics?

Yes – in due course energy efficiency.

23. What role should labelling play in future technical regulatory arrangements?

Lighting Council Australia has no comment at this stage.

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