



2023 Electric and Hybrid Vehicle Batteries Inquiry (Joint Standing Committee on Road Safety)

30 April 2024 Hearing

Responses to Questions taken on Notice

Due Date: 22 May 2024

NSW Fair Trading & Regulatory Services

Question

Consumer education and online purchasing

JOHN TANSEY: Not only in relation to these devices but generally with consumer goods and sales now, yes, we do a lot of work informing people about some of the safety tips and some of the risks of buying online. Yes, we work with some of those major platforms and generally have cooperative relations with them in enlisting their assistance. For example, if we find an online trader or particular goods that are on sale online on a platform, we can and do work with those platforms to help them understand that those products are not safe. If they're not safe to a point where they are not lawfully able to be sold in New South Wales, we work with them to have those things removed. So we have, not just in this domain but in other consumer goods, capacity to work with all those platforms to do that. I would also always say to consumers that if they have poor experiences, if they have concerns, they can and should contact Fair Trading directly to find out what other assistance we can give them. If they've bought a product, they're worried about its safety and they want to understand more, or they believe they know it's unsafe or defective, we absolutely will assist them to try and get that product removed, returned and replaced, or otherwise refunded with a safe product if that's the outcome they're after.

The Hon. NATALIE WARD: Can I invite you to take on notice what steps you are taking?

JOHN TANSEY: Sure

The Hon. NATALIE WARD: At what point does the intervention occur and where does that pop up? Because I literally just went "Amazon, e-bike" and it pops up. I get no warning, I get nothing else, and I can put that in my basket and off I go. I can get electric bikes sent to me while we're sitting here. I am just wondering at what point we get that intervention. I appreciate that's a very huge and difficult task, but if you could perhaps assist us to understand what steps are being taken, we can perhaps look at recommendations around assisting you and others out there to be safe. Because if I'm a mum sitting here clicking away, it comes up with, "Where do we send it?"

JOHN TANSEY: I'm happy to come back with further information about how we inform people, so they know what they're dealing with online. I think the other thing, as I said, is—however that is then purchased— if we believe there's a case and have the evidence that it is not a safe and compliant product, we can absolutely work with consumers to protect them and get consumer redress. **The Hon. NATALIE WARD:** If you could help us understand the specifics of how you do that it would be very helpful.

JOHN TANSEY: Yes, sure.

ANSWER

NSW Fair Trading can inspect any electrical article to ensure it meets the relevant Australian Standards, issue prohibition of sale notices in case of any safety risks and warn customers about any faulty product.

In addition, NSW Fair Trading enforces stricter regulations on electrical articles that have been designed as 'declared articles' under the *Gas and Electricity (Consumer Safety) Act 2017*, ensuring they have been tested and approved before sale in NSW. This includes checking the article has the required safety approval marks displayed. The list of declared articles includes charging devices that are designed to charge products that contain lithium-ion batteries, such as personal mobility devices.

As part of these inspections, NSW Fair Trading also conducts regular online checks of electrical products to ensure they are compliant. These checks capture charging devices for lithium-ion battery operated personal mobility devices.

To educate consumers about e-bikes and other personal mobility devices that contain lithium-ion batteries, NSW Fair Trading has also engaged with media to reiterate key messages around electrical safety. This includes ensuring that e-bikes and scooters are compliant with Australian regulations and to only use chargers and leads that are safe and suitable for the device being charged.

Question

Prosecutions

JOHN TANSEY: Under the electrical consumer safety Act there are graded levels of safety requirements and then standards that attach to them. Under that Act, all products sold in New South Wales must meet—I'll look at my notes for the standard—AS/NZS 3820, which is the essential safety requirements for electrical equipment. In order for an item to be lawfully able to be sold in New South Wales it must, at a minimum, meet that standard. That's what would currently apply to these items that we're talking about, particularly when we're talking about e-scooters, e-bikes et cetera.

Then, across the whole gamut of electrical items that are out there, if a product is deemed to be of a different or higher risk, greater levels of prescription can be applied to the safety checking and approval of that item. And then where there might be, whether it's the Australian and New Zealand standard or another international standard, they can be required to comply with, or proactively demonstrate compliance with, that different standard—especially where it's more specific to the item. So where there is an Australian standard or an international standard specific to a device, you can more directly track the safety.

In relation to these devices—where they're required to comply with that general safety requirement—in our inspection compliance activity, as we're going out through retailers or other suppliers of these goods, we can take action to question and satisfy ourselves whether or not goods meet that standard. If we're satisfied, we don't and can prove that, then we can take action to either remove them from sale, cause a recall to be done or what have you. But for most of these devices that currently applies at that general safety requirement level

Mr ROY BUTLER: Has NSW Fair Trading successfully prosecuted or penalised suppliers of personal mobility devices where fires have occurred?

JOHN TANSEY: I might take that on notice. I think the answer is no, in terms of prosecutions, but I would like the opportunity to take it on notice and just verify my facts. I'm aware that most of the actions we've taken against these items over recent times have actually been to intervene in the marketplace, identify them where we believe they're unsafe, remove them from sale and then cause the retailers to either no longer provide the particular items we've identified and, in a number of cases, successfully work with that supplier to get the items returned—up to hundreds in at least one case—and replaced with a safe item. Quite often our focus will, rather, be on getting an unsafe item off the shelves and out of the supply chain, and on making sure that any out there are also recalled and removed and replaced with a safe item. But I'll take on notice if there's been any other prosecutions or fines et cetera.

ANSWER

There have been no prosecutions of suppliers of personal mobility devices.

However, inspections of charging devices for these products continue, and if non-compliant products are identified these are removed from sale to the public and other appropriate enforcement action can be undertaken. This can include official warnings, fines or prosecution.

From March 2023 to March 2024, NSW Fair Trading conducted 195 inspections of retailers selling electrical articles, resulting in 33 non-compliant chargers being removed from sale and 34 trader education letters being issued.