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██████████
General Manager – Risk, Regulatory Planning and Policy
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By email: consultation@energysafe.vic.gov.au

Dear ██████████,

Thank you for the opportunity to comment on the *Extending the Prohibition on Certain Models of RCBOs* Regulatory Impact Statement (RIS). Ai Group has made a number of submissions to Energy Safe Victoria (ESV) on this issue since 2017 and hence we will not repeat all of what we have stated previously. Our position remains (as outlined in our submissions dated 17 February 2020, 22 May 2019 and 22 February 2019) that we do not support the extension of the RCBO Prohibition Notice and that regulatory and industry resources in addressing the issue may be more effectively and efficiently deployed with the following initiatives.

- a. The regulator should override the residual current device (RCD) verification testing exemption in AS/NZS 3000, which applies to newly installed electrical systems if no power is available to the site. Note that these changes to the standard are well over six months away.

There are significant risks to the end user if testing is not carried out on a new installation in accordance with the Standard. Ai Group notes that this initiative should be given consideration in the Decision RIS as it has not been adequately dealt with in the RIS.

- b. Regulator surveillance planning to include a risk-based audit focussed on recent installations to identify RCBOs possibly installed contrary to manufacturers' instructions.

Ai Group notes that this initiative should be addressed in the Decision RIS.

- c. Consideration of initiatives to lift the penetration of RCDs installed in Victoria's stock of housing so electrical safety is improved for all householders. This may include:

- retrofitting RCDs when a house changes ownership (as with other jurisdictions e.g. QLD and WA); and

By way of background the WA Government, on 9 August 2009, passed legislation that all homes that are sold and all rental properties must be fitted with RCDs (see media release [here](#)). This decision was made as 23 fatalities had occurred over 17 years (approximately 1.4 per year) were identified as being preventable if an RCD was fitted.

In Victorian situation ESV identified 8 deaths over 4 years (approximately 2 per year – see RIS Table 2.2 pg 21) where an “RCBO may have helped to prevent death”. However in contrast to the WA Government ESV states in the RIS (pg 41) that the “initiative would need to result in dramatic improvements in safety outcomes (e.g. reduced fatalities) to justify the cost.”

- development of a campaign with financial incentives to encourage homeowners to install RCDs.

The RIS does not present any figures that address the feasibility of this measure. Ai Group suggests that if the inspection cost (by a licensed electrician) to determine the status of a householder’s switchboard was borne by the Victorian Government then this would be a major step forward to educate householders on the risk to them if RCDs are not fitted.

- d. Development of a national campaign to encourage homeowners to ensure that their RCDs are tested annually and are operational.

Ai Group has suggested in prior submissions that consideration should be given to a nationwide coordinated campaign between industry and regulators to develop awareness of the need to test regularly RCDs, smoke alarms and hot water service relief valves. We believe that sharing of resources for initiatives between regulators is likely to result in more cost-effective safety outcomes.

As an example, the QLD Electrical Safety Office launched a video dealing with the dangers of arc flash on 7 May 2020. One of our members ran an online session on arc flash that referred to the ESO production 1 week later. This action by our member conveyed the safety message to a national audience and essentially amplifying the safety message on arc flash promulgated by the QLD regulator.

- e. Include a knowledge test at the periodic renewal of the installer’s licence that draws on the ESV’s database of fatalities and injuries.

This initiative, whilst minor, deserves consideration in the Decision RIS.

Other RIS matters

Ai Group notes that feedback from members indicates the RIS has not properly factored in the following matters.

- The cost to suppliers to potentially provide two lines of product in Australia. One is to meet the Victorian regulator’s unique requirements versus other Australian jurisdictions and indeed the rest of the world where the prohibition does not apply. Given the practical difficulties of separating supply between Victoria and the rest of Australia, the ESV’s intervention in effect inadvertently extends the scope of its market intervention to the rest of Australia.
- In 2018 a revised AS/NZS 3000 was published. Amongst other things this version requires that RCDs are fitted to all final sub-circuits in domestic and residential installations. The RIS fails to take into account that this is a standards initiative and that it has improved the safety of new electrical installations since the Camberwell incident.

- Unnecessary costs of an extended Prohibition Notice will be imposed on the supply chain at a time when many businesses are struggling to recover from the impacts of COVID-19.

Extending the Prohibition Notice

The RIS (pg 2) indicates that ESV's preferred option is to extend the Prohibition Notice by 10 years. If the Decision RIS supports this view, then ESV will need to give consideration to:

- i. aligning the additional testing on Victorian RCBOs to the same 5-year frequency that applies to general product testing for compliance; and
- ii. allowing independent and third-party test houses to administer a standardised test set by ESV as proof of compliance.

Feel free to contact us if you need further clarification.

Yours sincerely

