REGULATION IMPACT STATEMENT

TRADE PRACTICES ACT
CONSUMER PRODUCT SAFETY STANDARDS FOR
TROLLEY JACKS
AND
VEHICLE SUPPORT STANDARDS

AUGUST 2008

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

REVISION OF TRADE PRACTICES ACT CONSUMER PRODUCT SAFETY STANDARDS FOR TROLLEY JACKS AND VEHICLE SUPPORT STANDS

BACKGROUND

The Trade Practices Act 1974 (TPA) mandatory standards for trolley jacks and vehicle support stands were originally established because of concerns about the safety of these products in the market.

The Australian Standard for Trolley Jacks was originally prepared in response to concerns by the Victorian Automobile Chamber of Commerce and the Consumers Association of Victoria about the safety and quality of manufacture of hydraulic trolley jacks. Similarly, the Australian Standard for Vehicle Support Stands was originally prepared in response to a request by the Defence Standardization Committee which felt that its experience of unsatisfactory performance of vehicle support stands in the defence field would also be of concern to the general public using similar stands for vehicle maintenance at home.

These Standards were subsequently made mandatory under the TPA to ensure that all products in the market comply with recommended safety requirements. The mandatory safety standards for trolley jacks and vehicle support stands set minimum performance requirements for these products and specify the provision of safe-use instructions and product safety information. Safety warnings are considered an important part of the consumer product safety standards as many accidents appear to be associated with the misuse of trolley jacks, particularly where users get under a vehicle raised by a trolley jack instead of correctly supporting the vehicle on support stands.

The Australian Competition and Consumer Commission (ACCC) enforces the mandatory standards through monitoring the market and where necessary taking action to remove from the market any products that do not meet the mandatory safety requirements. The mandatory standards provide an effective mechanism for identifying and removing from the market products having inadequate safety features, thereby reducing the risk to consumers.

On the information available, it has not been possible to assess quantitatively the effectiveness of the TPA mandatory safety standards for these products. Prior to 1985 there was very little injury data collected to gauge overall injury rates associated with these products, and therefore it is not possible to compare related injury rates before and after the introduction of the mandatory standards. It has always been a problem to collect injury data with sufficient detail to identify associated consumer products and the Monash University Accident Research Centre (MUARC) advises that changes in data collection processes over recent years does not allow a ready comparison of current and earlier data, making it difficult to identify trends in injury rates over the longer timeframe. Improvements in data collection mean the current data can reveal more product linked injuries.

Notwithstanding the difficulties in proving the effectiveness of the mandatory standards through identified trends in product related injuries, injury prevention specialists are confident that by ensuring minimum levels of product safety and the provision of safe use warnings and instructions, the safety standards for these products are effective in

moderating the associated injury rate. Warnings reinforce the safety message by providing a present and constant reminder of the hazards.

The TPA mandatory consumer product safety standards for trolley jacks and vehicle support stands require updating following a review of the Australian/New Zealand Standards on which they are based. Standards Australia has published new versions of its standards for Trolley Jacks (AS/NZS 2615:2004, published 27 May 2004) and Vehicle Support Stands (AS/NZS 2538:2004, published 17 June 2004).

The mandatory Standards for these products are being reviewed together because they are used together in vehicle maintenance.

It is desirable that TPA consumer product safety standards are reviewed periodically to ensure they remain current and continue to meet the needs of consumers and industry. Industry have noted the importance of the mandatory standards and many have called for the adoption of the updated versions of the Australian Standards for trolley jacks and vehicle support stands as mandatory.

TPA consumer product safety standards for trolley jacks and vehicle support stands were first introduced in November 1985 and were last reviewed and updated in March 1997 to reference the 1995 versions of the relevant Australian/New Zealand standards.

PROBLEM

The Problem Being Addressed

Trolley jacks and vehicle support stands have often been associated with serious injuries. The task of raising and supporting a motor vehicle to allow work to be carried out underneath the vehicle is inherently hazardous due to the weight of the vehicle and its lack of stability when raised. This situation has resulted in serious crush injuries and deaths when vehicles have fallen onto individuals working underneath. Some injuries have been attributed by state coroners to poor quality trolley jacks and support stands, and some were attributed to unsafe consumer usage (injuries have also resulted from other uses of trolley jacks such as changing tyres).

The supply of trolley jacks and vehicle support stands that do not comply with performance requirements referenced in a safety standard and products not providing warnings of the inherent dangers associated with the use of such products are likely to result in increased injury and deaths. Where trolley jacks and vehicle support stands are of poor quality and/or manufacture, such products are also increasingly likely to cause injuries and deaths.

Industry association representatives have stated that suppliers of motor vehicle parts and accessories would be unlikely to supply only trolley jacks and support stands that comply with reasonable safety standards should mandatory standards not apply.

ACCC experience in enforcing the mandatory standards has shown that significant levels of non-compliance exist despite there being mandatory standards (particularly with trolley jacks). Arguably this indicates a willingness on the part of some suppliers to place pricing and market share ahead of compliance and customer safety. The absence of mandatory

standards for trolley jacks and vehicle support stands may therefore lead to lower standards of safety and a clear potential market failure.

Currently the Australian Government has mandated Australian New Zealand Standards AS/NZS 2615:1995 for trolley jacks up to and including 2.5 tonnes and AS/NZS 2538:1995 for vehicle support stands up to and including 1.5 tonnes. Both of the above Australian Standards have been superseded by more recent versions, AS/NZS 2615:2004 and AS/NZS 2538:2004 respectively. Australian Standards are evolving documents that are continually being reviewed to take account of advancements in technology, changes to manufacturing procedures and eliminating hazards. It would be beneficial to both consumers and industry if suppliers were able to supply products that comply with the current Australian Standards. Mandating previous versions of Australian/New Zealand Standards prevents this.

It is important to note that Australian/New Zealand Standards are researched, developed and revised by Committees comprising people from government, business and industry, community, injury prevention agencies and academia.

Should consumer product safety standards for trolley jacks and vehicle support stands be removed, consumers would be uncertain of whether the trolley jack or vehicle support stand they are purchasing is fit for purpose. Trolley jacks and vehicle support stands that are not fit for purpose, and those products not advising of the safe usage of the product, are likely to result in increased injury or death. Where a product fails to support the weight of a raised vehicle or the product is misused, the vehicle may fall from the trolley jack or vehicle support stand potentially causing serious injury or death.

If the proposal to update the mandatory product safety standards for trolley jacks and vehicle support stands was to be rejected, consumers may be able to rely on product liability legislation and also common law negligence.

Product liability deals with unsafe goods as opposed to unsatisfactory goods. Product liability essentially rests with the manufacturer of that particular product. The TPA creates a remedy for consumers who suffer injury, loss or damage because of an unsafe good. The TPA deals with defective goods by providing a series of statutory rights of action against the manufacturer, in favour of persons suffering injury, loss or damage caused by the dangerous and or defective goods. The basis of liability or the cause of action is that there is a defect in goods and a person suffers injury as a result of that defect. The legislation gives persons who have suffered injury, loss or damage caused by dangerous goods a right of action against manufacturers, importers and suppliers.

In addition to product liability legislation, common law compensation is the usual term to describe compensation pursued through the courts, which is usually made by way of the action of negligence. Where harm is foreseeable, if due care is not taken by suppliers of trolley jacks and vehicle support stands to ensure products do not cause injury, individuals injured as a result of faulty products may have access to common law negligence (provided the relevant injury and economic loss thresholds are met for the law to apply).

However, whilst consumers have an avenue of redress from product-related injury in product liability legislation and common law negligence, these deterrents are not expected to ensure suppliers of trolley jacks and vehicle support stands supply goods that comply

with minimum safety standards. Whilst there is some evidence of product liability successfully providing incentive to supply safer products in some consumer goods sectors, this is not sufficiently evidenced with trolley jacks. The number of deaths and rate of compliance with the mandatory standard demonstrate the contrary.

Where mandatory consumer product safety standards for trolley jacks and vehicle support stands exist, they act to increase consumer protection from unsafe goods and resultant injury by establishing design and construction, markings, and performance criteria to create a benchmark for safety when using trolley jacks and vehicle support stands.

Deaths and Injuries

The existence of current mandatory consumer product safety standards for trolley jacks and vehicle support stands has not totally prevented trolley jack accidents and injuries from continuing. Without more qualitative injury data it remains difficult to ascertain the cause of product-related injury (except where identified by a Coroner or specifically stated in an injury report). That is, it is difficult to ascertain from the information recorded in the injury data, whether a consumer product-related accident is caused by the product itself or from misuse by the consumer. Nonetheless based on market behaviour and educative principles it is generally agreed that the existence of mandatory product safety standards has positive effects in reducing injuries.

MUARC has searched the Victorian Emergency Minimum Dataset (VEMD) for the period January 2000 to June 2007 to identify recent injuries associated with these products. The data covers approximately 80% of Victorian emergency department presentations. The VEMD lists a total of five injuries associated with vehicle support stands. Whilst the risk of injury remains high with the use of vehicle support stands, the number of injuries reflects that vehicle support stands are limited in their application to supporting vehicles, whereas trolley jacks are used for various maintenance requirements.

The VEMD statistics reveal that there were 320 Emergency Department presentations to Victorian hospitals for vehicle jack related injuries for the period January 2000 to June 2007. Whilst the VEMD database is unable to separate “vehicle jacks” and “trolley jacks” (vehicle jacks and trolley jacks are separate products) in the search criteria, it is anticipated that many jack related injuries result from the use of trolley jacks.

As the VEMD statistics account for only 80% of Victorian emergency department presentations, it is highly likely that trolley jack related injuries Australia-wide are much greater (possibly in excess of 2,000) for the same period January 2000 to June 2007.

Note: it must be acknowledged that an anomaly may arise in data collection through a failure in the manner in which data is recorded, i.e. where hospital emergency staff record a trolley jack as, for example, a “vehicle jack”, or a “garage jack”.

The State Coroner of Victoria has advised that there have been sixteen deaths in Victoria resulting from vehicles falling from jacks for the period January 1995 to December 2005. Importantly, in February 1998 in an effort to combat continuing deaths, the Victorian State Coroner, Mr Graeme Johnstone, provided the following general comment in the report of Case Numbers *1548/96* and *2846/96*.

> *Injury incidents and deaths associated with the failure (or unsafe use) of hydraulic jacks have historically been occurring since the development of the motor car. Unsafe use of stands has also resulted in death.*
>
> *The use of unlabelled or potentially unsound jacking systems is clearly not recommended. Care must be taken to ensure jacks with correct weight tolerances are used.*
>
> *Appropriate safety stands (for the weight being lifted) should be used at all times in combination with a firm and level surface. Chocking of vehicle wheels is also essential.*
>
> *Persons working on vehicles are at risk of death or injury whether working in the home or the work place.*
>
> *Since 1991 in Victoria there have been at least 14 deaths associated with unsafe use of hydraulic jacks or stands.*

In November 2005, Victorian Coroner Kate Hawkins made the following comments in the report of Case Number *2535/05*.

> *This office sees far too many deaths resulting from the inappropriate use of car jacks, particularly in the home garage context. Use of these devices in such a manner is inherently risky.*

The National Coroners Information System (NCIS) is a national internet based data storage and retrieval system for Australian coronial cases. Information about every death reported to an Australian coroner since July 2000 (January 2001 for Queensland) is stored within the system, providing a valuable hazard identification and death prevention tool for coroners and research agencies. The NCIS records twenty nine deaths across Australia to July 2007 attributed to vehicles falling from jacks (including Victorian figures provided above). These records do not include all relevant cases for the period as some cases recorded on the system would not be finalised and have limited detail.

Whilst research into the costs associated with injury and death resulting from accidents in Australia is quite limited, in their Report #124 of 1997 *The Cost of Injury to Victoria*, MUARC provide that costs are associated with premature injury fatalities. The report states

> *At least 1,487 premature deaths from injury occurred in 1993/94, with an estimated additional 142 deaths occurring in late years as a result of injury sustained in 1993/94. Premature death from injury amounted to an estimated annual loss of 48,773 life years (to age 75), or 30 years per death. The mortality cost amounted to $813.5 million, or an average cost of $499,378 per death*.

In their explanation of mortality costs, MUARC provide

> *Indirect costs represent the value of lost output due to reduced productivity caused by injury and any resultant disability (morbidity) and losses due to premature death (mortality). Loss or partial loss of future production has been estimated in terms of earnings and labour on-costs of injury victims, the productive but unpaid contribution of victims to their households and communities and productive time lost by care-givers of child injury victims*.

It is estimated that in accordance with inflationary pressures, mortality costs associated with accidental death would have significantly increased since 1997.

Whilst the economic cost of deaths resulting from vehicles falling from trolley jacks and/or support stands for vehicles has not previously been researched, in their 2000 Report #102 *Road Crash Costs in Australia*, the Department of Transport and Regional Services, Bureau of Transport and Regional Economics provide estimates of total costs associated with vehicle accidents. In the absence of equivalent qualitative data for deaths involving vehicles falling from trolley jacks and/or support stands, the statistics can be used to provide a guide to the economic cost of death. The Report provides that when taking into account various associated costs such as ambulance costs; police costs; coronial costs; insurance costs; premature funeral costs; and any associated legal costs, the average cost of fatal crash was $1.5 million in 1996. Again, it is estimated that in accordance with inflationary pressures, mortality costs associated with accidental death would have significantly increased since 2000.

Economists measure the value of a life through the calculation of the value of a statistical life (or VOSL). The term 'statistical life' is used because most safety policies aim to reduce the risk of death rather than to avert specific deaths. Most official VOSL's are based on an average value for death of a healthy person at age about 40 years.

There is no general VOSL in use in Australia when it comes to determining values for public policy. An article by Peter Abelson of Macquarie University on *The Value of Life and Health for Public Policy* in *'The Economic Record',* Vol 79, Special Issue, June 2003, notes that "…studies indicate that most likely VOSL values are in the range of A$3.3 - 6.6 million." The article further notes that "…it appears that, for policy purposes in Australia, a VOSL of about A$2.5 million for a healthy prime-age individual would be an appropriate (conservative) value."

Changes in the Market

The Australian Automotive Aftermarket Association's *Current Status, Future Prospects: A Survey of the Australian Automotive Aftermarket* Report of 2005 (the AAAA report) provides an indication of the size of the aftermarket business from the results of survey respondents, based on annual turnover. The following table summarises the results:

Respondents by size of business, based on annual turnover	***Number***	***Percentage***
Up to $3 million	54	45
$3 million to $5 million	20	17
$5 million to $15 million	24	21
$15 million to $50 million	10	8
Greater than $50 million	11	9
Total	**119**	**100**

Trolley jacks and vehicle support stands are categorised as "tools" in the AAAA report. It must be stated that according to the AAAA report, tools are only one of approximately 37 groups that make up the aftermarket products market. Other groups of products include performance parts, bullbars, wheels and tyres, windscreens and other accessories.

It is of considerable importance that the AAAA report forecasts that growth in the tool product range from 2005 to 2008 is anticipated to be approximately 52%. This is likely to indicate an increase in the amount of trolley jacks and vehicle support stands in the market.

Since the introduction of the mandatory safety standards in 1985, the market for these products has developed to include additional reputable major national suppliers and distributors, and industry associations, which is thought to help ensure the provision of safe products.

However, the automotive products market is very competitive, with marketing frequently based on price competition. The market also includes many small suppliers not aligned with the major retail chains or industry associations, which have little or no coordinated approach to product safety. Industry commentators believe that without mandatory standards for these products, the pressure of market competition would progressively erode the level of product safety in favour of cheaper products that do not comply with safety standards. This would be expected to lead to the market regressing over time to low levels of standards compliance that existed prior to the introduction of the mandatory standards.

Whilst no enforcement action has been initiated against suppliers of vehicle support stands since January 2001, the ACCC has taken enforcement action against seven suppliers of non-compliant trolley jacks for breaches of the mandatory standard.

Industry members have indicated that because of the correlative use between trolley jacks and vehicle support stands, the supply of trolley jacks combined with vehicle support stands as the one sale item will increase in the future. Accordingly, present indications are that it is necessary to maintain mandatory safety standards for trolley jacks and vehicle support stands in order to ensure adequate levels of product safety in the market.

OBJECTIVES

What are the objectives of government action in implementing Consumer Product Safety Standards?

The objective of consumer product safety standards for trolley jacks and vehicle support stands is to reduce injuries and deaths resulting from the failure and misuse of trolley jacks and vehicle support stands during use by consumers. The Government aims to do this by mandating the Australian Standards for trolley jacks and vehicle support stands.

The Australian Standards for trolley jacks and vehicle support stands provide minimum safety thresholds in design and construction, performance requirements, and through the provision of safety information in marking requirements.

The Preface of AS/NZS 2615:2004 *Hydraulic Trolley Jacks* states

> *The Standard was originally prepared in response to requests from the Victorian Automobile Chamber of Commerce and the Consumers Association of Victoria, which were concerned about the safety and quality of manufacture of hydraulic trolley jacks.*

Clause 2 **Objective** of AS/NZS 2615:2004 states

> *The objective of this Standard is to provide manufacturers, importers, consumers, retailers and testing bodies with a set of performance requirements which include technical specifications and test methods for hydraulic trolley jacks.*

The Preface of AS/NZS 2538:2004 *Vehicle Support Stands* states

> *The objective of this Standard is to provide manufacturers, importers, consumers, retailers and testing bodies with a set of performance requirements, to ensure that vehicle support stands (also known as axle stands or jack stands) are sufficiently robust so that they will not fail under normal conditions of use, and to ensure that axle stands are designed and constructed so that they will be stable and will not damage the vehicle when used in the correct manner……*
>
> *The Standard was originally prepared in response to a request by the Defence Standardization Committee which felt that its experience of unsatisfactory performance of vehicle support stands in the defence field would also be of concern to the general public that uses similar stands for domestic purposes.*

OPTIONS

The four available options to achieve the objective are:

1. Maintain the status quo, i.e. maintain the current mandatory standards

Maintaining the existing mandatory Consumer Product Safety Standards for trolley jacks and vehicle support stands (referencing the previous version of Australian/New Zealand Standard AS/NZS 2615:1995 Hydraulic Trolley Jacks and the previous version of Australian/New Zealand Standard AS/NZS 2538:1995 Vehicle Support Stands).

The current mandatory standards require manufacturers and suppliers of trolley jacks and support stands to comply with minimum design and construction, performance and marking requirements. A summary of the mandatory requirements for each product is as follows:

Trolley Jacks

- Design and construction:
  Materials, protective coating, head cap, overload protection, prevention of overtravel, minimum capacity.

- Performance:
  Durability, deflection under load, lowering, overload capacity, eccentric load test.

- Marking:
  Jack marking, packaging marking, lubrication warning, instructions.

Support Stands

- Construction and design:
  Capacity, stability factor, engagement head, adjustable height stands, finish.

- Structural integrity and overload capacity.

- Marking:
  Support stand marking, instructions for assembly, instructions for use, packaging.

2. Remove the mandatory standards and revert to industry self-regulation

Industry self-regulation can be effective when product suppliers voluntarily adhere to codes of practice or when an industry has a strong duty of care ethic. Removing the current mandatory standards and adopting an industry self-regulation model would allow relevant industry bodies to develop a safety regime to encourage compliance with minimum safety standards. Self-regulation can range from a simple code of ethics, to codes that are drafted with legislative precision together with sophisticated customer dispute resolution mechanisms.

Whilst industry self-regulation implies that a minimum safety standard would be maintained, there would in fact be no legislative requirement for industry to comply with the self-regulation model.

3. Update the mandatory standards to reference the latest Australian Standards

New TPA consumer product safety standards would be declared for trolley jacks and vehicle support stands. These new standards would replace the current mandatory standards and reference the 2004 versions of the Australian/New Zealand Standards for hydraulic trolley jacks (AS/NZS 2615:2004) and vehicle support stands (AS/NZS 2538:2004). Compliance with the mandatory standards would be enforced by the ACCC.

The Australian/New Zealand standards for trolley jacks and vehicle support stands have been revised to bring them up to date and to take account of new product developments.

Through the Standards Australia Committee review process, new safety requirements have been introduced in the revised Australian Standard for trolley jacks, AS/NZS 2615:2004, and vehicle support stands, AS/NZS 2538:2004. Industry will need to comply with the new mandatory standard if the revised Australia/New Zealand Standards are adopted as mandatory.

As AS/NZS 2615:2004 and AS/NZS 2538:2004 are revised versions of existing Australian Standards, the requirements outlined above in option 1 (p. 10) will remain mandatory. The additional safety requirements (amendments incorporated during the revision of the Australian/New Zealand Standards) that manufacturers and suppliers will be required to comply with as a result of mandating the 2004 versions of AS/NZS 2615 and AS/NZS 2538 include the following:

Trolley Jacks

- A more specific eccentric load test (at Appendix E of AS/NZS 2615:2004) specifying where the load is to be placed on the head cap to determine compliance with the test. The previous version of the Australian/New Zealand Standard, AS/NZS 2615:1995, does not specify where to place the load on the head cap and this created interpretation issues for test laboratories which impacted on their ability to determine compliance with the Standard.

- A new performance test to determine the nominated capacity (maximum amount of weight safely able to be lifted by the trolley jack) of trolley jacks. The previous version of the Australian/New Zealand Standard, AS/NZS 2615:1995, does not provide for the establishment of the nominated capacity of trolley jacks. Appendix F of AS/NZS 2615:2004 requires the nominated capacity to be determined by applying an operating force of 450N on the handle of the trolley jack.

- In addition to labelling requirements set out in AS/NZS 2615:1995, the revised AS/NZS 2615:2004 requires trolley jacks to be labelled with the following warning:. “THE JACK MUST BE USED ONLY ON HARD LEVEL SURFACES AND BE FREE TO ROLL DURING LIFTING AND LOWERING”. This is important information to the consumer because a) many accidents occur when trolley jacks are not used on hard, level surfaces and b) if the jack is not free to roll during lifting and lowering, the load is more likely to fall from the jack which may cause injuries.

- A new requirement that the overload protection performance test be assessed when the lifting arm is at the horizontal +/-2°. The previous version of the Australian/New Zealand Standard, AS/NZS 2615:1995, does not require the lifting arm to be in any specific position to perform the overload test. Where AS/NZS 2615:2004 specifies the lifting arm to be at the horizontal +/-2°, it will arguably provide more consistent results in the testing of trolley jacks because when the overload protection test is performed with the lifting arm in different positions, it has the potential to produce inconsistent results.

Vehicle Support Stands

- A new Clause 4.1 providing general guidance, advising of the overall objective of the design and construction requirements. Clause 4.1 of AS/NZS 2538:2004 states

> *The vehicle support stand shall be designed and constructed so as to comply with all the relevant requirements specified in this Standard. It shall be free from defects that would affect its durability or serviceability and all screws, pins, bolts and similar parts shall have effective means for preventing loss of proper tightness and adjustment. All bearings and moving parts requiring periodic lubrication shall be provided with readily accessible means of applying lubrication.*

- A clarification of Clause 4.5(b) requiring that the cylindrical bar be placed *horizontally* on the engagement head when testing to simulate the ability of a support stand to retain a 100mm axle housing. The corresponding requirement (Clause 4.4) of the previous version of the Australian/New Zealand Standard, AS/NZS 2538:1995, did not specify that the cylindrical bar be placed on the support stand in any particular fashion. By not specifying that the cylindrical bar be placed on the stand in a required designation, it allowed for different interpretations by test laboratories which had the effect of producing inconsistent results.

- New instruction requirements to advise consumers to ensure that the locking mechanism is fully engaged and to not extend the height of the stand beyond its maximum working height. By advising consumers of the above, it will assist consumers to understand the dangers associated with the use of vehicle support stands. Where the stand is used in an unsafe manner, i.e., the locking mechanism is not fully engaged or the stand is raised beyond its maximum working height, the risk of injury is significantly increased.

Updating of the mandatory standards to reference the latest Australian Standards would be accompanied by a consumer and trader education campaign. The education campaign would require the development of a supplier guide for trolley jacks and vehicle support stands and the development of safe use advice for consumers.

Variations to Revised Australian/New Zealand Standard

To reduce the regulatory burden for suppliers and related costs for consumers, it is proposed to adopt as mandatory only the safety requirements of AS/NZS 2615. Accordingly it is proposed that the operating force tests of the standard (Clause 6.3 of AS/NZS 2615: 1995 and at Clause 6.3 of AS/NZS 2615:2004) be omitted. As these tests are not considered primary safety requirements, the effect on the overall safety of the product is expected to be negligible. Testing jacks to these reduced requirements will help avoid unnecessary costs associated with testing to the standard.

The latest version of AS/NZS 2615:2004 *Hydraulic Trolley Jacks* also includes a new requirement at Clause 5.4(a), that the head cap diameter of a trolley jack shall be no smaller than 78% of the width between the side plates of the hydraulic trolley jack measured across the front axle. The intended purpose of this requirement is to increase the ability of the trolley jack to support the load.

However during the consultation process suppliers advised that the inclusion of the new Clause 5.4(a) requirements in the revised AS/NZS 2615:2004 may unnecessarily reduce the ability of the jack to comply with the performance requirements of the Standard. In fact, the inclusion of Clause 5.4(a) could also lead to a potential increase in the cost of manufacture which would be passed on to the consumer in the form of increased product costs.

The ACCC is unaware of any direct injuries resulting from the size of the head cap (being too small for the load) and considers this new requirement is not justified as part of the mandatory standard. Therefore it is proposed that Clause 5.4(a) be removed from the mandatory provisions by prescribing a variation to the Standard in the Consumer Protection Notice.

As it is intended that Clause 5.4(a) of AS/NZS 2615:2004 be removed from the mandatory requirements, it is proposed that the corresponding instructions for the minimum size head cap, at Clause 8(d), also be removed from the mandatory requirements.

4. Provision of safe use information to potential consumers

The implementation of an education campaign conducted by the ACCC consisting of a media release and the provision of a consumer safe-usage publication would warn consumers of the dangers associated with working underneath a vehicle. The education campaign would also highlight the importance of product maintenance. The safety message in the provision of information may act to significantly reduce the amount of accidents and resultant injuries and deaths.

IMPACT ANALYSIS

Impact Groups

The proposed options would affect consumers who purchase trolley jacks and vehicle support stands, businesses involved in the supply of the products (manufacturers, importers, distributors and retailers), government (including consumer product regulators) and providers of emergency hospital services.

Users of trolley jacks and support stands

Users of trolley jacks and vehicle support stands include home (DIY) mechanics and also professional mechanics. Motor vehicle repair and servicing at home is a popular hobby and pastime in Australia.

The average retail price of trolley jacks is between approximately $100 and $250 and the average retail price of support stands is between approximately $50 and $100. Consumers (home mechanics) are likely to purchase trolley jacks and support stands as motor vehicle repairs performed at home by the DIY mechanic are an attractive alternative to often costly repairs completed by professional mechanics.

Other users of trolley jacks include vehicle owners (including caravans, trailers and other towed units) who carry a trolley jack for the purpose of replacing a flat tyre.

It should be noted that some trolley jacks at the upper-end of the market retail between approximately $500 and $600 and such products are more likely to be purchased and used by vehicle repair businesses.

Consultation

This Regulation Impact Statement setting out the case for the regulation of trolley jacks and vehicle support stands was submitted for consideration by:

- consumer groups;
- the Consumer Products Advisory Committee (CPAC) to the Ministerial Council on Consumer Affairs (MCCA) (comprising Commonwealth, State, Territory and New Zealand Consumer Affairs/Fair Trading officers);
- industry representatives;
- industry organizations including manufacturers, distributors and retailers;
- relevant test laboratories; and
- the medical and health sector.

A total of 32 organisations were consulted in this process, with a period of up to 4 weeks being allowed for responses. An analysis of the responses by the above groups is provided at Appendix A.

COST – BENEFIT ANALYSIS

Option 1: Status Quo

Costs and Benefits for Consumers

The cost to the consumer of leaving the current standards in place is that whilst the current level of safety would be maintained, it would not be improved. Unfortunately maintaining the current mandatory standards is likely to maintain the current rates of injury and deaths.

Currently some suppliers falsely claim compliance with Australian Standards. Even without false claims, no consumer is able to make an assessment as to the safety of any given product. The relevant information asymmetry leaves consumers vulnerable in the case of non-compliant products.

Costs and Benefits for Business

The cost to industry of leaving the current standards in place is that the existing mandatory standards are based on outdated versions of Australian Standards. This means that the mandatory standards would not adequately cover technological developments in the market.

To ensure its Standards are relevant and up-to-date, Standards Australia reviews its standards on a regular basis to take account of technological developments and align them with updated international standards. Other similar overseas/international standards include:

- American Standard
  ASME PALD 2005 – Safety Standard for Portable Automotive Lifting Devices.
- British Standard
  BS AU 223a:2006 – Design, Construction Performance and Marking of Vehicle Support Stands for Cars and Light Vans – Specifications.
- European Standard
  I.S. EN 1494:2000 – Mobile or Moveable Jacks and Associated Lifting Equipment.
- The International Organization for Standardization Standard
  ISO 11530:1993 – Road Vehicles, Hydraulic Jacks, Specifications.
- Japan Standard
  JIS D 8101:1994 – Portable Hydraulic Jacks for Automobiles.

Industry is also subject to compliance costs where laboratory testing of imported trolley jacks and vehicle support stands (at the discretion of the supplier) is obtained.

Industry benefits from the mandatory safety standards where trader reputation is improved through the supply of safe product.

Costs and Benefits for Government

The major costs for government of leaving the current standards in place include the costs of enforcement of the standards by the ACCC valued at approximately $125,000 per annum. The loss of potential savings to public health budgets by reducing medical and hospitalisation costs for accidents as a result of mandating current Australian/New Zealand Standards would also be a cost to Government.

The benefit to government in leaving the current standards in place would be that the costs associated with the enforcement of the standards (approximately $125,000) would remain approximately the same.

Option 2: Remove Mandatory Standards – Industry Self-Regulation

Costs and Benefits for Consumers

Industry association representatives have stated that suppliers of motor vehicle parts and accessories would be unlikely to adhere to voluntary industry codes of practice to supply only trolley jacks and vehicle support stands that comply with desirable safety standards. It is claimed that in this price-competitive market, most suppliers would deal in cheaper, non-complying trolley jacks and support stands to maintain sales. This view is supported by experience in enforcing the mandatory standards when the occasional supply of non-complying product is reported as illustrating the pressures on business to by-pass safety standards.

The onus for selecting trolley jacks and support stands with appropriate levels of safety would rest with the consumers in a self-regulated market.

Trolley jacks and vehicle support stands without recommended safety features or tested performance would attract consumers through cheaper prices, potentially leading to higher rates of death and injury associated with those products. The cost is difficult to quantify due to uncertainties about the precise effect of the safety standard, but if the injury rate increased it would result in increased medical and personal costs which may be shared with the public hospital system and the broader community through health insurance.

Conservatively, at least one additional death per year might be expected to result from this lowering of safety standards, with a loss of life being valued at approximately A$2.5 million for a healthy prime-age individual.
The benefits of industry self-regulation for consumers would be that the availability in the market of trolley jacks and vehicle support stands that do not comply with safety standards would increase consumer choice and price competition, possibly reducing prices by 5 to 10 per cent.

Consumers may benefit from industry self-regulation where suppliers of trolley jacks and vehicle support stands that do not comply with safety standards may confront reputation issues that may discourage the supply of unsafe goods.

Section 74D of the TPA provides a right of redress where goods are not of merchantable quality. Section 74D(3) states

> *Goods of any kind are of merchantable quality within the meaning of this section if they are fit for the purpose or purposes for which goods of that kind are commonly bought as it is reasonable to expect……*

Consumers who are injured by unsafe goods also have an avenue to redress from injury through product liability and negligence laws.

However redress from injury through product liability and negligence laws become available only after an injury has occurred. Access to legal redress is of no consequence to those who lose their life as a result of an accident involving unsafe goods.

Product liability and negligence claims can also be financially costly. Legal expenses reduce the ability for many consumers to access compensation via the courts for injuries received.

Costs and Benefits for Business

Despite industry-developed codes of practice being optional for suppliers, industry associations would incur some administrative costs in the development and promotion of codes of practice for the supply of trolley jacks and vehicle support stands. The costs are estimated to be in excess of $20,000 per year, and would be borne by industry association members. Market forces would determine whether these costs would be passed on to consumers.

Suppliers adhering to the industry codes for trolley jacks and vehicle support stands would lose some market share to suppliers that undercut the market by supplying cheaper products that do not comply with safety standards. It is also felt that there is insufficient coverage of suppliers by industry associations to give effect to industry self-regulation.

Self-regulation would benefit industry where suppliers are free to select products on the basis of perceived commercial potential and compete freely in the market.

A further benefit would be the widening of the range of products in the market to include cheaper models which may assist smaller suppliers to enter the market.

Consumers who sustain injuries as a result of trolley jacks or vehicle supports stands that are unsafe are able to commence legal action under product liability and negligence laws. This could act as a deterrent to suppliers to supply goods that do not comply with a safety standard. In addition to this, Section 74D of the TPA regarding merchantable quality would also act as a deterrent to supply faulty goods.

Costs and Benefits for Government

Increased injuries associated with trolley jacks and vehicle support stands that do not comply with the industry codes would result in increased demand for hospital services. The government would effectively share in the increased costs of medical treatment for consumers.

Self-regulation would eliminate the need for the ACCC to maintain mandatory standards and enforce them through market surveys and compliance action. The estimated savings over the present regulation are approximately $125,000 per year.

The ACCC is responsible for both enforcing mandatory consumer product safety and information standards and investigating reports of unsafe goods (those consumer goods not required to comply with a mandatory standard). Should the mandatory standards be removed for the self-regulation option, it would be expected that the number of unsafe goods investigations reported to the ACCC would increase. It is estimated that an increase in unsafe goods investigations for trolley jacks and vehicle support stands could cost approximately $20,000.

Option 3: Update Mandatory Standards

Costs and Benefits for Consumers

Industry has advised that adoption of the updated Australian Standards as mandatory is expected to result in the continuation of present product pricing levels, which ads an additional cost component to the product (estimated to be less than 1 per cent) for testing compliance to the mandatory standard. This additional cost component is passed on to the consumer in the form of higher prices which is assessed as minimal.

The continuing barrier to cheaper products not made to comply with the mandatory product safety standards would maintain restriction of market competition and therefore maintain the present limitations on choice for consumers.

With all trolley jacks and vehicle support stands in the market complying with the updated safety standards, consumers would continue to rely on the supply of safe products rather than on personal research to assess the safety of individual products.

Consumers would benefit from the adoption of the updated Australian Standard for trolley jacks which includes an additional eccentric load test specifying the configuration and the points of the force application; the determination of the load capacity using a maximum operating force; and improved warning labels.

Consumers would benefit from the adoption of the updated Australian Standard for vehicle support stands which incorporates new safety requirements including additional design and construction specifications and improved warning labels.

An ACCC education campaign would accompany the introduction of the mandatory standards. Consumers would benefit from the provision of information advising of the safe use of trolley jacks and vehicle support stands.

Costs and Benefits for Business

With the adoption of the current Australian Standards for trolley jacks and vehicle support stands as mandatory, the cost of stock would continue to include (given that mandatory standards for trolley jacks and vehicle support stands are currently in place) a premium to cover the cost of product development and testing for compliance with the mandatory standards. These testing costs are passed on to the consumer in the form of higher prices.

The vast majority of trolley jacks and vehicle support stands on the Australian market are imported and most appear to be imported from China. During the consultation process, it was identified that there are a significant number of suppliers of trolley jacks and vehicle support stands in Australia (estimated to be up to 5,000). However, the actual size of the market has not been identified as there are many importers of trolley jacks and vehicle support stands (some of which are one-time importers) who source product from many industry sources. Therefore insufficient global information is available to conduct a complete analysis of regulation-associated costs to business. However, one submission by industry during the consultation process provided that “the implementation of AS/NZS 2615:2004 and AS/NZS 2538:2004 will have very minor cost implications for business”.

Smaller suppliers may continue to find it difficult to enter the market with cheaper products as testing to mandatory standards can be a significant cost component when dealing with small quantities of trolley jacks and vehicle support stands.

Suppliers, through their industry associations, have contributed to the development of the Australian Standards for trolley jacks and vehicle support stands. The adoption of the new Australian Standards would allow industry to utilise the latest Standards. Costs to suppliers in complying with the new labelling requirements in both AS/NZS 2615:2004 and AS/NZS 2538:2004 are very low.

A mandatory minimum standard provides benefits to industry because it provides clarity as to what is required in providing a safe product, and should make it easier for suppliers to identify compliant products. This can reduce management and administrative effort to ensure compliance, provide a higher level of confidence in compliance and help avoid the potential cost and inconvenience of product recalls and possible litigation.

Assistance to industry in compliance with the mandatory standards would be provided by the ACCC through an education campaign including the development of a supplier's guide for trolley jacks and a guide for vehicle support stands.

Costs and Benefits for Government

The costs of maintaining and enforcing the updated Australian Standards for trolley jacks and vehicle support stands are incurred through market surveys and possible court action. The annual cost of enforcing the current mandatory standards is approximately $125,000. Costs associated with enforcing the updated Australian Standards are expected to remain approximately equivalent.

The cost of the proposed education campaign for consumers and suppliers, including a safe use publication for consumers and supplier guides for industry would be approximately $40,000.

There are benefits to government ensuring the standard of personal consumer safety is maintained. With the improved labelling messages in both the trolley jack and the vehicle support stand Australian Standards, updating the mandatory standards could result in additional savings to public health budgets by reducing medical and hospitalisation costs for accidents associated with trolley jacks and vehicle support stands.

Possible trade implications

The Commonwealth Government has obligations to ensure that its regulations do not impose unnecessary barriers to trade by setting standards that make compliance by overseas manufacturers difficult. However, under the terms of the Agreement on Technical Barriers to Trade, a Government is able to regulate to protect human life and health, especially where it can be shown to be necessary to achieve reasonable levels of consumer protection.

Other countries do have some local 'voluntary' controls in place to protect their public from unsafe trolley jacks. For example: American Standard *ASME PALD 2005 – Safety Standard for Portable Automotive Lifting Devices;* British Standard *BS AU 223a:2006 – Design, Construction Performance and Marking of Vehicle Support Stands for Cars and Light Vans – Specifications;* European Standard *I.S. EN 1494:2000 – Mobile or Moveable*

Jacks and Associated Lifting Equipment; The International Organization for Standardization Standard *ISO 11530:1993 – Road Vehicles, Hydraulic Jacks, Specifications; and* Japan Standard *JIS D 8101:1994 – Portable Hydraulic Jacks for Automobiles.* However, the very high numbers of injuries and deaths experienced in Australia resulting from the use of trolley jacks justifies the implementation of a mandatory consumer product safety standard.

As previously discussed (Option 1 – Costs and Benefits for Business p. 12), Standards Australia reviews its standards on a regular basis to take account of technological developments and align them with updated international standards. Therefore the proposed mandatory minimum standard would facilitate compliance by overseas manufacturers by being compatible with major overseas standards.

Option 4: Provision of Information to Potential Consumers

Costs and Benefits for Consumers

One potential cost to consumers in the provision of information is that many consumers may not receive the information despite a targeted education campaign. In addition, whilst a targeted education campaign may be appropriate in the short-term, the provision of information has a limited life span and the warning messages may be lost on future users of trolley jacks and vehicle support stands. The likely result of either scenario would be an increase in injury and death.

Consumers are likely to benefit from the provision of information where a targeted campaign would highlight the hazards associated with the use (and misuse) of trolley jacks and vehicle support stands. It is envisaged that a targeted information campaign would likely reduce injury in the short term.

Costs and Benefits for Business

Business would essentially suffer no costs with the provision of information to consumers. Some responsible/safety conscious suppliers and retailers may take it upon themselves to accept the costs associated with the re-print of any publications originally prepared by the ACCC for the information campaign for distribution to consumers.

Business would benefit from an educated consumer base. Consumers equipped with the relevant safety and safe use information would be empowered to purchase only quality product and understand the hazards associated with misuse.

Costs and Benefits for Government

Any education campaign to warn consumers of the hazards associated with the use and misuse of trolley jacks and vehicle support stands would be required to be extensive. Given the nature of the products, and that many Australians enjoy working on their motor vehicles; the size of an education campaign needed to ensure all potential trolley jack and vehicle support stand consumers are made aware of the hazards would be sizeable.

Publications produced for the education campaign, advising of quality and safe use issues, should be provided (where possible) to all retailers of trolley jacks and vehicle support stands to be displayed at point of sale. It is estimated that the costs associated with producing a media campaign and related education materials including publications would

be in excess of $85,000. The provision of education materials to potential consumers would be required to be more intensive than the education campaign associated with the introduction of new mandatory standards (see option 3).

The provision of information and education campaign advising potential users of trolley jacks and vehicle support stands of the hazards associated with the use and misuse of those products may result in a reduction of injuries and deaths. A reduction in injuries and deaths would translate to additional savings to public health budgets by reducing medical and hospitalisation costs for accidents associated with trolley jacks and vehicle support stands.

Whilst an immediate reduction in injuries and deaths could be expected from the provision of information and an education campaign, it is expected that any reduction in injury rates and resultant savings to health budgets would be short-term. Without continuous education consumers are likely to lose or disregard the safety message and revert to uneducated purchasing decisions and/or unsafe use of the product/s. It is expected the unsafe use of trolley jacks and vehicle support stands would lead to an increase in injuries and deaths.

CONCLUSION

Evidence of past market behaviour indicates that industry self-regulation would not be effective in excluding from the market trolley jacks and vehicle support stands that do not meet safety standards. While some suppliers would be expected to continue to supply compliant products, most retail suppliers would be likely to deal in cheaper, non-compliant products in order to maintain a share of the market. The costs of implementing the industry self-regulation option would be borne by industry in the administration of voluntary codes of practice, and by consumers and the community in dealing with the effects of increased product-related accidents, resulting from trolley jacks and vehicle support stands that do not provide a reasonable level of safety.

It would be beneficial to both industry and consumers to adopt the new Australian/New Zealand Standards for Trolley Jacks and Vehicle Support Stands as mandatory standards, as per option 3, so that suppliers can utilise the latest Australian Standard and consumers can benefit from the corresponding improvements in product safety.

In particular, the labelling requirements in the Standard are very important for consumers as labelling influences behaviour and decrease the likelihood of improper use of products. Also, the cost to business in changing the wording of the labels is very low.

At the present time the mandatory safety standard requires compliance with the superseded 1995 standards and so prevents industry adopting the updated 2004 Australian Standards.

The ACCC applies a range of strategies to address product safety. The introduction of a mandatory standard is one of several strategies. The introduction of a mandatory standard would be accompanied by a consumer and industry education campaign.

This proposal has been circulated for consideration by interested groups to verify that the new standards are acceptable and would not be likely to create any undue difficulties in the market. See Appendix A for a summary of responses.

IMPLEMENTATION

Following consideration of consultation outcomes, the new mandatory standards would be gazetted as soon as possible.

Industry will require time to adjust to the new requirements of the mandatory standards. To comply with the new requirements, suppliers will need to develop new product labelling, to ensure that products comply with the new performance requirements, and to clear existing stock not produced in accordance with the new requirements. Accordingly, it is proposed that the new safety standards provide a 12 month phase-in period during which products may comply with either the current or the new standards. Following this changeover period, all products supplied would be required to comply with the new standards.

Industry has also raised concerns regarding the limited amount of testing facilities in Australia and the associated time constraints in having products tested. This should be taken into consideration in the amount of time provided for the phase-in period. Industry has indicated that 12 months is appropriate.

MONITORING AND REVIEW

The new standards will be monitored through feedback from industry, consumers, injury analysts and standards enforcement authorities to ensure the new standards do not cause any unnecessary disruption to the market.

It is government policy to periodically review mandatory standards to ensure they remain relevant to market needs. The new standards will remain in force until they are subject to another review in approximately 5 years time, or sooner in the event of changed circumstances, such as when the relevant Australian/New Zealand source standards are amended.

APPENDIX A

Summary of comment received on proposed mandatory standards for trolley jacks and vehicle support stands

Clause	Comment	ACCC Response
General comment	We agree with the ACCC that Option 3, including the variation, is the most suitable.	Support for proposed mandatory standard is noted.
General comment	Our recommendation is that you revise the limitation for this notice to be up to and including 3 tonne capacity (for vehicle support stands).	Noted but not agreed as the consumer market for vehicle support stands is predominantly up to and including 1.5 tonnes (per stand).
General comment	I have concerns with the notice limitation of the 2.5 tonnes capacity (trolley jacks). This notice does not qualify to what testing capacity the 2.5 tonnes is tested to.	Not agreed. A trolley jack must be able to lift its nominated capacity in line with the appropriate tests outlined in the mandatory standard.
General comment	It would be detrimental to remove the current mandatory standard in place of industry self-regulation.	Support for proposed mandatory standard is noted.
General comment	If the current standard was to be left in place, complacency would creep in and the education and promotion benefits associated with the new standard would not be realised.	Support for proposed mandatory standard is noted.
General comment	The continued availability of non-compliant product in the market clearly highlights that industry regulation would not ensure the same level of compliance as achieved under a mandatory standard.	Support for proposed mandatory standard is noted.
General comment	The product availability across channels and within channels is contracting; retailers are no longer carrying as much stock and some retailers have opted out of the channel altogether, which is not reflected in the figures provided by the AAAA.	Noted but not substantiated.

General comment	On page 2 headed Objectives I found this section very profound in that the first sentence says that it "is to reduce injuries and deaths resulting from the failure of trolley jacks and vehicle support stands during use by consumers". This indicates that all of the injuries mentioned in the previous paragraph were caused by the jacks & stands (incorrect) I think.	Agreed. Inserted reference to acknowledge misuse of trolley jacks and vehicle support stands.
General comment	The implementation of AS/NZS 2615:2004 and AS/NZS 2538:2004 will have very minor cost implications for business. Increased letter size requirements will lead to incremental costs in label production, and additional compliance tests may increase the cost of testing to the new standard. All other manufacturing and production costs will at this time not be altered by the ratification of the new standard.	Support for proposed mandatory standard is noted.
Clause 5.4(a)	As a manufacturer of hydraulic jacks for the US, Europe, Japan and the Australia/New Zealand Markets as well as a leader in innovative technologies in the field of portable automotive lifting devices, we fully agree with the ACCC's reasons for the variation.	Support for variation is noted.
Clause 5.4(a)	From the information we have, we are unable to confirm or deny any injury or death that can be directly attributed to the size of the head cap of a jack.	Support for variation is noted.
Clause 5.4(a)	Clause 5.4(a) requires the head cap to be no smaller than 78% of the width of the jack. In our opinion, we are unable to establish a scientific reasoning for this parameter.	Support for variation is noted.
Clause 5.4(a)	My technical ability is limited, however it does make sense that having the larger head cap does seem to provide extra safety in allowing for extra stability in the positioning of the load.	Noted but mandatory requirements must directly correlate to injury prevention. In the absence of technically-based evidence that a larger head cap addresses a major hazard, Clause 5.4(a) is to be removed from the mandatory requirements.
Clause 5.4(a)	While I feel that there is merit in linking the head cap size plate dimension I don't necessarily think that it has to be 78%.	Agreed. The requirement for the head cap to be no smaller than 78% of the width between the side plates is unsubstantiated.

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No 9 of 2008

CONSUMER PRODUCT SAFETY STANDARD FOR VEHICLE SUPPORT STANDS

I, Chris Bowen, Minister for Competition Policy & Consumer Affairs, pursuant to subsection 65E (1) of the *Trade Practices Act 1974* and for the purposes of section 65C of that Act, hereby:

(a) REVOKE the consumer product safety standard for vehicle support stands declared by consumer protection notice No 7 of 1997 published in the Commonwealth of Australia Gazette No. GN 11 of 19 March 1997;

(b) DECLARE that in respect of goods of the kind specified in Division 1 of the Schedule to this Notice, the standards approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, are consumer product safety standards for the purposes of section 65C of the *Trade Practices Act 1974*. The standard at Division 2(a) of the Schedule to this Notice will cease to operate as a consumer product safety standard from 1 August 2009.

THE SCHEDULE

Division 1: Particulars of the goods

Vehicle support stands with a nominated capacity up to and including 1.5 tonnes.

Division 2: The Standards

Either:

(a) Australian/New Zealand Standard AS/NZS 2538:1995 *Vehicle Support Stands*, approved on behalf of the Council of Standards Australia on 25 January 1995;

Or

(b) Australian/New Zealand Standard AS/NZS 2538:2004 *Vehicle Support Stands*, approved on behalf of the Council of Standards Australia on 7 April 2004.

Division 2: Variations

Standard AS/NZS 2538:1995 is varied by:

(a) amending clause 1 by adding the following after the word "stands":

"up to and including 1.5 tonnes"

Standard AS/NZS 2538:2004 is varied by:

(a) amending clause 1 by adding the following after the word "stands":

"up to and including 1.5 tonnes"

Note: The choice between two consumer product safety standards in this consumer product safety notice is available until 31 July 2009. From 1 August 2009 the standard at Division 2(b) of the Schedule will operate as the only consumer product safety standard in this consumer product safety notice.

Dated this day of August 2008

Chris Bowen
Minister for Competition Policy & Consumer Affairs

COMMONWEALTH OF AUSTRALIA

Trade Practices Act 1974

Consumer Protection Notice No 10 of 2008

CONSUMER PRODUCT SAFETY STANDARD FOR TROLLEY JACKS

I, Chris Bowen, Minister for Competition Policy & Consumer Affairs, pursuant to subsection 65E (1) of the *Trade Practices Act 1974* and for the purposes of section 65C of that Act, hereby:

(c) REVOKE the consumer product safety standard for trolley jacks declared by consumer protection notice No 4 of 1997 published in the Commonwealth of Australia Gazette No. GN 11 of 19 March 1997;

(d) DECLARE that in respect of goods of the kind specified in Division 1 of the Schedule to this Notice, the standards approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, are consumer product safety standards for the purposes of section 65C of the *Trade Practices Act 1974*. The standard at Division 2(a) of the Schedule to this Notice will cease to operate as a consumer product safety standard from 1 August 2009.

THE SCHEDULE

Division 1: Particulars of the goods

Trolley jacks with a nominated capacity up to and including 2.5 tonnes.

Division 2: The Standards

Either:

(a) Australian/New Zealand Standard AS/NZS 2615:1995 *Hydraulic Trolley Jacks*, approved on behalf of the Council of Standards Australia on 24 August 1995,

Or:

(b) Australian/New Zealand Standard AS/NZS 2615:2004 *Hydraulic Trolley Jacks*, approved on behalf of the Council of Standards Australia on 7 April 2004.

Division 3: Variations

Standard AS/NZS 2615:1995 is varied by:

(a) Deleting clause 1 and substituting it with the following clause:

"1 **SCOPE** This Standard specifies requirements for the design, construction, performance and labelling of hydraulic trolley jacks up to and including 2.5 tonnes, designed to lift vehicles. It does not include devices that raise an entire vehicle.

Requirements for vehicle jacks, i.e. jacks in which the load is directly transferred from the head cap to the base, are specified in AS/NZS 2693.";

(b) Deleting clause 6.3.

Standard AS/NZS 2615:2004 is varied by:

(a) Deleting clause 1 and substituting it with the following clause:

"**1 SCOPE**

This Standard specifies requirements for the design, construction, performance and labelling of hydraulic trolley jacks up to and including 2.5 tonnes, designed to lift vehicles. It does not include devices that raise an entire vehicle.

Requirements for vehicle jacks, i.e. jacks in which the load is directly transferred from the head cap to the base, are specified in AS/NZS 2693.";

(b) Deleting clause 5.4(a);

(c) Deleting clause 6.3 and substituting it with the following:

"**6.3 Ease of operation**

When the hydraulic trolley jack is tested in accordance with Appendix A and the operating force exceeds 450N, Appendix F shall be used to determine the maximum capacity of the hydraulic trolley jack using a maximum operating force of 450N.";

(d) Deleting clause 8(d).

Note: The choice between two consumer product safety standards in this consumer product safety notice is available until 31 July 2009. From 1 August 2009 the standard at Division 2(b) of the Schedule will operate as the only consumer product safety standard in this consumer product safety notice.

Dated this day of August 2008.

Chris Bowen
Minister for Competition Policy & Consumer Affairs