

## EXPLANATORY STATEMENT

### *Consumer Goods (Portable Ramps for Vehicles) Safety Standard 2017*

#### Overview

The Commonwealth Minister for Small Business (the Minister) has made a safety standard for portable ramps for vehicles pursuant to sections 104 and 105 of the Australian Consumer Law, which is Schedule 2 of the *Competition and Consumer Act 2010 (Cth)*.

The safety standard comes into effect on the day after it is registered on the Federal Register of Legislation. A transitional period of 24 months will apply during which suppliers may supply portable ramps for vehicles that meet either the previous safety standard or the new safety standard. At the end of the 24 month transitional period, suppliers will need to ensure they comply with the new safety standard.

The purpose of the safety standard is to reduce the risk of death and serious injuries resulting from the use of portable ramps for vehicles and associated products. The previous standard was introduced in 1985 due to concerns about the safety of these products.

Since 2000, five Australians have, on average, been killed at home from vehicles falling on them while they were performing maintenance underneath the vehicle. These deaths have been linked to incorrect use of lifting and support products or using unstable and inappropriate alternatives such as bricks and wooden blocks.

#### Repealed Standard

The previous safety standard for portable ramps for vehicles was the *Trade Practices Act 1974* Consumer Protection Notice No.2 of 2010 – *Consumer Product Safety Standard for Portable Ramps for Vehicles*.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

#### Requirements of the safety standard

This safety standard applies to portable ramps for vehicles.

The safety standard includes the following definitions:

**Australian Standard** means Australian standard AS 2640:2016 *Portable ramps for vehicles*.

**Vehicle ramp** means a vehicle ramp (within the meaning of the Australian standard) that has a nominated capacity (in accordance with that Standard) of 1,500 kilograms or less.

The safety standard requires the supply of portable ramps for vehicles to comply with the Australian standard AS 2640:2016 *Portable ramps for vehicles* (with variations).

#### Access to Australian and international standards

Where practicable, product safety legislative instruments only reference extrinsic material that is readily accessible for free by the public. However, as in the current case, many product safety legislative instruments need to incorporate extrinsic technical standards over which certain bodies have copyright. The voluntary Australian standard referenced in this instrument is available for purchase at SAI Global's website (<https://www.saiglobal.com>).

The Australian Competition and Consumer Commission can also make a copy of the voluntary Australian standard available for viewing at one of its offices, subject to licensing conditions.

### **Transitional arrangements**

The instrument provides a transitional period of 24 months beginning on the day this instrument commences. During the transitional period suppliers must meet the requirements of either:

- the *Trade Practices Act 1974 - Consumer Protection Notice No. 2 of 2010 – Consumer Product Safety Standard for Portable Ramps for Vehicles*, or
- the *Consumer Goods (Portable Ramps for Vehicles) Safety Standard 2017*.

After the transitional period suppliers must meet the requirements of the *Consumer Goods (Portable Ramps for Vehicles) Safety Standard 2017*.

### **Consultation**

The Australian Competition and Consumer Commission (ACCC) published a combined consultation paper for trolley jacks, vehicle support stands and portable ramps for vehicles from 28 September to 18 November 2016. The paper detailed four policy options for dealing with the current mandatory safety standards:

Option 1 - Keep the current mandatory safety standards (status quo)

Option 2 - Accept the superseded and current voluntary Australian standards

Option 3 - Accept multiple trusted standards

Option 4 - Revoke the mandatory safety standards

The ACCC's preliminary position outlined in the paper was to adopt multiple trusted standards (option 3) as this option would provide the greatest benefit for consumers, suppliers and regulators. Specifically, to adopt the updated voluntary Australian standard AS 2640:2016 *Portable Ramps for Vehicles* and the American standard ASME PASE-2014 *Safety Standard for Portable Automotive Service Equipment*.

Eleven submissions were received from suppliers, industry associations, test laboratories and individuals. Seven stakeholders supported maintaining the repealed safety standard (i.e. not adopting the updated Australian standard or international standards). Three stakeholders supported adopting the updated Australian standard and international standards, and one stakeholder supported adopting both the repealed and updated Australian standard.

The ACCC also consulted with the relevant Standards Australia technical committee, which advised the performance requirements of the American standard were not assessed for comparison purposes as part of the review of the voluntary Australian standard.

Following the submission process, further scrutiny of the international standard and additional discussion with the Standards Australia technical committee the ACCC concluded that consumer safety could be adversely affected through adoption of the American standard for portable ramps for vehicles. As a result the ACCC reviewed and changed its position for portable ramps for vehicles to adopt the updated voluntary Australian standard only (option 2).

### **Disallowance**

This legislative instrument is not subject to disallowance due to subsection 44(1) of the *Legislation Act 2003*.

## **Commencement**

The legislative instrument commences on the day after it is registered on the Federal Register of Legislation.

## **Sunsetting**

The legislative instrument is exempt from sunsetting. Schedule 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (No. 158, 2015) lists as exempt, instruments made under section 104 or 105 (safety standards) of Schedule 2 (the Australian Consumer Law) to the *Competition and Consumer Act 2010*.

## **Regulation impact assessment**

The Office of Best Practice Regulation advised a Regulation Impact Statement was not required.