



Australian
Competition &
Consumer
Commission

Supplier guide

PRODUCT SAFETY:

A guide to testing

October 2018



www.productsafety.gov.au

Contents

Product safety testing	2
Introduction	2
Australian consumer law requirements—consumer guarantees and product safety	2
Supplier responsibilities	3
Possible consequences of supplying unsafe products	4
Liability and insurance	5
Testing	6
Why test?	6
Minimising the costs of testing	6
Enforcement actions and testing	7
Test laboratories	7
What to test	10
Products	10
Specified safety requirements	10
Multiple samples	11
When to test	12
Testing stages	12
Using test reports	14
Checking reports	14
Retaining documents	16
Report checklist	16
Guide to product testing: checklist	17
Further information	18
Glossary	20
Stay in touch with product safety	23

Product safety testing

Introduction

The Australian Competition and Consumer Commission (ACCC) has prepared this guide to assist designers, manufacturers, importers, wholesalers, retailers and hire companies understand, organise and use product safety testing and test reports for consumer products.

When evidence shows that products have caused or could cause serious injury or death, a ban or mandatory safety standard may be made.

Although a relatively small number of consumer products are covered by bans or mandatory safety standards, many products are covered by voluntary standards. These voluntary standards are important as they can help you, as a supplier, to assess products against specific criteria and to ensure product safety. Many suppliers incorporate voluntary standards into their routine quality assurance.

Bans and mandatory standards often prescribe technical characteristics or performance requirements that must be met before products can legally be supplied into the Australian marketplace. In some cases, in order to demonstrate compliance with technical performance specifications in a standard, it may be important for you to hold test reports that demonstrate this compliance or to arrange testing by independent, specialist test laboratories.

Voluntary standards may also recommend technical performance specifications that relate to product quality, performance or safety, and businesses may have their own private specifications and/or use voluntary standards for products they source.

All suppliers should ensure both the safety of their products, and that they can support claims made about the products. This should apply whenever you make, buy, distribute or sell products. Risk management, quality assurance and product testing to voluntary and mandatory standards all play a role in this validation process.

Australian consumer law requirements—consumer guarantees and product safety

Under the Australian Consumer Law (ACL), consumers are provided with certain guarantees when they purchase goods and services, known as consumer guarantees.

The ACL also includes national product safety laws that set out responsibilities of the Australian, state and territory governments and suppliers. This includes responsibilities for issuing safety warning notices, banning goods and managing recalls for consumer goods.

The product safety and consumer guarantees frameworks outline certain remedies for consumers when there is a safety problem with a particular good. However, it is important to note that the two frameworks operate independently.

Testing may be a source of information for the ACCC in assessing whether a supplier has complied with consumer guarantees and mandatory product safety requirements.

Supplier responsibilities

Under the ACL, supply includes being in the business of sale, exchange, lease, or hire or hire-purchase of goods, or the provision, granting or conferring of services. This definition includes retailers and may extend to goods held for the purposes of resupply.

Bans, mandatory safety standards and voluntary standards may be introduced or changed as new products emerge in the marketplace. Before your product reaches the Australian consumer market, it is vital for you to ensure that your products meet the level of safety generally expected by Australian consumers. You must also ensure not to make, buy or sell banned products and that all products meet the requirements of relevant mandatory safety standards.

There are several things you can do to help ensure that your products comply with consumer guarantee laws, and mandatory safety standards and bans:

1. Source products from reputable manufacturers/suppliers who have an established reputation for supplying products that are tested for compliance with equivalent or higher regulatory requirements.
2. Ask for documentary evidence of compliance from third-party product-testing or product certification agencies. This should include evidence of certification or copies of current test reports, preferably from accredited test bodies or laboratories. Ensure that the testing was carried out against the relevant standard (especially any safety standard), was conducted to the requirements of the mandatory standard, and that covers the batch of products you intend to supply.
3. Commission an independent—and preferably appropriately accredited—laboratory to test products and issue you with test reports. If accredited, ask that the reports are issued with the accreditation body's logo and appropriate endorsement.
4. Conduct your own testing, using suitable in-house expertise and facilities.
5. Commission a certification agency—preferably accredited—to assess products and provide written certification of compliance with safety standards. Laboratory testing will be part of the certification process. This may enable you to use certification marks on relevant products.

How this guide can help suppliers

This guide provides tips and information to help you:

- identify which products require testing
- identify when you will need to ask those who supply you with products for a test report or other written evidence of compliance
- identify any compliance issues arising from previous stages of the supply chain that could become a liability for your business
- choose and work effectively with reliable test laboratories
- check and verify test reports including the source of reports (some reports have been forged in the past)
- implement effective risk management and quality assurance measures to minimise the risk of making, buying or selling unsafe products.

Possible consequences of supplying unsafe products

No business wants to be associated with consumer injuries or death.

Significant losses to your business can arise if:

- you are required to recall unsafe or non-compliant products
- you are required to pay fines or costs associated with supplying unsafe or non-compliant products
- a consumer sues you for a death, an injury or property damage related to an unsafe or non-compliant product
- you are left to dispose of an unsafe or non-compliant product.

Offences

Under the ACL, it is an offence to:

- supply banned products or products that fail to meet requirements of mandatory safety standards
- make untrue claims about products, such as stating that they meet mandatory or voluntary safety standards when they do not
- supply banned products or products that fail to meet requirements of mandatory safety standards.

The ACL also contains provisions where a supplier can be required to substantiate certain claims made about the products it is promoting.

If consumer guarantees are not met, the ACL provides consumers with remedies that must be provided by businesses.

Penalties

Current fines for supplying non-compliant products or making false claims about products are:

- up to \$500 000 for individuals.

For a body corporate, the greater of:

- \$10 000 000
- three times the value of the benefit received, or
- 10% of annual turnover in the preceding 12 months, if a court cannot determine the benefit obtained from the offence.

The ACCC also has access to a range of other compliance and enforcement options, including:

- issuing an infringement notices
- issuing a public warning notice
- pursuing civil pecuniary penalties
- pursuing disqualification orders
- issuing a substantiation notice.

For more information on these penalties, visit the Product Safety Australia website at www.productsafety.gov.au.

Compensation payments

Any person can take legal action against an Australian supplier for personal injury or damage to private property arising from a defective product. Distributors, retailers and hire companies may be deemed to be liable if they do not identify the importer or Australian manufacturer responsible for the supply of the defective product.

If a compensation claim is successful, the amount of money a supplier will be required to pay the claimant will depend on the court's findings.

Liability and insurance

An accredited test laboratory is required to undergo rigorous audit checks and to comply with relevant national and international standards for the testing they conduct.

Accreditation usually refers to expertise at testing to specified standards. Where possible, we recommend using test laboratories that are accredited for the testing you require for each of your products.

Accreditation is more fully outlined on page 8 of this guide.

It is important to note that even when using a test laboratory, businesses are ultimately responsible for ensuring that their products comply with bans, mandatory safety standards and other relevant laws.

In relation to a breach of a mandatory standard, under the Australian Consumer Law you may be able to claim a defence against prosecution if you can prove 'reasonable reliance on information supplied by another person.'

While this defence might apply in cases where you have relied on the technical expertise of a test laboratory, a court might require you to prove that you took all necessary steps to establish the laboratory's competence, in order to determine whether your reliance on the test laboratory's information was reasonable.

Some insurance companies may also require you to formally prove the reliability of the test laboratory you use. Failure to provide such written evidence may void your insurance.

For your own protection, it is advisable to:

- seek qualified legal advice in relation to any liability issues
- obtain written evidence of the competence and reliability of test laboratories before deciding which one to use.

Testing

Why test?

In addition to closely reviewing the reports submitted by suppliers, a prudent compliance program will conduct independent tests of products to validate compliance.

Building a successful brand is influenced by consumers' perceptions of how safe your products are perceived to be. A hard-won brand name can suffer major damage if it is linked with dangerous or unsafe goods.

Testing can provide documentary evidence to help you:

- implement a good risk management strategy
- support a 'reasonable reliance' defence in a prosecution for a contravention of the ACL
- reduce the likelihood of having to face a costly recall of non-compliant or unsafe products
- avoid potential damage to brand reputation and goodwill that can result from adverse publicity associated with product safety related injuries or legal actions
- minimise the risk of death and injury to consumers
- reduce the likelihood of compensation claims for injuries or damage to property resulting from supplying defective or non-compliant goods
- better manage potential liability and insurance issues
- gain expert guidance related to product development or stock choices
- ensure time and money spent on innovations is not wasted
- enhance marketing and sales by gaining well-recognised certification
- increase customer satisfaction and confidence, thereby leading to improved sales.

Remember

Under the ACL, the term 'suppliers' includes anyone in the business of selling, exchanging, leasing, hiring, or hire-purchasing of goods, or the provision or granting of services. This also includes retailers.

Minimising the costs of testing

Testing products for compliance with standards can add to your costs. You may be able to demonstrate compliance and reduce costs by:

- using test reports provided by your suppliers
- using compliance certification provided by your suppliers
- shopping around for competitive quotations from competent testing agencies
- making sure any tests you commission focus on mandatory requirements and other identified issues, and occur at appropriate intervals.

Testing laboratories and relevant industry associations may provide important guidance on these matters.

Further reductions in test costs may be achieved by conducting an 'in-house' assessment in appropriate cases. For example, some standards require goods to be packaged or marked with specified warning labelling, or specify simple linear measurements. In these situations, consider

whether you are able to properly determine for yourself whether your goods comply with the requirements. In straightforward cases where this determination can be made by a simple visual inspection, you could consider conducting your own checks for compliance.

Enforcement actions and testing

While goods supplied must comply with mandatory safety standards, there is no legal requirement that suppliers test for compliance with such standards.

However, in practice, investigation of possible non-compliance will include a request to access relevant test reports.

The ACCC may commission its own testing. If this testing shows that the product does not comply with the standard, and the supplier is unable to produce a valid test report, the ACCC may view the absence of the supplier's test report as an indication of a lack of attention by the supplier to critical compliance issues. In such cases, more rigorous enforcement action may be taken.

Similarly, it is also sensible for a supplier to have a test report demonstrating compliance where it supplies a product with the claim or representation that it meets a particular standard. The ACCC has powers to compel people to provide information that substantiates the claims they make.

Where claims cannot be substantiated and/or where claims may be false or misleading, suppliers may be exposed to action by the ACCC. Such action may include issuing an infringement notice, commencing civil proceedings seeking the imposition of a pecuniary penalty (which may be significant), and/or criminal prosecution.

For these reasons, being able to produce a test report demonstrating compliance with a standard (especially a mandatory standard) should be considered sound business practice and an important element of any prudent supplier's compliance program.

Test laboratories

Accreditation

Although it is not always compulsory for test laboratories to carry accreditation, it is preferable to commission and/or otherwise obtain reports and testing from accredited laboratories because:

- they are subject to regular and vigorous peer-assessment by an independent agency
- their reports have more credibility in the event of a court case.

Accreditation bodies such as the National Association of Testing Authorities, Australia (NATA) and its international counterparts provide strict independent assessments of, and accreditation for, competence in testing against specific safety standards.

Many of these accreditation bodies have established agreements for mutual recognition of systems and test data produced by accredited laboratories. Under these mutual recognition agreements, each organisation recognises the equivalence of accreditations granted by its international counterparts.

Information on laboratories accredited by mutual recognition arrangement partners of NATA may be sought through the International Laboratory Accreditation Cooperation (ILAC) website at www.ilac.org or the Asia Pacific Laboratory Accreditation Cooperation (APLAC) website at www.aplac.org. These websites are also useful sources of information about testing.

Details of NATA-accredited testing laboratories are available from NATA at www.nata.com.au, or by calling 1800 621 666.

When checking a test laboratory's accreditation, remember to ask:

- What does the accreditation cover?
- Which specific standards or parts of standards is the laboratory accredited to test for?
- Does the accreditation relate directly to the required testing? What is the accreditation reference number?
- Is the accreditation limited and, if so, how?
- Is the accreditation current?
- What other relevant details apply?

Remember—accreditation to test for one standard, or part of a standard, does not mean a laboratory is accredited to test for the whole standard or another standard. It is vital to check for accreditation for the *particular testing required*, including *all* relevant parts of a standard.

Checking reliability and competence

You can not rely on test results from a laboratory that has little experience in the testing required and/or lacks the equipment necessary to properly complete the tests using methods prescribed in the standard.

Many suppliers ask the ACCC how they can check whether they can trust the services of test laboratories. There are several steps you can take to do this:

- Ask accreditation bodies, such as NATA or ILAC, to clarify the specific type of testing a laboratory is accredited for. Credibility with consumer product regulatory agencies is strengthened where the laboratory holds current accreditation from NATA or the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), or from other accreditation bodies accepted by ILAC. These include the Hong Kong Accreditation Service (HKAS), the Hong Kong Laboratory Accreditation Service (HKLAS) and the China National Accreditation Service (CNAS).
- Many test laboratories list tests they are accredited for on their website. Ask them for written confirmation of their qualifications and experience. This may include evidence that they meet International Organization for Standardization (ISO) management system requirements for appropriately qualified testers and have appropriate equipment for the testing they conduct.
- Ask industry bodies and other customers about the reputation and experience of particular test laboratories.

Certification

As with other businesses, test laboratories can be certified in standards for quality assurance and management systems, such as the ISO9000 series of international standards.

It is important to note that this is not the same as accreditation for specific tests outlined in safety standards. These particular competencies are assessed and accredited separately.

Experience and reputation

While it is preferable to use testing and test reports from accredited test laboratories, there may be times when a supplier receives test reports or commissions tests from a laboratory that is not accredited.

When this occurs, it is wise to check the reputation and experience of the test laboratory.

A laboratory's reputation, depth and breadth of experience can help you judge its competence. Test methods may be laid out in a standard or ban, but experienced testers are likely to have a greater understanding of the test objectives and methodology.

To ensure any endorsement is reliable, always ask for written evidence. It is wise to keep records of any inquiries made or documents obtained to establish the competence of a test laboratory.

Other factors to consider

When choosing a laboratory to conduct tests, it is advisable to first identify several that are reliable and competent in conducting the tests required.

Once you have a list of the reliable and competent laboratories, you can then make a choice based on other criteria, such as:

- proximity
- price
- value for money
- reputation
- customer service
- turn-around time for performing the test and supplying the results.

What to test

Products

Safety should be a top priority for all suppliers of consumer products to the Australian market.

Part of this is ensuring products meet the requirements of mandatory standards and bans. Current lists of mandatory standards and bans are available on the Product Safety Australia website at www.productsafety.gov.au.

Use the lists of standards and bans to:

- identify the items in your current stock or intended stock that must comply
- check for features similar to those in planned, new or modified products to find out whether they may also need to meet standards.

Suppliers also have an obligation to exercise due care and diligence in ensuring all consumer goods they supply into the Australian market are safe and of merchantable quality. Conducting research into products, including checking for previous recalls of similar products, will help you ensure this. Checking to see if there is a voluntary safety standard for a product, and meeting the requirements of voluntary standards is also a valuable way to help ensure safety.

You can obtain details of Australian and overseas voluntary standards from SAI Global. To find out more, or to purchase standards, you can:

- visit www.sai-global.com
- call SAI Global Australia on 13 1242
- email sales@saiglobal.com.

The Product Safety Australia and Product Safety Recalls Australia websites both have a feature enabling you to register to receive automatic email updates when information changes or is updated. You can choose to only receive information in a product category relevant to your business. You are encouraged to sign up for these updates.

Specified safety requirements

In many cases a mandatory safety standard is made by a consumer protection notice or regulation which 'calls up' (i.e. makes mandatory) safety provisions in an existing voluntary standard. This notice or regulation may omit or vary some clauses of the existing voluntary standard, such that a supplier will not need to test to an entire existing voluntary standard to demonstrate compliance with the mandatory requirements. To completely understand the mandatory testing required, it is essential to read the relevant consumer protection notice or regulation along with the referenced sections of the existing voluntary standard or standards which the notice or regulation references.

You should discuss the requirements of the relevant mandatory standard or ban with the test lab prior to testing.

It is important to understand any differences between the prescribed testing requirements in a voluntary standard called up by a mandatory standard and those called up by overseas regulations. Sometimes the testing requirements in each will differ, and meeting the requirements of an overseas regulation may not ensure that the product will pass tests prescribed in either voluntary or mandatory standards in Australia.

Multiple samples

Manufacturers and other suppliers commissioning tests may need to give multiple samples of products to a test laboratory because:

- tests may damage or even destroy the product being tested (for example helmet tests)
- testing regimes may require that a new sample be used each time a new specification is tested
- tests may require a combination of samples (for example where fabric samples are attached to form the sample length required for testing)
- small variations between similar lines of products, such as different styles of a certain toy, mean that the items may have to be tested individually to ensure compliance.

Providing multiple samples may have an impact on stock levels and budgets. You need to plan for such contingencies, so it is wise to always ask a test laboratory:

- How many samples will you need to do the testing?
- How much will each test cost?

It is also a good idea to check the guidelines that certification agencies provide for batch testing particular types of products.

When to test

Testing stages

To help ensure safety, it is important to test products at various stages of development and distribution. Below is a list of the stages when testing is essential:

- Initial design—test custom-made, exact models of new or modified products that are intended for the Australian marketplace.
- Production—test samples of products to ensure stock complies.
- Ongoing testing—conduct these tests in accordance with the types of products you supply and the quality assurance regime established.
- Following design, material or production changes—major product safety legal cases have occurred because manufacturers failed to retest products after making a design, material or production change.

Ongoing testing

With product lines that are produced on a recurring basis, you should have follow-up testing conducted using an acceptable quality limit (AQL) model. A general rule of thumb is that the more complex the supply chain—and hence, your ability to exercise control over the various links—the more critical is the need for follow-up processes. For details, refer to Australian Standard AS1199.1-2003: Sampling procedures for inspection by attributes—sampling schemes indexed by acceptance quality limit (AQL) for lot-by-lot inspection. Repeat testing to an AQL provides a statistically proven level of confidence that the samples taken for testing from a bulk lot are representative of the products manufactured.

It is important to consider each product on its merits when organising tests. Select tests by weighing up the nature of any hazard described in the standard or ban and your knowledge of various factors relating to each product such as which components of a standard you are able to assess yourself (like a labelling requirement) and which ones you need to commission testing for (such as tension tests). Where appropriate, seek advice from a suitably qualified professional.

For some products, there may be a suite of applicable tests. In some cases, it might be essential to have the complete suite performed at appropriate intervals. In others, a subset of the tests might be key to maintaining the safety of the product. An appropriate risk assessment will ensure that your on-going testing is effective.

The ACL prohibits businesses from making false, misleading or deceptive claims about the quality or characteristics of their goods or services. This includes claims about the:

- history
- place of origin
- standard, quality, grade, nature or composition of or manufacturing process
- sponsorship or approval
- performance characteristics
- of goods or services.

The ACL also provides a range of statutory guarantees to consumers when they purchase goods and services. Suppliers must ensure that goods are of acceptable quality and fit for any disclosed purpose.

Testing may be required to establish whether goods meet the guarantee of acceptable quality or to substantiate a range of other claims such as:

- environmental impacts, emissions or efficiency
- nature and extent of ingredients, components, additives or allergens
- country or place of origin of ingredients or components
- extent of genetic or other technological modification involved in production
- health benefits or impacts.

More detailed information on the requirements of the ACL is available from the ACCC website at www.accc.gov.au/ACL.

Using test reports

Test reports may vary in length, presentation and format depending on the test laboratory and the product tested. A test report should include:

- name, address and contact details of the test laboratory
- authorising officer's name and signature
- date of testing
- declaration of any accreditation held, including symbols that indicate the laboratory's accreditation status and details of the accreditation body that undertook the audit and accreditation work
- clear description of the product—including brand and model identification and batch number (ideally, photographs should be included to aid product identification and/or show the test configuration)
- name of the mandatory standard or ban to which the product has been tested
- test method used (including the type of apparatus or analytical instrument used)
- statement that identifies any measurement uncertainty
- clauses of the standard to which the product has been tested, with a pass/fail result noted (it is important that full details be sought from the test laboratory where a failure has been identified or where there is some doubt about whether the product complies with the standard)
- photographs of packaging, marking and labelling that relate to safety, such as warning labels
- terms and conditions.

Checking reports

Valid reports

To help demonstrate compliance, it is vital that the test reports you receive are accurate and valid. You should carefully check test reports, even when they are from reliable and competent testers.

This applies both when you have commissioned the report directly, and when you received the report from another supplier or manufacturer. It is vital to check the dates of reports you receive from your suppliers to ensure the reports relate to the actual stock you are purchasing. Test reports for products no longer in production are not proof that a new line, which may be made using different processes and materials, meets the requirements of the mandatory safety standard or ban.

An overseas tester may be unfamiliar with or inexperienced in testing to Australian requirements unless they are accredited in the Australian standard. Overseas test laboratories may also use test equipment which is different from that of local companies. This can cause variations in results. These differences may mean that it is necessary to ensure that overseas tests have been done in accordance with the specifications in the relevant Australian regulation.

Conflicting reports

In some situations you may have conflicting test results. This could occur if you commission independent testing and are also provided with a test certificate by the manufacturer.

Other reasons for conflicting test reports include:

- some suppliers submitting multiple/repeat samples until one sample passes
- some manufacturers changing the product specifications after a test pass has been received—this may be deliberate or it may be that the manufacturer has overlooked the need to retest batch samples of products after changing the product specifications
- the age of the product tested or a change in the design of the product or in the manufacturing process since the supplier had the product tested
- variability of product output—batch variations, changed or new materials, low margin for error or tolerance, production variables, post-production handling variations
- an 'in-house' or other test laboratory not being qualified to perform the tests or not being independent
- in rare cases, adulteration or forgery of test reports by a supplier or third party.

In each of these instances it is important to have an open dialogue with all parties involved. Seek advice from the testing laboratory and NATA. In some cases this may involve sending additional samples for retesting until all parties are satisfied that the product fully complies with the relevant safety standard.

You should not supply any product to the Australian marketplace unless fully confident that test results provide assurance the product complies with the relevant safety standards. If the product fails to comply with a mandatory safety standard or ban, immediate consideration must be given to whether a product recall is warranted. In these circumstances, consumer safety should always be the first consideration and top priority.

Fake reports

Occasionally the use or receipt of fake reports is uncovered. These reports are either entirely false or have been forged or modified to suggest a product complies with a consumer safety standard or ban when it does not.

It is crucial to check for fake documents when receiving test reports, as you can be held liable for breaking product safety laws.

To help ascertain whether a report has been forged or tampered with, look for:

- missing elements of the report
- different fonts throughout the report that could suggest cutting and pasting
- different background shades that could suggest cutting and pasting, the use of white-out or photocopying
- an unknown laboratory name or logo that does not appear to exist anywhere else
- spelling and grammatical errors
- inconsistencies in codes, identification numbers and page numbers, or
- conclusions that clearly do not match, or seem at odds with, the test results or body of the report.

These days, test laboratories often send reports in PDF format via email. Always ask the test laboratory to send you the test results in PDF format at the same time they are sent to any other party (such as a manufacturer or agent). This limits the potential for alteration of test results.

You can ask for security provisions associated with these files that prevent changes, restrict access and limit recipients to printing only. This reduces the possibility of electronic tampering with original documents. To prevent tampering and forgeries, always ask test companies to activate security measures for electronic reports.

If you feel suspicious about a test report, try to contact the laboratory that has written it and ask them to verify its authenticity in writing. Check the validity of claims to accreditation by contacting the relevant accreditation body and asking for evidence of this. If a supplier or manufacturer cannot verify the authenticity of a report, it should not be relied upon for choosing, buying or selling stock.

Retaining documents

Once you have ascertained that a test report is authentic, valid and current for the product you intend to supply, remember to keep it and all related documents in a safe place. Valid and current test reports are an essential part of proving that you have taken all necessary steps to ensure products meet mandatory safety requirements.

Along with the test report, suppliers should also keep any documents that prove the test laboratory has sufficient experience, expertise and accreditation to effectively carry out the tests required. This may be in the form of testimonials, references from other suppliers or, for accredited laboratories, the scope of accreditation *current at the time of testing or certification* from the relevant accreditation bodies.

Report checklist

- Does the report contain all necessary elements?
- Do the contents, batch code numbers and delivery dates in the report match the work you requested (if you commissioned the tests) or the stock you ordered?
- Does the reported testing regime match the specifications in the standard and show that testing was carried out in accordance with the prescribed methods?
- Are there any spelling errors or other inconsistencies? These mistakes could indicate similar typographical errors in numerical results contained in the report. Contact the laboratory, notify them of the errors and ask them to check the full report to ensure it is accurate?
- Are the conclusions drawn in the report reasonable and consistent with the test results?
- Does the report show any signs that it has been forged or falsified?

If a report seems unclear or questionable, make further inquiries of the manufacturer, laboratory or accreditation body. At all costs you should avoid using outdated, falsified or inaccurate test results that could result in you supplying goods that do not comply with a mandatory standard in contravention of the ACL.

Guide to product testing: checklist

- Have you used test reports or commissioned testing to ensure relevant products have no defects, meet mandatory safety standards and are not banned goods?
- Is the test laboratory you wish to use competent/accredited to conduct specific tests for the products you supply?
- Have you obtained and kept all written evidence of the reliability and competence of the test laboratory responsible for:
 - test reports you have obtained from manufacturers or other suppliers?
 - product testing you have commissioned?
- Have you established a good working relationship with the test laboratory you use?
- Have you gained adequate guidance from the test laboratory to assist you in producing or supplying products that comply with product safety laws?
- Have you checked that test reports are genuine?
- Have you checked that test reports are valid for the particular products you supply?
- Have you checked that test results for the tested sample are valid and representative of the rest of your stock?
- Have you established a process to help ensure that future product batches continue to meet regulatory requirements?
- Do you have a means of monitoring changes in regulatory requirements (note that a full list of current mandatory safety standards and bans is available from www.productsafety.gov.au)?

Further information

Australasian Compliance Institute (ACI)

Peak industry body for the practice of compliance.

www.compliance.org.au
(02) 9290 1788
admin@compliance.org.au

GPO Box 4117
Sydney NSW 2001

Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ)

Government-appointed accreditation body for Australia and New Zealand, responsible for providing accreditation of conformity assessment bodies (CABs) in the fields of certification and inspection.

www.jas-anz.org
(02) 6232 2000

GPO Box 170
Canberra ACT 2601
PO Box 708
Wellington
New Zealand

National Association of Testing Authorities Australia (NATA)

Australia's national laboratory accreditation authority. NATA accreditation recognises and promotes facilities competent in specific types of testing, measurement, inspection and calibration.

www.nata.com.au
1800 621 666

Product Safety Australia

Comprehensive website for consumers and suppliers with information on safety standards and regulations, product information and education. A 'one-stop shop' for Australian product safety information.

www.productsafety.gov.au

Product Safety Recalls Australia

Website providing a secure facility for online submission of recalls, RSS and email alerts of recalls, photographs and reports of recalled products, and product records dating back to 1986.

www.recalls.gov.au

SAI Global

Information services company that publishes and sells standards and helps organisations manage risk, achieve compliance and drive business improvement.

www.saiglobal.com
SAI Global Australia:

Publications
13 1242
sales@saiglobal.com
www.saiglobal.com/shop

Assurance
1300 360 314

Standards Australia

Australia's peak non-government standards organisation, charged by the Australian Government to meet the country's need for contemporary, internationally aligned standards and related services.

www.standards.com.au
1300 654 646

Australian state and territory agencies

Australian Capital Territory

Fair Trading

www.ors.act.gov.au
(02) 6207 0400

New South Wales

Fair Trading

www.fairtrading.nsw.gov.au
13 3220

Northern Territory

Contact the ACCC

www.productsafety.gov.au
1300 302 502

Queensland

Fair Trading

www.fairtrading.qld.gov.au
13 1304

South Australia

Office of Consumer and Business Affairs

www.ocba.sa.gov.au
(08) 8204 9777

Tasmania

Consumer Affairs and Fair Trading

www.consumer.tas.gov.au
1300 654 499

Victoria

Consumer Affairs

www.consumer.vic.gov.au
1300 558 181

Western Australia

Department of Commerce

www.commerce.wa.gov.au
1300 304 054

Glossary

Accreditation Test companies are accredited by an independent authority as competent to perform specific tests. You can find an example of a laboratory accreditation system at www.nata.com.au.

Similarly, accreditation is an endorsement of a certification body's competence, credibility, independence and integrity in carrying out its conformity assessment activities. You can find a list of accredited product certification bodies at www.jas-anz.org.

In both cases, the activities of the laboratory or certification body will be described in a "scope of accreditation".

Australian Consumer Law The Australian Consumer Law replaces previous Australian, state and territory consumer protection legislation in fair trading acts. It is contained in a schedule to the *Trade Practices Act 1974*, which has been renamed the *Competition and Consumer Act 2010* (CCA).

Ban When evidence shows that products will or may cause serious death or injury, Australian government ministers can ban them from supply. Visit www.productsafety.gov.au for a list of currently banned products.

Certification A process by which a manufacturer or business is certified by an independent authority to:

- conduct its business in accordance with a published standard (for example, a quality assurance system), or
- produce goods consistently to a published standard (for example, the Australian Standard for bicycle helmets).

Businesses entering into certification schemes pay a licence fee to the certifier, who will issue certification labels or otherwise authorise use of a logo. You can find examples of certification systems at www.sai-global.com and www.furntech.org.au.

Competition and Consumer Act 2010 The *Competition and Consumer Act 2010* (formerly the *Trade Practices Act 1974*) deals with almost all aspects of the marketplace: the relationships between suppliers, wholesalers, retailers, competitors and customers. It covers anti-competitive conduct, unfair market practices, industry codes, mergers and acquisitions of companies, product safety, product labelling, price monitoring, and the regulation of industries such as telecommunications, gas, electricity and airports.

Liability An obligation to put right a problem—for example, fixing a defective product, providing compensation or taking other action

Mandatory recall	<p>If a supplier does not recall a dangerous product voluntarily, the Australian Consumer Law allows for a responsible minister to order a compulsory recall. This can occur if:</p> <ul style="list-style-type: none"> • the minister believes the goods will or may cause injury • a safety standard in force for goods of that kind has not been complied with, or • there is an interim or permanent ban in force for goods of that kind. <p>Some state and territory ministers also have mandatory recall powers.</p>
Mandatory safety standard	<p>The Commonwealth Minister can prescribe compulsory safety standards for consumer goods and product related services. Suppliers must not supply goods or services that do not comply with a safety standard for goods of that kind. Safety standards require goods to comply with particular performance, composition, content, design, construction, finish, labelling or packaging rules. Visit www.productsafety.gov.au for a list of products that mandatory safety standards currently apply to in Australia. Many mandatory standards are based on Australian voluntary standards published by SAI Global.</p>
Supplier	<p>Anyone in the business of selling, exchanging, leasing, hiring, or hire-purchasing of goods or provisions, or the granting or conferring of services.</p>
Supply	<p>Selling, exchanging, leasing, hiring, or hire-purchasing of goods or provisions, or granting or conferring of services.</p>
Test laboratory	<p>A laboratory or individual with facilities and expertise to test for compliance with specified safety requirements in mandatory and voluntary standards.</p>
Test report	<p>A report by a laboratory on a test or series of tests it has conducted, generally in accordance with a published standard, consumer protection notice or regulation.</p>
Voluntary recall	<p>Suppliers can voluntarily take action to recall goods where:</p> <ul style="list-style-type: none"> • the goods will or may cause injury • they do not comply with a safety standard • the goods are subject to an interim or permanent ban. <p>The Australian Consumer Law requires companies to notify the Australian Government when conducting recalls.</p> <p>For details on how to conduct a voluntary recall visit www.recalls.gov.au.</p>

Voluntary standard

Australian and international voluntary standards exist for a range of products. While specifications in these standards are not legally required, using them in product design, manufacture and supply can be part of your quality assurance program. You can find out more about these standards from Standards Australia and SAI Global.

Stay in touch with product safety

Australian Competition and Consumer Commission

Subscribe online

For more information about mandatory standards, bans, recalls and emerging issues—and to subscribe to email alerts and RSS—visit our websites:

www.productsafety.gov.au

www.recalls.gov.au

Call us

ACCC Infocentre: 1300 302 502

Callers who are deaf or who have a hearing or speech impairment can contact us through the National Relay Service: www.relayservice.com.au

Voice-only (speak and listen) users phone 1300 555 727 and ask for 1300 302 502.

Join us via social media



Follow us on Twitter @ACCCProdSafety



Watch our safety videos on the ACCC Product Safety YouTube channel



Like our Facebook page ACCC Product Safety

Addresses

National office

23 Marcus Clarke Street
 Canberra ACT 2601
 GPO Box 3131
 Canberra ACT 2601
 Tel: (02) 6243 1111
 Fax: (02) 6243 1199

New South Wales

Level 20
 175 Pitt Street
 Sydney NSW 2001
 GPO Box 3648
 Sydney NSW 2001
 Tel: (02) 9230 9133
 Fax: (02) 9223 1092

Victoria

Level 35
 The Tower
 360 Elizabeth Street
 Melbourne Central
 Melbourne Vic 3000
 GPO Box 520
 Melbourne Vic 3001
 Tel: (03) 9290 1800
 Fax: (03) 9663 3699

Western Australia

Third floor
 East Point Plaza
 233 Adelaide Terrace
 Perth WA 6000
 PO Box 6381
 East Perth WA 6892
 Tel: (08) 9325 0600
 Fax: (08) 9325 5976

Queensland

Brisbane
 Level 24
 400 George Street
 Brisbane Qld 4000
 PO Box 12241
 George Street Post Office
 Brisbane Qld 4003
 Tel: (07) 3835 4666
 Fax: (07) 3835 4653

Townsville
 Level 6
 Central Plaza
 370 Flinders Mall
 Townsville Qld 4810
 PO Box 2016
 Townsville Qld 4810
 Tel: (07) 4729 2666
 Fax: (07) 4721 1538

South Australia

Level 2
 19 Grenfell Street
 Adelaide SA 5000
 GPO Box 922
 Adelaide SA 5001
 Tel: (08) 8213 3444
 Fax: (08) 8410 4155

Northern Territory

Level 8
 National Mutual Centre
 9-11 Cavenagh St
 Darwin NT 0800
 GPO Box 3056
 Darwin NT 0801
 Tel: (08) 8946 9666
 Tel: (08) 8946 9610
 Fax: (08) 8946 9600

Tasmania

Level 2
 70 Collins Street
 (Corner of Collins and
 Argyle Streets)
 Hobart Tas 7000
 GPO Box 1210
 Hobart Tas 7001
 Tel: (03) 6215 9333
 Fax: (03) 6234 7796