

Submission regarding Consultation Regulation Impact Statement - proposed amendments to mandatory standards regulation under Australian Consumer Law (ACL) and associated legislation

Mandatory safety standard- sunglasses.

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This submission only addresses issues relating to the mandatory safety standard on sunglasses and answers the consultation questions pertaining to this standard.

The Optics and Radiometry Laboratory is part of the UNSW's School of Optometry and Vision Science. It is accredited by NATA (National Association of Testing Authorities) for testing sunglasses.

Of the three options for changes being canvassed, it seems prudent to only support either Option 1- **maintaining the status quo** or a **modification** of Option 3 - Amend the ACL to more easily allow businesses to comply with the latest versions of voluntary Australian Standards.

The mandatory safety standard for sunglasses is an extract of the 2016 revision of AS/NZS 1067.1, which in turn was based on ISO 12312.1:2013, the international standard on sunglasses.

As it is the policy of Standards Australia to adopt international standards wherever possible, in line with the World Trade Organization (WTO) policy, except unless such standards are judged to be unsuitable or unsafe, it is assumed the international standard was not adopted unaltered because some of its requirements were deemed to be unsafe.

Q1. *Do you agree or disagree with the identified problems? Please provide any evidence to support your position.*

The problems identified appear not be relevant to the mandatory standard on sunglasses except maybe the need to update the mandatory standard in line with amendments to the local, voluntary standard.

Q2. *Are there any other problems that you think should be considered? If so, please set out what they are, what effect you think these problems could have and how the problems should be addressed.*

If overseas standards are considered "equivalent" at some future date, can local distributors know the products they are importing purporting to meet these standards really comply to their requirements?

Over the past few years, ORLAB has tested some 1559 pairs of sunglasses in 2019, and 1154 pairs in 2018.

Of the sunglasses tested, about 15 % have been found to fail to comply with the current mandatory standard. Many of these claimed to comply with current overseas standards but failed requirements that were the same on both.

Failures observed in lab testing included robustness failure (lenses cracking when subject to a light impact) and failure to meet in optical quality or transmittance requirements.

Such recent results reflect work done many years ago where imported sunglasses claiming CE marking were tested to the EN standard they claimed to comply to and found to fail (see Stephen John Dain, Thi Phuong Thao Ngo, Brian Barry Cheng, Angel Hu, Adrian Ghim Boon Teh, Jane Tseng, Nam Vu , *Sunglasses, the European directive and the European standard*, , *Ophthalmic & Physiological Optics* (OPO) (published 07 April 2010)). <https://onlinelibrary.wiley.com/journal/14751313>

- Q3. *Do you have any specific information, analysis or data that will help measure the impact of the problems identified?*

Testing data over many years indicate that although the level of failure has dropped, it is still a problem for importers.

- Q4. *Do you agree that changes to the regulatory framework are required to address the problem? If not, why not?*

Mostly, no. Changes to more easily allow businesses to comply with the latest versions of voluntary Australian Standards would be useful so the next revision/amendment to AS/NZS 1067.1 could be more easily accommodated.

- Q5. *Do you agree with the policy objectives as outlined? If not, why not?*

The three policy objectives are probably not so relevant to sunglasses as to other products.

Suppliers and importers seem to be well informed as to what is required. Some testing is carried out overseas, both in independent and in-house labs. Testing to the mandatory standard is less onerous than some overseas standards.

As outlined above, many reputable overseas manufacturers have their products retested to the mandatory standard, but unfortunately, a failure rate of around 15% still exists. This appears to be a problem of quality control.

Given the huge range of sunglasses available on the Australian market, it appears unlikely consumers notice a lack of product choice.

The remainder of the consultation questions appear to either be explicitly directed to businesses, not relevant to the topic of the mandatory standard for sunglasses or already be covered in the information provided above.

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