

Technical Bulletin

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Subject: Product Conformance to Australian Standards

Why should we use Industrial fall protection products that carry a conformance mark?

The presence of conformance marks on fall protection equipment means that the product is subjected to the stringent requirements of the Australian Standards, ensuring that all aspects of the product has been reviewed and tested.

Where there is no Australian Certification mark on fall protection equipment, it may mean:

- (1) that the product was produced to a different standard not recognised in Australia;
- (2) that there is no equivalent Australian Standard for that product in Australia; or
- (3) that the product is manufactured with a claim that the product conforms to Australian Standard.

Where a product is made without the inclusion of a recognised conformance mark, there can be no guarantee that it has been tested to a Standard and that manufacturing systems and processes have been audited and approved to ISO 9001:2000.

Product manufactured in a factory with ISO approval is subjected to dynamic and static testing as well as visual inspection. This includes the instructions and marking by a third party, with ongoing validation testing, auditing of the test procedure and product manufacture on a bi-annual basis, to ensure compliance at an acceptable quality.

Australian Standards

Standards Australia is an independent organisation who has an operating agreement with the Commonwealth Government to prepare and publish Standards. These Standards are developed through a process of consultation and consensus within a committee whose members include industry manufacturers and users, as well as government bodies, including regulators such as WorkCover NSW.

Product Standards are designed to reflect local requirements and include environmental differences that may exist between other global standards.

Standards Australia does not provide certification of products manufactured to the requirements of the standard; their role is to prepare the standard to which a product should comply.

Certification

There are a number of companies that can provide product certification for a fee, including SAI Global, Benchmark, Global Mark, Certification Solutions, Bureau Veritas plus others. The certification is provided following series of audits and risk compliance management assessments to ultimately provide product certification.

The companies who offer proof of certification are licensed to attach a conformance mark such as the SAI Global 5 Tick Tower. This can only be completed following testing and acceptance via a third party such as a National Association of Testing Authorities (NATA) endorsed laboratory.



Those manufacturers of certified product must carry ISO 9001:2000 accreditation, ensuring that management systems and processes are in place, with audits being carried out to ensure that high levels of compliance for these product and processes are maintained.

Regulators

Regulators such as WorkCover are sitting members of Standards Committee SF15, whose task it is to help develop and maintain Australian Standard AS/NZS1891.

Regulation NSW OHS 2001 (page 71 - division 6 Working at Height, part 56 - Prevention of falls from height in the notes) refers to AS/NZS1891.4 Industrial fall arrest system and devices, Part 4 Selection, Use and Maintenance.

The Standards AS/NZS1891.1, AS/NZS1891.2, AS/NZS1891.3 and AS/NZS1891.4 are not referred to in the regulation, though are recognised in *Codes of Practice for Technical Guidance* where they are called up under the Act and have legislative standing.

When complying with the regulations, **there is an obligation on the product user to ensure there is an understanding of the risks that may occur when using or providing materials that do not provide recognised compliance to Australian Standards.**

Defence to claims

Australian Standards advise that for a user to determine when a product is in compliance with a Standard, that such compliance is capable of being verified easily. The conformance mark attached to a product is such a guarantee of compliance. Without this compliance mark, the user would have to investigate and be satisfied that the products do conform and would be acceptable under the regulation.

There is no rule that stops a product being manufactured or sold without any form of certification and the product may be used in the industrial market. However most importantly, it is beholden on the user or supplier of such product to offer evidence of compliance should the product be involved in incident.

This was illustrated very clearly in the case *WorkCover Authority of New South Wales (Inspector Mulder) v Arbor Products International (Australia) Pty Ltd [2001]* regarding supply of safe plant under s.18 of the 1983 OHS Act. In the case, it was determined that where a product is not manufactured to an Australian standard, it was less likely to be considered safe under the NSW OH&S legislation.

In short, if you therefore use a product that is in compliance with the local standard it can be used in evidence in the event of an incident, whereas using a non-certified product cannot, therefore providing less protection in both civil and criminal cases.

In addition, users and suppliers should ensure that their insurers are aware of the use or sale of non-Australian Standards approved products as a matter of due diligence. Typically, insurers prefer to support/insist on the use of product manufactured to local standards, as their risks of providing coverage are much lower and for the reasons illustrated above.