

1994—No. 414

ELECTRICITY ACT 1945—REGULATION

(Electricity (Equipment Safety) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

Ted Pickering
Minister for Energy.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Electricity (Equipment Safety) Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definitions

3. (1) In this Regulation:

“the Act” means the Electricity Act 1945;

“type reference code” means, in relation to an electrical article, a model number, catalogue number, series number or similar indication of the type of the article given by its manufacturer or by a seller of the article.

(2) A reference in this Regulation to a Form is a reference to a form contained in Schedule 1.

**PART 2—APPROVAL OF ELECTRICAL ARTICLES UNDER
PART 4C OF THE ACT**

Division 1—Preliminary

Definitions

4. In this Part:

“**approval**”, in relation to a type of electrical article, means an approval (as in force from time to time) with respect to the type under Part 4C of the Act;

“**approval number**”, in relation to a type of electrical article, means the number allocated by the Director in respect of an approval of the type;

“**certificate of approval**” means a certificate by which the Director certifies the particulars prescribed for the purposes of section 21C (4) of the Act in relation to an approval of a type of electrical article.

Application of this Part

5. This Part applies to electrical articles declared by an order in force under section 21 of the Act to be electrical articles to which Part 4C of the Act applies.

Division 2—Definitions in Part 4C of the Act

Approved testing facility as defined in section 20 (1)

6. (1) The Director may approve places as testing facilities for the testing of electrical articles to which Part 4C of the Act applies.

(2) The Director may at any time revoke an approval of a testing facility given under this clause by serving written notice to that effect on a person apparently having the management or control of the testing facility.

Form of declaration of compliance as defined in section 20 (1)

7. A declaration of compliance referred to in section 20 (1) of the Act is to be in Form 1.

Relevant interstate authorities: section 20 (1)

8. The “**relevant authority**” for the purposes of section 20 (1) of the Act is as follows:

- (a) in Queensland—the Queensland Electricity Commission;
- (b) in Victoria—the Chief Electrical Inspector;
- (c) in South Australia—the Electricity Trust of South Australia;
- (d) in Tasmania—the Hydro-Electric Commission, Tasmania;
- (e) in Western Australia—the State Energy Commission of Western Australia;
- (f) in the Northern Territory—the Northern Territory Power and Water Authority;
- (g) in the Australian Capital Territory—the Australian Capital Territory Electricity and Water Authority.

Division 3—Approval process

Preliminary application for type specifications: section 21B (1)

9. (1) The prescribed form of application for a notification of type specifications under section 21B (1) of the Act is Form 2.

(2) The application must be accompanied by the fee approved by the Director for the category of electrical article to which the application relates.

Application for type approval: section 21C (2)

10. (1) An application under section 21C (2) of the Act for approval of a type of electrical article must be in the form approved by the Director and must be lodged with the Director.

(2) The application must be accompanied by the following:

- (a) the fee approved by the Director appropriate to articles of that type and to the circumstances of the application;
- (b) evidence that the articles comply with a type specification to the extent that the specification applies to those articles;
- (c) a sample article of the type;
- (d) the drawings and specifications in accordance with which articles of the type are or are to be constructed.

(3) The Director may waive any of the requirements of subclause (2) in respect of an application if the Director considers that the requirement is inappropriate to that application.

Qualified person: section 21C (2) (c)

11. The following are qualified persons for the purposes of section 21C (2) (c) of the Act:

- (a) a person employed at an approved testing facility to conduct tests in accordance with the class specifications or type specifications for an electrical article to which Part 4C of the Act applies;
- (b) a person authorised by the Director to determine whether an electrical article to which Part 4C of the Act applies complies with the class specifications or type specifications for the article.

Particulars of approval: section 21C (4)

12. (1) The following particulars of an approval of a type of electrical article are the prescribed particulars to be sent to the applicant for the approval and to the relevant authorities:

- (a) the fact that the Director has approved the type of electrical article;
- (b) the date of the approval;
- (c) the approval number;
- (d) the mark (if any) approved by the Director for articles of the type;
- (e) the location where the mark may be made if not on the articles themselves (for example on a container, or on a label attached to a bundle, of the articles);
- (f) the name of the applicant;
- (g) the type reference code for articles of the type;
- (h) a description of the type of article.

(2) The prescribed particulars sent to the applicant are to be set out in a certificate in which the Director certifies the particulars referred to in subclause (1) (a)–(e) in relation to the particulars referred to in subclause (1) (f)–(h).

Time for serving notice of refusal under section 21C (5)

13. If the Director refuses an application for approval of a type of electrical article to which Part 4C of the Act applies, the Director is to serve the notice required by section 21C (5) of the Act within 21 days after making the refusal.

Division 4—Duration of approval**Normal duration of approval**

14. An approval of a type of electrical article under section 21C of the Act expires 5 years after the date when it is granted or renewed, unless it is sooner cancelled or extended.

Extension of approval

15. The period for which an approval is in force may be extended by the Director once or more if, in the opinion of the Director, it would not be appropriate to renew the approval for more than the period of extension. That may be done without application for renewal by the holder of the approval. However, the total of all the extensions of a particular approval must not exceed 12 months.

Application for renewal of approval

16. (1) An approval of a type of electrical article under section 21C of the Act may be renewed on application by its holder.

(2) An approval may be renewed more than once.

(3) The application must:

- (a) be in the form approved by the Director; and
- (b) be lodged with the Director within the period of 3 months before the approval is due to expire; and
- (c) be accompanied by the fee approved by the Director; and
- (d) be accompanied by evidence that electrical articles of that type comply with a type specification to the extent that the specification applies to those articles; and
- (e) be accompanied by a sample article of the type.

(4) The Director may extend the period specified in subclause (3) (b).

(5) The Director may waive either or both of the requirements of subclause (3) (d) and (e) in respect of an application if the Director considers that the requirement is inappropriate to that application.

Notice of renewal

17. If the Director renews an approval of a type of electrical article, the Director must serve notice of the renewal on the applicant for renewal.

Refusal of application for renewal

18. (1) The Director may refuse an application for renewal of the approval of a type of electrical article if:

- (a) the application has not been made in accordance with this Regulation; or
- (b) articles of the type do not comply with any type specification applicable to them at the time the Director determines the application; or

- (c) the Director is not satisfied that, by reason of their design or construction, articles of the type are safe.
- (2) If the Director refuses an application for renewal, the Director must serve notice of the refusal on the applicant within 21 days after making the refusal. The notice is to set out the reasons for the refusal.

Division 5—Modification of approval and changes in details

Application for modification of approval

19. (1) The holder of an approval of a type of electrical article to which Part 4C of the Act applies may apply to the Director for modification of the approval:

- (a) so that it will apply to a modification to that type; or
 - (b) so that the approval number, the mark (if any) approved by the Director for articles of the type or the location where the mark may be made may be changed.
- (2) Application is to be made by lodging with the Director the following:
- (a) an application in the form approved by the Director;
 - (b) the fee approved by the Director as appropriate to the modification applied for.
- (3) In addition, if the modification applied for is one in respect of a modification of a type of electrical article, the following must be lodged:
- (a) an electrical article of the modified type and an electrical article of the type in respect of which the approval is in force;
 - (b) drawings and specifications relating to the modified type of electrical article;
 - (c) evidence that articles of the modified type comply with a type specification to the extent that the specification applies to those articles.
- (4) The Director may waive any of the requirements of subclause (3) in respect of an application if the Director considers that the requirement is inappropriate to that application.

Approval or refusal of modification

- 20. (1)** The Director may grant an application for a modification of an approval or may refuse to do so.
- (2) If the Director grants the application, the Director must serve notice of the grant of the application on the applicant.

(3) If the Director refuses to grant the application, the Director must serve on the applicant notice of the refusal, including the reasons for the refusal.

(4) The modification of an approval does not alter the date of expiry of the approval.

Changes in other particulars

21. (1) The holder of an approval for a type of electrical article must notify the Director in writing of any change in the name of the holder, in the type reference code for articles of the type or in the description of the type, not later than 21 days after the change occurs.

(2) The notification is to be in the form approved by the Director and accompanied by the fee approved by the Director.

Maximum penalty: 5 penalty units.

Division 6—Suspension or cancellation of approval

Suspension or cancellation of approval

22. (1) The Director may suspend or cancel the approval of a type of electrical article to which Part 4C of the Act applies if any of the following applies:

- (a) an electrical article of the type is found by the Director not to comply with any one or more of the class specifications, type specifications or requirements prescribed (for the purposes of section 21A (1) (c) (iii) of the Act) for electrical articles of that type;
- (b) the approval holder fails, without reasonable excuse, to comply with a requirement under clause 24 in relation to the type of article;
- (c) the article is unsafe by reason of its design or construction;
- (d) the approval holder so requests in writing.

(2) The Director must cancel the approval of a type of electrical article if articles of that type are no longer articles to which Part 4C of the Act applies.

Other particulars of suspension or cancellation: section 21C (8)

23. For the purposes of section 21C (8) of the Act, the prescribed particulars in relation to the suspension or cancellation of an approval of a type of electrical article are the following:

- (a) the name of the applicant for the approval;
- (b) a description of the type of electrical article;
- (c) the mark (if any) approved by the Director for articles of the type;
- (d) the date of the suspension or cancellation of the approval;
- (e) in the case of a suspension, the period of suspension;
- (f) in the case of a suspension, the remedial action (if any) necessary before the suspension is lifted.

Division 7—Examination of articles

Requirement that electrical articles be examined or tested

24. (1) The Director may at any time, by notice served on an approval holder, require the approval holder to do any one or more of the following:

- (a) submit to the Director or to a third party, as specified in the notice and within the time stated in the notice, one or more samples of electrical articles of the type to which the approval relates, for examination, and testing, at the expense of the approval holder; or
- (b) furnish to the Director, within the time specified in the notice, such information (including reports of any examination or test) relating to electrical articles of the type as the Director may require; or
- (c) pay the expenses of the Director in having sample articles of the type tested (whether the samples are obtained from the approval holder or from a third party).

(2) The approval holder must comply with the requirements made by the notice.

Maximum penalty: 20 penalty units.

(3) It is a sufficient defence to a prosecution for an offence against this clause arising by reason of a failure of an approval holder to submit samples of electrical articles if the defendant satisfies the court that the defendant was unable to obtain, and could not with reasonable diligence obtain, the samples.

(4) It is a sufficient defence to a prosecution for an offence against this clause arising by reason of a failure of an approval holder to furnish information, if the defendant satisfies the court that the defendant did not possess, and could not with reasonable diligence obtain, the information.

(5) In this clause, a reference to a type of electrical article includes, if approval has been given under this Part in respect of a modified type of electrical article, a reference to the modified type of electrical article.

Division 8—Marking of articles**Marking or labelling of electrical articles**

25. (1) For the purposes of sections 21A (1) (b) and 21D (1) (b) and (2) (b) (ii) of the Act, an electrical article is to be marked with at least one of such of the following marks as apply to the article:

- (a) a mark approved by the Director for articles of the type to which the article belongs;
- (b) the letter “N” followed by the approval number in respect of the type to which the article belongs;
- (c) a mark in accordance with the requirements of the relevant authority for another State or a Territory by which the type to which the article belongs is approved or registered;
- (d) a mark in accordance with the requirements of the Electrical Safety Type Test Scheme or the Electrical Safety Standards Mark Scheme conducted by or on behalf of the Standards Association of Australia, by which the type to which the article belongs is certified.

(2) Despite subclause (1) (b), an electrical article of a type for which approval has been granted to an approval holder on an application consented to by the holder of the previous approval may be marked with the letter “N” followed by the previous approval number.

(3) A mark is not in accordance with subclause (1) unless it is made in a manner that is, in the opinion of the Director, sufficiently legible, conspicuous and permanent.

(4) The mark may be made on the article itself or, as the relevant certificate of approval so indicates, on a container, or a label affixed to a bundle, in which the articles are sold.

(5) A person must not mark an article of one type (or a container, or bundle, of articles of one type) with a mark that properly relates only to one or more other types.

Maximum penalty: 20 penalty units.

Division 9—Seizures**Compensation: section 21F (11)**

26. (1) For the purposes of section 21F (11) of the Act:

- (a) the prescribed period is the 60 days following the seizure; and

(b) compensation is to be determined as the amount actually paid for the seized electrical article by the person from whom that electrical article was seized.

(2) For the purposes of determining the amount actually paid, the Director may require the person from whom the electrical article was seized to forward to the Director evidence of any payment which the person made for the article.

Application for forfeiture of electrical articles: section 21G (1)

27. (1) For the purposes of section 21G (1) of the Act, the prescribed manner of making an application to a Local Court is by lodging with the clerk of the court an application in Form 3.

(2) The Director must, not less than 28 days before lodging the application, serve a copy of the application on the person from whom the electrical article was seized.

Division 10—Miscellaneous

Duplicate certificates

28. The Director may issue a duplicate certificate of approval if satisfied that the current certificate has been lost, stolen, destroyed, mutilated or defaced and if the fee approved by the Director has been paid for the duplicate.

Copies of certificates

29. Any person may, on payment of the fee approved by the Director, obtain a copy of a certificate of approval (as in force at the time the copy is provided) at the office of the Director during normal business hours.

Appeals: section 21C (9)

30. (1) The manner of appealing to the Minister under section 21C (9) of the Act against a determination of the Director is by lodging with the Director a notice of appeal within 21 days after notice of the determination is served on the applicant for the relevant approval.

(2) The notice of appeal must be signed by the appellant and must contain the following particulars:

- (a) the name and address of the appellant;
- (b) the dates of the determination, the approval (if any) and the notice of appeal;

- (c) the type of electrical article in respect of which approval has been refused, suspended or cancelled.

PART 3--NON-DECLARED ELECTRICAL ARTICLES

Division 1—Preliminary

Application of this Part

31. This Part applies to electrical articles to which section 21DA of the Act applies (that is, electrical articles to which Part 4C (in general) of the Act does not apply).

Division 2—Minimum safety requirements: section 21DA (2) (c)

Minimum requirements in general

32. An electrical article to which section 21DA of the Act applies must be designed and manufactured in such a way as to ensure that:

- (a) it can be safely and properly assembled and installed and used in, or in connection with, a consumer's installation (as defined in the Electricity (Installation Safety) Regulation 1992); and
- (b) the article does not unreasonably endanger the safety of persons or property even during reasonably foreseeable conditions of overload or when exposed to external mechanical influences, or environmental conditions, that are reasonably foreseeable.

Minimum requirements in particular

33. (1) On an electrical article to which section 21DA of the Act applies, the electrical insulation used for protection against electric shock must be suitable for the reasonably foreseeable conditions of use of the article. Any single fault in the article reasonably likely to occur during the expected lifetime of the article must not result in a risk of electric shock.

(2) The normal operation of the article, or any reasonably likely abnormal operation of, or reasonably likely fault in, the article must not result in fire if this could be a danger to persons or property (other than the article itself).

(3) The normal operation of the article, or any reasonably likely abnormal operation of, or reasonably likely fault in, the article must not result in temperatures, arcs, radiation or mechanical phenomena, which could be a danger to persons.

(4) Subclause (3) does not apply to the extent that the article is normally used to produce such a result, or such a result is an inevitable consequence of, or normally accepted risk in, the normal use of articles of the type to which the article belongs.

Assumptions

34. (1) For the purposes of this Division, it may be assumed that an article will be properly assembled (if this is intended to be done by the user), properly installed and connected, used in applications for which it was made, and adequately maintained.

(2) The assumptions in subclause (1) may only be made if directions for assembly by the user (if assembly is intended to be done by the user), and for installation, connection, use and maintenance are marked on the article or accompany the article in or on the package in which the article is sold.

Presumption of compliance with minimum requirements

35. (1) An article in relation to which the assumptions referred to in clause 34 may be made is conclusively presumed to comply with both clauses 32 and 33 if it meets the criteria set out in at least one of subclauses (2)–(4).

(2) The article is covered by a certificate of suitability issued under Division 3 or issued by the relevant authority for another State or a Territory.

(3) The article is covered by certification under the Electrical Safety TypeTest Scheme or the Electrical Safety StandardsMark Scheme conducted by or on behalf of the Standards Association of Australia.

(4) The article:

- (a) has a voltage rating of at least 230 volts and not more than 250 volts (in the case of a single phase article) or at least 400 volts and not more than 440 volts (in the case of a multiphase article); and
- (b) complies with such parts of an electrical safety standard (or standards), as in force at the time when the article is manufactured, as cover the minimum requirements set out in clauses 32 and 33 and as are published by one of the standards organisations referred to in subclause (5).

(5) The relevant standards organisations are the following:

- (a) the Standards Association of Australia;
- (b) the International Electrotechnical Commission (IEC);

- (c) the European Committee for Electrotechnical Standardisation (CENELEC).

Division 3—Certificates of suitability

Interpretation

36. In this Division, a reference to a particular type of electrical article to which section 21DA of the Act applies is a reference to all articles which, in the opinion of the Director, are constructed to the same design and from identical or similar materials.

Application for certificate of suitability

37. (1) A person may apply for a certificate of suitability for any type of article to which section 21DA of the Act applies.

(2) The application is to be in a form approved by the Director and accompanied by the fee approved by the Director for the type of electrical article concerned.

(3) Before determining the application, the Director may require samples of the type or data relating to the type to be delivered or made available to the Director or to any person specified by the Director.

(4) The Director may reject the application if a requirement under subclause (3) is not complied with.

Issue of certificate of suitability

38. (1) The Director may issue to the applicant a certificate of suitability for the type of article to which the application relates if satisfied that articles of that type:

- (a) comply with the specifications (if any) which the Director determines are applicable to that type; and
- (b) comply with such other requirements (if any) as the Director has made with respect to articles of that type; and
- (c) are suitable for use in, or in connection with, a consumer's installation (as defined in the Electricity (Installation Safety) Regulation 1992).

(2) A certificate of suitability may be issued subject to any of the following conditions:

- (a) conditions limiting the period of time during which the certificate is to remain in force;

- (b) conditions relating to the installation of articles of the type concerned;
- (c) conditions relating to the use of articles of the type concerned;
- (d) such other conditions as the Director determines.

(3) The Director is to specify on each certificate of suitability a form of marking which may be used to identify articles of the type to which the certificate relates.

Duplicate certificates

39. The Director may issue a duplicate certificate of suitability if satisfied that the current certificate has been lost, stolen, destroyed, mutilated or defaced and if the fee approved by the Director has been paid for the duplicate.

Copies of certificates

40. Any person may, on payment of the fee approved by the Director, obtain a copy of a certificate of suitability at the office of the Director during normal business hours.

Marking

41. (1) If a certificate of suitability has been issued for a type of article to which section 21DA of the Act applies, an article of that type may be marked with the form of marking (if any) specified on the certificate by stamping, labelling or such other method of marking as may be authorised by the Director.

(2) A person must not sell (within the meaning of Part 4C of the Act) electrical articles marked with that mark unless they are articles of the type in respect of which a certificate of suitability specifies that mark.

Maximum penalty: 20 penalty units.

Variations

42. (1) The holder of a certificate of suitability may apply in a form approved by the Director for an endorsement that the certificate applies also to a variation of the type of article in respect of which the certificate was originally issued.

(2) The application must be accompanied by the fee approved by the Director.

(3) Clause 37 (2)–(4) applies to an application under subclause (1) and the varied type of article to which the application relates in the same way as clause 37 (2)–(4) applies to an application under clause 37 (1) and the type of article to which that application relates.

Grant of variation

43. (1) The Director may grant a variation of a certificate of suitability if satisfied that articles of the type to which the certificate (as varied) relates:

- (a) comply with the specifications (if any) which the Director determines are applicable to that type; and
- (b) comply with such other requirements (if any) as the Director has made with respect to articles of that type; and
- (c) are suitable for use in, or in connection with, a consumer's installation (as defined in the Electricity (Installation Safety) Regulation 1992); and
- (d) do not constitute a type of article substantially different from that in respect of which the application for the original certificate was made.

(2) The Director may, on granting a variation of a certificate of suitability, vary any of the conditions to which the certificate is subject.

(3) On granting the variation, the Director may issue an endorsement for the original certificate containing the particulars of the variation and of any conditions relating to the installation or use of the articles as varied.

Refusals and cancellations

44. (1) The Director may, for any reason that the Director considers sufficient:

- (a) refuse to issue a certificate of suitability; or
- (b) refuse to approve a variation of a certificate of suitability; or
- (c) cancel a certificate of suitability.

(2) The Director must serve notice of any of those actions on the applicant for the certificate or variation, or on the holder of the cancelled certificate.

Notification of authorities

45. If the Director issues, refuses to issue, approves or refuses to approve a variation to, or cancels, a certificate of suitability, the Director may notify an electricity supply authority, a relevant authority (within the meaning of Part 4C of the Act) for another State or Territory, or any other person, of that action.

PART 4—SAFETY WARNINGS**Application of this Part**

46. This Part applies to all electrical articles.

Warnings to accompany certain articles

47. (1) The Director may by notification specify one or more directions (including warnings) as to the safe use of electrical articles of a type specified in the notification.

(2) A notification may specify the content of a direction and the manner in which it is to appear. For example, the notification may require it to be marked on articles of the type, or on a label or information sheet accompanying them.

(3) The notification may be served on:

- (a) the holder of an approval under Part 4C of the Act for the type of article; or
- (b) the holder of a certificate of suitability under Part 3 of this Regulation for the type of article; or
- (c) a manufacturer, importer, wholesaler or retailer of articles of the type; or
- (d) any other person.

Offence of disposing of articles that do not carry warnings

48. (1) A person served with a notification under this Part must not dispose of an electrical article of a type specified in the notification if

- (a) not all the directions specified in the notification appear at the time of the disposal in relation to the article and in accordance with the notification; or
- (b) a representation which is inconsistent with any such direction appears in relation to the article at the time of the disposal.

Maximum penalty: 20 penalty units.

(2) In this clause, “**dispose**” means dispose by sale and by any other means specified in the relevant notification.

PART 5—ELECTRICAL EQUIPMENT SAFETY ADVISORY COMMITTEE

Constitution and functions of Committee

49. (1) There is hereby constituted a committee under the name of the “Electrical Equipment Safety Advisory Committee”.

(2) The functions of the Committee are as follows:

- (a) to investigate and report to the Director on any matter referred to it by the Director relating to the regulation of electrical articles (whether or not they are articles to which Part 4C of the Act applies);
- (b) to advise the Director on any matter relating to the issue of certificates of suitability referred to it by the Director;
- (c) to make recommendations on any matters referred to it by the Director relating to the approval of electrical articles to which Part 4C of the Act applies or the disposal by sale or other means of electrical articles (whether or not they are articles to which Part 4C of the Act applies) or relating to action to be taken by the Director with respect to defective electrical articles.

(3) The Minister is to appoint the members of the Committee from among persons whom the Minister considers to have appropriate expertise in relation to the functions of the Committee. The membership, terms of office of the members, the appointment of chairpersons, vacation of office and other matters relating to the membership of the Committee are to be as determined by the Minister.

(4) The procedures for the calling of meetings of the Committee and for the conduct of business at those meetings are to be as determined by the Director.

PART 6—MISCELLANEOUS

Prescribed newspapers: section 21E (2) (c) and (4) (a)

50. The newspapers prescribed for the purposes of section 21E (2) (c) and (4) (a) of the Act are:

- (a) the Sydney Morning Herald and the Daily Telegraph Mirror, Sydney; or

- (b) if the relevant electrical article or type of electrical article would typically be sold only within a particular section of the public—a newspaper circulating generally within that section of the public.

Prescribed officers: section 21H

51. The Director is a prescribed officer for the purposes of section 21H (Evidentiary provisions) of the Act.

Service of notice

52. A notice or notification required to be served on a person is to be served by one of the following means:

- (a) delivering it personally to the person;
- (b) delivering it to the place last known to the Director as the residence of the person (if the person is a natural person) and by leaving it there with some person apparently over the age of 16 years;
- (c) delivering it to the place last known to the Director as a place of business of the applicant and by leaving it there with some person who appears to be employed at that place;
- (d) by posting it to the applicant at the place last known to the Director as the residence or a place of business of the applicant.

Offence of disposing of non-conforming article

53. (1) If it would be an offence against section 21A or 21DA of the Act to sell an electrical article, a person must not make the article available, or dispose of it, by doing any one or more of the following:

- (a) offering it as a prize or reward, whether for the purposes of entertainment or in furtherance of trade or business or otherwise;
- (b) giving it away for the purposes of an advertisement or in furtherance of trade or business;
- (c) exposing or depositing it in or on any premises for the purpose of its being so offered as a prize or reward or being so given away;
- (d) leaving or placing it in a public place for removal, destruction or burial as rubbish.

Maximum penalty: 20 penalty units.

(2) A person does not commit an offence against this clause if the disposal takes place with the written consent of the Director.

Offence of falsification

54. A person must not make a statement which is false or misleading in a material respect in, or in connection with, an application under this Regulation.

Maximum penalty: 20 penalty units.

PART 7—REPEAL AND TRANSITIONAL PROVISIONS**Repeal**

55. The Electrical Articles Regulation 1985 is repealed.

Transitional

56. (1) Any application made in accordance with a provision of the Electrical Articles Regulation 1985 as in force immediately before its repeal by this Regulation is taken to have been made in accordance with the corresponding provision of this Regulation.

(2) An approval under the Electrical Articles Regulation 1985 that has been saved as an approval under this Regulation has an expiry date determined in accordance with this Regulation as if this Regulation had been in force when the approval was granted, or last renewed, under the Electrical Articles Regulation 1985.

(3) A suspension under the Electrical Articles Regulation 1985 that would have continued after the date on which this Regulation commenced (if this Regulation had not commenced) continues until it would have expired but for that commencement.

(4) An application for the transfer of a certificate of approval (or a certificate of suitability) made in accordance with a provision of the Electrical Articles Regulation 1985 as in force immediately before its repeal by this Regulation is taken to have been made as an application for approval (or for a certificate of suitability) in accordance with this Regulation.

Savings

57. (1) A notification, approval or certificate in force (or an approval under suspension) under a provision of the Electrical Articles Regulation 1985 immediately before its repeal by this Regulation is taken to continue in force (or under suspension) under the corresponding provision of this Regulation and to be subject to the provisions of this Regulation as if it had been issued, granted or suspended under this Regulation.

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(2) A certificate of suitability issued under Part 4 of the Electrical Articles Regulation 1985 and in force immediately before the commencement of this Regulation is taken, on the commencement of this Regulation, to be a certificate of suitability issued under Part 3 of this Regulation and continues in force until cancelled in accordance with Part 3 of this Regulation, subject to any conditions expressed in the certificate itself as to the period for which it is in force.

SCHEDULE 1—FORMS

(Cl. 3 (2))

Form 1

(Cl. 7)

**ELECTRICITYACT 1945
DECLARATION OF COMPLIANCE**

I,
(name)

of
(address)

declare that at the time this declaration is made each electrical article of the type described below complies with such parts of the class specifications and type specifications (if any) for the article as are specified below.

Type of electrical article
.....
(describe type of article to which the application relates)

Applicable class specifications
.....
(state class specifications and specify the parts of them with which the article complies)

Applicable type specifications
.....
(state type specifications and specify the parts of them with which the article complies)

.....
Declarant's signature

1994—No. 414

Form 2

(CI. 9 (1))

ELECTRICITY ACT 1945

APPLICATION FOR NOTIFICATION OF TYPE SPECIFICATIONS

I,
(name)

of
(address)

hereby apply for notification of the type specifications applicable to electrical articles of the following types:

(Insert description of type of article)

.....
(Signature)

Form 3

(CI. 27 (1))

ELECTRICITYACT 1945

APPLICATION FOR ORDER FOR FORFEITURE OF ELECTRICAL ARTICLE

To: The Local Court at

WHEREAS on theday of 19, the electrical article(s) specified in the Schedule below was (were) seized by an authorised person under section 21F (2) (d) of the Electricity Act 1945. at

.....
(address where seized)

from
(owner of electrical article(s))

Application is now made for an order for forfeiture of the electrical article(s) to the Crown.

Signed and dated this day of 19

.....
Director of the Office of Energy

SCHEDULE

(Insert description of article(s))

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of Part 4C of the Electricity Act 1945 is to ensure the safety of persons using electrical articles (including components, appliances and fittings) and the safety of property where those articles are used. This Regulation complements that Part.

The Regulation replaces the Electrical Articles Regulation 1985 with a more concise range of requirements as to electrical safety, approvals and certificates. Several details of the compulsory approval process are set out (such as forms, time limits, and particulars to be served on applicants) and modifications are provided for.

Compulsory minimum standards are included for the first time for articles that are not required to be approved. Certificates of suitability can be issued for those articles (as they were under the repealed Regulation). The certificates themselves are not compulsory, but offer one way in which a supplier can be sure that those articles meet the minimum standards.

The Regulation also includes a reduced range of provisions concerning the Electrical Equipment Safety Advisory Committee (the former Electrical Approvals Advisory Committee), leaving most of the detail to be determined by the Minister and the Director of the Office of Energy.

This Regulation is made under Part 4C (Electrical articles) and section 37 (Regulations) of the Electricity Act 1945.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
