



New South Wales

# Electricity Safety (Equipment Safety) Regulation 1999

under the

Electricity Safety Act 1945

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Safety Act 1945*.

JOHN WATKINS, M.P.,

Minister for Fair Trading

## Explanatory note

The object of this Regulation is to repeal and remake, with some modifications, the *Electricity (Equipment Safety) Regulation 1994*.

The Regulation sets out a range of matters relating to the approval of electrical articles under Part 4C of the *Electricity Safety Act 1945*, including the following:

- (a) the form in which applications for approval are to be made and the matters to accompany an application,
- (b) the duration of approvals and the manner in which an approval may be extended or renewed,
- (c) modification of approvals,
- (d) suspension or cancellation of approvals,
- (e) testing or examination of electrical articles,
- (f) the manner in which approved electrical articles are to be marked for identification purposes.

The Regulation sets out compulsory minimum standards for electrical articles that are not required to be approved and includes a scheme for the issue of certificates of suitability for those electrical articles.

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The Regulation also provides for other miscellaneous matters such as the attachment of warnings to certain electrical articles, the constitution and functions of the Electrical Equipment Safety Advisory Committee and offences for disposing of a non-conforming electrical article.

The Regulation adopts some of the requirements of an Australian/New Zealand Standard relating to electrical articles, being Australian/New Zealand Standard 3820: 1998 (*Essential safety requirements for low voltage electrical equipment*).

This Regulation is made under the *Electricity Safety Act 1945*, including Part 4C and section 37 (the general regulation-making power).

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

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## Electricity Safety (Equipment Safety) Regulation 1999

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Electricity Safety (Equipment Safety) Regulation 1999*.

#### 2 Commencement

This Regulation commences on 1 September 1999.

#### 3 Definitions

(1) In this Regulation:

***Director-General*** means the Director-General of the Department of Fair Trading.

***the Act*** means the *Electricity Safety 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.

#### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Part 2 Approval of electrical articles under Part 4C of the Act

Division 1 Preliminary

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**Part 2 Approval of electrical articles under Part 4C of the Act**

**Division 1 Preliminary**

**5 Definitions**

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-General for an approval of the type.

*certificate of approval* means a certificate by which the Director-General 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.

**6 Application of this Part**

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.

**7 Relevant interstate authorities: section 20 (1)**

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

- (a) in Queensland—the Department of Mines and Energy,
- (b) in Victoria—the Office of the Chief Electrical Inspector,
- (c) in South Australia—the Office of the Technical Regulator,
- (d) in Tasmania—the Office of the Electricity Regulator,
- (e) in Western Australia—the Office of Energy,
- (f) in the Northern Territory—the Department of Industries and Business,
- (g) in the Australian Capital Territory—the Department of Urban Services.

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**Division 2      Approval process****8 Preliminary application for type specifications: section 21B (1)**

- (1) The prescribed form of application for a notification of type specifications under section 21B (1) of the Act is Form 1.
- (2) The application must be accompanied by the fee approved by the Director-General for the category of electrical article to which the application relates.

**9 Application for type approval: section 21C (2)**

- (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-General and must be lodged with the Director-General.
- (2) The application must be accompanied by the following:
  - (a) the fee approved by the Director-General appropriate to articles of that type and to the circumstances of the application,
  - (b) evidence that the articles comply with a class specification to the extent that the specification applies to those articles and with any type specification that applies to the articles,
  - (c) a sample article of the type,
  - (d) the drawings and manufacturing specifications in accordance with which articles of the type are or are to be constructed.
- (3) The Director-General may waive any of the requirements of subclause (2) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.

**Note.** The application for approval must be lodged with a declaration of compliance with respect to the type of electrical article for which approval is sought that is in a form approved by the Director-General and is accurate and complete (see section 21C (2) (b) of the Act).

**10 Particulars of approval: section 21C (4)**

- (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-General has approved the type of electrical article,
  - (b) the date of the approval,

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- (c) the approval number,
  - (d) the duration of the approval,
  - (e) the mark (if any) approved by the Director-General for articles of the type,
  - (f) the location where the mark may be made if not on the articles themselves (for example on a container, or attached to a bundle, in which the articles are sold),
  - (g) the name of the applicant,
  - (h) the type reference code for articles of the type,
  - (i) 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-General certifies the particulars referred to in subclause (1) (a)–(f) in relation to the particulars referred to in subclause (1) (g)–(i).

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

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

## Division 3 Duration of approval

### 12 Duration of approval

An approval of a type of electrical article under section 21C of the Act remains in force for the period specified by the Director-General in the approval (not exceeding 5 years), subject to any cancellation, suspension or extension of the approval under this Regulation.

### 13 Extension of approval

The period for which an approval is in force may be extended by the Director-General once or more if, in the opinion of the Director-General, 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.

**14 Application for renewal of approval**

- (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-General, and
  - (b) be lodged with the Director-General no later than 1 month before the approval is due to expire, and
  - (c) be accompanied by the fee approved by the Director-General, and
  - (d) be accompanied by evidence that electrical articles of that type comply with a class specification to the extent that the specification applies to those articles and with any type specification that applies to the articles, and
  - (e) be accompanied by a declaration of compliance with respect to the type of electrical article to which the approval relates that is in a form approved by the Director-General, and is accurate and complete, and
  - (f) be accompanied by a sample article of the type.
- (4) The Director-General may waive any of the requirements of subclause (3) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.

**15 Notice of renewal**

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

**16 Refusal of application for renewal**

- (1) The Director-General 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 class specification applicable to them at the time the Director-General determines the application, or

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- (c) the Director-General is not satisfied that, by reason of their design or construction, articles of the type are safe.
- (2) If the Director-General refuses an application for renewal, the Director-General 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 4 Modification of approval and changes in details

#### 17 Application for modification of approval

- (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-General 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-General for articles of the type or the location where the mark may be made may be changed, or so as to allow an alternate approval number, mark or location to be used in respect of that type of electrical article.
- (2) Application is to be made by lodging with the Director-General the following:
  - (a) an application in the form approved by the Director-General,
  - (b) the fee approved by the Director-General 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 for 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 class specification to the extent that the specification applies to those articles,

- (d) a declaration of compliance with respect to the type of electrical article to which the approval relates that is in a form approved by the Director-General, and is accurate and complete.
- (4) The Director-General may waive any of the requirements of subclause (2) or (3) (other than subclause (3) (d)) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.

**18 Approval or refusal of modification**

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

**19 Changes in other particulars**

- (1) The holder of an approval for a type of electrical article must notify the Director-General 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.  
Maximum penalty: 5 penalty units.
- (2) The notification is to be in the form approved by the Director-General and accompanied by the fee approved by the Director-General.

**Division 5 Suspension or cancellation of approval**

**20 Suspension or cancellation of approval**

- (1) The Director-General 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:

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Part 2 Approval of electrical articles under Part 4C of the Act  
Division 5 Suspension or cancellation of approval

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- (a) an electrical article of the type is found by the Director-General 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 22 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-General 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.

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

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 approval number,
- (d) the mark (if any) approved by the Director-General for articles of the type,
- (e) the date of the suspension or cancellation of the approval,
- (f) in the case of a suspension, the period of suspension,
- (g) in the case of a suspension, the remedial action (if any) necessary before the suspension is lifted.

## Division 6 Examination of articles

### 22 Requirement that electrical articles be examined or tested

- (1) The Director-General 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-General 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,
  - (b) furnish to the Director-General, 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-General may require,
  - (c) pay the expenses of the Director-General 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 7      Marking of articles**

### **23    Marking or labelling of electrical articles**

- (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-General for articles of the type to which the article belongs,

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Part 2 Approval of electrical articles under Part 4C of the Act  
Division 7 Marking of articles

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- (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 a certification scheme approved by the Minister under section 21A (1) (a) (iii) of the Act.
- (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-General, 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 8 Miscellaneous

### 24 Duplicate certificates

The Director-General 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-General has been paid for the duplicate.

### 25 Copies of certificates

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

**26 Appeals: section 21C (9)**

- (1) The manner of appealing to the Minister under section 21C (9) of the Act against a determination of the Director-General is by lodging with the Director-General 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.

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Clause 27 Electricity Safety (Equipment Safety) Regulation 1999

Part 3 Non-declared electrical articles

Division 1 Preliminary

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## Part 3 Non-declared electrical articles

### Division 1 Preliminary

#### 27 Application of this Part

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)

#### 28 Minimum requirements in general

- (1) The requirements with which an electrical article to which section 21DA of the Act applies are those set out in clauses 4.1, 4.2 and 4.3 of AS/NZS 3820: 1998.
- (2) An electrical article is conclusively presumed to satisfy those requirements if it is deemed under clause 5 of AS/NZS 3820: 1998 to satisfy the safety requirement of clause 4 of AS/NZS 3820: 1998.
- (3) In this clause:

*AS/NZS 3820: 1998* means Australian/New Zealand Standard 3820: 1998 (*Essential safety requirements for low voltage electrical equipment*), as in force from time to time.

### Division 3 Certificates of suitability

#### 29 Interpretation

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-General, are constructed to the same design and from identical or similar materials.

#### 30 Application for certificate of suitability

- (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-General and accompanied by the fee approved by the Director-General for the type of electrical article concerned.
- (3) Before determining the application, the Director-General may require samples of the type or data relating to the type to be delivered or made available to the Director-General or to any person specified by the Director-General.
- (4) The Director-General may reject the application if a requirement under subclause (3) is not complied with.

### 31 Issue of certificate of suitability

- (1) The Director-General 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-General determines are applicable to that type, and
  - (b) comply with such other requirements (if any) as the Director-General 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 Safety (Electrical Installations) Regulation 1998*).
- (2) A certificate of suitability may be issued subject to any of the following conditions:
  - (a) conditions relating to the installation of articles of the type concerned,
  - (b) conditions relating to the use of articles of the type concerned,
  - (c) such other conditions as the Director-General determines.
- (3) The Director-General 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.

### 32 Duration of certificate

A certificate of suitability remains in force for the period specified by the Director-General in the certificate (not exceeding 5 years), subject to any cancellation or extension of the certificate under this Regulation.

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Clause 33 Electricity Safety (Equipment Safety) Regulation 1999

Part 3 Non-declared electrical articles

Division 3 Certificates of suitability

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### 33 Extension of certificate

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

### 34 Application for renewal of certificate of suitability

- (1) A certificate of suitability 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-General, and
  - (b) be lodged with the Director-General no later than 1 month before the certificate is due to expire, and
  - (c) be accompanied by the fee approved by the Director-General, and
  - (d) be accompanied by evidence that electrical articles of that type comply with the requirements for the issue of a certificate of suitability referred to in clause 31 (1).
- (4) The Director-General may waive any of the requirements of subclause (3) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.
- (5) Before determining the application, the Director-General may require samples of the type or data relating to the type to be delivered or made available to the Director-General or any person specified by the Director-General.
- (6) The Director-General may reject the application if a requirement under subclause (3) is not complied with.

### 35 Notice of renewal

If the Director-General renews a certificate of suitability, the Director-General must serve notice of the renewal on the applicant for renewal.

**36 Duplicate certificates**

The Director-General 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-General has been paid for the duplicate.

**37 Copies of certificates**

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

**38 Marking**

- (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-General.
- (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

**39 Variations**

- (1) The holder of a certificate of suitability may apply in a form approved by the Director-General 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-General.
- (3) Clause 30 (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 30 (2)–(4) applies to an application under clause 30 (1) and the type of article to which that application relates.
- (4) The Director-General may waive any of the requirements of subclause (2) or (3) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.
- (5) The variation of a certificate of suitability does not alter the date of expiry of the certificate.

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Clause 40 Electricity Safety (Equipment Safety) Regulation 1999

Part 3 Non-declared electrical articles

Division 3 Certificates of suitability

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### 40 Grant of variation

- (1) The Director-General 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-General determines are applicable to that type, and
  - (b) comply with such other requirements (if any) as the Director-General 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 Safety (Electrical Installations) Regulation 1998*), 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-General 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-General 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.

### 41 Refusals and cancellations

- (1) The Director-General may, for any reason that the Director-General considers sufficient:
  - (a) refuse to issue a certificate of suitability, or
  - (b) refuse to extend or renew a certificate of suitability, or
  - (c) refuse to approve a variation of a certificate of suitability, or
  - (d) cancel a certificate of suitability.
- (2) The Director-General must serve notice of any of those actions on the applicant for the certificate, extension, renewal or variation, or on the holder of the cancelled certificate.
- (3) A person aggrieved by a determination of the Director-General under this clause may appeal to the Minister by lodging with the Director-General a notice of appeal within 21 days after notice of the determination is served on the applicant for the certificate, extension, renewal or variation, or on the holder of the cancelled certificate.

- (4) 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 issue of the certificate of suitability (if any) and the notice of appeal,
  - (c) the type of electrical article to which determination related.

#### **42 Notification of authorities**

If the Director-General issues, refuses to issue, extends or renews, approves or refuses to approve a variation to, or cancels, a certificate of suitability, the Director-General 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.

#### **43 Requirement that electrical articles be examined or tested**

- (1) The Director-General may at any time, by notice served on the holder of a certificate of suitability, require the holder to do any one or more of the following:
- (a) submit to the Director-General 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 certificate of suitability relates, for examination, and testing, at the expense of the holder of the certificate,
  - (b) furnish to the Director-General, within the time specified in the notice, such information (including reports of any examination or test) relating to electrical articles of the type to which the certificate of suitability relates as the Director-General may require,
  - (c) pay the expenses of the Director-General in having sample articles of the type to which the certificate of suitability relates tested (whether the samples are obtained from the holder of the certificate of suitability or from a third party).
- (2) Without limiting clause 41, the Director-General may cancel a certificate of suitability if the holder of the certificate fails to comply with the requirements made by the notice.

## 1999 No 487

Clause 44 Electricity Safety (Equipment Safety) Regulation 1999

Part 4 Safety warnings

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### Part 4 Safety warnings

#### 44 Application of this Part

This Part applies to all electrical articles.

#### 45 Warnings to accompany certain articles

- (1) The Director-General 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.

#### 46 Offence of disposing of articles that do not carry warnings

- (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**

### **47 Constitution and functions of Committee**

- (1) There is hereby constituted a committee under the name of the “Electrical Equipment Safety Advisory Committee”.
- (2) The functions of the Committee are to advise the Director-General:
  - (a) on safety standards for electrical articles or any class or type of electrical articles,
  - (b) on procedures for monitoring compliance with safety standards,
  - (c) on any other matters relating to the safety of electrical articles that the Director-General refers to the Committee for advice.
- (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-General.

**1999 No 487**

Clause 48 Electricity Safety (Equipment Safety) Regulation 1999

Part 6 Miscellaneous

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**Part 6 Miscellaneous**

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

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

- (a) the Sydney Morning Herald, the Daily Telegraph, Sydney and any other newspaper approved by the Director-General for the purposes of the notification concerned, 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, or
- (c) if the relevant electrical article or type of electrical article would typically be sold only within a particular region of the State—a newspaper circulating generally within that region of the State.

**49 Compensation: section 21F (11)**

- (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-General may require the person from whom the electrical article was seized to forward to the Director-General evidence of any payment which the person made for the article.

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

- (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 2.
- (2) The Director-General 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.

**51 Prescribed officers: section 21H**

The Director-General, or another officer authorised in writing by the Director-General, is a prescribed officer for the purposes of section 21H (Evidentiary provisions) of the Act.

**52 Service of notice**

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-General 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-General 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) posting it to the applicant at the place last known to the Director-General as the residence or a place of business of the applicant.

**53 Offence of disposing of non-conforming article**

- (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-General.

**1999 No 487**

Clause 54 Electricity Safety (Equipment Safety) Regulation 1999

Part 6 Miscellaneous

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**54 Offence of falsification**

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

### 55 Repeal

The *Electricity (Equipment Safety) Regulation 1994* is repealed.

### 56 Transitional

- (1) Any application made in accordance with a provision of the *Electricity (Equipment Safety) Regulation 1994* 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 *Electricity (Equipment Safety) Regulation 1994* 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 *Electricity (Equipment Safety) Regulation 1994*.
- (3) A suspension under the *Electricity (Equipment Safety) Regulation 1994* 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.

### 57 Savings

- (1) A notification, approval or certificate in force (or an approval under suspension) under a provision of the *Electricity (Equipment Safety) Regulation 1994* 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.
- (2) A certificate of suitability issued under Part 3 of the *Electricity (Equipment Safety) Regulation 1994* 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 subject to any conditions expressed in the certificate itself as to the period for which it is in force. However, such a certificate ceases to have effect on 1 September 2004, unless it is sooner cancelled under this Regulation or unless it is extended or renewed in accordance with this Regulation.

## 1999 No 487

Clause 58 Electricity Safety (Equipment Safety) Regulation 1999

Part 7 Repeal and transitional provisions

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### 58 Electrical Equipment Safety Advisory Committee

- (1) The committee constituted by clause 47 of this Regulation is a continuation of, and the same committee as, the committee constituted by clause 49 of the *Electricity (Equipment Safety) Regulation 1994*.
- (2) A person who, immediately before the repeal of the *Electricity (Equipment Safety) Regulation 1994*, held office as a member of the Electrical Equipment Safety Advisory Committee or as chairperson of that Committee continues to do so, despite the repeal of that Regulation, subject to the terms of his or her appointment and to any determination made by the Minister under clause 49 (3) of that Regulation or clause 47 (3) of this Regulation.
- (3) A determination made by the Minister pursuant to clause 49 (3) of the *Electricity (Equipment Safety) Regulation 1994* that had effect immediately before the repeal of that Regulation continues to have effect after that repeal as if it had been made under clause 47 (3) of this Regulation, and may be varied or revoked by a further determination of the Minister.
- (4) A determination made by the Director-General pursuant to clause 49 (4) of the *Electricity (Equipment Safety) Regulation 1994* that had effect immediately before the repeal of that Regulation continues to have effect after that repeal as if it had been made under clause 47 (4) of this Regulation, and may be varied or revoked by a further determination of the Director-General.

**Schedule 1 Forms**

(Clause 3 (2))

**Form 1**

(Clause 8 (1))

**ELECTRICITY SAFETY 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)

**1999 No 487**

Electricity Safety (Equipment Safety) Regulation 1999

Schedule 1      Forms

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**Form 2**

(Clause 50 (1))

**ELECTRICITY SAFETY ACT 1945**

**APPLICATION FOR ORDER FOR FORFEITURE OF ELECTRICAL  
ARTICLE**

To: The Local Court at .....

WHEREAS on the ..... day of ....., the electrical  
article(s) specified in the Schedule below was (were) seized by an authorised  
person under section 21F (2) (d) of the *Electricity Safety 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 .....

.....  
Director-General of the Department of Fair Trading

Schedule

(Insert description of article(s))

BY AUTHORITY