



New South Wales

Electricity Safety (Equipment Efficiency) 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*.

KIM YEADON, M.P.,

Minister for Energy

Explanatory note

The objects of this Regulation are:

- (a) to prescribe standards of energy efficiency and performance for certain electrical articles, and
- (b) to provide for the registration and labelling of certain electrical articles, and
- (c) to prescribe fees, penalties and other matters authorised by the *Electricity Safety Act 1945*.

This Regulation is made under the *Electricity Safety Act 1945*, in particular section 37 (2) (c).

This Regulation comprises or relates to matters set out in Schedule 3 of the *Subordinate Legislation Act 1989*, being matters involving the adoption of international or Australian standards, where an assessment of the costs and benefits has already been made, and matters of a machinery nature. The standards adopted by the Regulation are the Australian (or Australian/New Zealand) standards, relating to performance and energy efficiency of electrical articles, set out in Schedules 2 and 3 to the Regulation.

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Clause 1 Electricity Safety (Equipment Efficiency) Regulation 1999

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 October 1999.

3 Definitions

(1) In this Regulation:

approved energy efficiency label for an electrical article means an energy efficiency label that:

- (a) has been approved by the Corporation under Part 4 in respect of the article, or
- (b) has been approved or registered by a corresponding authority in respect of the article,

where the approval or registration is still in force.

corresponding authority means a person or body exercising, under a law of another State or a Territory, functions similar to those of the Corporation under this Regulation.

display front means an assembly intended to represent the front of electrical articles.

energy efficiency label for an electrical article means a label, designed to be displayed on the article, indicating the energy efficiency of the article.

register means the register of electrical articles kept by the Corporation in accordance with Part 5.

registered means recorded in the Register.

registration holder means a person in whose name an electrical article is registered or into whose name registration of an electrical article has been transferred.

relevant standard, in relation to an electrical article, means a standard indicated in Schedule 2 or 3 as being applicable to the article.

scheduled electrical article means an electrical article listed in Schedule 2 or 3.

sell includes:

- (a) auction or exchange, and
- (b) offer, agree or attempt to sell, and
- (c) cause or permit to be offered for sale, and
- (d) display for sale.

the Act means the *Electricity Safety Act 1945*.

- (2) A reference in this Regulation to a standard is a reference to the standard as in force from time to time.
- (3) Words and expressions used in this Regulation that are used in a standard referred to in this Regulation have in this Regulation the same meanings as in the standard.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

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Part 2 Standards

Part 2 Standards

5 Minimum standards

- (1) An electrical article listed in Schedule 2 must comply with the performance criteria set out in Part 2 of the relevant standard when tested, in accordance with Part 1 of that standard, by an accredited laboratory.
- (2) An electrical article listed in Schedule 3 must comply with the energy efficiency requirements set out in the relevant standard.
- (3) In this clause, *accredited laboratory* means a laboratory:
 - (a) accredited by the National Association of Testing Authorities, or
 - (b) approved by the Corporation.

Part 3 Registration

6 Regulatory authorities

A scheduled electrical article may be registered by the Corporation or a corresponding authority.

7 Applications for registration

- (1) A person may apply to the Corporation for the registration of a scheduled electrical article.
- (2) An application for the registration of an electrical article listed in Schedule 2 must:
 - (a) be in the form set out in Part 2 of the relevant standard, and
 - (b) specify whether the equipment complies with the performance criteria referred to in clause 5 (1), and
 - (c) be accompanied by:
 - (i) the results of testing and calculations referred to in section 2 of Part 2 of the relevant standard, and
 - (ii) a sample of the energy efficiency label to be attached to the equipment, and
 - (iii) the results of testing referred to in clause 5 (1) in the form set out in the relevant standard, and
 - (iv) the relevant fee set out in Schedule 1.
- (3) An application for the registration of an electrical article listed in Schedule 3 must:
 - (a) be in writing and include:
 - (i) the applicant's business name, address and telephone and facsimile numbers, and
 - (ii) if the applicant's address is not in Australia or New Zealand, the name and address of a person in Australia or New Zealand who can provide information about the application, and
 - (iii) a description of the type of article and its brand name, model name and model number, and
 - (iv) a declaration by the applicant or a person authorised by the applicant that the article complies with clause 5 (2), and
 - (b) be accompanied by the relevant fee set out in Schedule 1.

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Part 3 Registration

- (4) An application for the registration of an electrical article may specify a range of models of the one brand under the same application if each of the models referred to in the application has the same relevant physical characteristics, energy efficiency and performance characteristics.
- (5) The Corporation may require the applicant to provide any additional information about the physical characteristics, energy efficiency and performance characteristics of the electrical article that it considers necessary to determine the application.
- (6) The Corporation may waive any of the requirements of subclause (2) (c).

8 Applications for transfer of registration

- (1) A person in whose name an electrical article is for the time being registered may apply to the Corporation to have the registration transferred to another person.
- (2) An application must be:
 - (a) in writing, and
 - (b) accompanied by:
 - (i) details of the registration holder, the electrical article and the person to whom the registration is to be transferred, and
 - (ii) the written consent of the person to whom the registration is to be transferred, and
 - (iii) the relevant fee set out in Schedule 1.

9 Notifying the applicant

- (1) The Corporation must notify an applicant for the registration or transfer of registration of its decision about the application within 30 business days after it makes the decision.
- (2) If the Corporation decides to refuse the registration or transfer of registration of an electrical article, it must notify the applicant of its decision within 10 business days after it makes the decision and must include a statement of the reasons for the decision.

10 Requirements for registration

The Corporation may only register or transfer the registration of an electrical article if in the opinion of the Corporation:

- (a) in the case of an article listed in Schedule 2:
 - (i) the article complies with the requirements of clause 5 (1), and
 - (ii) the energy efficiency label complies with the requirements of clause 17 (2),
- (b) in the case of an article listed in Schedule 3, the article complies with the requirements of clause 5 (2).

11 Duration of registration

A registration expires on the date specified by the Corporation not exceeding 5 years after the date on which it is granted, unless cancelled sooner.

12 Cancellation of registration

- (1) The Corporation may, in accordance with clause 13, cancel the registration of an electrical article in any of the following circumstances:
 - (a) if, when examined or tested by the Corporation or a corresponding authority:
 - (i) a sample article does not conform with the results of testing provided by the applicant,
 - (ii) a sample article (being an article listed in Schedule 3) does not comply with the energy efficiency requirements of the relevant standard,
 - (iii) the information set out on a sample energy efficiency label in respect of the article does not conform with the results of testing,
 - (b) if the registration holder engages in conduct which misleads or is likely to mislead the public as to the physical characteristics, energy efficiency or performance characteristics of the article,
 - (c) if the registration holder provides to the Corporation false or misleading information relating to an application for registration or transfer of registration,
 - (d) at the request of the registration holder.
- (2) If the registration of an electrical article is cancelled under subclause (1) (a), the Corporation may also cancel the registration of any other electrical article that the Corporation is satisfied:

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Part 3 Registration

- (a) has the same relevant physical characteristics, energy efficiency and performance characteristics as the article whose registration was cancelled under subclause (1) (a), and
- (b) was registered on the basis of the same results of testing as the article referred to in subclause (1) (a).

13 Requirements for cancellation of registration

- (1) Before cancelling the registration of an electrical article, the Corporation must notify the registration holder of the proposed cancellation and of the reasons for the proposed cancellation.
- (2) The registration holder may make a written submission within 15 business days after a notice under subclause (1) is given as to why the registration should not be cancelled.
- (3) If, after receiving the registration holder's submission or if no submission is received, the Corporation decides to cancel the registration, the Corporation must give the registration holder 5 business days' notice of the date of cancellation of the registration.

14 Sale of electrical articles

A person must not sell a scheduled electrical article unless the article is registered in accordance with this Regulation.

Maximum penalty: 20 penalty units.

Part 4 Labelling of electrical articles

15 Electrical articles to be appropriately labelled when sold

- (1) A person must not sell an electrical article listed in Schedule 2 unless an approved energy efficiency label is displayed on the article in accordance with Part 2 of the relevant standard.

Maximum penalty: 20 penalty units.

- (2) In the case of an air conditioner that is sold in a package, the approved energy efficiency label may instead be displayed on the package.
- (3) This clause applies in respect of the sale of new articles, whether by wholesale or retail, but does not apply to the sale of second-hand articles.

16 Use of display fronts

A person must not, in connection with the sale of an electrical article listed in Schedule 2, exhibit a display front for the article unless an approved energy efficiency label is displayed on the article in accordance with Part 2 of the relevant standard.

Maximum penalty: 20 penalty units.

17 Approval of energy efficiency label

- (1) The Corporation must approve an energy efficiency label for each electrical article listed in Schedule 2 that it registers.
- (2) The approved form of energy efficiency label:
 - (a) must specify the brand name and model name or number under which the article is sold, and
 - (b) must be in the form, and contain the particulars and any other matter, required by the relevant standard.

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Part 5 Register

Part 5 Register

18 Register of electrical articles

- (1) The Corporation must keep a register of electrical articles registered by the Corporation.
- (2) The Corporation may enter in the register any details supplied in an application for registration or transfer of registration.

19 Extract from register

On payment of the relevant fee set out in Schedule 1, the Corporation may provide an extract from the register.

20 Change of particulars

If a registration holder's name or address changes, the registration holder must notify the Corporation in writing within 20 business days after the change occurs.

Maximum penalty: 5 penalty units.

Part 6 Samples and testing

21 Testing by the Corporation

- (1) The Corporation may at any time require any registered electrical article to be examined or tested to determine whether it complies with the requirements of the Act and this Regulation.
- (2) For the purposes of subclause (1), the Corporation, by notice given to the registration holder, may require the registration holder to provide a sample of the registered electrical article or the energy efficiency label for the article.
- (3) Within 15 business days after receipt of a notice under subclause (2), the registration holder must deliver to the Corporation or to a laboratory nominated by the Corporation the sample or label required.

Maximum penalty: 5 penalty units.

22 Liability for samples

The Corporation may dispose of an electrical article in the possession of the Corporation or held on behalf of the Corporation for the purposes of this Regulation if the article is not collected within 20 business days after the Corporation has given notice to the registration holder that the article is ready for collection.

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Part 7 Repeals and savings

Part 7 Repeals and savings

23 Repeal of Electricity (Energy Labelling of Electrical Articles) Regulation 1995

The *Electricity (Energy Labelling of Electrical Articles) Regulation 1995* is repealed.

24 Savings and transitional provisions

- (1) An electrical article for which a label was approved under the *Electricity (Energy Labelling of Electrical Articles) Regulation 1995*, and that complies with the requirements of clause 5 (1), is taken to be registered under this Regulation until 30 September 2000.
- (2) Clause 14 does not apply in respect of the sale, on or before 30 September 2000, of:
 - (a) a refrigerating appliance, or
 - (b) a storage water heater,that was manufactured in or imported into Australia before the commencement of this Regulation.
- (3) A person must not sell (otherwise than as a second-hand article), on or before 30 September 2000, a refrigerating appliance to which subclause (2) applies unless the energy efficiency label approved in respect of it under the *Electricity (Energy Labelling of Electrical Articles) Regulation 1995* (as in force immediately before its repeal) is prominently displayed on the article.

Maximum penalty: 20 penalty units.

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Fees

Schedule 1

Schedule 1 Fees

(Clauses 7 and 19)

Item	Fee
For registration of an electrical article	\$150
For transfer of registration of an electrical article	\$50
For provision of an extract from the Register	\$50

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Schedule 2 Standards for electrical articles that require registration and labelling

Schedule 2 Standards for electrical articles that require registration and labelling

(Clause 5 (1))

Article	Relevant standard
Clothes washing machine	Australian/New Zealand Standard, "Performance of household electrical appliances—Clothes washing machines—Part 1: Energy consumption and performance", AS/NZS 2040.1:1998, and Australian/New Zealand Standard, "Performance of household electrical appliances—Clothes washing machines—Part 2: Energy labelling requirements", AS/NZS 2040.2:1998.
Dishwasher	Australian/New Zealand Standard, "Performance of household electrical appliances—Dishwashers—Part 1: Energy consumption and performance", AS/NZS 2007.1:1998, and Australian/New Zealand Standard, "Performance of household electrical appliances—Dishwashers—Part 2: Energy labelling requirements", AS/NZS 2007.2:1998.
Refrigerating appliance	Australian/New Zealand Standard, "Performance of household electrical appliances—Refrigerating appliances—Part 1: Energy consumption and performance", AS/NZS 4474.1:1997, and Australian/New Zealand Standard, "Performance of household electrical appliances—Refrigerating appliances—Part 2: Energy labelling and minimum energy performance standard requirements", AS/NZS 4474.2:1997.
Room airconditioner	Australian/New Zealand Standard, "Performance of household electrical appliances—Room airconditioners—Part 1.1: Non-ducted airconditioners and heat pumps—Testing and rating for performance", AS/NZS 3823.1.1:1998, and Australian/New Zealand Standard, "Performance of household electrical appliances—Room airconditioners—Part 2: Energy labelling requirements", AS/NZS 3823.2:1998.

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Standards for electrical articles that require registration and labelling

Schedule 2

Article	Relevant standard
Rotary clothes dryers	Australian/New Zealand Standard, "Performance of household electrical appliances—Rotary clothes dryers—Part 1: Energy consumption and performance", AS/NZS 2442.1:1996, and Australian/New Zealand Standard, "Performance of household electrical appliances—Rotary clothes dryers—Part 2: Energy labelling requirements", AS/NZS 2442.2:1996.

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Schedule 3 Standards for electrical articles that require registration only

Schedule 3 Standards for electrical articles that require registration only

(Clause 5 (2))

Article	Relevant standard
Storage water heater—unvented without an attached feed tank	Australian Standard, “Storage water heaters—Part 1: General requirements”, AS 1056.1:1991, Clause 2.4 “Thermal Insulation”.

BY AUTHORITY
