



New South Wales

# Electricity (Consumer Safety) Regulation 2015

under the

Electricity (Consumer Safety) Act 2004

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity (Consumer Safety) Act 2004*.

VICTOR DOMINELLO, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Electricity (Consumer Safety) Regulation 2006* which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation:

- (a) makes provision with respect to model approvals for electrical articles and the marking, seizure, forfeiture and disposal of such articles, and
- (b) requires the Secretary to cause a register of model approvals to be maintained, and
- (c) requires work on electrical installations to comply with certain requirements (including the requirements of the Australian/New Zealand Wiring Rules published jointly by Standards Australia and Standards New Zealand) and to be tested for safety by appropriately qualified persons, and
- (d) makes provision in respect of the maintenance of electrical installations, and
- (e) makes it an offence, when carrying out work near an electrical installation, to interfere with the installation in a way that adversely affects its safety, and
- (f) prescribes certain matters in respect of the reporting of serious electrical accidents, and
- (g) establishes the Electrical Equipment Safety Advisory Committee to advise the Secretary on various issues concerning electrical articles, and
- (h) prescribes certain offences under the *Electricity (Consumer Safety) Act 2004* and the new Regulation to be penalty notice offences, and
- (i) makes provision in respect of other minor, consequential and ancillary matters.

This Regulation is made under the *Electricity (Consumer Safety) Act 2004*, including the definitions of **electrical installation** and **relevant authority** in section 3 (1) and sections 11 (1) and (4), 12, 15 (2), 16 (1), 17 (2), 18 (1), 21 (5), 28 (1) and (2), 29 (1), 31 (1), 32 (1), 33, 36 (c), 47 and 55 (the general regulation-making power).

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## Electricity (Consumer Safety) Regulation 2015

under the

Electricity (Consumer Safety) Act 2004

### Chapter 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Electricity (Consumer Safety) Regulation 2015*.

#### 2 Commencement

This Regulation commences on 1 September 2015 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Electricity (Consumer Safety) Regulation 2006* which is repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

***applicable fee***—see clause 4.

***Australian/New Zealand Wiring Rules*** means the Australian and New Zealand Standard entitled AS/NZS 3000:2007, *Electrical installations* (known as the Australian/New Zealand Wiring Rules), as in force from time to time, published jointly by Standards Australia and Standards New Zealand.

***authority number***, in relation to a person who carries out or supervises the carrying out of electrical installation work, means the licence number or certificate number for a licence or certificate issued under the *Home Building Act 1989* that authorises the person to contract to do or to carry out, or supervise the carrying out of, electrical wiring work.

***distribution system*** has the same meaning as it has in the *Electricity Supply Act 1995*.

***distributor*** has the same meaning as in the *Electricity Supply Act 1995*.

***dwelling*** means a building, or a portion of a building, that is occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

***electrical installation work*** has the same meaning as in section 31 of the Act.

***electrical installation work provider***—see clause 34 (3) (c) (ii).

***energise***, in relation to an electrical installation, means the connection of the installation (or part of the installation) to the distribution system of a distributor or to a stand-alone power system.

***free-standing electrical installation*** means an electrical installation that is used for (or for purposes incidental to) the conveyance, control and use of electricity in connection with a dwelling where the only source for the electricity is, or is to be, a stand-alone power system.

***model approval certificate***—see clause 14.

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

**qualified person**, in relation to the testing of an electrical installation work, means:

- (a) a person authorised under the *Home Building Act 1989* to do electrical wiring work without supervision, and
- (b) in relation to the testing of a consumer's aerial wiring system (within the meaning of the Australian/New Zealand Wiring Rules)—includes a person who is authorised to test a distributor's overhead lines.

**register** means the register of model approvals maintained under clause 17.

**relevant distributor**, in relation to an electrical installation or place at which a serious electrical accident occurs, means a distributor that owns or controls the distribution system that is used (or is intended to be used) to convey, or control the conveyance of, electricity to the installation or place.

**safe** means not posing a risk to life, health or property.

**safety and compliance test** means a test referred to in clause 33.

**Secretary** means the person exercising the functions of the Director-General under the Act.

**stand-alone power system** means a system for the supply of electricity that is not connected to a distribution system of a distributor.

**switchboard** means a switchboard within the meaning of the Australian/New Zealand Wiring Rules.

**the Act** means the *Electricity (Consumer Safety) Act 2004*.

- (2) A reference in this Regulation to a Form is a reference to a form contained in Schedule 1.
- (3) Notes included in this Regulation do not form part of this Regulation.

#### 4 Applicable fees

- (1) In this Regulation, the **applicable fee** for a matter is the fee specified for the matter in Schedule 2.
- (2) In Schedule 2:

**Category 1 articles** means any electrical articles of the following kind:

- (a) appliance connectors,
- (b) bayonet lampholder adaptors,
- (c) bayonet lampholders,
- (d) control or conditioning devices,
- (e) cord extension sockets,
- (f) cord-line switches,
- (g) decorative lighting outfits,
- (h) edison screw lampholders,
- (i) fluorescent lamp ballasts,
- (j) fluorescent lamp starters,
- (k) inspection handlamps,
- (l) luminaires (whether or not portable),
- (m) outlet devices,
- (n) plugs,

- (o) socket-outlets,
- (p) supply flexible cords,
- (q) wall switches,
- (r) any other apparatuses, fixtures, devices, materials or the like (other than electrical appliances) that are used, or are intended for use, as part of, or in connection with, electrical installations.

**Category 2 articles** means any electrical articles that are not Category 1 articles.

**electrical appliance** means a device in which electrical energy is consumed or substantially changed in character by conversion into heat, sound, motion, light or otherwise.

## Chapter 2 Electrical articles

### Part 1 Model approvals

#### Division 1 Applications for model approvals

##### 5 Application for model approval

- (1) An application under section 11 (1) of the Act for an approval of a model of electrical article must be in the form approved by the Secretary from time to time and must be lodged with the Secretary.
- (2) The application must be accompanied by the following:
  - (a) the applicable fee for the application,
  - (b) in the case of a model of electrical article that is a declared electrical article—evidence that the model complies with:
    - (i) any class specification to the extent that the specification applies to electrical articles of that model, and
    - (ii) any model specification that applies to the electrical articles of that model,
  - (c) in the case of a model of electrical article that is not a declared electrical article—evidence that the model complies with:
    - (i) any specification or requirement prescribed by this Regulation for the purposes of section 16 (1) (c) (iii) or (iv) of the Act to the extent that the specification or requirement applies to electrical articles of that model, and
    - (ii) any model specification that applies to electrical articles of that model, and
    - (iii) if the Secretary requires—any other specification identified by the Secretary,
  - (d) a sample article of the model,
  - (e) any other documents and particulars (including, for example, the drawings and manufacturing specifications in accordance with which electrical articles of the model are, or are to be, constructed) that the Secretary may require.
- (3) The Secretary may waive any of the requirements of subclause (2) in respect of an application if the Secretary considers that the requirement is inappropriate to that application.

##### 6 Particulars of approval

The following particulars are prescribed for the purposes of section 11 (4) (g) of the Act:

- (a) the location where any mark approved by the Secretary 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),
- (b) the model reference code for articles of the model concerned.

## **Division 2 Extensions and renewals of model approvals**

### **7 Extension of model approval**

- (1) For the purposes of section 12 of the Act, the period for which a model approval is in force may be extended by the Secretary once or more if:
  - (a) it would not be appropriate, in the opinion of the Secretary, to renew the approval for more than the period of extension, and
  - (b) the Secretary is satisfied that the model continues to be safe to use.
- (2) An extension may be granted without application for renewal by the model approval holder.
- (3) However, the total of all the extensions of a particular model approval must not exceed 12 months.
- (4) Any application for extension by the model approval holder must:
  - (a) be in the form approved by the Secretary, and
  - (b) be accompanied by the applicable fee for the application, and
  - (c) be lodged with the Secretary no later than 1 month before the model approval is due to expire.

### **8 Application for renewal of approval**

- (1) For the purposes of section 12 of the Act, the Secretary may renew a model approval on application by the model approval holder on or after the expiry of the model approval, but only if the Secretary is satisfied that the design, material and construction of the current model is not significantly different from that of the model for which the approval was granted.
- (2) An approval may:
  - (a) be renewed more than once, and
  - (b) extend to both the original approval and any modifications to the approval previously granted.
- (3) The application must:
  - (a) be in the form approved by the Secretary, and
  - (b) be lodged with the Secretary no later than 1 month before the approval is due to expire, and
  - (c) be accompanied by the applicable fee for the application, and
  - (d) in the case of a model of electrical article that is a declared electrical article—be accompanied by evidence that electrical articles of that model comply with any class specification to the extent that the specification applies to those articles and with any model specification that applies to the articles, and
  - (e) in the case of a model of electrical article that is not a declared electrical article—be accompanied by evidence that electrical articles of that model comply with any specification or requirement prescribed by this Regulation for the purposes of section 16 (1) (c) (iii) or (iv) of the Act that is applicable to them, and
  - (f) be accompanied by a declaration as to whether the model has been modified since the model approval was given or previously renewed (as the case may be), and
  - (g) be accompanied by a sample article of the model, and



- (h) be accompanied by any other documents and particulars (including, for example, the drawings and manufacturing specifications in accordance with which electrical articles of the model are, or are to be, constructed) that the Secretary may require.
- (4) The Secretary may waive any of the requirements of subclause (3) (other than subclause (3) (f)) in respect of an application if the Secretary considers that the requirement is inappropriate to that application.

#### **9 Notice of renewal**

If the Secretary renews a model approval, the Secretary must give written notice of the renewal to the person who applies for the renewal.

#### **10 Refusal of application for renewal**

- (1) The Secretary may refuse an application for renewal of a model approval if:
  - (a) the application has not been made in accordance with this Regulation, or
  - (b) in the case of a model of electrical article that is a declared electrical article—electrical articles of the model do not comply with any class specification that is applicable to them at the time the Secretary determines the application, or
  - (c) in the case of a model of electrical article that is not a declared electrical article—electrical articles of that model do not comply with any specification or requirement prescribed by this Regulation for the purposes of section 16 (1) (c) (iii) or (iv) of the Act that is applicable to them at the time the Secretary determines the application, or
  - (d) the Secretary is not satisfied that, by reason of their design or construction, articles of the type are safe.
- (2) If the Secretary refuses an application for renewal, the Secretary must give written notice of the refusal to the person who applies for the renewal within 21 days after making the refusal. The notice is to set out the reasons for the refusal.

### **Division 3 Modification of model approval and changes in details**

#### **11 Application for modification of model approval**

- (1) A model approval holder may apply to the Secretary for modification of the approval:
  - (a) so that it will apply to a modification to that model (whether in addition to, or in substitution for, the model for which the approval was originally granted), or
  - (b) so that the mark (if any) approved by the Secretary for articles of the model or the location where the mark may be made may be changed, or so as to allow an alternate mark or location to be used in respect of that model of electrical article.
- (2) Application is to be made by lodging with the Secretary the following:
  - (a) an application in the form approved by the Secretary,
  - (b) the applicable fee for the application,
  - (c) an electrical article of the modified model and an electrical article of the model for which the approval is in force,
  - (d) in the case of a model of electrical article that is a declared electrical article—evidence that articles of the modified model comply with any class specification to the extent that the specification applies to those articles,

- (e) in the case of a model of electrical article that is not a declared electrical article—evidence that articles of the modified model comply with any specification or requirement prescribed by this Regulation for the purposes of section 16 (1) (c) (iii) or (iv) of the Act to the extent that the specification or requirement applies to electrical articles of that model,
  - (f) any other documents and particulars (including, for example, the drawings and manufacturing specifications in accordance with which electrical articles of the model are, or are to be, constructed) that the Secretary may require.
- (3) The Secretary may waive any of the requirements of subclause (2) in respect of an application if the Secretary considers that the requirement is inappropriate to that application.

## **12 Approval or refusal of modification**

- (1) The Secretary may grant an application for a modification of a model approval or may refuse to do so.
- (2) If the Secretary grants the application, the Secretary must give written notice of the grant of the application to the person who applies for the modification.
- (3) If the Secretary refuses to grant the application, the Secretary must give written notice to the person who applies for the modification of the refusal, including the reasons for the refusal.
- (4) The modification of a model approval does not alter the date of expiry of the approval.

## **13 Notice of changes in other particulars**

- (1) A model approval holder must give the Secretary written notice of any change in the name of the holder, in the model reference code for articles of the model concerned or in the description of the model, not later than 21 days after the change occurs.  
Maximum penalty: 20 penalty units.
- (2) The notice is to be in the form approved by the Secretary from time to time and accompanied by the applicable fee for the notice.
- (3) If the Secretary is given a notice under this clause, the Secretary must:
  - (a) cause the register to be amended to reflect the changes specified in the notice, and
  - (b) give the model approval holder a written notice, as soon as is reasonably practicable after the register is amended, indicating that the Secretary has received the notice and that the register has been amended.

## **Division 4 Model approval certificates**

### **14 Model approval certificates**

The written notice referred to in section 11 (4) of the Act is to be in the form of a certificate (a *model approval certificate*) in which the Secretary certifies the following particulars in relation to the model approval holder and the model concerned:

- (a) the particulars referred to in section 11 (4) (c)–(f) of the Act,
- (b) the particulars referred to in clause 6 (a) and (b).

### 15 Duplicate model approval certificates

The Secretary may issue a duplicate model approval certificate to the approval holder.

### 16 Particulars concerning model approvals

Any person may obtain particulars concerning a model approval (as in force at the time the particulars are requested) from the Secretary in the form approved by the Secretary from time to time.

## Division 5 Register of model approvals

### 17 Secretary to establish register of model approvals

- (1) The Secretary is to cause a register of model approvals to be maintained.
- (2) The register is to be maintained in the form the Secretary directs from time to time.
- (3) The register is to contain the following particulars in relation to each model approval that is currently in force:
  - (a) the name of the approval holder,
  - (b) a description of the model to which the approval relates,
  - (c) the date of the approval,
  - (d) the duration of the approval,
  - (e) the mark (if any) approved by the Secretary for electrical articles of the model,
  - (f) the model reference code for the model concerned,
  - (g) any modifications to the model approval granted by the Secretary,
  - (h) any other particulars that the Secretary considers appropriate.
- (4) The Secretary is to cause the register to be published by any printed or electronic means that the Secretary considers appropriate.

**Note.** This clause is subject to the provisions of Part 6 (Public registers) of the *Privacy and Personal Information Protection Act 1998*, which makes provision with respect to the disclosure of personal information on public registers.

## Part 2 Relevant authorities

### 18 Relevant authorities of other States and Territories

For the purposes of the definition of *relevant authority* in section 3 (1) of the Act, the following authorities are prescribed for each of the following States and Territories:

- (a) the Electrical Safety Office, Department of Justice and Attorney-General in relation to Queensland,
- (b) Energy Safe Victoria in relation to Victoria,
- (c) the Office of the Technical Regulator, Department for Manufacturing, Innovation, Trade, Resources and Energy in relation to South Australia,
- (d) Worksafe Tasmania, Department of Justice in relation to Tasmania,
- (e) Energy Safety, Department of Commerce in relation to Western Australia,
- (f) NT Worksafe, Department of Business in relation to the Northern Territory,
- (g) the Construction Services Branch, Planning and Land Authority in relation to the Australian Capital Territory.

## Part 3 Recognised external approval schemes

### 19 Declaration of recognised external approval schemes

- (1) The Minister is not to declare a scheme to be a recognised external approval scheme for the purposes of section 15 of the Act unless:
  - (a) an application is made to the Minister for the declaration under this Part, and
  - (b) the Minister is satisfied that the person that conducts the scheme is appropriately accredited (or will be appropriately accredited within the next 12 months) as competent to certify that electrical articles comply with relevant Australian Standards by the Joint Accreditation System of Australia and New Zealand, and
  - (c) the person that conducts the scheme has agreed to implement any systems for the approval and marking of electrical articles that the Minister may direct from time to time, and
  - (d) the Minister has advertised his or her intention to make a declaration in respect of a specified scheme, as provided by this Part and considered any submissions made concerning the proposed declaration.
- (2) An application must:
  - (a) be in the form approved by the Secretary, and
  - (b) be accompanied by the applicable fee for the application.
- (3) The Minister must specify a period (not exceeding 5 years) for the duration of the declaration of a recognised external approval scheme.
- (4) The Minister may impose conditions on the declaration of a recognised external approval scheme for the purposes of section 15 of the Act and may vary or revoke any such conditions.
- (5) Without limiting subclause (4), a condition may limit the approval or certification of models of electrical articles that may be provided under a recognised external approval scheme to a specified class or specified classes of models of electrical articles.
- (6) The Minister may not impose or vary a condition under subclause (4) after declaring a scheme to be a recognised external approval scheme unless:
  - (a) the person conducting the scheme has been given written notice of the Minister's intention to impose or vary the condition, and
  - (b) the person has been given the opportunity to make written submissions to the Minister concerning the proposed imposition or variation within a specified period (not being less than 7 days), and
  - (c) the Minister has taken into account any such written submissions.
- (7) The imposition, variation or revocation of a condition under subclause (4) does not take effect until the person conducting the recognised external scheme has been given written notice of the imposition, variation or revocation of the condition.
- (8) The Minister may revoke a declaration made under section 15 of the Act for the breach of a condition imposed under subclause (4) or for any other reason, but only if:
  - (a) the person conducting the scheme has been given written notice of the Minister's intention to revoke the declaration, and
  - (b) the person has been given the opportunity to make written submissions to the Minister concerning the proposed revocation (not being less than 7 days), and

- (c) the Minister has taken into account any such written submissions.
- (9) In this clause:  
*Australian Standard* means a standard published by or on behalf of Standards Australia and includes a standard that is published jointly with Standards New Zealand.

## **20 Applications for declaration of scheme**

- (1) A person who conducts a scheme for the approval or certification of electrical articles may apply to the Secretary for the scheme to be declared to be a recognised external approval scheme.
- (2) An application must:
  - (a) be in the form approved by the Secretary from time to time, and
  - (b) be accompanied by a statement of the particulars (if any) and any other documentation in support of the application that are required by the Secretary.
- (3) The Minister need not consider any application that the Minister is satisfied does not comply with this clause or for any other reason.

## **21 Applications for declaration to be advertised**

- (1) The Minister must publish a notice indicating the Minister's intention to make a declaration under section 15 of the Act in respect of a specified scheme for the approval or certification of models of specified kinds of electrical articles.
- (2) The notice must specify a period of at least 14 days during which submissions may be made to the Minister about the proposed declaration (the *submission period*).
- (3) The notice is to be published in:
  - (a) the Sydney Morning Herald, the Daily Telegraph or any other newspaper approved by the Secretary for the purposes of the notification concerned, or
  - (b) if the specified kinds of electrical articles would typically be sold only within a particular section of the public—a newspaper or other publication circulating generally within that section of the public, or
  - (c) if the specified kinds of electrical articles would typically be sold only within a particular region of the State—a newspaper or other publication circulating generally within that region of the State.
- (4) During the submission period, any person may make a written submission to the Minister on the proposed declaration.

## **22 Reporting requirements for recognised external approval schemes**

- (1) The Secretary may, by written order given to a person that conducts a recognised external approval scheme, require the person to provide the Secretary with either or both of the following:
  - (a) reports or particulars about the number and nature of approvals of models of electrical articles given under the scheme as may be specified in the order and at the times as may be specified in the order,
  - (b) reports, particulars or other information about the level of compliance with the conditions imposed under clause 19 (4) on the declaration of the scheme as may be specified in the order and at such times as may be specified in the order.

- (2) A person to whom or to which an order is given under subclause (1) must comply with the requirements of the order.

Maximum penalty: 100 penalty units (in the case of a corporation) and 50 penalty units (in any other case).

**Note.** It is an offence to provide false or misleading information or documents to the Secretary in purported compliance with an order given under subclause (1). See sections 307B (False or misleading information) and 307C (False or misleading documents) of the *Crimes Act 1900*.

## Part 4 Safety requirements

### Division 1 Safety requirements for electrical articles that are not declared electrical articles

#### 23 Minimum requirements in general

- (1) The requirements with which an electrical article that is not a declared electrical article must comply for the purposes of sections 16 (1) (c) (iii), 17 (2) (b) (ii) and 18 (1) (b) (iii) of the Act are those set out in:
- (a) clauses 4.1, 4.2 and 4.3 of AS/NZS 3820:2009, and
  - (b) if the article is a toy within the meaning of AS/NZS 3820:2009—clause 4.4, and
  - (c) clause 4.5 of AS/NZS 3820:2009, but only on and from 3 April 2007.

- (2) In this clause:

**AS/NZS 3820:2009** means the Australian and New Zealand Standard entitled AS/NZS 3820:2009, *Essential safety requirements for electrical equipment*, as in force from time to time, published jointly by Standards Australia and Standards New Zealand.

### Division 2 Safety warnings

#### 24 Warnings to accompany certain articles

- (1) The Secretary may, by written notice, specify one or more directions (including warnings) as to the safe use of electrical articles of a model specified in the notification.
- (2) A notice may specify the content of a direction and the manner in which it is to appear. For example, the notice may require it to be marked on articles of the model, or on a label or information sheet accompanying them.
- (3) The notice may be served on:
- (a) the model approval holder for the model approval for the model of electrical article, or
  - (b) a manufacturer, importer, wholesaler or retailer of articles of the model, or
  - (c) any other person.

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

- (1) A person served with a notice under clause 24 must not dispose of an electrical article of the model specified in the notice:
- (a) unless all the directions specified in the notice appear at the time of the disposal in relation to the article and in accordance with the notice, or

- (b) if a representation that is inconsistent with any such direction appears in relation to the article at the time of the disposal.

Maximum penalty: 40 penalty units.

- (2) In this clause, *dispose* means sell or dispose of by any other means specified in the relevant notice.

## **26 Publicising prohibition of sale of unsafe electrical articles**

The newspapers prescribed for the purposes of section 21 (5) of the Act are:

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

## **Division 3 General**

### **27 Offence of disposing of non-conforming article**

- (1) If it would be an offence against section 16 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: 40 penalty units.

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

## **Part 5 Marking of electrical articles**

### **28 Marking of declared electrical articles**

- (1) For the purposes of sections 16 (1) (b), 17 (2) (b) (iii) and 18 (1) (b) (ii) of the Act, a declared electrical article is to be marked with at least one of the following marks that applies to the article:
  - (a) a mark approved by the Secretary for articles of the model to which the article belongs,
  - (b) a mark in accordance with the requirements of the relevant authority for another State or a Territory by which the model to which the article belongs is approved or registered,
  - (c) a mark in accordance with the requirements of a recognised external approval scheme.

- (2) A mark is not in accordance with subclause (1) unless it is made in a manner that is legible and permanent.
- (3) 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.
- (4) A person must not mark an article of one model (or a container, or bundle, of articles of one model) with a mark that properly relates only to one or more other models.  
Maximum penalty: 20 penalty units.

## **Part 6 Seizure and forfeiture of electrical articles**

### **29 Return of seized electrical articles and compensation**

- (1) The period of 12 months is prescribed for the purposes of section 28 (1) of the Act.  
**Note.** Section 28 (1) of the Act provides for the return by the Secretary of certain seized electrical articles no later than 60 days (or such greater period as may be prescribed by the regulations) after their seizure.
- (2) For the purposes of section 28 (2) of the Act, compensation for a seized electrical article is to be determined as the amount actually paid for the seized electrical article by the person from whom that electrical article was seized.
- (3) In determining the amount actually paid for a seized electrical article for the purposes of subclause (2), the Secretary may require the person from whom the electrical article was seized to forward to the Secretary evidence of any payment which the person made for the article.

### **30 Application for forfeiture of electrical articles**

- (1) For the purposes of section 29 (1) of the Act, an application to the Local Court for the forfeiture of an electrical article is to be made by lodging an application in Form 1 with the registrar of the court.
- (2) The Secretary 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.

## **Part 7 Electrical Equipment Safety Advisory Committee**

### **31 Constitution and functions of Committee**

- (1) A committee under the name of the “Electrical Equipment Safety Advisory Committee” (the *Committee*) is constituted by this clause.
- (2) The functions of the Committee are to advise the Secretary:
  - (a) on safety standards for electrical articles or any class or model of electrical articles, and
  - (b) on procedures for monitoring compliance with safety standards, and
  - (c) on any other matters relating to the safety of electrical articles that the Secretary refers to the Committee for advice.
- (3) The Secretary is to appoint the members of the Committee from among persons whom the Secretary considers to have appropriate expertise in relation to the functions of the Committee.
- (4) 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 Secretary.



- (5) 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 Secretary.

## Chapter 3 Electrical installations

**Note.** The term **electrical installation** is defined in the Act to mean any fixed appliances, wires, fittings, apparatus or other electrical equipment used for (or for purposes incidental to) the conveyance, control and use of electricity in a particular place, but is defined not to include any of the following:

- (a) subject to any regulation made under section 4 (4) of the Act—any electrical equipment used, or intended for use, in the generation, transmission or distribution of electricity that is:
  - (i) owned or used by an electricity supply authority, or
  - (ii) located in a place that is owned or occupied by such an authority,
- (b) any electrical article connected to, and extending or situated beyond, any electrical outlet socket,
- (c) any electrical equipment in or about a mine,
- (d) any electrical equipment operating at not more than 50 volts alternating current or 120 volts ripple-free direct current,
- (e) any other electrical equipment, or class of electrical equipment, prescribed by the regulations (such as by clause 41 of this Regulation).

Section 14 (Unqualified electrical wiring work) of the *Home Building Act 1989* makes it an offence for a person to carry out electrical wiring work unless the person is authorised to do so under that Act.

### Part 1 Electrical installation work

#### 32 Standards and requirements for electrical installation work

- (1) For the purposes of section 31 (1) of the Act, electrical installation work is required to be carried out in accordance with the standards and requirements specified in this clause.

**Note.** Section 31 (1) of the Act makes it an offence for a person to carry out electrical installation work that is not in accordance with such standards or requirements as may be prescribed by the regulations. This clause sets out those standards and requirements.

- (2) The following electrical installations, or parts of electrical installations, may not be energised unless the relevant distributor first authorises it:
  - (a) any new electrical installation (other than a free-standing electrical installation) that has not previously been energised,
  - (b) any alteration of, or addition to, an electrical installation (other than a free-standing electrical installation) that will require a change to the network connection or metering arrangements.
- (3) Electrical installation work is required to be carried out in accordance with the Australian/New Zealand Wiring Rules.

**Note.** Persons carrying out electrical installation work on electrical installations connected, or intended for connection, to a distribution system within the meaning of the *Electricity Supply Act 1995* should also have regard to the *Service and Installation Rules of New South Wales* published by the Resources and Energy Division of the Department of Trade and Investment, Regional Infrastructure and Services from time to time.

- (4) An electrical installation, or part of an electrical installation, must not be energised unless its safe operation and compliance with the Australian/New Zealand Wiring Rules have been established by a safety and compliance test.
- (5) A free-standing electrical installation must not be energised unless the stand-alone power system to which it is to be connected complies with the requirements for such systems specified by the Australian Standard entitled AS 4509.1:2009, *Stand-alone power systems*, as in force from time to time, published by Standards Australia.

#### 33 Conduct of safety and compliance tests

- (1) A safety and compliance test on electrical installation work on an electrical installation, or part of an electrical installation, must be carried out by a qualified

person in accordance with the requirements of this clause after the completion of the work.

- (2) A safety and compliance test on electrical installation work must verify that the work complies with the requirements of the Australian/New Zealand Wiring Rules, including in relation to (but not limited to) the following:
  - (a) continuity of the earthing system,
  - (b) insulation resistance,
  - (c) polarity,
  - (d) circuit connections.
- (3) A safety and compliance test on electrical installation work must:
  - (a) include an inspection of switchboards and any other electrical equipment that is required by the Australian/New Zealand Wiring Rules, and
  - (b) ensure that the electrical equipment used is designed to enable the electrical installation concerned to function for the use intended.
- (4) If one or more residual current devices are installed or replaced as part of electrical installation work, each device must be tested in accordance with the Australian/New Zealand Wiring Rules to determine whether it complies with the requirements of those Rules for such devices.

#### **34 Notification of results of safety and compliance tests**

##### **(1) Notices relating to network connected electrical installations**

As soon as is reasonably practicable (but in any event no later than 7 days) after the completion of any safety and compliance test on an electrical installation, the results of the test are to be notified by the person who conducted the test (the *tester*) as follows:

- (a) to the person for whom the work is carried out,
- (b) in relation to an electrical installation that is connected, or is intended to be connected, to the distribution system of a distributor—to the distributor, but only if the electrical installation work concerned involves:
  - (i) a new electrical installation, or
  - (ii) any alterations or additions to an existing electrical installation that will require additional work to be done by or on behalf of the distributor in relation to the network connection or metering arrangements for the installation, or
  - (iii) work on a switchboard or associated electrical equipment (other than work to repair or replace equipment that does not alter the electrical loading, method of electrical protection, system of earthing or physical location of the switchboard or equipment being repaired or replaced),  
**Note.** Work on a switchboard or associated electrical equipment includes, for this purpose, the addition of new subcircuits or submains and any work that increases the rating of existing subcircuits or submains.
- (c) in the case where the electrical installation work concerned involves the connection of the installation to a stand-alone power system—to the Secretary.

**Note.** It is an offence to provide false or misleading information or documents in purported compliance with subclause (1). See sections 307B (False or misleading information) and 307C (False or misleading documents) of the *Crimes Act 1900*.

##### **(2) Notice must be given to owner or owner's agent**

If the person for whom the work is carried out is not the owner of the installation or the owner's agent, that person must as soon as is reasonably practicable (but in any

event no later than 7 days) after receiving the results of a test in accordance with subsection (1) notify the owner by giving a copy of the results to the owner of the installation or the owner's agent.

(3) **Content of notice**

The notice must:

- (a) be in the form approved by the Secretary from time to time, and
- (b) describe the electrical installation work done and identify the electrical installation concerned, and
- (c) specify:
  - (i) the name and authority number of each person who carried out, or supervised the carrying out of, the electrical installation work concerned, and
  - (ii) if applicable, the name and authority number of any person engaged by the owner or occupier of the installation (whether or not for fee or reward) to provide, or arrange for the provision of, the electrical installation work concerned (the *electrical installation work provider*), and
- (d) specify the name and authority number of the tester and the date on which the test was carried out, and
- (e) be signed by the tester and the electrical installation work provider (if any).

(4) **Offence: failure to give notice**

If the results of the test are not notified in accordance with this clause, the person required by subclause (1) or (2) to give notice of the results of the test is guilty of an offence.

Maximum penalty: 40 penalty units (in the case of a corporation) and 20 penalty units (in any other case).

(5) **Offences: failure to retain notices or produce copies**

The tester:

- (a) must keep a copy of the notice for at least 5 years from when the notice was given, and
- (b) if it relates to an electrical installation other than a free-standing electrical installation—must produce a copy of the notice to any of the following persons on demand made by them at any time during that 5-year period:
  - (i) the Secretary,
  - (ii) the relevant distributor,
  - (iii) an authorised officer, and
- (c) if it relates to a free-standing electrical installation—must produce a copy of the notice to any of the following persons on demand made by them at any time during that 5-year period:
  - (i) the Secretary,
  - (ii) an authorised officer.

Maximum penalty: 40 penalty units (in the case of a corporation) and 20 penalty units (in any other case).

### **35 Unqualified persons not to carry out safety and compliance tests**

- (1) A person must not carry out a safety and compliance test on an electrical installation if the person is not a qualified person.  
Maximum penalty: 200 penalty units.
- (2) An electrical installation work provider must not cause or permit an employee, agent or contractor of the provider to carry out a safety and compliance test on the electrical installation concerned unless the employee, agent or contractor is a qualified person.  
Maximum penalty: 500 penalty units (in the case of a corporation) and 200 penalty units (in any other case).

### **36 Exclusion from application of Part**

This Part does not apply to or in respect of electrical installation work if it is carried out by a law enforcement officer (within the meaning of the *Surveillance Devices Act 2007* that is authorised by a surveillance device warrant as referred to in section 21 (3) (g) of that Act.

## **Part 2 Maintenance of electrical installations**

### **37 Maintenance of electrical installations**

For the purposes of section 32 (1) of the Act:

- (a) all parts of an electrical installation are prescribed, and
- (b) the following requirements apply to the maintenance of all parts of an electrical installation, that is, they must be maintained so as to ensure that:
  - (i) the safe and satisfactory operation of the installation is not impaired by interference, damage, ageing or wear,
  - (ii) the live parts of the installation remain properly insulated, or protected, against inadvertent contact with any person,
  - (iii) the earthing system for the installation operates effectively,
  - (iv) the installation is not used in a manner that exceeds the operating limits imposed by its design or installation,
  - (v) the installation does not become a significant potential cause of fire for the environment surrounding the installation.

## **Part 3 Interference with electrical installations**

### **38 Offence of interfering with electrical installations**

- (1) A person who carries out any type of work for fee or reward at or near a place where an electrical installation is located must ensure that the carrying out of the work, and the work, do not interfere with the electrical installation in a way that adversely affects the safety of the installation.  
Maximum penalty: 500 penalty units (in the case of a corporation) and 200 penalty units (in any other case).
- (2) A person who:
  - (a) carries out any type of work without fee or reward at or near a place where an electrical installation is located, and
  - (b) carries out the work in a way that adversely affects the safety of the installation, and

- (c) knows, or ought to have known, that the installation has been adversely affected,  
must as soon as practicable take reasonable steps to make the installation safe.  
Maximum penalty: 500 penalty units (in the case of a corporation) and 200 penalty units (in any other case).

## Chapter 4 Accident reporting and investigations

### 39 Notifiable serious electrical accidents

- (1) For the purposes of section 33 (1) (b) of the Act, the following person is prescribed:
  - (a) if there is no occupier of the place at which the serious electrical accident concerned occurred—the owner of the place,
  - (b) if the occupier or owner of that place notifies the relevant distributor for the place—the relevant distributor.

**Note.** Section 33 of the Act provides that a serious electrical accident that occurs at a place must be notified by the owner of the place at which the accident occurred (or such other person as may be prescribed by the regulations) within 7 days of the accident in the manner prescribed by the regulations.

Section 3 (1) of the Act defines a **serious electrical accident** to mean an accident:

- (a) in which an electrical article or electrical installation is involved that is or was used for (or for purposes incidental to) the conveyance, control and use of electricity and electricity was, at the time of the accident, being so conveyed, controlled and used, and
- (b) as a consequence of which a person dies or suffers permanent disability, is hospitalised, receives treatment from a health care professional or is unable to attend work for any period of time,

but defines the expression not to include an accident in which only electricity works (within the meaning of the *Electricity Supply Act 1995*) are involved.

- (2) For the purposes of section 33 (2) of the Act, notice given in any of the following manners is prescribed:
  - (a) by written notice given to the Secretary providing the information requested by the Secretary,
  - (b) by electronic communication (using a mode of electronic communication approved by the Secretary) providing the information requested by the Secretary,
  - (c) by telephone to the NSW Fair Trading, Department of Finance, Services and Innovation, giving the information that is requested of the caller.
- (3) A person is excluded from the requirement under section 33 of the Act to notify the Secretary of a serious electrical accident if notice of the accident has already been given (whether by that person or another person) within 7 days of its occurrence:
  - (a) in accordance with section 38 of the *Work Health and Safety Act 2011* or section 44 of the *Workplace Injury Management and Workers Compensation Act 1998*, or
  - (b) to the Secretary of the Department of Industry, Skills and Regional Development under section 63R of the *Electricity Supply Act 1995*.

### 40 Interference with site of serious electrical accident

For the purposes of section 36 (c) of the Act, a person may disturb or interfere with the site of a serious electrical accident if:

- (a) the person has the permission of an inspector within the meaning of the *Work Health and Safety Act 2011*, or
- (b) the person has the permission of an inspector within the meaning of the *Electricity Supply Act 1995*, or
- (c) the person is taking action:
  - (i) to help or remove a trapped or injured person or to remove a body, or
  - (ii) to avoid injury to a person or damage to property, or
  - (iii) for the purposes of a police investigation or coronial inquiry.

## Chapter 5 Miscellaneous

### 41 Definition of “electrical installation”

- (1) Any component of a metering installation that is owned or used by a Metering Provider in that capacity is prescribed for the purposes of paragraph (e) of the definition of *electrical installation* in section 3 (1) of the Act.
- (2) In this clause:  
*metering installation* and *Metering Provider* have the same meanings as they have in Chapter 7 of the *National Electricity Rules*, as in force from time to time, referred to in the *National Electricity (NSW) Law*.

### 42 Penalty notice offences and penalties

- (1) For the purposes of section 47 of the Act:
  - (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is an offence for which a penalty notice may be served, and
  - (b) the penalty prescribed for each such offence is the amount of the penalty specified opposite the provision in Column 2 of that Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 3 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

### 43 Savings

Any act, matter or thing that, immediately before the repeal of the *Electricity (Consumer Safety) Regulation 2006*, had effect under that Regulation continues to have effect under this Regulation.



## Schedule 1 Forms

(Clause 3 (2))

### Form 1 Application for order for forfeiture of electrical article

(Clause 30 (1))

(Section 29 (1) of the Electricity (Consumer Safety) Act 2004)

To: The Local Court at:

WHEREAS on the [date], the electrical article(s) specified in the Schedule below was (were) seized by an authorised officer under section 26 (1) (d) of the *Electricity (Consumer Safety) Act 2004*, at [address where seized] from [owner of electrical article(s)]

Application is now made under section 29 (1) \*(a) \*and/or \*(b) of the *Electricity (Consumer Safety) Act 2004* for an order for forfeiture of the electrical article(s) to the Crown.

Signed and dated:

Secretary

Schedule

[Insert description of article(s)]

\* Delete whatever is not applicable

## Schedule 2 Applicable fees

(Clause 4)

<b>Item</b>	<b>Type of fee</b>	<b>Fee</b>
1	Application for model approval (clause 5):	
	(a) for Category 1 articles	\$467
	(b) for Category 2 articles	\$931
2	Application for extension of model approval (clause 7)	\$467
3	Application for renewal of model approval (clause 8)	\$467
4	Application for modification of model approval (clause 11)	\$350
5	Lodgment of notice of change of particulars of model approval (clause 13):	
	(a) for change of no more than 4 model approvals by means of a single notice	\$115 per notice
	(b) for change to each additional model approval specified by the notice	\$33 per additional approval
6	Application for declaration of recognised external approval schemes (clause 19):	
	(a) for an initial application	\$3,600 plus cost of assessment of scheme calculated at an hourly rate of \$156 per person
	(b) for a renewal application	\$2,065 plus cost of assessment of scheme calculated at an hourly rate of \$156 per person

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## Schedule 3 Penalty notice offences

(Clause 42)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 16 (1) (a) or (c)	\$1,000
Section 16 (1) (b)	\$500
Section 24 (1), (2) or (3)	\$10,000
Section 33 (1):	
(a) where the place at which the accident occurred is residential premises, or	\$100
(b) in any other case	\$1,000
Section 36	\$10,000
<b>Offences under this Regulation</b>	
Clause 13 (1)	\$200
Clause 22 (2)	\$1,000 (in the case of a corporation) or \$500 (in any other case)
Clause 25 (1)	\$500
Clause 27 (1)	\$500
Clause 28 (4)	\$200
Clause 34 (4)	\$1,000 (in the case of a corporation) or \$500 (in any other case)
Clause 34 (5)	\$1,000 (in the case of a corporation) or \$500 (in any other case)
Clause 35 (1)	\$5,000
Clause 35 (2)	\$10,000 (in the case of a corporation) or \$5,000 (in any other case)
Clause 38	\$10,000 (in the case of a corporation) or \$5,000 (in any other case)

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