

# Electricity (Consumer Safety) Regulation 2006

[2006-34]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - Miscellaneous Acts (Local Court) Amendment Act 2007 No 94* (not commenced)
  - Electricity (Consumer Safety) Amendment (Fees) Regulation 2009 (203)* (LW 29.5.2009) (not commenced — to commence on 1.7.2009)

### Authorisation

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# Electricity (Consumer Safety) Regulation 2006



New South Wales

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# Electricity (Consumer Safety) Regulation 2006



New South Wales

## Chapter 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Electricity (Consumer Safety) Regulation 2006*.

### 2 Commencement

This Regulation commences on 3 February 2006.

### 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 network service provider** has the same meaning as in the *Electricity Supply Act 1995*.

**distribution system** has the same meaning as it has 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.

**energise**, in relation to an electrical installation, means the connection of the installation (or part of the installation) to the distribution system of a distribution network service provider 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 distribution network service provider's overhead lines.

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

**relevant distribution network service provider**, in relation to an electrical installation or place at which a serious electrical accident occurs, means a distribution network service provider 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.

**responsible person** for electrical installation work—see clause 34 (3) (c) (ii).

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

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

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

**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 under 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) outlet devices,
- (m) plugs,
- (n) socket-outlets,
- (o) supply flexible cords,
- (p) wall switches,
- (q) luminaires (whether or not portable),
- (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: section 11 (1) of Act**

- (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 Director-General from time to time and must be lodged with the Director-General.
- (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 Director-General requires—any other specification identified by the Director-General,
  - (d) a sample article of the model,
  - (e) such 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) as the Director-General may require.
- (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.



## **6 Particulars of approval: section 11 (4) (g) of Act**

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 Director-General 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) The period for which a model approval is in force may be extended by the Director-General once or more if:
  - (a) it would not be appropriate, in the opinion of the Director-General, to renew the approval for more than the period of extension, and
  - (b) the Director-General 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.

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

- (1) The Director-General 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 Director-General 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 Director-General, and
  - (b) be lodged with the Director-General no earlier than 2 months (but 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 such 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) as the Director-General may require.
- (4) The Director-General may waive any of the requirements of subclause (3) (other than subclause (3) (f)) in respect of an application if the Director-General considers that the requirement is inappropriate to that application.

## **9 Notice of renewal**

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

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

- (1) The Director-General 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 Director-General 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 Director-General determines the application, or
  - (d) 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 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 Director-General 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 Director-General 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 Director-General the following:
  - (a) an application in the form approved by the Director-General,
  - (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) such 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) as the Director-General may require.
- (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.

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

- (1) The Director-General may grant an application for a modification of a model approval or may refuse to do so.
- (2) If the Director-General grants the application, the Director-General must give written notice of the grant of the application to the person who applies for the modification.
- (3) If the Director-General refuses to grant the application, the Director-General 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 Director-General 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 Director-General from time to time and accompanied by the applicable fee for the notice.
- (3) If the Director-General is given a notice under this clause, the Director-General 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 Director-General 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 in which the Director-General 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 Director-General 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 Director-General in the form approved by the Director-General from time to time.

## **Division 5 Register of model approvals**

### **17 Director-General to establish register of model approvals**

- (1) The Director-General is to cause a register of model approvals to be maintained.
- (2) The register is to be maintained in such form as the Director-General may direct 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 Director-General 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 Director-General,
  - (h) such other particulars as the Director-General considers appropriate.
- (4) The Director-General is to cause the register to be published by such printed or electronic means as the Director-General 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 of the Department of Industrial Relations in relation to Queensland,
- (b) Energy Safe Victoria in relation to Victoria,
- (c) the Office of the Technical Regulator in relation to South Australia,
- (d) the Department of Infrastructure, Energy and Resources in relation to in Tasmania,
- (e) the Director of Energy Safety of the Public Service in relation to Western Australia,
- (f) the Department of Planning and Infrastructure in relation to the Northern Territory,
- (g) the 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 such systems for the approval and marking of electrical articles as 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) The Minister must specify a period (not exceeding 5 years) for the duration of the declaration of a recognised external approval scheme.
- (3) 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.
- (4) Without limiting subclause (3), 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.

- (5) The Minister may not impose or vary a condition under subclause (3) 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.
- (6) The imposition, variation or revocation of a condition under subclause (3) 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.
- (7) The Minister may revoke a declaration made under section 15 of the Act for the breach of a condition imposed under subclause (3) 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.
- (8) 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 Director-General 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 Director-General from time to time, and
  - (b) be accompanied by a statement of such particulars and any other documentation in support of the application as may be required by the Director-General.
- (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) Any such notice is to be published in:
  - (a) the Sydney Morning Herald, the Daily Telegraph or any other newspaper approved by the Director-General 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 Director-General may, by written order given to a person that conducts a recognised external approval scheme, require the person to provide the Director-General 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 such times as may be specified in the order,
  - (b) reports, particulars or other information about the level of compliance with such conditions imposed under clause 19 (3) 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 Director-General 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 3820:1998, and
  - (b) if the article is a toy within the meaning of AS/NZS 3820:1998—clause 4.4, and
  - (c) clause 4.5 of AS/NZS 3820:1998, but only on and from 3 April 2007.

- (2) In this clause:

**AS/NZS 3820:1998** means the Australian and New Zealand Standard entitled AS/NZS 3820:1998, *Essential safety requirements for low voltage 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 Director-General 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 dispose by sale and by any other means specified in the relevant notice.

## **26 Publicising prohibition of sale of unsafe electrical articles: section 21 (5) of Act**

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 Director-General 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 Director-General.

## **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 such of the following marks as apply to the article:
- (a) a mark approved by the Director-General 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: section 28 of Act**

- (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 Director-General 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 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.

### **30 Application for forfeiture of electrical articles: section 29 (1) of Act**

- (1) For the purposes of section 29 (1) of the Act, an application to a 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 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.

## **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 Director-General:
  - (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 Director-General refers to the Committee for advice.
- (3) The Director-General is to appoint the members of the Committee from among persons whom the Director-General 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 Director-General.
- (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 Director-General.

## **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 39 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: section 31 (1) of Act

- (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 distribution network service provider 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 *New South Wales Service and Installation Rules* published by the Department of Energy, Utilities and Sustainability 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 4509:1999, *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 14 days) after the completion of any safety and compliance test on an electrical installation, the results of the test are to be notified as follows:
- (a) to the owner of the installation,
  - (b) in relation to an electrical installation that is connected, or is intended to be connected, to the distribution system of a distribution network service provider—to the distribution network service provider, 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 provider 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 Director-General.

(2) **Notice may be given to occupier instead of owner in certain cases** Notice to the owner of an electrical installation may instead be given to the occupier of the place in which the installation is situated if the occupier is one of the parties who agreed or arranged for the relevant installation work to be carried out on the installation.

(3) **Content of notice** The notice must:

- (a) be in the form approved by the Director-General 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 **responsible person**), and
- (d) specify the name and authority number of the person who carried out the test (the **tester**) and the date on which the test was carried out, and
- (e) be signed by the tester and the responsible person (if any).

- (4) **Offence: failure to give notice** If the results of the test are not notified in accordance with this clause, the responsible person (if any) for the electrical installation work or, if there is no responsible person, the tester, 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** A person who notifies the results of a test for the purposes of this clause:

(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 Director-General,

(ii) the relevant distribution network service provider,

(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 Director-General,

(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) A responsible person for electrical installation work must not cause or permit an employee, agent or contractor of the responsible person 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) or 200 penalty units (in any other case).



### **35A 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**

### **36 Maintenance of electrical installations: section 32 of Act**

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.

## **Chapter 4 Accident reporting and investigations**

### **37 Notifiable serious electrical accidents: section 33 of Act**

- (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 distribution network service provider for the place—the relevant distribution network service provider.

#### **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 Director-General providing the information requested by the Director-General,

(b) by electronic communication (using a mode of electronic communication approved by the Director-General) providing the information requested by the Director-General,

(c) by telephone to the Office of Fair Trading, Department of Commerce, giving such information as may be requested of the caller.

(3) A person is excluded from the requirement under section 33 of the Act to notify the Director-General 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) to the WorkCover Authority under section 86 of the *Occupational Health and Safety Act 2000* or section 44 of the *Workplace Injury Management and Workers Compensation Act 1998*, or

(b) to the Director-General of the Department of Energy, Utilities and Sustainability under section 63R of the *Electricity Supply Act 1995*.

### **38 Interference with site of serious electrical accident: section 36 (c) of Act**

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 *Occupational Health and Safety Act 2000*, 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

### 39 Definition of “electrical installation”: section 3 (1) of Act

(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*.

### 40 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.

### 41 Savings, transitional and other provisions

Schedule 4 has effect.

## 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 ..... day of ....., 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 this ..... day of .....

Director-General

Schedule

[Insert description of article(s)]

\* Delete whatever is not applicable

## Schedule 2 Applicable fees

(Clause 4)

Matter for which fee payable	Fee
1 Application for model approval (clause 5 (2) (a)):	
(a) for Category 1 articles,	\$388
(b) for Category 2 articles.	\$776
2 Application for renewal of model approval (clause 8 (3) (c)).	\$388
3 Application for modification of model approval (clause 11 (2) (b)).	\$292
4 Lodgment of notice of change of particulars of model approval (clause 13 (2)):	
(a) for change of no more than 4 model approvals by means of a single notice,	\$96
(b) for change to each additional model approval specified by the notice.	\$27 per additional approval

## Schedule 3 Penalty notice offences

(Clause 40)

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 16 (1) (b)	\$200
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

**Offences under this Regulation**

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)

**Schedule 4 Savings, transitional and other provisions**

(Clause 41)

**1 Definition**

In this Schedule:

**former Regulation** means the *Electricity Safety (Equipment Safety) Regulation 1999* as in force immediately before its repeal.

**2 Electrical Equipment Safety Advisory Committee**

(1) The committee constituted by clause 31 of this Regulation is a continuation of, and the same committee as, the committee constituted by clause 47 of the former Regulation.

(2) A person who, immediately before the repeal of the *Electricity Safety Act 1945*, 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 Act,

subject to the terms of his or her appointment and to any determination made by the Minister under clause 47 (3) of the former Regulation or by the Director-General under clause 31 (4) of this Regulation.

- (3) A determination made by the Minister pursuant to clause 47 (3) of the former Regulation that had effect immediately before the repeal of the *Electricity Safety Act 1945* continues to have effect after that repeal as if it had been made by the Director-General under clause 31 (4) of this Regulation, and may be varied or revoked by a further determination of the Director-General.
- (4) A determination made by the Director-General pursuant to clause 47 (4) of the former Regulation that had effect immediately before the repeal of the *Electricity Safety Act 1945* continues to have effect after that repeal as if it had been made under clause 31 (5) of this Regulation, and may be varied or revoked by a further determination of the Director-General.

### **3 Existing certification schemes approved by Minister**

- (1) This clause applies despite clause 7 of Schedule 1 to the Act.

**Note—**

Clause 1 (4) of Schedule 1 to the Act provides that savings and transitional regulations made under that clause may have effect despite the terms of any savings and transitional provisions contained in that Schedule if the regulations so provide.

- (2) Clause 7 of Schedule 1 to the Act ceases to have effect on the first anniversary of the repeal date within the meaning of that Schedule.

### **4 Certificates of suitability under former Regulation**

- (1) Any certificate of suitability issued by the Director-General for a type of electrical article under Division 3 of Part 3 of the former Regulation that was in force immediately before the date on which that Regulation was repealed continues in force under the Act as if the Director-General had given an approval under section 11 of the Act for a model having the same specifications as the type of electrical article to which the certificate related.
- (2) Section 12 of the Act applies to a certificate of suitability to which subclause (1) applies as if the approval taken to be given under the Act had been given by the Director-General for the same period specified in the original certificate and that period had commenced at the same time as the original certificate commenced.
- (3) The Director-General may deal with any application made under clause 30 of the former Regulation that had not been determined immediately before the date on which that Regulation was repealed as if the application had been made under section 11 of the Act in respect of a model of electrical article having the same specifications as the type of electrical article specified in the original application.