

South Australia

## **Energy Products (Safety and Efficiency) Act 2000**

An Act to make provisions relating to the safety, performance, energy efficiency and labelling of products powered by electricity, gas or some other energy source; and for other purposes.

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## Legislative history

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### The Parliament of South Australia enacts as follows:

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Energy Products (Safety and Efficiency) Act 2000*.

### 3—Interpretation

(1) In this Act, unless the contrary intention appears—

*authorised officer*—see Part 3;

*certification body*—see section 5;

*corresponding law*—see section 5;

*document* includes any disc, tape or other medium in which information is stored;

*energy efficiency labelling standard*—see section 5;

*energy performance standard*—see section 5;

*energy product* means—

- (a) an electrical appliance or a component of an electrical appliance; or
- (b) a gas appliance or a component of a gas appliance; or
- (c) an appliance powered by an energy source other than electricity or gas (such as solar, wind or water) or a component of such an appliance; or
- (d) an appliance powered by any combination of electricity, gas or other energy source, or a component of such an appliance; or
- (e) a device used for or in connection with the conveyance of electricity, gas or other energy source or a component of such a device (including a meter for measuring consumption); or
- (f) an instrument for measuring a characteristic of electricity, gas or other energy source,

but does not include an appliance, component, device or instrument excluded from the ambit of this definition by regulation;

*gas* has the same meaning as in the *Gas Act 1997*;

*label* includes a stamp or mark;

*public notice* means a notice published in—

- (a) the Gazette; or
- (b) a newspaper circulating generally in the State;

*safety and performance standard*—see section 5;

*second-hand goods* means goods that have been used, or taken from other goods that have been used, for a purpose not connected with their manufacture or sale;

*sell* a product includes let the product on hire, advertise the product for sale or hire, display or provide for inspection a sample of a product that is for sale or hire and offer or expose the product for sale or hire;

*standard* means—

- (a) an Australian Standard; or
- (b) a code or standard published by or under the authority of the Technical Regulator or a body specified by regulation,

and includes any document called up by or under the code or standard;

*Technical Regulator* means the person holding or acting in the office of Technical Regulator under the *Electricity Act 1996*;

*trader* means a person who sells energy products in the course of a trade or business.

#### **4—Standards—availability to public**

A copy of a standard referred to or incorporated in a proclamation or regulation under this Act must be kept available for inspection by members of the public, without charge and during normal office hours, at the office of the Technical Regulator.

## **Part 2—Safety, performance and energy efficiency of energy products**

### **5—Proclamation for purposes of Part**

- (1) The Governor may, by proclamation, declare—
  - (a) a class of energy product to be a class to which a subsection of section 6 or 6A applies; or
  - (b) for the purposes of section 6(1)—a standard or part of a standard, with or without modification, to be a safety and performance standard for a class of energy product; or
  - (c) for the purposes of section 6(2)—a body to be a certification body; or
  - (d) for the purposes of section 6(3)—a standard or part of a standard, with or without modification, to be an information standard for a class of energy product; or
  - (e) for the purposes of section 6A(1)—a standard or part of a standard, with or without modification, to be an energy performance standard for a class of energy product; or
  - (f) for the purposes of regulations under section 6A(2)—a standard or part of a standard, with or without modification, to be an energy efficiency labelling standard for a class of energy product; or
  - (g) for the purposes of sections 6(1) and 6A(1) and (2)—a law of another jurisdiction to be a corresponding law.
- (2) The Governor may, by proclamation, vary or revoke a proclamation previously made under this section.

- (3) A proclamation under this section may refer to a standard as in force at a specified time or as in force from time to time.

## **6—Offences relating to safety and performance, certification and information**

- (1) A trader must not sell an energy product of a class to which this subsection applies unless it is labelled so as to indicate its compliance with applicable safety and performance standards—
- (a) under the authority of the Technical Regulator in accordance with the regulations; or
  - (b) under an authority conferred by a corresponding law in accordance with that corresponding law.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A trader must not sell an energy product of a class to which this subsection applies unless it is labelled under the authority of a certification body or the Technical Regulator so as to indicate its certification by that body or the Technical Regulator.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A trader must not sell an energy product of a class to which this subsection applies unless the trader provides information in respect of the product to the purchaser in accordance with applicable information standards.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) No offence is committed against subsection (1), (2) or (3) if—

- (a) the sale takes place within 6 months after the date the subsection is applied to the relevant class of energy product; and
- (b) the product was manufactured in or imported into the State before that date.

- (5) No offence is committed against subsection (1) or (3) if—

- (a) the sale takes place within 6 months after a change in the labelling or information requirements that apply under that subsection; and
- (b) the product was manufactured in or imported into the State before the change in the requirements; and
- (c) at the time of the sale the product was labelled, or the information provided, in accordance with requirements applicable at or after the time of manufacture or import of the product.

- (6) This section does not apply to the sale of second-hand goods.

## **6A—Offences relating to energy performance**

- (1) A trader must not sell an energy product of a class to which this subsection applies unless it is registered so as to indicate its compliance with applicable energy performance standards—

- (a) in accordance with the regulations; or

(b) in accordance with a corresponding law.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) A trader must not sell an energy product of a class to which this subsection applies unless it is labelled so as to indicate its energy efficiency—

(a) under the authority of the Technical Regulator in accordance with the regulations; or

(b) under an authority conferred by a corresponding law in accordance with that corresponding law.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(3) No offence is committed against subsection (1) or (2) if—

(a) the sale takes place within 12 months after the date the subsection is applied to the relevant class of energy product; and

(b) the product was manufactured in or imported into the State before that date.

(4) No offence is committed against subsection (1) if—

(a) the sale takes place within 12 months after the cancellation of the registration of the product on the grounds that the product no longer complies with the applicable energy performance standards as a result of an alteration in the standards; and

(b) the product was manufactured in or imported into the State before the cancellation of the registration.

(5) No offence is committed against subsection (2) if—

(a) the sale takes place within 12 months after a change in the labelling requirements that apply under that subsection; and

(b) the product was manufactured in or imported into the State before the change in the requirements; and

(c) at the time of the sale, the product was labelled in accordance with requirements applicable at or after the time of manufacture or import of the product.

(6) This section does not apply to the sale of second-hand goods.

## **7—Offences relating to labels**

(1) A person must not—

(a) without proper authority, affix a label to which section 6(1) or (2) or 6A(2) applies, or which could reasonably be taken to be such a label, to an energy product; or

(b) sell an energy product to which a label has been affixed contrary to paragraph (a) knowing that the label was affixed without proper authority.

Maximum penalty: \$10 000.

- (2) A trader must not display on or near an energy product that is being offered or exposed for sale by the trader a sign, label or notice that—
- (a) contains information conflicting with the information contained in a label affixed to the product for the purposes of this Act or a corresponding law; or
  - (b) is likely to mislead a purchaser or prospective purchaser as to matters to which information contained in any such label relates.

Maximum penalty: \$5 000.

- (3) A person must not, while an energy product is being offered or exposed for sale by a trader, alter, interfere with or obscure from view a label affixed to the product for the purposes of this Act or a corresponding law.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A trader must not offer or expose for sale an energy product if a label affixed to the product for the purposes of this Act or a corresponding law is not readily legible by a purchaser or prospective purchaser.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) This section does not apply to the sale of second-hand goods.

## **8—Prohibition of sale or use of unsafe energy products**

- (1) If, in the opinion of the Technical Regulator, an energy product of a particular class is or is likely to become unsafe in use, the Technical Regulator may—
- (a) prohibit the sale or use (or both sale and use) of products of that class; and
  - (b) require traders who have sold the product in the State—
    - (i) to take specified action to recall the product from use; and
    - (ii) —
      - (A) to take specified action to render the product safe; or
      - (B) if it is not practicable to render the product safe or the trader chooses not to do so—to refund the purchase price on return of the product.

- (2) A prohibition or requirement under this section may be imposed—

- (a) by notice in writing given to the person to whom it is addressed; or
- (b) if addressed to a class of persons, or the public generally—by public notice, and may be varied or revoked in the same way.

- (3) A person who contravenes or fails to comply with a prohibition or requirement under this section is guilty of an offence.

Maximum penalty: \$10 000.

- (4) The Crown incurs no liability for an act of the Technical Regulator in good faith in the exercise or purported exercise of powers under this section.

- (5) A person incurs no liability for publishing in good faith a notice under this section or a fair report or summary of such a notice.

## **9—Mutual recognition**

- (1) For the purposes of—
- (a) section 5 of the *Mutual Recognition (South Australia) Act 1993* and section 15 of the *Mutual Recognition Act 1992* of the Commonwealth; and
  - (b) section 5 of the *Trans-Tasman Mutual Recognition (South Australia) Act 1999* and section 46 of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth,

an energy product the sale of which is prohibited by public notice given at any time under section 8 on the ground that the product is or is likely to become unsafe in use is declared—

- (c) to be goods to which section 15 of the *Mutual Recognition Act 1992* of the Commonwealth applies; and
  - (d) to be exempt from the operation of the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.
- (2) The exemption from the *Mutual Recognition Act 1992* of the Commonwealth and the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth of an energy product pursuant to subsection (1) has effect for a period beginning on the day on which the public notice imposing the prohibition is published and ending—
- (a) 12 months later; or
  - (b) on the revocation of the prohibition,

whichever occurs first.

## **9A—Public warning statements about unsafe energy products, practices etc**

- (1) If, in the opinion of the Technical Regulator, it is in the public interest to do so, the Technical Regulator may make a public statement identifying and giving warnings or information about any of the following:
- (a) energy products that, in the opinion of the Technical Regulator, are or are likely to become unsafe in use and persons who supply the products;
  - (b) uses of energy products, or installation practices, that, in the opinion of the Technical Regulator, pose a danger to persons or property;
  - (c) any other dangers to persons or property associated with energy products.
- (2) A statement under this section may identify particular energy products, services, practices and persons.
- (3) The Crown incurs no liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under this section.
- (4) A person incurs no liability for publishing in good faith a statement made by the Technical Regulator under this section or a fair report or summary of such a statement.

## Part 3—Enforcement

### 10—Appointment of authorised officers

- (1) The Minister may appoint suitable persons to be authorised officers for the purposes of this Act.
- (2) An appointment may be made subject to conditions specified in the instrument of appointment.
- (3) The Minister may, at any time, revoke an appointment of an authorised officer or vary or revoke a condition of appointment or impose a further condition of appointment.
- (4) An authorised officer must be issued with an identity card—
  - (a) containing the person's name and a photograph of the person; and
  - (b) stating that the person is an authorised officer under this Act.
- (5) If the powers of an authorised officer have been limited by conditions, the identity card issued to the authorised officer must indicate those limitations.
- (6) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise powers under this Act, produce for the inspection of the person his or her identity card.

### 11—General powers of authorised officers

- (1) Subject to this section, an authorised officer may—
  - (a) require a trader—
    - (i) to make energy products of a class specified by the authorised officer that are in the trader's possession available for examination by the authorised officer; and
    - (ii) to inform the authorised officer of the date when the trader obtained an energy product; and
    - (iii) to inform the authorised officer of the person from whom the trader obtained an energy product; and
    - (iv) to produce to the authorised officer orders, invoices, accounts and other documents that are in the trader's possession and relate to energy products; and
    - (v) to sell to the authorised officer an energy product specified by the authorised officer for the same price as the product is sold to other purchasers (or, if that price cannot be identified, for a fair price offered by the authorised officer); and
  - (b) enter and inspect and, if necessary, use reasonable force to break into or open—
    - (i) a place or vehicle to which this section applies; or
    - (ii) part of, or anything in or on, a place or vehicle to which this section applies; and



- (c) give directions with respect to the stopping or movement of a vehicle to which this section applies; and
  - (d) take photographs, films or audio, video or other recordings; and
  - (e) require a person who the authorised officer reasonably suspects has committed, is committing, or is about to commit, a contravention of this Act to state the person's full name and usual place of residence and to produce evidence of the person's identity; and
  - (f) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is required for the administration or enforcement of this Act to answer questions in relation to those matters, to state the person's full name and usual place of residence and to produce evidence of the person's identity; and
  - (g) require a person who the authorised officer reasonably suspects has possession of a document required for the administration or enforcement of this Act to produce the document, to state the person's full name and usual place of residence and to produce evidence of the person's identity; and
  - (h) examine any energy product made available to the authorised officer or found in the course of an inspection; and
  - (i) examine, copy or take extracts from a document produced to the authorised officer or found in the course of an inspection or require a person to provide a copy of any such document; and
  - (j) seize and retain, or issue a seizure order in respect of, an energy product that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this Act; and
  - (k) cause tests to be carried out on an energy product that has been purchased or seized or in respect of which a seizure order is in force; and
  - (l) give a direction required in connection with the exercise of a power conferred by a preceding paragraph.
- (2) An authorised officer—
- (a) may only exercise the powers conferred by subsection (1) as reasonably required for the administration and enforcement of this Act; and
  - (b) may only exercise the power to use force, or to enter a place of residence, under subsection (1) on the authority of a warrant issued by a magistrate or in circumstances in which the authorised officer reasonably believes that immediate action is required on the grounds of safety.
- (3) In the exercise of powers under this Act, an authorised officer may be assisted by such persons as the authorised officer considers necessary in the circumstances.
- (4) An authorised officer may require an occupier of a place or a person apparently in charge of a vehicle to give to the authorised officer, or a person assisting the authorised officer, such assistance as is reasonably required by the authorised officer for the effective exercise of powers conferred by this Act.
- (5) A magistrate must not issue a warrant for the purposes of this section unless satisfied that the warrant is reasonably required in the circumstances.

- (6) Subject to subsection (7), a person is not required to give information or produce a document under this section if the information or the contents of the document would tend to incriminate the person of an offence.
- (7) If an authorised officer informs a person required to give information or produce a document under this section that the requirement is made for the administration or enforcement of section 8, the person must give the information or produce the document despite the fact that the information or the contents of the document would tend to incriminate the person of an offence, but—
- (a) if the person is a natural person, the information or document so given or produced will not be admissible in evidence against the person in proceedings for an offence (other than an offence relating to the making of a false or misleading statement or declaration); and
  - (b) if the person is a body corporate—
    - (i) the information or document so given or produced will not be admissible in evidence against a director of the body corporate in proceedings for an offence (other than an offence relating to the making of a false or misleading statement or declaration); and
    - (ii) a director will not be guilty of an offence (other than an offence relating to the making of a false or misleading statement or declaration) as a result of the body corporate having been found guilty of an offence in proceedings in which the information or document so given or produced was admitted in evidence against the body corporate.
- (8) This section applies to a place or vehicle only if an authorised officer reasonably suspects that—
- (a) the place or vehicle is being used at the time in the course of a trade or business involving the sale of energy products; or
  - (b) a contravention of this Act has been, is being, or is about to be, committed in or on the place or vehicle; or
  - (c) something may be found in or on the place or vehicle that has been used in, or constitutes evidence of, a contravention of this Act.

## 12—Provisions relating to seizure

- (1) A seizure order under section 11—
- (a) must be in the form of a written notice given to the owner or person in control of the energy product to which the order relates; and
  - (b) may be varied or discharged by further such written notice.
- (2) If a seizure order is issued, a person who, knowing of the order, removes or interferes with the energy product to which the order relates without the approval of an authorised officer before the product is dealt with under this section or the seizure order discharged is guilty of an offence.

Maximum penalty: \$10 000.

- (3) If an energy product has been seized or made the subject of a seizure order under section 11, the following provisions apply:
- (a) the product must, if it has been seized, be held pending proceedings for an offence against this Act related to the product seized, unless the Minister, on application, authorises its release to the person from whom it was seized, or to a person who had legal title to it at the time of its seizure, subject to such conditions as the Minister thinks fit (including conditions as to the giving of security for satisfaction of an order under paragraph (b)(ii));
  - (b) if proceedings for an offence against this Act relating to the product are instituted within the designated period after its seizure or the issuing of the seizure order and the defendant is convicted or found guilty of the offence, the court may—
    - (i) order that it be forfeited to the Minister; or
    - (ii) if it has been released pursuant to paragraph (a) or is the subject of a seizure order—order that it be forfeited to the Minister or that the person to whom it was released or the defendant pay to the Minister an amount equal to its market value at the time of its seizure, as the court thinks fit;
  - (c) if—
    - (i) proceedings are not instituted for an offence against this Act relating to the product within the designated period after its seizure or the issuing of the seizure order; or
    - (ii) proceedings have been so instituted and—
      - (A) the defendant is found not guilty of the offence; or
      - (B) the defendant is convicted or found guilty of the offence but no order for forfeiture is made under paragraph (b),then—
    - (iii) in the case of a product seized—the person from whom the thing was seized, or a person with legal title to it, is entitled to recover from the Minister (if necessary, by action in a court of competent jurisdiction) the product itself, or if it has been damaged or destroyed, compensation of an amount equal to its market value at the time of its seizure; or
    - (iv) in the case of a product subject to a seizure order—the order is discharged.
- (4) In this section—
- designated period*** means 6 months or such longer period as a magistrate may, on application by the Minister, allow.

### 13—Recovery of costs

If an energy product tested under this Act—

- (a) does not conform with an applicable safety and performance standard or an applicable energy performance standard; or

- (b) does not conform with the information as to its energy efficiency contained in a label affixed to the energy product in accordance with this Act,

the Minister may (by application in proceedings for an offence against this Act or by action in a court of competent jurisdiction) recover from the trader by whom the energy product was sold the costs incurred in purchasing, seizing and storing, or issuing a seizure order in respect of, the energy product (as the case requires) and in having it tested.

### **13A—Offence to hinder etc authorised officer**

A person who—

- (a) hinders or obstructs an authorised officer, or a person assisting an authorised officer, in the exercise of powers conferred by this Act; or
- (b) refuses or fails to comply with a requirement or direction of an authorised officer under this Act; or
- (c) when required by an authorised officer under this Act to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; or
- (d) falsely represents, by words or conduct, that he or she is an authorised officer,

is guilty of an offence.

Maximum penalty: \$10 000.

## **Part 4—Miscellaneous**

### **14—Power of exemption**

- (1) The Technical Regulator may exempt a person or class of persons from this Act, or specified provisions of this Act, on terms and conditions the Technical Regulator considers appropriate.
- (1a) Except as otherwise provided in the exemption, an exemption under subsection (1) may be varied or revoked by the Technical Regulator.
- (2) A person or class of persons in whose favour an exemption is given must comply with the conditions of the exemption.

Maximum penalty: \$5 000.

### **15—Statutory declarations**

If a person is required by or under this Act to furnish information to the Technical Regulator, the Technical Regulator may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have furnished the information as required unless it has been verified in accordance with the requirements of the Technical Regulator.

### **16—False or misleading information**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in information furnished under this Act.

Maximum penalty:

If the person made the statement knowing that it was false or misleading—\$10 000.

In any other case—\$5 000.

### **17—General defence**

It is a defence to a charge of an offence against this Act if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

### **18—Offences by bodies corporate**

If a body corporate is guilty of an offence against this Act, each director (within the meaning of the *Corporations Law*) of the body corporate is, subject to the general defence under this Part, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

### **19—Continuing offence**

- (1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission—
  - (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and
  - (b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.
- (2) If an offence consists of an omission to do something that is required to be done, the omission will be taken to continue for as long as the thing required to be done remains undone after the end of the period for compliance with the requirement.

### **20—Evidence**

- (1) In any legal proceedings, a certificate executed by the Technical Regulator certifying as to a matter relating to—
  - (a) a delegation under this Act; or
  - (b) the appointment of an authorised officer; or
  - (c) a notice given or published under this Act,constitutes proof, in the absence of proof to the contrary, of the matters so certified.
- (2) Evidence of the contents of a standard referred to or incorporated in a proclamation or regulation under this Act may be given in any legal proceedings by production of a document apparently certified by the Technical Regulator to be a true copy of the standard.

## 21—Service

- (1) A notice or other document required or authorised to be given to or served on a person under this Act may be given or served—
  - (a) by delivering it personally to the person or an agent of the person; or
  - (b) by leaving it for the person at the person's place of residence or business with someone apparently over the age of 16 years; or
  - (c) by posting it to the person or agent of the person at the person's or agent's last known place of residence or business.
- (2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given to or served on a person may, if the person is a body corporate, be given to or served on the person in accordance with section 109X of the *Corporations Law*.

## 22—Delegation

- (a1) The Minister may delegate his or her powers under this Act to the Technical Regulator or any other person.
- (1) The Technical Regulator may delegate his or her powers under this Act to a person or body of persons that is, in the Technical Regulator's opinion, competent to exercise the relevant powers.
- (2) A delegation under this section—
  - (a) must be in writing; and
  - (b) may be conditional or unconditional; and
  - (c) is revocable at will; and
  - (d) does not prevent the delegator from acting in any matter.

## 23—Confidential information

- (1) A person must not intentionally divulge, or use for the person's own gain, information of a commercially sensitive or private confidential nature obtained by the person in the course of administering or enforcing this Act except—
  - (a) as authorised or required to do so by law; or
  - (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
  - (c) in connection with the administration or enforcement of this Act or of a corresponding law.

Maximum penalty: \$5 000.

- (2) Information classified by the Technical Regulator as of a commercially sensitive or private confidential nature is not liable to disclosure under the *Freedom of Information Act 1991*.

## 25—Annual report

- (1) The Technical Regulator must, within three months after the end of each financial year, deliver to the Minister a report on the Technical Regulator's administration of this Act during that financial year.

- (2) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after his or her receipt of the report.

## **26—Regulations**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for, the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (b) provide for the issuing of certificates for energy products certifying compliance with specified standards or suitability for connection to a transmission or distribution network; and
  - (c) make further provisions for the labelling of energy products and the prohibition of the sale of energy products not labelled in accordance with the regulations; and
  - (d) fix, or provide for the Technical Regulator to fix, fees in respect of any matter under this Act and provide for the payment, recovery, refund, waiver or reduction of such fees; and
  - (e) exempt (conditionally or unconditionally) persons or energy products from any provision of this Act; and
  - (f) impose fines, not exceeding \$5 000, for offences against the regulations; and
  - (g) fix expiation fees, not exceeding \$315, for alleged offences against the regulations.
- (3) A regulation may—
- (a) be of general application or limited by reference to time, places, circumstances or any other factor;
  - (b) provide that a matter or thing in respect of which a regulation may be made is to be determined, regulated or prohibited according to the discretion of the Minister or the Technical Regulator;
  - (c) refer to or incorporate, wholly or partially and with or without modification, a standard as in force at a specified time or as in force from time to time.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Electrical Products Act 2000*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2000	78	<i>Electrical Products Act 2000</i>	14.12.2000	1.10.2001 ( <i>Gazette 27.9.2001 p4295</i> )
2005	54	<i>Electrical Products (Expiation Fees) Amendment Act 2005</i>	27.10.2005	27.10.2005
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 53 (s 109)—1.2.2010 ( <i>Gazette 28.1.2010 p320</i> )
<b>2011</b>	<b>33</b>	<b><i>Electrical Products (Energy Products) Amendment Act 2011</i></b>	<b>22.9.2011</b>	<b>Pt 2 (ss 4—21) &amp; Sch 1 (cl 7)—10.5.2012 (<i>Gazette 10.5.2012 p1682</i>)</b>
2013	16	<i>Statutes Amendment (Directors' Liability) Act 2013</i>	23.5.2013	Pt 15 (ss 30—32)—17.6.2013 ( <i>Gazette 6.6.2013 p2498</i> )

### Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<b>Long title</b>	<b>amended by 33/2011 s 4</b>	<b>10.5.2012</b>
Pt 1		
<b>s 1</b>	<b>amended by 33/2011 s 5</b>	<b>10.5.2012</b>
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>27.10.2005</i>
<b>s 3</b>		
<b>s 3(1)</b>	<b>authorised officer inserted by 33/2011 s 6(1)</b>	<b>10.5.2012</b>



<i>authorised person</i>	<i>deleted by 33/2011 s 6(1)</i>	10.5.2012
certification body	inserted by 33/2011 s 6(1)	10.5.2012
corresponding law	amended by 33/2011 s 6(2)	10.5.2012
<i>electrical product</i>	<i>deleted by 33/2011 s 6(3)</i>	10.5.2012
energy efficiency labelling standard	inserted by 33/2011 s 6(3)	10.5.2012
energy product	inserted by 33/2011 s 6(4)	10.5.2012
gas	inserted by 33/2011 s 6(4)	10.5.2012
sell	inserted by 33/2011 s 6(5)	10.5.2012
standard	substituted by 33/2011 s 6(5)	10.5.2012
<i>to sell</i>	<i>deleted by 33/2011 s 6(5)</i>	10.5.2012
trader	amended by 33/2011 s 6(6)	10.5.2012
s 3(2)	<i>deleted by 33/2011 s 6(7)</i>	10.5.2012
Pt 2		
heading	amended by 33/2011 s 7	10.5.2012
s 5		
s 5(1)	substituted by 33/2011 s 8	10.5.2012
s 6		
s 6(1)	amended by 54/2005 s 3(1)	27.10.2005
	amended by 33/2011 s 9(1)	10.5.2012
s 6(2)	amended by 54/2005 s 3(2)	27.10.2005
	substituted by 33/2011 s 9(2)	10.5.2012
s 6(3)	amended by 54/2005 s 3(3)	27.10.2005
	substituted by 33/2011 s 9(2)	10.5.2012
s 6(4) and (5)	substituted by 33/2011 s 9(2)	10.5.2012
s 6A	inserted by 33/2011 s 10	10.5.2012
s 7		
s 7(1)	amended by 33/2011 s 11(1)—(3)	10.5.2012
s 7(2)	amended by 33/2011 s 11(4), (5)	10.5.2012
s 7(3)	amended by 33/2011 s 11(6), (7)	10.5.2012
s 7(4)	amended by 33/2011 s 11(8), (9)	10.5.2012
s 8		
s 8(1)	amended by 33/2011 s 12(1), (2)	10.5.2012
s 8(4) and (5)	inserted by 33/2011 s 12(3)	10.5.2012
s 9		
s 9(1)	amended by 33/2011 s 13(1)	10.5.2012
s 9(2)	amended by 33/2011 s 13(2)	10.5.2012
s 9(3)	<i>deleted by 33/2011 s 13(3)</i>	10.5.2012
s 9A	inserted by 33/2011 s 14	10.5.2012
Pt 3	substituted by 33/2011 s 15	10.5.2012
Pt 4		
s 14		
s 14(1a)	inserted by 33/2011 s 16	10.5.2012

<b>s 20</b>		
s 20(1)	amended by 33/2011 s 17	10.5.2012
<b>s 22</b>		
s 22(a1)	inserted by 33/2011 s 18	10.5.2012
<b>s 23</b>		
s 23(1)	s 23 redesignated as s 23(1) by 33/2011 s 19	10.5.2012
s 23(2)	inserted by 33/2011 s 19	10.5.2012
s 24	deleted by 84/2009 s 109	1.2.2010
<b>s 26</b>		
s 26(2)	(a) deleted by 33/2011 s 20(1)	10.5.2012
	amended by 33/2011 s 20(2)—(6)	10.5.2012
<i>Sch</i>	deleted by 33/2011 s 21	10.5.2012

## Transitional etc provisions associated with Act or amendments

### *Electrical Products (Energy Products) Amendment Act 2011, Sch 1—Transitional provisions*

#### **7—Authorised officers**

A person who held office as an authorised person under the *Electrical Products Act 2000* immediately before the commencement of this clause continues to hold office under that Act (as amended by this Act) as an authorised officer.

## Historical versions

27.10.2005

1.2.2010