

South Australia

Electrical Products Regulations 2001

under the *Electrical Products Act 2000*

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Legislative history

1—Short title

These regulations may be cited as the *Electrical Products Regulations 2001*.

4—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Electrical Products Act 2000*;

applicable energy efficiency labelling standard—see the Schedule;

certificate means—

- (a) a safety labelling certificate (see regulation 5(1)(a)); or
- (b) a performance registration certificate (see regulation 5(1)(b)); or
- (c) an efficiency labelling certificate (see regulation 5(1)(c)); or
- (d) a suitability certificate (see regulation 5(1)(d));

efficiency labelling certificate—see regulation 5(1)(c);

performance registration certificate—see regulation 5(1)(b);

RCM means the Regulatory Compliance Mark within the meaning of AS/NZS 4417;

registered electrical product means an electrical product of a class for which a performance registration certificate is in force under these regulations;

safety labelling certificate—see regulation 5(1)(a);

suitability certificate—see regulation 5(1)(d).

- (2) In these regulations a reference to an Australian Standard (AS or AS/NZS followed by a number) is a reference to the standard published or approved by Standards Australia as in force from time to time and includes a reference to any code or standard called up by or under the standard.

5—Applications for certificates

- (1) A person may apply to the Technical Regulator for one or more of the following certificates in relation to a class of electrical products:
- (a) a certificate of authority to label electrical products of the class so as to indicate their compliance with applicable safety and performance standards for the purposes of section 6(1) of the Act (a *safety labelling certificate*);
 - (b) a certificate of registration of electrical products of the class so as to indicate their compliance with applicable energy performance standards for the purposes of section 6(2) of the Act (a *performance registration certificate*);
 - (c) a certificate of authority to label electrical products of the class so as to indicate their energy efficiency for the purposes of section 6(3) of the Act (an *efficiency labelling certificate*);
 - (d) a certificate certifying that electrical products of the class (being a class to which section 6(1) of the Act does not apply) are suitable for connection to an electricity transmission or distribution network (a *suitability certificate*).
- (2) An application under this regulation—
- (a) must be accompanied by—
 - (i) in the case of an application for a safety labelling certificate—
 - (A) a written report in the English language from a body approved by the Technical Regulator for the purpose detailing tests and inspections conducted by the body in accordance with the applicable safety and performance standard for the purposes of determining whether that standard is complied with in respect of the electrical product and the results obtained; and
 - (B) a sample of the electrical product (or a sample length of 1 metre if the electrical product is a flexible cord); and

- (ii) in the case of an application for a performance registration certificate—a written report in the English language from a body approved by the Technical Regulator for the purpose detailing tests and inspections conducted by the body in accordance with the applicable energy performance standard for the purposes of determining whether that standard is complied with in respect of the electrical product and the results obtained; and
 - (iii) in the case of an application for an efficiency labelling certificate—
 - (A) a written report in the English language from a body approved by the Technical Regulator for the purpose prepared in respect of the electrical product in accordance with the applicable energy efficiency standard; and
 - (B) a sample of the label in relation to which authority is sought; and
 - (iv) in the case of an application for a suitability certificate—a written report in the English language from a body approved by the Technical Regulator for the purpose detailing tests and inspections conducted by the body in accordance with the requirements of the Technical Regulator for the purposes of determining whether the electrical product is suitable for connection to an electricity transmission or distribution network and the results obtained; and
- (b) must be accompanied by certification (in the form required by the Technical Regulator) that the electrical products form a regular line of manufacture and that each electrical product in the line accords with the sample.
- (3) The Technical Regulator may require the applicant to provide further information or reports, or a further sample of the electrical product, for the purposes of determining the application.
- (4) The Technical Regulator may exempt an applicant from a requirement of subregulation (2)(a)—
 - (a) if a comparable certificate has previously been granted to another person in relation to the electrical product; or
 - (b) if the electrical product is a modified version of an electrical product for which a comparable certificate has previously been granted; or
 - (c) if satisfied that the electrical product has been tested and inspected in accordance with, and complies with, an international or other standard that provides protections that are at least equivalent to those provided by the safety and performance standard, energy performance standard or other standard concerned; or
 - (d) in any other circumstances that the Technical Regulator considers appropriate.
- (5) A safety labelling, performance registration or suitability certificate will not be issued unless the Technical Regulator is satisfied that the safety and performance standard, energy performance standard or other standard concerned is complied with in respect of the electrical product.

- (6) An efficiency labelling certificate will not be issued unless the Technical Regulator is satisfied that the energy efficiency of the product as indicated on the label in relation to which authority is sought has been determined in accordance with the applicable energy efficiency labelling standard and that the label complies with that standard.

6—Labelling under safety labelling certificate

A safety labelling certificate authorises the holder of the certificate, or a person acting on behalf of that holder, to label an electrical product of a kind specified in the certificate as follows:

- (a) the electrical product may be labelled—
 - (i) with the labelling code specified in the certificate for the purpose; or
 - (ii) if the certificate so authorises—with the registered trademark specified in the certificate for the purpose; or
 - (iii) subject to paragraph (b), with the RCM;
- (b) the RCM may only be used if the requirements of AS/NZS 4417 are complied with;
- (c) subject to paragraph (d), the required labelling must appear in a conspicuous place on the exterior of the electrical product;
- (d) the certificate may authorise the required labelling to appear on a container in which the electrical product is sold or elsewhere if it is not practicable for it to appear on the electrical product.

7—Labelling under efficiency labelling certificate

An efficiency labelling certificate authorises the holder of the certificate, or a person acting on behalf of the holder, to affix a label of a kind specified in the certificate to an electrical product of a kind specified in the certificate in accordance with the applicable energy efficiency labelling standard.

8—Duration and renewal of certificates

- (1) A certificate remains in force for a period of 5 years from the date on which it is issued.
- (2) The Technical Regulator may, on the application of the holder of a certificate before expiry of a period for which the certificate is in force, renew the certificate for successive periods of 5 years.

9—Transfer of certificates

The holder of a certificate may apply to the Technical Regulator to transfer the certificate to another person (and, if the application is granted, the Technical Regulator will vary the certificate accordingly).

10—Variation of certificates

The holder of a certificate may apply to the Technical Regulator to vary the certificate as necessary to accommodate—

- (a) a modification of the electrical product that does not, in the opinion of the Technical Regulator, significantly affect any characteristic of the electrical product relevant to the determination of the original application for the certificate; or
- (b) a variation in the brand, model or other designation of the electrical product.

11—Cancellation of certificates

- (1) The Technical Regulator may cancel a certificate by written notice to the person to whom it was issued—
 - (a) if the Technical Regulator has, under section 8 of the Act, prohibited the sale or use (or both sale and use) of electrical products to which the certificate relates; or
 - (b) if the Technical Regulator is satisfied that the terms of the certificate or these regulations have not been or are not being complied with.
- (2) The Technical Regulator must, before cancelling a certificate, give the person to whom the certificate was issued a reasonable opportunity to show cause why the certificate should not be cancelled.
- (3) A person must, within 21 days after receiving a notice under subregulation (1), return the certificate to which the notice relates to the Technical Regulator.

Maximum penalty: \$1 000.

Expiation fee: \$150.

12—Register of certificates

- (1) The Technical Regulator will keep a register of certificates.
- (2) The register will include the following information in relation to each certificate:
 - (a) the name and address of the holder of the certificate; and
 - (b) a description of the electrical product to which the certificate relates; and
 - (c) the number of the certificate; and
 - (d) in the case of a safety labelling certificate—
 - (i) the labelling code specified in the certificate; and
 - (ii) if the certificate authorises the use of a specified registered trademark—the registered trademark; and
 - (iii) if the certificate authorises the labelling to appear on a container in which the electrical product is sold or elsewhere—details of that authorisation; and
 - (iv) if the Technical Regulator has been notified that the holder intends to label the electrical product with the RCM—details of the notification; and

- (e) in the case of an efficiency labelling certificate—details of the label to which the certificate relates.
- (3) The register will be available for inspection by members of the public during ordinary business hours on payment of a fee fixed by the Technical Regulator.

13—Notification of change of name or address

If there is any change in the name or address of the holder of a certificate, the holder must, within 21 days after that change, notify the Technical Regulator in writing of the new name or address (as the case requires).

Maximum penalty: \$1 000.

Expiation fee: \$150.

14—Disposal of samples

- (1) An applicant who provides the Technical Regulator with an electrical product as a sample under these regulations must make arrangements (acceptable to the Technical Regulator) for the disposal of the electrical product within 28 days after notice in writing to do so by the Technical Regulator.
- (2) If an electrical product is not disposed of as required by subregulation (1), the Technical Regulator may arrange for its disposal and recover the cost of doing so from the applicant.

14A—Energy performance registration of air conditioners by Technical Regulator

- (1) If a model of air conditioner has been registered in accordance with these regulations or in accordance with a corresponding law so as to indicate compliance with the national energy performance standard, the Technical Regulator may, if satisfied that the model complies with the SA energy performance standard, register the model so as to indicate compliance with the SA energy performance standard for the purposes of section 6(2) of the Act.
- (2) Registration under subregulation (1)—
 - (a) may be issued without application by any person; and
 - (b) is at the absolute discretion of the Technical Regulator; and
 - (c) will be issued in the same name as the registration indicating compliance with the national energy performance standard; and
 - (d) remains in force for the same period as the registration indicating compliance with the national energy performance standard.
- (3) The Technical Regulator may vary the registration under subregulation (1) of a model of air conditioner as necessary to accommodate—
 - (a) variations in the registration of the model indicating compliance with the national energy performance standard; or
 - (b) on the application of the person in whose name the registration is issued—
 - (i) a modification of the model of air conditioner that does not, in the opinion of the Technical Regulator, significantly affect any relevant characteristic of the model; or

- (ii) a variation in the brand, model number or other designation of the model of air conditioner.
- (4) The Technical Regulator may, on the application of the person in whose name a model of air conditioner is registered under subregulation (1), transfer the registration into the name of another person.
- (5) The Technical Regulator may cancel the registration under subregulation (1) of a model of air conditioner if—
 - (a) the registration of the model indicating compliance with the national energy performance standard is cancelled; or
 - (b) the Technical Regulator is satisfied that the model does not comply with the SA energy performance standard; or
 - (c) the Technical Regulator has, under section 8 of the Act, prohibited the sale or use (or both sale and use) of that model of air conditioner.
- (6) Before the Technical Regulator cancels registration under subregulation (5)(b), the Technical Regulator must give the person in whose name the model of air conditioner is registered a reasonable opportunity to show cause why the registration should not be cancelled.
- (7) The Technical Regulator must make the following information available for inspection by members of the public during ordinary business hours on payment of a fee fixed by the Technical Regulator in relation to each model of air conditioner registered under subregulation (1):
 - (a) the name and address of the person in whose name the registration is issued;
 - (b) a description of the characteristics of the model.
- (8) In this regulation—

air conditioner means an electrical product of the class defined by proclamation under section 5 of the Act as air conditioner—packaged or air conditioner—refrigerative;

national energy performance standard means AS/NZS 3823.2;

SA energy performance standard means the applicable energy performance standard for an air conditioner (namely, AS/NZS 3823.2:2009 as in force as at 1 January 2010 with the modifications specified in clause 5(3) of the *Electrical Products (Part 2 Declarations) Proclamation 2004*).

15—Testing of electrical products

- (1) The Technical Regulator may, at any time, cause tests to be carried out on an electrical product to which section 6(1), (2) or (3) of the Act applies that is offered or exposed for sale by a trader.
- (2) If an electrical product tested under subregulation (1)—
 - (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 electrical product,

the Technical Regulator may (by application in proceedings for an offence against the Act or these regulations or by action in a court of competent jurisdiction) recover from the trader by whom the electrical product was offered or exposed for sale the costs incurred in purchasing the electrical product and having it tested.

16—General requirement for applications

An application under these regulations must be made in the manner and form required by the Technical Regulator.

17—Fees

- (1) The Technical Regulator may fix fees payable in relation to an application under these regulations or the issue, renewal, transfer or variation of a certificate under these regulations or the provision of a replacement copy of such a certificate.
- (2) The Technical Regulator may refuse to accept an application or to issue, renew, transfer, vary or provide a replacement copy of a certificate if the appropriate fee is not paid.
- (3) The Technical Regulator may waive or refund the whole or part of a fee payable under these regulations.

Schedule—Energy efficiency labelling standards

1—Energy efficiency labelling standards

The standard, or a part of a standard, (as in force from time to time) specified in the entry in the table below for a class of electrical products is the energy efficiency labelling standard applicable to the class of electrical products (*applicable energy efficiency labelling standard*).

2—Definition of classes of electrical products

For the purposes of this Schedule, each class of electrical products is as defined by proclamation under section 5 of the Act for the purposes of the application of section 6(3) of the Act to the class of electrical products.

Class of electrical products	Applicable Energy Efficiency Labelling Standard (as in force from time to time)
Air conditioner—refrigerative	AS/NZS 3823.2 ¹
Clothes dryer	AS/NZS 2442.2 ²
Dishwashing machine	AS/NZS 2007.2 ²
Fluorescent lamp ballast	AS/NZS 4783.2 ¹
Freezer	AS/NZS 4474.2 ¹
Refrigerator	AS/NZS 4474.2 ¹
Refrigerator-freezer	AS/NZS 4474.2 ¹
Television set	AS/NZS 62087.2.2 ¹
Washing machine	AS/NZS 2040.2 ²

Class of electrical products

**Applicable Energy Efficiency Labelling
Standard (as in force from time to time)**

Notes for information purposes—

- 1 This standard contains both a minimum energy performance requirement and a requirement for labelling so as to indicate energy efficiency.
- 2 This standard contains a requirement for labelling so as to indicate energy efficiency but does not contain a minimum energy performance requirement.

Legislative history

Notes

- Variations 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 these regulations (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.

Legislation revoked by principal regulations

The *Electrical Products Regulations 2001* revoked the following:

Electrical Products Regulations 1997

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2001	224	<i>Gazette 27.9.2001 p4323</i>	1.10.2001: r 2
2004	200	<i>Gazette 16.9.2004 p3653</i>	1.10.2004: r 2
2009	251	<i>Gazette 22.10.2009 p4931</i>	22.10.2009: r 2
2009	297	<i>Gazette 16.12.2009 p6297</i>	1.1.2010: r 2
2011	217	<i>Gazette 29.9.2011 p4138</i>	1.10.2011: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.10.2004</i>
r 4		
r 4(2)	varied by 297/2009 r 4	1.1.2010
r 14A	inserted by 297/2009 r 5	1.1.2010
Sch		
cl 2	varied by 200/2004 r 4	1.10.2004
	varied by 251/2009 r 4	22.10.2009

Historical versions

1.10.2004
22.10.2009

