

South Australia

Electrical Products Variation Regulations 2009

under the *Electrical Products Act 2000*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electrical Products Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 January 2010.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electrical Products Regulations 2001*

4—Variation of regulation 4—Interpretation

Regulation 4(2)—after "published" insert:
or approved

5—Insertion of regulation 14A

After regulation 14 insert:

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*).

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 December 2009

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