

South Australia

Energy Products (Safety and Efficiency) Regulations 2012

under the *Energy Products (Safety and Efficiency) Act 2000*

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1	Revocation
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1—Short title

These regulations may be cited as the *Energy Products (Safety and Efficiency) Regulations 2012*.

2—Commencement

These regulations will come into operation on the day on which the *Electrical Products (Energy Products) Amendment Act 2011* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
Act means the *Energy Products (Safety and Efficiency) Act 2000*;

certificate means—

- (a) an electrical product safety labelling certificate; or
- (b) a performance registration certificate; or
- (c) an efficiency labelling certificate; or
- (d) an electrical product suitability certificate;

efficiency labelling certificate—see regulation 4(1)(c);

electrical product means—

- (a) an electrical appliance or a component of an electrical appliance; or
- (b) an appliance powered by electricity and any combination of other energy sources, or a component of such an appliance; or
- (c) a device used for or in connection with the conveyance of electricity or a component of such a device (including a meter for measuring consumption);
or
- (d) an instrument for measuring a characteristic of electricity;

electrical product safety labelling certificate—see regulation 4(1)(a);

electrical product suitability certificate—see regulation 4(1)(d);

gas product means—

- (a) a gas appliance or a component of a gas appliance; or
- (b) an appliance powered by gas and any combination of other energy sources, or a component of such an appliance; or
- (c) a device used in connection with the conveyance of gas or a component of such a device (including a meter for measuring consumption); or
- (d) an instrument for measuring a characteristic of gas;

performance registration certificate—see regulation 4(1)(b);

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

- (2) For the purposes of these regulations—
 - (a) a reference to a standard is, unless the contrary intention appears, a reference to the standard as amended from time to time and, if the standard is substituted, to the subsequent standard; and
 - (b) if an interim standard is referenced, a version of a standard that has the same number as the interim standard will be taken to be a later version of the same standard; and
 - (c) a reference to a standard includes a reference to any code or standard called up by or under the standard.
- (3) The following bodies are prescribed for the purposes of the definition of *standard* in section 3 of the Act:
 - (a) British Standards Institution;
 - (b) International Electrotechnical Commission.

4—Applications for certificates

- (1) A person may apply to the Technical Regulator for 1 or more of the following certificates in relation to a class of energy 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 (an ***electrical product safety labelling certificate***);
 - (b) a certificate of registration of electrical products or gas products of the class so as to indicate their compliance with applicable energy performance standards for the purposes of section 6A(1) of the Act (a ***performance registration certificate***);
 - (c) a certificate of authority to label electrical products or gas products of the class so as to indicate their energy efficiency for the purposes of section 6A(2) 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 (an ***electrical product suitability certificate***).
- (2) An application under this regulation must—
 - (a) specify an address in South Australia as an address for service (being the place of residence or business of the person or the person's agent); and
 - (b) if the address for service is the address of the person's agent, the name of the agent; and
 - (c) in the case of a gas product, specify the type of gas that the product is designed for; and
 - (d) be accompanied by—
 - (i) in the case of an application for an electrical product safety labelling certificate—a written report in the English language from a body approved by the Technical Regulator for the purpose detailing tests, simulations 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
 - (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, simulations 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 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 energy product in accordance with the applicable energy efficiency standard; and
 - (B) at the request of the Technical Regulator, a sample of the label in relation to which authority is sought; and
 - (iv) in the case of an application for an electrical product suitability certificate—a written report in the English language from a body approved by the Technical Regulator for the purpose of detailing tests, simulations 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
 - (e) be accompanied by certification (in the form required by the Technical Regulator) that the products to which the application relates are produced on a regular line of manufacture and that the product in relation to which the report referred to in paragraph (d) was prepared accords with the products produced on that line; and
 - (f) be accompanied, at the request of the Technical Regulator, by a sample of the electrical or gas product (or a sample length of 1 metre if the electrical product is a flexible cord).
- (3) The Technical Regulator may require the applicant to provide further information or reports, or a further sample of the product, for the purposes of determining the application.
- (4) The Technical Regulator may exempt an applicant from a requirement of subregulation (2)(d)—
- (a) if a comparable certificate has previously been granted to another person in relation to the product; or
 - (b) if the product is a modified version of a product for which a comparable certificate has previously been granted; or
 - (c) if satisfied that tests, simulations and inspections have been carried out in respect of the product in accordance 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 and the product complies with the standard; or
 - (d) in any other circumstances that the Technical Regulator considers appropriate.
- (5) A safety labelling, performance registration or electrical product 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 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.

5—Labelling under electrical product safety labelling certificate

An electrical product 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.

6—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 energy product of a kind specified in the certificate in accordance with the applicable energy efficiency labelling standard.

7—Duration and renewal of certificates

- (1) Subject to these regulations, a certificate remains in force for the period specified in the certificate on its grant or renewal.
- (2) The period specified must not exceed 5 years.
- (3) An application for renewal is to be made at least 3 months before the expiry of the certificate.
- (4) The Technical Regulator may, if the Technical Regulator thinks fit and on payment of the late application fee, renew a certificate despite the fact that application for renewal of the certificate was made after the end of the previous term of the certificate.
- (5) A certificate has effect, on grant or renewal, from the date specified in the certificate for that purpose, which may be earlier than the date of application for the grant or renewal of the certificate.

8—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).

9—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 product that does not, in the opinion of the Technical Regulator, significantly affect any characteristic of the 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 product.

10—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 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.

- (4) The Technical Regulator may also cancel a certificate if the Technical Regulator—
 - (a) has reason to believe that the address for service provided to the Technical Regulator is not the current place of residence or business of the person or the person's agent or that the person no longer resides or has an agent who resides in South Australia; and
 - (b) has given the person notice that the Technical Regulator intends to cancel the certificate if a response is not received within a period (of not less than 28 days) specified in the notice; and
 - (c) has not received a response within the period allowed.

11—Register of certificates

- (1) The Technical Regulator will keep a register of certificates.
- (2) The register will include in relation to each certificate—
 - (a) the name and address of the holder of the certificate; and
 - (b) the address provided as an address for service; and
 - (c) if the address for service is the address of the holder's agent, the name of the agent; and
 - (d) a description of the product to which the certificate relates and, in the case of a gas product, the type of gas for which it is designed; and

- (e) the number of the certificate and its date of issue; and
 - (f) in the case of an electrical product 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 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 product with the RCM—details of the notification; and
 - (g) in the case of an efficiency labelling certificate—details of the label to which the certificate relates; and
 - (h) a copy of the certificate.
- (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.

12—Notification of change of name or address or of change of agent

- (1) If there is any change in the name or address, or address for service, 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.
- (2) If there is any change in the name or address of, or in who is, the agent 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.

13—Disposal of samples

- (1) An applicant who provides the Technical Regulator with an energy product as a sample under these regulations must make arrangements (acceptable to the Technical Regulator) for the disposal of the product within 28 days after notice in writing to do so by the Technical Regulator.
- (2) If an energy 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.

14—General requirement for applications

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

15—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 1—Revocation and transitional provisions

Part 1—Revocation of *Electrical Products Regulations 2001*

1—Revocation

The *Electrical Products Regulations 2001* are revoked.

Part 2—Transitional provisions

2—Certificates

- (1) A safety labelling certificate in force under the *Electrical Products Regulations 2001* immediately before the commencement of these regulations will be taken to be an electrical product safety labelling certificate under these regulations.
- (2) A suitability certificate in force under the *Electrical Products Regulations 2001* immediately before the commencement of these regulations will be taken to be an electrical product suitability certificate under these regulations.
- (3) A performance registration certificate in force under the *Electrical Products Regulations 2001* immediately before the commencement of these regulations will be taken to be a performance registration certificate under these regulations.
- (4) An efficiency labelling certificate in force under the *Electrical Products Regulations 2001* immediately before the commencement of these regulations will be taken to be an efficiency labelling certificate under these regulations.
- (5) Subject to these regulations, the certificate remains in force for the period for which it would have remained in force under the *Electrical Products Regulations 2001* (as in force immediately before the commencement of these regulations) had those regulations not been revoked.
- (6) An application for a certificate under the *Electrical Products Regulations 2001* that has not been determined before the commencement of these regulations will be taken to be an application for the corresponding certificate under these regulations and may be determined accordingly.

3—Register of certificates

- (1) The register of certificates kept under the *Electrical Products Regulations 2001* immediately before the commencement of these regulations will continue as the register of certificates kept under these regulations.

- (2) However, the additional information required by these regulations to be kept in relation to each entry in the register may, but need not, be included in the register in respect of the entries that were in the register immediately before the commencement of these regulations.

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's Deputy

with the advice and consent of the Executive Council
on 10 May 2012

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