

# **ELECTRICAL ARTICLES AND MATERIALS ACT, 1940-1967**

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## ELECTRICAL ARTICLES AND MATERIALS ACT, 1940-1967

being

Electrical Articles and Materials Act, 1940, No. 39 of 1940 [Assented to 28th November, 1940]<sup>1</sup>;

as amended by

Electrical Articles and Materials Act Amendment Act, 1967, No. 34 of 1967 [Assented to 14th September, 1967].

### **An Act to regulate the sale and hiring of electrical articles and materials, and for purposes incidental thereto.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Electrical Articles and Materials Act, 1940-1967".

Short title.  
Citation  
amended by 34,  
1967, s. 1 (2).

2. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

Interpretation.

\* \* \* \* \*

Def. of  
"committee"  
struck out by 34,  
1967, s. 3 (a).

"electrical articles and materials" include any wire, cable, appliance, fitting, meter, insulator, apparatus or other material or article intended or designed for use in connection with the transmission of electricity, or operated by electricity:

"label" includes any strip, band, or piece of paper, cardboard, cloth, metal, or other prescribed material:

"proclaimed class" means a class, description, or type of electrical article or material proclaimed under this Act:

"recognized authority of another State" means an authority in an Australian State or Territory of the Commonwealth other than this State being an authority declared by a proclamation under section 10 of this Act to be a recognized authority for the purposes of this Act:

Def. inserted by  
34, 1967,  
s. 3 (b).

"the Trust" means the Electricity Trust of South Australia.

Def. inserted by  
34, 1967,  
s. 3 (b).

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, so as not to exceed the legislative power of the State, to the intent that if any provision of this Act would, apart from this section, be in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

<sup>1</sup> For administration of this Act see Act No. 3, 1946, s. 38 (b).

Marks for use  
under this Act.  
S. 3 amended by  
34, 1967, s. 4.

3. For the purposes of this Act a mark shall consist of any name, word, letter, figure, or sign or any combination of any of them, which the Trust or a recognized authority of another State selects in each case for the purpose of signifying its approval of any electrical article or material.

Ss. 4-9 repealed  
by 34, 1967,  
s. 5.

\* \* \* \* \*

Proclaimed  
authorities of  
other States.

10. The Governor may, by proclamation—

(a) declare that any authority of another State or Territory of the Commonwealth, which authority has power to approve of electrical articles or material before the sale or hiring thereof shall be a "recognized authority of another State" for the purposes of this Act;

(b) from time to time revoke or vary any such proclamation.

Proclaimed  
classes.

11. The Governor may, by proclamation—

(a) declare that any class, description, or type of electrical articles or material shall, as from a day to be specified in the proclamation, be a proclaimed class for the purposes of this Act;

(b) vary or revoke any such proclamation.

Regulation of  
sales and hiring  
of electrical  
articles and  
materials.  
S. 12 substituted  
by 34, 1967,  
s. 6.

12. (1) No person shall sell, let on hire, offer to sell or let on hire, expose for sale or letting on hire, expose (whether for sale or letting on hire or not) among other electrical articles or materials exposed for sale or letting on hire or advertise for sale or letting on hire any electrical article or material of a proclaimed class unless the article or material bears thereon or on a label attached thereto either—

(a) a mark affixed under the authority of the Trust;

or

(b) subject to subsection (2) of this section a mark which has been affixed under the authority of a recognized authority of another State for the purpose of indicating that the article or material is approved by that recognized authority.

Penalty: One hundred dollars.

(2) Paragraph (b) of subsection (1) of this section shall not apply where the Trust has by notice given to the recognized authority of another State and published in the *Gazette* indicated that it does not approve the article or material and the Trust has not withdrawn the notice. A withdrawal of notice shall be given to the recognized authority of another State and published in the *Gazette*. A notice or withdrawal of notice under this subsection may be given to the recognized authority of another State by post.

(3) No person shall be convicted of an offence against this section in respect of any article or material if he shows—

(a) that, at the time when the proclamation declaring the class description or type of electrical articles or materials to which the article or material belongs to be a proclaimed class was published in the *Gazette*, the article or material was in his possession for sale;

or

- (b) that the article or material was within six months after that time delivered to him in pursuance of a contract entered into before that time.

**12a.** (1) If in the opinion of the Trust any electrical article or material is or is likely to become unsafe or dangerous in use, the Trust notwithstanding any other provision of this Act, may in case of emergency and in the manner provided by this section prohibit by notice the sale, hire or use of the electrical article or material.

Prohibition of sale hire or use of unsafe or dangerous articles or materials.  
S. 12a enacted by 34, 1967, s. 7.

(2) The notice may be given generally or to any particular person.

(3) A notice given generally shall be published in the *Gazette*.

(4) A notice given to any particular person may be served personally or by post.

(5) The notice may apply to a class, description or type of electrical articles or materials or to any one or more particular electrical articles or materials.

(6) The notice shall—

(a) be in writing;

(b) specify the class, description or type of electrical articles or materials or the particular electrical articles or materials to which it applies;

and

(c) contain a direction prohibiting any person or the particular person to whom it is given from doing any one or more or all of the following namely, selling, letting on hire, offering to sell or let on hire, exposing for sale or letting on hire, exposing (whether for sale or letting on hire or not) among other electrical articles or materials exposed for sale or letting on hire, advertising for sale or letting on hire or using any electrical articles or materials of the class, description or type or the particular electrical articles or materials to which it applies.

(7) The Trust may by notice vary or withdraw a notice given under this section. A notice varying or withdrawing a notice given generally shall be published in the *Gazette*. A notice varying or withdrawing a notice given to a particular person shall be given to that person and may be served personally or by post.

(8) Where notice is given generally under this section, any person who fails to comply with a direction contained in the notice shall be guilty of an offence.

Penalty: Two hundred dollars.

(9) Where notice is given to any particular person under this section, the person shall if he fails to comply with a direction contained in the notice be guilty of an offence.

Penalty: Two hundred dollars.

**13.** The Governor may, by regulations, declare that any electrical articles or material defined, described or otherwise specified or referred to in the regulations, shall be exempt from this Act, during any period, and subject to any restrictions or conditions mentioned in the regulations.

Exemptions from Act.

Summary  
procedure.

**14.** Proceedings for offences against this Act shall be disposed of summarily.

Regulations.

**15.** The Governor may make regulations—

- (a) providing for the examination, testing, approval and the withholding and withdrawal of approval of any electrical articles or material or samples thereof:
- (b) providing for the issue of certificates of approval of any electrical articles or materials and for cancelling, suspending, and transferring such certificates:
- (c) providing for the stamping or labelling of any electrical apparatus or material with marks so as to show that the Trust approves or does not approve thereof and for regulating and controlling the use of marks under this Act:
- (d) prescribing the fees to be charged for the examination, testing, and approval of any class of electrical apparatus or material and for the issue and transfer of certificates of approval:
- (e) prohibiting the fraudulent or improper use of marks similar to those used by the authority of the Trust or a recognized authority of another State, or of marks so nearly resembling those used by the authority of the Trust or a recognized authority of another State as to be likely to deceive:
- (f) prescribing any matters incidental to any of those previously mentioned in this section or necessary or convenient to be prescribed for carrying this Act into effect:
- (g) prescribing fines recoverable summarily and not exceeding forty dollars<sup>1</sup> for the breach of any regulation.

Para. (c)  
amended by 34,  
1967, s. 8 (a).

Para. (e)  
amended by 34,  
1967, s. 8 (b).

<sup>1</sup> Pursuant to s. 8 of the Acts Republiation Act, 1967, as amended, references to amounts of money expressed in decimal currency have been substituted for references to amounts of money expressed in the old currency.