

Queensland



Electricity Act 1994

ELECTRICITY (ELECTRICAL ARTICLES) REGULATION 1994

**Reprinted as in force on 31 January 2000
(includes amendments up to SL No. 315 of 1999)**

Reprint No. 3

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Information about this reprint

This regulation is reprinted as at 31 January 2000. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



ELECTRICITY (ELECTRICAL ARTICLES) REGULATION 1994

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ELECTRICITY (ELECTRICAL ARTICLES) REGULATION 1994

[as amended by all amendments that commenced on or before 31 January 2000]

CHAPTER 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Electricity (Electrical Articles) Regulation 1994*.

Purposes

2. The purposes of this regulation are to—
- (a) ensure electrical articles hired or sold are electrically safe; and
 - (b) provide for the proper measurement of the energy efficiency and performance of electrical equipment; and
 - (c) inform the public about the energy efficiency and performance of electrical equipment.

How purposes are to be achieved

3. The purposes of this regulation are to be achieved mainly by—
- (a) requiring prescribed electrical articles to be approved and marked if they comply with prescribed standards consistent with the national practice for approval of electrical articles; and
 - (b) providing for recognition of approvals in other States and New Zealand; and
 - (c) prohibiting the hire or sale of prescribed electrical articles unless they are approved and marked, and other articles in certain conditions; and

- (d) providing for the testing of electrical articles; and
- (e) setting standards and procedures for measuring energy efficiency and the performance of electrical equipment; and
- (f) providing for the registration of electrical equipment; and
- (g) providing for the labelling of electrical equipment.

Definitions—the dictionary

4.(1) The dictionary in schedule 10 defines particular words used in this regulation.

(2) Definitions found elsewhere in the regulation are signposted in the dictionary to help the reader.

Way of describing electrical articles and appliances

5. An electrical article or appliance or type of electrical article or appliance may be described by reference to its model or in any other way.

CHAPTER 2—APPROVAL, SALE AND USE OF ELECTRICAL ARTICLES

PART 1—PRESCRIBED ELECTRICAL ARTICLES

Division 1—Standards and approvals for prescribed electrical articles

What is a “prescribed electrical article”

5A.(1) Each electrical article listed in schedule 1—

- (a) is a “**prescribed electrical article**”; and
- (b) has the meaning given the article by the defining standard.

(2) Words and expressions used in schedule 1 that are defined in the wiring rules have the same respective meanings in schedule 1.

(3) In this section—

“defining standard” means Australian Standard/New Zealand Standard 4417 *Marking of electrical products to indicate compliance with regulation*, part 2 Specific requirements for electrical safety regulatory applications.

“wiring rules” means Australian Standard 3000 *Electrical installations—buildings, structures and premises* (known as the SAA Wiring Rules).

Relevant standards for prescribed electrical articles

6. A relevant standard for a prescribed electrical article (**“relevant standard”**) is—

- (a) the standard stated in schedule 1 applying to the type of electrical article; or
- (b) another standard accepted by the regulator instead of the stated standard if the regulator’s requirements for acceptance of the other standard are complied with; or
- (c) if there is no standard under paragraph (a) or (b) applying to the type of article—the standard required by the regulator for the type of article.

Queensland approvals of prescribed electrical articles etc.

7.(1) A type of electrical article is Queensland approved if it is a type of prescribed electrical article approved under this part.

(2) An electrical article has a Queensland approval if it is of a type of electrical article that is Queensland approved.

External approvals of prescribed electrical articles etc.

8.(1) A type of electrical article is externally approved if it is a type of prescribed electrical article registered, certified or otherwise approved by an

external approvals entity to comply with standards required to permit the article to be offered for sale in the entity's jurisdiction.

(2) An electrical article has an external approval if it is of a type of electrical article that is externally approved.

Division 2—Restriction on hire or sale of prescribed electrical articles

Hire or sale of prescribed electrical articles

9. A person must not hire or sell a prescribed electrical article unless—

- (a) there is a Queensland approval, or an external approval, for the article; and
- (b) the article is marked—
 - (i) for an article with a Queensland approval—as required under this part; or
 - (ii) for an article with an external approval—as required by law governing the marking of prescribed electrical articles in the external approvals entity's jurisdiction; or
 - (iii) with an RCM; and
- (c) the article substantially complies with all relevant standards for the article.

Maximum penalty—20 penalty units.

Division 3—Queensland approval of types of prescribed electrical articles

Application for approval of type of prescribed electrical article

10. An application for approval of a type of prescribed electrical article must—

- (a) be made in the approved form that includes a declaration by the applicant that an article of the type mentioned in the application has been tested and examined by an approved testing entity in accordance with the relevant standards; and

- (b) be accompanied by—
- (i) a test report issued by an approved testing entity stating that an electrical article of the type mentioned in the application has been tested and examined in the last 3 years in accordance with the relevant standards and stating the results of the test and examination; and
 - (ii) the prescribed fee; and
 - (iii) if required by the regulator—a sample of the type of article; and
 - (iv) any other relevant information the regulator requires about the construction, operation or safety of the article.

Approval of type of prescribed electrical article

11.(1) The regulator may approve the type of prescribed electrical article if the type of article substantially complies with the requirements of the relevant standards for the type of article.

(2) The regulator must approve the type of prescribed electrical article by—

- (a) issuing a certificate for approval for the type of article; and
- (b) giving the type of article an identification number (an “**approval number**”).

(3) The regulator must give the certificate to the applicant (the “**registered declarant**”).

Refusal to approve type of prescribed electrical article

12. If the regulator does not approve the type of prescribed electrical article, the regulator must refuse to approve the type of article.

Term of approval

13. Unless it is cancelled earlier, approval of a type of prescribed electrical article is for 5 years.

Division 4—Changes to approvals**Changing name and address**

14.(1) If the name and address of a registered declarant for an approved type of prescribed electrical article changes, the registered declarant must give written notice of the new name or address to the regulator within 14 days of the change.

Maximum penalty—8 penalty units.

(2) The regulator must enter details of the new name or address in the register of approved electrical articles.

Changing approval to include type of electrical article not significantly different to approved type of electrical article

15. The approval of a type of prescribed electrical article (the “**existing type**”) may be changed to include another type of prescribed electrical article (the “**new model type**”) if—

- (a) the new model type is not significantly different to the existing type; and
- (b) the new model type complies with the relevant standards for the existing type.

Application to change approval to include new model type

16. The application to change the approval of the existing type of electrical article to include the new model type must—

- (a) be made in the approved form; and
- (b) be accompanied by—
 - (i) if required by the regulator—a test report issued by an approved testing entity stating that an electrical article of the new model type has been tested and examined in the last 3 years in accordance with the relevant standards for the type of article and stating the results of the test and examination; and

- (ii) information required by the regulator to decide if the new model type complies with the relevant standards for the existing type; and
- (iii) the prescribed fee; and
- (iv) if required by the regulator—a sample of the new model type.

Changing approval of type of electrical article to include new model type

17.(1) The regulator may change the approval of the existing type of electrical article if the new model type substantially complies with the requirements of the relevant standards for the existing type.

(2) The regulator must approve the change by issuing to the registered declarant a certificate (the “**attachment certificate**”) to be attached to the original certificate of approval for the existing type.

(3) On approval of the change, the new model type is included in the existing type’s approval.

Refusal to change approval

18. If the regulator does not change the approval of the existing type of electrical article, the regulator must refuse to change the approval.

Division 5—Transfer and cancellation of approvals

Transfer of approval of type of prescribed electrical article

19.(1) If the registered declarant for an approved type of prescribed electrical article proposes to transfer the approval to someone else (the “**proposed transferee**”), the proposed transferee may apply to the regulator for approval of the transfer.

- (2)** The regulator must approve the transfer if the application—
 - (a) is made in the approved form; and
 - (b) is accompanied by—

- (i) the relevant certificate of approval; and
- (ii) the prescribed fee; and
- (iii) the registered declarant's written agreement to the transfer.

(3) The regulator may approve the transfer even if subsection (2)(b)(i) or (iii) is not complied with if the regulator is satisfied that the registered declarant agrees to the transfer.

(4) If the regulator does not approve the transfer, the regulator must refuse to approve the transfer.

(6) If the regulator approves the transfer, the regulator must—

- (a) issue to the proposed transferee a new certificate of approval for the type of electrical article; and
- (b) cancel the old certificate of approval.

(7) On approval of a transfer, the proposed transferee becomes the registered declarant for the approved type of electrical article.

Cancellation of approval of approved type of electrical article

20.(1) The regulator may cancel the approval of a type of prescribed electrical article (the “**approved type**”) if—

- (a) an electrical article of the approved type does not substantially comply with the relevant standards for the type of article; or
- (b) an electrical article of the approved type is, or is likely to be, or to become, dangerous in normal use; or
- (c) the approval was obtained by incorrect or misleading information; or
- (d) an electrical article of the approved type has been found, on examination by the regulator, to be significantly different to the type of article described in the certificate of approval or test report for the type of article; or
- (e) the registered declarant has contravened the Act in relation to the approval; or

- (f) the registered declarant fails to pay the fee (if any) for the approval; or
- (g) the registered declarant asks for the cancellation.

(2) If the regulator cancels the approval of a type of prescribed electrical article, other than at the registered declarant's request, the regulator must notify the cancellation by gazette notice stating the day of cancellation.

Procedure before cancellation

21.(1) If the regulator considers a ground exists to cancel the approval of a type of prescribed electrical article, other than at the registered declarant's request, the regulator must, before taking the action, give the registered declarant written notice—

- (a) stating the regulator is considering cancelling the approval; and
- (b) stating the grounds for the proposed cancellation; and
- (c) outlining the facts and circumstances forming the basis for the grounds; and
- (d) inviting the registered declarant to show, within a stated time of at least 28 days, why the approval should not be cancelled.

(2) If, after considering all written representations made by the registered declarant within the stated time, the regulator still considers a ground exists to cancel the approval, the regulator may cancel the approval.

Registered declarant to return certificate of approval

22. Within 14 days of being given notice of cancellation of approval of a type of prescribed electrical article, the registered declarant must give the regulator the certificate of approval for the type of article unless the registered declarant has a reasonable excuse.

Maximum penalty—8 penalty units.

Division 6—Marking of approved electrical articles**Marking of approved electrical articles**

23. An approved electrical article is marked as required under this division if it is marked with its approval number or another mark approved by the regulator.

Approval by the regulator not to mark approved electrical article

24.(1) This section applies if the regulator is of the opinion that an approved electrical article is too small to be marked in accordance with section 23 or, for another reason, should not be marked.

(2) The regulator may, by written notice given to a registered declarant for a type of electrical article, exempt the registered declarant from complying with section 23 if each container for each approved electrical article—

- (a) is marked with the particulars mentioned in that section; and
- (b) states the nature of the electrical article.

Division 7—Regulator may require testing of approved electrical article**Regulator may require approved electrical article be submitted for testing etc.**

25. The regulator may arrange for an approved electrical article to be tested and examined for compliance with relevant standards for the type of prescribed electrical article.

Procedures for obtaining approved electrical article to be tested etc.

26. If the regulator decides to have an approved electrical article of a particular type (the “**approved type**”) tested and examined, the regulator may—

- (a) by written notice, require the registered declarant to give the regulator electrical articles of the approved type for testing and examining within a stated reasonable time; or
- (b) buy, for testing and examining, electrical articles of the approved type at any place where they are offered for sale; or
- (c) by written notice, require an authorised person to select, for testing and examining, electrical articles of the approved type from a place where the registered declarant has them stored and give them to the regulator within a stated reasonable time.

Identification of approved electrical article to be tested

27. Before an electrical article obtained by the regulator for testing and examining is given to an approved testing entity, the regulator must give the registered declarant an opportunity to place an identifying mark on the article and must advise the entity of the mark.

Costs of testing etc.

28.(1) If an electrical article tested and examined under this division is found to substantially comply with the relevant standards, the regulator must bear the costs of the testing and examination and compensate the registered declarant for any damage done to the article.

(2) An amount the registered declarant is entitled to be compensated under subsection (1) may be recovered from the regulator as a debt owing by the State to the registered declarant.

(3) If an electrical article tested and examined under this division is found not to substantially comply with the relevant standards, the registered declarant must reimburse the regulator for all costs incurred in obtaining and having the electrical article tested and examined and is not entitled to compensation for damage necessarily caused to the electrical article to enable the article to be properly tested and examined.

(4) An amount the regulator is entitled to be reimbursed under subsection (3) may be recovered by the regulator as a debt owing to the State.

No liability for damage necessarily caused during testing

29. The registered declarant is not entitled to claim for damage necessarily caused to an electrical article to enable the article to be properly tested for this part.

Return of articles given to the regulator

30.(1) This section applies if, at the regulator's request, a person gives the regulator free of charge an electrical article for testing or with an application under this part.

(2) The regulator must notify the person the electrical article is available for collection by the person at a stated place as soon as practicable after—

(a) for an article provided for testing—

(i) if the regulator believes, on reasonable grounds, that the article is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or

(ii) if subparagraph (i) does not apply—the testing; or

(b) if the article is given with an application—the regulator decides the application.

(3) Despite subsection (2)(a)(i), the regulator must notify the person immediately after the earlier of the following—

(a) the regulator decides the electrical article is not required as evidence;

(b) a prosecution for an offence involving the type of electrical article is not started within 6 months from when the notice would have been given if subsection (2)(a)(i) had not applied.

(4) If, at the end of 6 months after the giving of notice, the electrical article has not been collected, the regulator may dispose of the article as the regulator considers appropriate and the person is not entitled to claim for the article or any loss or damage to it.

(5) Subsection (2) does not apply if the electrical article was necessarily destroyed by the testing.

PART 2—NONPRESCRIBED ELECTRICAL ARTICLES

Regulator may implement program for certification

31.(1) The regulator may implement a program for the issue of, including charging of fees for, certificates for nonprescribed electrical articles of their suitability for connection to electricity supply mains.

(2) A program under subsection (1) cannot require a person to take part in the program.

Sale of noncomplying nonprescribed electrical articles prohibited

31A. A person must not sell a nonprescribed electrical equipment to which the safety criteria in AS/NZS 3820 *Essential safety requirements for low voltage electrical equipment* apply unless the equipment complies with the safety criteria.

Maximum penalty—20 penalty units.

PART 3—PROHIBITION OF HIRE OR SALE OF CERTAIN ELECTRICAL ARTICLES

Regulator may prohibit hire, sale or use of electrical articles on safety grounds

32.(1) The regulator may prohibit, by gazette notice, the hire, sale or use of an electrical article if the regulator believes, on reasonable grounds that the electrical article does not comply with the safety criteria in AS/NZS 3820.

(2) A person must not contravene the prohibition, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) A prohibition remains in force for the time stated in the prohibition or, if no time is stated, without limit of time.

Absence of notice of under s 108A not a defence

33. The fact that a notice that must be given under section 108A¹ to a likely or known hirer or supplier of an electrical article, for which a prohibition is in force under section 32(1), has not been received is not a defence in a proceeding against a person who has hired or sold an electrical article in contravention of section 32(2).

PART 4—SECOND-HAND ELECTRICAL ARTICLES

Prohibition on sale of second-hand electrical articles

34.(1) A person must not sell a second-hand electrical article unless it has a label, complying with this part, securely attached to it.

Maximum penalty—20 penalty units.

(2) A person must not sell a second-hand electrical article that is a prescribed electrical article unless it complies with section 9(a) and (b).²

Maximum penalty—20 penalty units.

(3) Subsections (1) and (2) apply only if the person is involved in the business of selling electrical articles.

Labelling of second-hand electrical articles offered for sale

35.(1) A second-hand electrical article offered for sale must be labelled with a label stating that the electrical article has not been proved to be electrically safe.

¹ Section 108A (Notification of decisions and appeal rights)

² Section 9 (Hire or sale of prescribed articles)

(2) However, if the electrical article has been tested by an electrical worker who is qualified to perform electrical work (a “**qualified electrical worker**”) and has been found to be electrically safe, the article may be labelled with a label complying with subsection (3).

(3) The label mentioned in subsection (2) must certify the electrical article has been tested by a qualified electrical worker and has been found to be electrically safe.

(4) A label must be in the approved form.

(5) Subsection (1) does not apply to the sale of a second-hand electrical article to a person as part of the business of the person of dealing in, repairing or reconditioning electrical articles.

Tests to work out if an electrical article is electrically safe

36.(1) An electrical worker who performs tests on an electrical article to work out if it is electrically safe must perform the tests in accordance with the testing procedures for the article published by, and available from, the regulator.

(2) Until a particular procedure is published by the regulator, the testing procedure for the article is the latest procedure published by the Queensland Electricity Commission before the commencement.

Maximum penalty—8 penalty units.

Incorrect label not to be attached

37.(1) A person must not attach to a second-hand electrical article a label containing a statement about the electrical safety of the article that the person knows is false, misleading or incomplete in a material particular.

Maximum penalty—20 penalty units.

(2) It is enough for a complaint for an offence against subsection (1) to state the label was false, misleading or incomplete to the person’s knowledge.

CHAPTER 3—PRESCRIBED ELECTRICAL EQUIPMENT

PART 1—PRELIMINARY

Corresponding laws

38. In this chapter each of the following laws is a “**corresponding law**”—

- *Electrical Products Act 1988* (SA)
- *Electricity Act 1945* (NSW)
- *Energy Administration Act 1987* (NSW)
- *State Electricity Regulator Act 1958* (Vic).

PART 2—MINIMUM ENERGY EFFICIENCY AND PERFORMANCE

Division 1—Definitions

What is “prescribed electrical equipment”

39. Each item of electrical equipment listed in schedule 3—

- (a) is “**prescribed electrical equipment**”; and
- (b) has the meaning given the item by the relevant standard.

What is “relevant standard” for prescribed electrical equipment

40. The “**relevant standard**” for an item of prescribed electrical equipment is the standard stated in schedule 3 for the item.

Division 2—Registration**Application for registration**

41. An application for registration of an item of prescribed electrical equipment must—

- (a) be made in the form set out in part 2 of the relevant standard; and
- (b) be accompanied by the following—
 - (i) the prescribed fee;
 - (ii) the test results and calculations mentioned in part 2 of the relevant standard;
 - (iii) the other test results mentioned in part 2, in the form set out in part 2 of the relevant standard;
 - (iv) if the item is mentioned in schedule 3, part 1—a sample of a label for the item;
 - (v) if required by the regulator—a sample of the equipment;
 - (vi) any other relevant information the regulator requires to decide the application.

(2) The application may specify a range of models of the 1 brand in the same application if each of the models has the same relevant physical characteristics, energy efficiency and performance characteristics.

(3) If a person other than the applicant signs the application, the application must be accompanied by the applicant's written authority for the person to sign the application.

(4) The regulator may waive the requirement under subsection (1)(b)(ii) and (iii).

Requirements for registration

42. The regulator may register an item of prescribed electrical equipment only if the regulator considers—

- (a) the item complies with section 43; and

- (b) if the equipment is mentioned in schedule 3, part 1—the equipment’s label conforms with section 55.³

Minimum energy efficiency, and performance criteria

43.(1) This section sets out the requirements that an item of prescribed electrical equipment must comply with for section 42(a).

(2) An item of prescribed electrical equipment mentioned in schedule 3, part 1 must, if tested in accordance with part 1 of the relevant standard, comply with the performance criteria for the item in part 2 of the relevant standard.

(3) An item of prescribed electrical equipment mentioned in schedule 3, part 2 must comply with the energy efficiency requirements for the item in the relevant standard.

Notice of registration

44. Within 28 days after registering an item of prescribed electrical equipment, the regulator must give written notice of the registration, and the date of registration, to the applicant.

Term of registration

45. Registration of an item of prescribed electrical equipment is for 5 years unless it is cancelled earlier.

Change of name or address

46.(1) The holder of a registration of an item of prescribed electrical equipment whose name or address changes must give written notice of the change to the regulator within 14 days of the change.

Maximum penalty—8 penalty units.

³ Section 55 (Efficiency label)

(2) The regulator must enter details of the new name or address in the register.

Changing registered efficiency label identifying domestic appliance

47.(1) The holder of a registered efficiency label may apply to the regulator for approval of a change to the label to reflect a change in the way a domestic appliance of the type to which the label relates is identified.

(2) The regulator may approve the change if the application—

- (a) is made in the approved form; and
- (b) is accompanied by—
 - (i) the prescribed fee; and
 - (ii) a sample of the changed efficiency label.

Refusal to change registered efficiency label

48. If the regulator does not approve a change to a registered efficiency label for which application is made, the regulator must refuse to approve the change.

Notice of change to efficiency label

49. Within 28 days of approving a change to a registered efficiency label, the regulator must give written notice of the change to the holder of the label.

Division 2—Transfer and cancellation of registration

Transfer of registration

50.(1) If the holder of a registration of an item of prescribed electrical equipment proposes to transfer registration to someone else (the “**proposed transferee**”), the proposed transferee may apply to the regulator for approval of the transfer.

(2) The regulator must approve the transfer if the application—

- (a) is made in the approved form; and
- (b) is accompanied by—
 - (i) the prescribed fee; and
 - (ii) the holder's written agreement to the transfer.

(3) However, the regulator must refuse to approve the transfer of registration if the item is an approved type of prescribed electrical article and application has not been made to transfer the approval of the type of prescribed electrical article to the proposed transferee.

(4) If the regulator does not approve the transfer, the regulator must refuse to approve the transfer.

Notice of transfer

51. Within 28 days of approving the transfer of registration of an item of prescribed electrical equipment, the regulator must give written notice of the transfer to the proposed transferee and the former holder.

Cancellation of registration

52.(1) The regulator may cancel the registration of an item of prescribed electrical equipment if—

- (a) the regulator examines or tests the item and finds that it does not comply with the relevant standard; or
- (b) the holder engages in conduct likely to mislead the public about the performance, rating, capacity or the characteristics of the item required by the relevant standard; or
- (c) the holder gave the regulator false or misleading information about the application for registration, or transfer of registration, of the item; or
- (d) the holder fails to pay the fee (if any) for the registration; or
- (e) the holder asks for the cancellation.

(2) If registration of an item (the “**primary item**”) of prescribed electrical equipment is cancelled, the regulator may also cancel the registration of any other item of prescribed electrical equipment that the regulator is satisfied—

- (a) has the same relevant physical characteristics, energy efficiency and performance characteristics as the primary item; and
- (b) was registered on the basis of the same test results as the test results for the primary item.

Procedure before cancellation

53.(1) If the regulator considers a ground exists to cancel the registration of an item of prescribed electrical equipment, other than at the holder’s request, the regulator must, before taking the action, give the holder written notice—

- (a) stating the regulator is considering cancelling the registration; and
- (b) stating the grounds for the proposed cancellation; and
- (c) outlining the facts and circumstances forming the basis for the grounds; and
- (d) inviting the holder to show, within a stated time of at least 15 business days, why the registration should not be cancelled.

(2) If, after considering all written representations made by the holder within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.

(3) Cancellation of registration takes effect on the 6th business day after the holder is given notice of cancellation.

Notice of cancellation of registration

54.(1) Immediately on receipt of a notice of cancellation of the registration of an item of prescribed electrical equipment, the holder must give written notice of the cancellation to each person to whom the holder has sold an item of the type that was registered.

(2) Subsection (1) does not require the giving of a notice to a person to whom the type of item had been sold by retail or had been sold at least a year before the notice was received.

Division 3—Efficiency label**Efficiency label**

55. An efficiency label⁴ for an item of prescribed electrical equipment listed in schedule 3, part 1 must—

- (a) comply with part 2 of the relevant standard for the item; and
- (b) be attached to the item—
 - (i) in the way shown in part 2 of the relevant standard; or
 - (ii) in another way approved by the regulator; and
- (c) not be attached in a way that it is obscured from view; and
- (d) not contain any figures, symbols or other words likely to mislead the public about—
 - (i) the item's comparative energy consumption, energy efficiency rating or performance characteristics; or
 - (ii) for a room airconditioner—its energy value.

PART 3—TESTING AND TEST REPORTS***Division 1—Preliminary*****Testing of prescribed electrical equipment**

60.(1) An item of prescribed electrical equipment mentioned in schedule 3, part 1 must be tested under this part in accordance with part 1 of the relevant standard to find out whether it complies with the performance criteria in part 2 of the relevant standard.

⁴ See part 4 (Offences) for when equipment must be labelled.

(2) An item of prescribed electrical equipment mentioned in schedule 3, part 2 must be tested under this part to find out whether it complies with the energy efficiency requirements in part 2 of the relevant standard.

(3) The testing may be done only by an entity approved by the regulator.

Test reports

61.(1) The results of the test must be recorded in a test report.

(2) The test report must be in the approved form and contain the following information about the test—

- (a) the provision of this regulation, under which the testing was conducted;
- (b) the name of the entity that conducted the test;
- (c) the date of the test;
- (d) the date of the report;
- (e) the results of the test;
- (f) other information required to be included in the report under this part.

Division 2—Check testing

Requirement by regulator to make available prescribed electrical equipment for testing

63.(1) The regulator may, by written notice given to the holder of the registration of an item of prescribed electrical equipment, require the holder to make an item of the type registered available for the testing (“**check testing**”) mentioned in section 60.

(2) The requirement must state—

- (a) the period, of at least 1 month from the giving of the requirement, within which the item must be made available; and
- (b) the place where the item is to be made available; and

- (c) an amount estimated to cover the actual, reasonable cost of the check testing and when it is to be paid to the regulator.

(3) The holder must make the item available and pay the amount as stated in the requirement.

What happens if check testing shows noncompliance

64.(1) This section applies if a check test shows that an item of prescribed electrical equipment does not comply with a performance criteria or energy efficiency requirement of the relevant standard.

(2) If the actual cost of testing the item is greater than the amount paid under section 63(3) for the check test, the difference may be recovered by the regulator from the holder as a debt owing to the State.

(3) This section does not affect section 52.⁵

What happens if check testing shows compliance

65.(1) This section applies if a check test shows that an item of prescribed electrical equipment complies with the performance criteria or energy efficiency requirements of the relevant standard.

(2) The regulator must refund to the holder the amount paid under section 63(3) for the check test.

(3) The amount may be recovered by the holder from the regulator as a debt owing by the State to the holder.

Return of equipment made available to the regulator

66.(1) This section applies if, at the regulator's request, a person makes available to the regulator free of charge an item of prescribed electrical equipment for testing or with an application under this chapter.

(2) The regulator must notify the person that the equipment is available for collection by the person at a stated place as soon as practicable after—

- (a) for an item made available for testing—

⁵ Section 52 (Cancellation of registration)

- (i) if the regulator believes, on reasonable grounds, that the item is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or
 - (ii) if subparagraph (i) does not apply—the testing; or
 - (b) if the item is made available with an application—the regulator decides the application.
- (3) Despite subsection (2)(a)(i), the regulator must notify the person immediately after the earlier of the following—
- (a) the regulator decides the equipment is not required as evidence;
 - (b) a prosecution for an offence involving the type of equipment is not started within 6 months from when the notice would have been given if subsection (2)(a)(i) had not applied.
- (4) If, at the end of 6 months after the giving of notice, the equipment has not been collected, the regulator may dispose of the item as the regulator considers appropriate and the person is not entitled to claim for the appliance or any loss or damage to it.

PART 4—OFFENCES

Part does not apply to second-hand prescribed electrical equipment

106. This part does not apply to a second-hand item of prescribed electrical equipment.

Prescribed electrical equipment in sch 3, pt 1 must be registered and labelled

107.(1) A person must not sell, offer to sell, publicly display or expose or advertise for sale, whether by wholesale or retail, an item (the “**sale item**”) of prescribed electrical equipment mentioned in schedule 3, part 1 unless—

- (a) an item of the same type of prescribed electrical equipment as the sale item is registered under section 41;⁶ and
- (b) an efficiency label is attached to the sale item and the label conforms with, and is attached in the way required by, section 55.⁷

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply if—

- (a) the sale item is registered under a corresponding law; and
- (b) an efficiency label is attached to the sale item and the label conforms with, and is attached in the way required by the corresponding law.

(3) Subsection (1)(a) does not apply if the sale item is a refrigerating appliance or storage heater manufactured in, or imported into, Australia before the commencement of this section.

(4) Subsection (3) and this subsection expire on 30 September 2000.

Prescribed electrical equipment in sch 3, pt 2 must be registered

107A. A person must not sell, offer to sell, publicly display or expose or advertise for sale, whether by wholesale or retail, an item of prescribed electrical equipment mentioned in schedule 3, part 2 unless an item of the same type of prescribed electrical equipment as the item is registered under section 41.

Maximum penalty—20 penalty units.

Refrigerating appliance must display formerly registered label

108.(1) This section applies to a refrigerating appliance—

- (a) manufactured in, or imported into, Australia before the commencement of this section; and

⁶ Section 41 (Application for registration)

⁷ Section 55 (Efficiency label)

- (b) for which an efficiency label was registered under this regulation immediately before the commencement of this section.

(2) A person must not sell, offer to sell, publicly display or expose or advertise for sale, whether by wholesale or retail, the appliance unless a label corresponding to the efficiency label is prominently displayed on the appliance.

Maximum penalty—20 penalty units.

- (3) This section expires on 30 September 2000.

CHAPTER 4—NOTIFICATION OF DECISIONS BY REGULATORS AND APPEALS

Notification of decisions and appeal rights

108A.(1) When the regulator makes a decision mentioned in schedule 9, the regulator must, within 28 days after making the decision, give to the persons mentioned in subsection (2) a written notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) the persons may appeal against the decision under section 109.

(2) The persons the regulator must give notice to under subsection (1) are as follows—

- (a) all persons who applied to the regulator to make the decision;
- (b) for decisions under sections 12 and 43—the applicant;
- (c) for decisions under sections 18 and 20—the registered declarant;
- (d) for decisions under section 19—the registered declarant and the proposed transferee;
- (e) as far as practicable, likely or known hirers or suppliers of an electrical article prohibited from sale or hire under section 32;

- (f) for decisions under section 50—the holder of the registration and the proposed transferee;
- (g) for decisions under section 52—the holder of the registration;
- (h) other persons whose interests the regulator knows are affected by the decision.

Who may make an appeal

109. A person whose interests are affected by a decision of the regulator mentioned in schedule 9 may appeal against the decision to the Magistrates Court.

Making appeals

110.(1) An appeal under this chapter must be made within 28 days after the notice of the decision is given to the person.

(2) However, if—

- (a) the notice did not state reasons for the decision; and
- (b) the person asked for a statement of reasons for the decision within the period mentioned in subsection (1);

the person may make the application within 28 days after the person is given the statement of reasons.

(3) In addition, the court may extend the period for making an appeal, even though the time for making the appeal has expired.

Starting appeals

111.(1) An appeal is started by filing written notice of appeal with the court.

(2) A copy of the notice must be served on the regulator.

(3) An appeal may be made to the Magistrates Court nearest the place where the applicant resides or carries on business.

Stay of operation of decisions

112.(1) A Magistrates Court may grant a stay of the decision to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on the conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(3) The period of a stay under this section must not extend past the time when the court decides the appeal.

(4) An appeal against a decision affects the decision, or carrying out of the decision, only if the decision is stayed.

Powers of court on appeal

113.(1) In deciding an appeal, a court—

- (a) has the same powers as the decision maker; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in court or in chambers.

(2) An appeal is by way of rehearing.

(3) The court may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the regulator with the directions the court considers appropriate.

Effect of court's decision on appeal

114. If the court substitutes another decision, the substituted decision is, for this regulation (other than this chapter), taken to be the regulator's decision.

Procedure of court

115.(1) The power to make rules of court for a Magistrates Court under the *Magistrates Courts Act 1921* includes power to make rules of court for appeals to the court under this chapter.

- (2) The procedure for appeal to a court under this part is—
- (a) in accordance with its rules of court; or
 - (b) in the absence of relevant rules, as directed by a magistrate.
- (3) The court may make any order about costs it considers just.

Appeals

116. An appeal to a District Court from a decision of a Magistrates Court may be made only on a question of law.

CHAPTER 5—GENERAL PROVISIONS

Electrical Approval and Energy Labelling Advisory Committee

117.(1) There is to be a committee called the Electrical Approval and Energy Labelling Advisory Committee (the “**committee**”).

- (2) The committee is to be constituted as decided by the regulator.
- (3) The functions of the committee are to—
- (a) investigate and report to the regulator on issues referred to it about safety of electrical articles and the energy efficiency labelling of items that are prescribed electrical equipment; and
 - (b) advise the regulator on issues about certificates for nonprescribed electrical articles of their suitability for connection to electricity supply mains; and
 - (c) recommend on issues referred to it about energy efficiency labelling of items that are prescribed electrical equipment; and

- (d) recommend on issues referred to it about the approval, hire, sale or use of electrical articles; and
- (e) recommend on issues referred to it about action the regulator may take about unsafe electrical articles.

(4) The committee is to conduct its meetings and business in the way decided by the regulator.

Register of approved electrical articles

118.(1) The regulator must keep a register of approved electrical articles.

(2) The register must contain particulars of—

- (a) certificates of approval issued under chapter 2;⁸ and
- (b) transfers or cancellations of approvals under chapter 2.

(3) The register may be kept in the form (whether or not documentary form) the regulator considers appropriate.

Register of registered prescribed electrical equipment

119.(1) The regulator must keep a register of each item of prescribed electrical equipment registered by the regulator.

(2) The regulator may enter in the register any particulars contained in an application for registration, or transfer of registration, of the item.

(3) The register may be kept in any way the regulator considers appropriate.

(4) The register may form part of a national register.

Inspection of entries in registers

120. The regulator must—

- (a) keep each register open for inspection, on payment of the prescribed fee, by members of the public during office hours on business days; and

⁸ Chapter 2 (Approval, sale and use of electrical articles)

- (b) on payment of the prescribed fee, give the person a copy of an entry in the register.

Fees

121. The fees (including annual fees) payable for this regulation are the fees set out in schedule 2.

CHAPTER 6—TRANSITIONAL PROVISIONS

Equipment for which efficiency label was formerly registered

123.(1) This section applies if—

- (a) an efficiency label for an item of prescribed electrical equipment mentioned in schedule 3, part 1 was registered under this regulation immediately before the commencement of this section; and
- (b) the equipment complies with section 43.⁹

(2) Until 30 September 2000—

- (a) the label is taken to comply with section 55(a);¹⁰ and
- (b) the equipment is taken to be registered under section 41.¹¹

Expiry

124.(1) Section 122 expires on 1 January 2000.

(2) The remaining provisions of this chapter expire on 30 September 2000.

⁹ Section 43 (Minimum energy efficiency, and performance criteria)

¹⁰ Section 55 (Efficiency label)

¹¹ Section 41 (Application for registration)

SCHEDULE 1**PRESCRIBED ELECTRICAL ARTICLES AND
RELEVANT STANDARDS**

sections 5A and 6

Prescribed electrical article	Relevant standard
1. Appliance connector	<i>AS/NZS 3109 Appliance couplers for household and similar general purposes</i>
2. Arc welding machine	<i>AS/NZS 3195 Portable machines for electric arc welding and allied processes</i>
3. Automotive type battery charger	<i>AS/NZS 3108 Particular requirements for isolating transformers and safety isolating transformers</i>
4. Bayonet lampholder	<i>AS 3117 Bayonet lampholder</i>
5. Bayonet lampholder adaptor	<i>AS 3119 Normal bayonet lampholder adaptor</i>
6. Blanket	<i>AS 3164 Electric blankets</i>
7. Bread toaster	<i>AS/NZS 3350.2.9 Particular requirements—toasters, grills, roasters and similar appliances</i>
8. Clothes dryer	<i>AS/NZS 3350.2.11 Particular requirements—tumble dryers</i>
9. Cord extension socket	<i>AS/NZS 3120 Cord extension sockets</i>
10. Cord-line switch	<i>AS 3127 Cord line switches</i>

SCHEDULE 1 (continued)

11. Decorative lighting outfit	AZ/NZS 3152 <i>Decorative lighting outfits</i>
12. Dishwashing machine	AS/NZS 3350.2.5 <i>Particular requirements—dishwashers</i>
13. Edison screw lampholder	AS 3140 <i>Edison-type screw lampholders</i>
14. Electric range	AS/NZS 3172 <i>Electric cooking appliances for household use</i>
15. Extra low voltage power supply unit	AS/NZS 3108 <i>Particular requirements for isolating transformers and safety isolating transformers</i>
16. Fan	AS/NZS 3302 <i>Particular requirements for electric fans</i>
17. Fence energiser	AS/NZS 3129 <i>Safety requirements for mains-operated electric fence energisers</i>
18. Flexible heating pad	AS/NZS 3149 <i>Flexible heating pads</i>
19. Floor polisher	AS/NZS 3350.2.10 <i>Particular requirements—floor treatment machines and wet scrubbing machines</i>
20. Fluorescent lamp ballast	AS 3134 <i>AC supplied electronic ballasts for tubular fluorescent lamps</i> or AS 3168 <i>Fluorescent lamp ballasts</i>
21. Fluorescent lamp starter	AS 3138 <i>Starters for fluorescent lamps</i>
22. Hair care appliance	AS 3304/ NZS 6323 <i>Particular requirements for skin or hair care appliances</i>

SCHEDULE 1 (continued)

23. Hedge clipper	AS/NZS 3160 <i>Hand-held portable electric tools</i>
24. Immersion heater	AS/NZS 3350.2.74 <i>Particular requirements—portable immersion heaters 3104</i> or AS/NZS 3192 <i>Electrically operated aquarium equipment</i>
25. Insect electrocutor	AS/NZS 3150 <i>Insect electrocutors</i>
26. Inspection handlamp	AS/NZS 3118 <i>Electric inspection handlamp</i>
27. Iron	AS/NZS 3350.2.3 <i>Particular requirements—electric irons</i> or AS 3312
28. Jug	AS 3106 <i>Electric jugs (with non-metallic bodies)</i>
29. Kettle or saucepan	AS/NZS 3172 <i>Electric cooking appliances for household use</i> or AS 3313. AS/NZS 6315 <i>Particular requirements for appliances for heating liquids</i>
30. Kitchen machine	AS/NZS 3350.2.14 <i>Particular requirements—kitchen machines</i>
31. Lawnmower	AS/NZS 3156 <i>Electric lawnmowers</i>
32. Microwave oven	AS/NZS 3301 <i>Particular requirements for microwave ovens</i>
33. Miniature overcurrent circuit-breaker	AS 3111 <i>Miniature overcurrent circuit-breakers</i>
34. Plug	AS/NZS 3112 <i>Plugs and socket-outlet</i>

SCHEDULE 1 (continued)

35. Portable conditioning control device	or	<i>AS/NZS 3197 Portable electrical control or conditioning devices</i>
36. Portable cooking appliance/oven		<i>AS/NZS 3172 Electric cooking appliances for household use</i>
37. Portable drill		<i>AS/NZS 3160 Hand-held portable electric tools</i>
38. Portable hotplate/griller		<i>AS/NZS 3172 Electrical cooking appliances for household use</i>
39. Portable lighting fitting		<i>AS/NZS 3128 Portable lamp standard and bracket</i>
40. Portable massage appliance		<i>AS/NZS 3350.2.32 Particular requirements—massage appliances</i>
41. Portable outlet device		<i>AS/NZS3105 Electrical portable outlet devices</i>
42. Portable residual current device		<i>AS 3190 Residual current devices (current-operated earth-leakage devices)</i>
43. Portable saw		<i>AS/NZS 3160 Hand-held portable electric tools</i>
44. Portable tool		<i>AS/NZS 3160 Hand-held portable electric tools</i>
45. Pressure storage water heater		<i>AS 3142 Electric water heaters</i>
46. Projector		<i>AS3181 Electrically operated projectors for household use</i>
47. Range hood		<i>AS/NZS 3310 Particular requirements for range hoods</i>
48. Razor or hair clipper		<i>AS3 125 Electric dry shavers and hair clippers</i>

SCHEDULE 1 (continued)

49.	Refrigerator or freezer	AS/NZS 3303	<i>Particular requirements for refrigerators and food freezers</i>
50.	Residual current device	AS 3190	<i>Residual current devices (current-operated earth-leakage devices)</i>
51.	Room heater	AS/NZS 3103	<i>Electric room heaters</i>
52.	Sewing machine	AS 3309	<i>Particular requirements for electric sewing machines</i>
53.	Socket outlet	AS/NZS 3112	<i>Plugs and socket-outlet</i>
54.	Socket outlet adaptor	AS/NZS 3122	<i>Socket-outlet adaptors</i>
55.	Soldering-iron	AS/NZS 3114	<i>Electric soldering irons</i>
56.	Supply flexible cord	AS/NZS 3191	<i>Electric flexible cords</i>
57.	Swimming pool equipment	AS/NZS 6232	<i>Electric equipment for spa-bath and swimming pools</i>
58.	Television receiver	AS/NZS 3250	<i>Mains operated electronic and related equipment for household and similar use</i>
59.	Therapeutic lamp	AS/NZS 3350.2.27	<i>Particular requirements—Appliances for skin exposure to ultraviolet and infrared radiation</i>
60.	Vacuum cleaner	AS/NZS 3350.2.2	<i>Particular requirements—vacuum cleaners and water suction cleaning appliances</i>

SCHEDULE 1 (continued)

- | | |
|----------------------------|---|
| 61. Wall switch | AS 3133 <i>Air break switches</i> |
| 62. Washing machine | AS/NZ S3350.2.7 <i>Particular requirements—washing machines</i> |
| 63. Waterbed warmer | AS 3148 <i>Electric bed-warmers</i> |

SCHEDULE 2**FEES**

section 121

PART 1—ELECTRICAL ARTICLES*Division 1—Fees*

	\$
1. Application for approval of a type of prescribed electrical article including, if applicable, the registration of the type of electrical article (section 10)—	
(a) prescribed article (fee classification 1 in division 2) .	275.00
(b) prescribed article (fee classification 2 in division 2) .	385.00
(c) prescribed article (fee classification 3 in division 2) .	550.00
2. Application to change the approval of a type of electrical article to include a new model type of electrical article (section 16)	110.00
3. Review of test report of a prescribed electrical article if testing of the new model type of electrical article has been carried out (section 16)	275.00
4. Application for transfer of approval of an approved type of electrical article (section 19)	55.00
5. Inspection of the register of approved electrical articles (section 120)	10.00
6. Copy of 1 entry in the register of approved electrical articles (section 120)	20.00

SCHEDULE 2 (continued)

*Division 2—Fee classification of electrical articles***Fee classification 1**

- appliance connector
- bayonet lampholder
- bayonet lampholder adaptor
- bread toaster
- cord extension socket
- cord-line switch
- decorative lighting outfit
- edison screw lampholder
- fluorescent lamp ballast
- fluorescent lamp starter
- immersion heater
- inspection handlamp
- iron
- jug
- plug
- portable lighting fitting
- portable outlet device
- socket outlet
- socket outlet adaptor
- therapeutic lamp
- wall switch

SCHEDULE 2 (continued)

Fee classification 2

- battery charger/saver
- extra low voltage power supply unit
- floor polisher
- hair care appliance
- hedge clipper
- kettle or saucepan
- kitchen machine
- lawnmower
- portable conditioning or control device
- portable drill
- portable hotplate/griller
- portable massage appliance
- portable saw
- portable tool
- razor or hair clipper
- room heater
- sewing machine
- soldering-iron
- vacuum cleaner
- waterbed warmer

Fee classification 3

- arc welding machine
- automotive type battery charger
- blanket

SCHEDULE 2 (continued)

- clothes dryer
- dishwashing machine
- electric range
- fan
- fence energiser
- flexible heating pad
- insect electrocutor
- microwave oven
- miniature overcurrent circuit-breaker
- portable cooking appliance/oven
- portable residual current device
- pressure storage water heater
- projector
- range hood
- refrigerator or freezer
- residual current device
- supply flexible cord
- swimming pool equipment
- television receiver
- washing machine

PART 2—PRESCRIBED ELECTRICAL EQUIPMENT

- | | | |
|----|---|--------|
| 7. | Application for registration of an item of prescribed electrical equipment (section 41) | 150.00 |
|----|---|--------|

SCHEDULE 2 (continued)

8.	Application for transfer of registration of an item of prescribed electrical equipment (section 50)	50.00
9.	Inspection of the register of registered prescribed electrical equipment (section 120)	10.00
10.	Copy of 1 entry in the register of registered prescribed electrical equipment (section 120)	20.00

SCHEDULE 3**PRESCRIBED ELECTRICAL EQUIPMENT AND
RELEVANT STANDARDS**

sections 39 and 40

**PART 1—EQUIPMENT REQUIRING REGISTRATION
AND LABELLING**

Prescribed electrical equipment	Relevant standard
1. Clothes washing machines	AS/NZ 2040 <i>Performance of household electrical appliances—clothes washing machines</i> , part 1 Energy consumption and performance and part 2 Energy labelling requirements
2. Dishwashers	AS/NZ 2007 <i>Dishwashers</i> , part 1 Energy consumption and performance and part 2 Energy labelling requirements
3. Refrigerating appliances	AS/NZ 4474 <i>Performance of household electrical appliances—refrigerating appliances</i> , part 1 Energy consumption and performance and part 2 Energy labelling and minimum performance standard requirements
4. Room airconditioners	AS/NZ 3823 <i>Performance of household electrical appliances—room airconditioners</i>

SCHEDULE 3 (continued)

- | | |
|--------------------------|---|
| | <i>appliances</i> , part 1 Non-ducted airconditioners and heat pumps—testing and rating for performance and part 2 Energy labelling requirements |
| 5. Rotary clothes dryers | AS/NZ 2442 <i>Performance of household electrical appliances—Rotary clothes dryers</i> , part 1 Energy consumption and performance and part 2 Energy labelling requirements |

PART 2—EQUIPMENT REQUIRING REGISTRATION ONLY

Prescribed electrical equipment	Relevant standard
6. Storage water heaters that are unvented and have no attached feed tank	AS 1056 <i>Storage water heaters</i> , part 1 General requirements, clause 2.4 Thermal insulation

SCHEDULE 9**APPEALS AGAINST ADMINISTRATIVE DECISIONS
TO MAGISTRATES COURT**

section 109

Section of the regulation	Description of decision
6(b)	Refusal to accept a standard, or requirements imposed for acceptance of a standard, for a type of prescribed electrical article
6(c)	Standard required for a type of prescribed electrical article
12	Refusal to approve type of prescribed electrical article
18	Refusal to change approval of approved type of prescribed electrical article
19	Refusal to approve transfer of approval of approved type of prescribed electrical article
20	Cancellation of approval of approved type of prescribed electrical article
32	Prohibition on hire, sale or use of electrical article
43	Refusal to register item of prescribed electrical equipment
50	Refusal to transfer registration of item of prescribed electrical equipment
52	Cancellation of registration of item of prescribed electrical equipment

SCHEDULE 9 (continued)

schedule 10,
de fin iti on
**“e xt ern al
a p p r o v a l s
e n t i t y”**

Refusal to approve an entity as an external approvals
entity

SCHEDULE 10**DICTIONARY**

section 4

- “AS”** means Australian Standard published by Standards Australia.
- “AS/NZS”** means a joint Standards Australia and Standards New Zealand Standard.
- “applicant”**, in chapter 3, means a person who applies for registration of an item of prescribed electrical equipment.
- “approval number”**, for an approved type of prescribed electrical article, see section 11.
- “approved”**—
- (a) for a prescribed electrical article or type of prescribed electrical article—see section 7; or
 - (b) for chapter 3—means approved by the regulator.
- “approved electrical article”**, in chapter 2, part 1, divisions 3 to 7, means an electrical article with a Queensland approval.
- “approved form”**, for a particular purpose, means a form approved by the regulator for the purpose.
- “approved testing entity”**, for a type of prescribed electrical article, means an entity approved by the regulator to test and examine electrical articles of the type.
- “attachment certificate”**, for a type of electrical article, see section 17.
- “certificate of approval”**, for an approved type of prescribed electrical article, means the certificate of approval issued for the type of article under chapter 2, part 1, division 3, and any attachment certificate issued for the certificate.
- “check testing”** an item of prescribed electrical equipment, see section 63.
- “corresponding law”**, for chapter 3, see section 38.

SCHEDULE 10 (continued)

“electrical appliance” means an appliance that uses electricity.

“existing type” of approved electrical article, see section 15.

“external approval”, for a prescribed electrical article or type of prescribed electrical article, see section 8.

“external approvals entity” means—

- (a) the entity in another State or New Zealand that has powers similar to the regulator to approve, register or certify types of prescribed electrical articles; or
- (b) another entity that is approved as an external approvals entity by the regulator by gazette notice.

“jurisdiction” of an external approvals entity includes the place where it operates.

“new model type” for an approved type of prescribed electrical article, see section 15.

“nonprescribed electrical article” means an electrical article other than a prescribed electrical article.

“prescribed electrical article” see section 5A.

“prescribed electrical equipment” see section 39.

“proposed transferee”—

- (a) of approval of a type of prescribed electrical article—see section 19; or
- (b) of an item of prescribed electrical equipment—see section 50.

“RCM” means regulatory compliance mark.

“register” means a register kept by the regulator under section 118 or 119.

“register of registered prescribed electrical appliances” see section 119.

“registered declarant”, for an approved electrical article, means the person in whose name a certificate of approval for the article is issued.

“register of approved electrical articles” see section 118.

“regulatory compliance mark” means a compliance mark for an electrical article complying with AS/NZS 4417 that is used to indicate that the article complies with this regulation.

“relevant standard”—

- (a) for a type of prescribed electrical article—see section 6; or
- (b) for an item of prescribed electrical equipment—see section 39A.

“test report”, in chapter 3, means a report prepared under part 3 for an item of prescribed electrical equipment.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 January 2000. Future amendments of the Electricity (Electrical Articles) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	27 January 1995
2	to SL No. 290 of 1995	20 December 1995
2A	to SL No. 292 of 1997	19 September 1997

5 List of legislation

Electricity (Electrical Articles) Regulation 1994 SL No. 469

made by the Governor in Council on 15 December 1994
notfd gaz 16 December 1994 pp 1792–7
commenced on commencement of Act (see AIA s 17)
exp 1 September 2005 (see SIA s 54)

as amended by—

Electricity (Electrical Articles) Amendment Regulation (No. 1) 1995 SL No. 290

notfd gaz 20 October 1995 pp 753–4
commenced on date of notification

Electricity (Electrical Articles) Amendment Regulation (No. 1) 1997 SL No. 253

notfd gaz 15 August 1997 pp 1830–31
commenced on date of notification

Electricity (Electrical Articles) Amendment Regulation (No. 2) 1997 SL No. 292

notfd gaz 5 September 1997 pp 63–4
commenced on date of notification

Electricity (Electrical Articles) Amendment Regulation (No. 1) 1999 SL No. 315

notfd gaz 10 December 1999 pp 1448–50
commenced on date of notification

6 List of annotations

Purposes

s 2 amd 1999 SL No. 315 s 3

How purposes are to be achieved

s 3 amd 1999 SL No. 315 s 4

What is a “prescribed electrical article”

s 5A ins 1999 SL No. 315 s 5

Hire or sale of prescribed electrical articles

s 9 amd 1999 SL No. 315 s 6

Refusal to approve type of prescribed electrical article

s 12 amd 1995 SL No. 290 s 2 sch

Refusal to change approval

s 18 amd 1995 SL No. 290 s 2 sch

Transfer of approval of type of prescribed electrical article

s 19 amd 1995 SL No. 290 s 2 sch

Cancellation of approval of approved type of electrical article

s 20 amd 1995 SL No. 290 s 2 sch; 1999 SL No. 315 s 7

Costs of testing etc.

s 28 amd 1995 SL No. 290 s 3

Sale of noncomplying nonprescribed electrical articles prohibited

s 31A ins 1999 SL No. 315 s 8

Regulator may prohibit hire, sale or use of electrical articles on safety grounds

prov hdg amd 1999 SL No. 315 s 9(1)

s 32 amd 1997 SL No. 292 s 3; 1999 SL No. 315 s 9(2)

Notice of prohibition to hirers and suppliers

s 33 sub 1995 SL No. 290 s 4

Prohibition on sale of second-hand electrical articles

prov hdg amd 1999 SL No. 315 s 10(1)

s 34 amd 1997 SL No. 292 s 4; 1999 SL No. 315 s 10(2)

CHAPTER 3—PRESCRIBED ELECTRICAL EQUIPMENT

ch hdg sub 1999 SL No. 315 s 11

PART 2—MINIMUM ENERGY EFFICIENCY AND PERFORMANCE

pt hdg sub 1999 SL No. 315 s 13

Division 1—Definitions

div hdg sub 1999 SL No. 315 s 13

What is “prescribed electrical equipment”

s 39 sub 1999 SL No. 315 ss 12–13

What is “relevant standard” for prescribed electrical equipment

s 40 sub 1999 SL No. 315 s 13

Division 2—Registration

div hdg ins 1999 SL No. 315 s 13

Application for registration

s 41 sub 1999 SL No. 315 s 13

Requirements for registration

s 42 sub 1999 SL No. 315 s 13

Minimum energy efficiency, and performance criteria

- prov hdg** sub 1995 SL No. 290 s 2 sch
s 43 amd 1995 SL No. 290 s 2 sch
sub 1999 SL No. 315 s 13

Notice of registration

- prov hdg** amd 1999 SL No. 315 s 14(1)
s 44 amd 1999 SL No. 315 s 14(2)

Term of registration

- s 45** amd 1999 SL No. 315 s 15

Change of name and address

- s 46** amd 1999 SL No. 315 s 16

Division 2—Transfer and cancellation of registration

- div hdg** prev div 2 hdg om 1999 SL No. 315 s 17
pres div 2 hdg (prev div 3 hdg) renum 1999 SL No. 315 s 18

Changing registered efficiency label identifying domestic appliance

- s 47** om 1999 SL No. 315 s 17

Refusal to change registered efficiency label

- prov hdg** sub 1995 SL No. 290 s 2 sch
s 48 amd 1995 SL No. 290 s 2 sch
om 1999 SL No. 315 s 17

Notice of change to efficiency label

- s 49** om 1999 SL No. 315 s 17

Transfer of registration

- prov hdg** amd 1999 SL No. 315 s 19(1)
s 50 amd 1995 SL No. 290 s 2 sch; 1999 SL No. 315 s 19(2)–(3)

Notice of transfer

- prov hdg** amd 1999 SL No. 315 s 20(1)
s 51 amd 1999 SL No. 315 s 20(2)

Cancellation of registration

- s 52** amd 1995 SL No. 290 s 2 sch
sub 1999 SL No. 315 s 21

Procedure before cancellation

- s 53** amd 1999 SL No. 315 s 22

Notice of cancellation of registration

- prov hdg** amd 1999 SL No. 315 s 23(1)
s 54 amd 1999 SL No. 315 s 23(2)–(4)

Division 3—Efficiency label

- div hdg** prev div 3 hdg renum as div 2 hdg 1999 SL No. 315 s 18
pres div 3 hdg ins 1999 SL No. 315 s 24

Division 4—The label

- div hdg** om 1999 SL No 315 s 24

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s 55 sub 1999 SL No. 315 s 24

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s 56 om 1999 SL No. 315 s 24

Efficiency label for refrigerative airconditioners

s 57 om 1999 SL No. 315 s 24

Division 5—Placement of efficiency label

div hdg om 1999 SL No. 315 s 24

Placement of efficiency label

s 58 om 1999 SL No. 315 s 24

Division 6—Star rating

div hdg om 1999 SL No. 315 s 24

Star rating

s 59 om 1999 SL No. 315 s 24

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s 60 sub 1999 SL No. 315 s 25

Test reports

s 61 amd 1999 SL No. 315 s 26

Chapter and specification to be read together for test

s 62 om 1999 SL No. 315 s 27

Requirement by regulator to make available prescribed electrical equipment for testing

prov hdg amd 1999 SL No. 315 s 28(1)

s 63 amd 1999 SL No. 315 s 28(2)–(3)

What happens if check testing shows noncompliance

prov hdg amd 1999 SL No. 315 s 29(1)

s 64 amd 1999 SL No. 315 s 29(2)–(3)

What happens if check test shows compliance

prov hdg amd 1999 SL No. 315 s 30(1)

s 65 amd 1999 SL No. 315 s 30(2)

Return of equipment made available to the regulator

prov hdg amd 1999 SL No. 315 s 31(1)

s 66 amd 1999 SL No. 315 s 31(2)–(4)

Division 3—Dishwashers

div 3 (ss 67–75) om 1999 SL No. 315 s 32

Division 4—Refrigerators, refrigerator-freezers and freezers

div 4 (ss 76–82) om 1999 SL No. 315 s 32

Division 5—Refrigerative airconditioners

div 5 (ss 83–91) om 1999 SL No. 315 s 32

Division 6—Clothes washing machines**div 6 (ss 92–98)** om 1999 SL No. 315 s 32**Division 7—Rotary clothes dryers****div 7 (ss 99–105)** om 1999 SL No. 315 s 32**PART 4—OFFENCES****pt hdg** sub 1999 SL No. 315 s 33**Part does not apply to second-hand prescribed electrical equipment****s 106** sub 1999 SL No. 315 s 33**Prescribed electrical equipment in sch 3, pt 1 must be registered and labelled****s 107** sub 1999 SL No. 315 s 33(3)–(4) exp 30 September 2000 (see s 107(4))**Prescribed electrical equipment in sch 3, pt 2 must be registered****s 107A** ins 1999 SL No. 315 s 33**Refrigerating appliance must display formerly registered label****s 108** sub 1999 SL No. 315 s 33exp 30 September 2000 (see s 108(3))**CHAPTER 4—NOTIFICATION OF DECISIONS BY REGULATORS AND APPEALS****ch hdg** sub 1995 SL No. 290 s 2 sch**Notification of decisions and appeal rights****s 108A** ins 1995 SL No. 290 s 5

amd 1999 SL No. 315 s 34

Electrical Approval and Energy Labelling Advisory Committee**s 117** amd 1999 SL No. 315 s 35**Register of registered prescribed electrical equipment****s 119** sub 1999 SL No. 315 s 36**CHAPTER 6—TRANSITIONAL PROVISIONS****ch hdg** exp 30 September 2002 (see s 124(2))**Existing registered prescribed electrical articles are approved electrical articles****s 122** exp 1 January 2000 (see s 124(1))**Equipment for which efficiency label was formerly registered****s 123** sub 1999 SL No. 315 s 37exp 30 September 2000 (see 124(2))**Expiry****s 124** sub 1999 SL No. 315 s 37exp 30 September 2000 (see 124(2))**SCHEDULE 1—PRESCRIBED ELECTRICAL ARTICLES AND RELEVANT STANDARDS**

amd 1997 SL No. 253 s 3

sub 1999 SL No. 315 s 38

SCHEDULE 2—FEES

amd 1997 SL No. 253 s 4; 1997 SL No. 292 s 5; 1999 SL No. 315 s 39

SCHEDULE 3—PRESCRIBED ELECTRICAL EQUIPMENT AND RELEVANT STANDARDS

sub 1999 SL No. 315 s 40

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om 1999 SL No. 315 s 40

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SCHEDULE 7—CLOTHES WASHING MACHINES

om 1999 SL No. 315 s 40

SCHEDULE 8—ROTARY CLOTHES DRYERS

om 1999 SL No. 315 s 40

SCHEDULE 9—APPEALS AGAINST ADMINISTRATIVE DECISIONS TO MAGISTRATES COURT

amd 1999 SL No. 315 s 41

SCHEDULE 10—DICTIONARY

def “**applicant**” amd 1999 SL No. 315 s 42(3)

def “**AS**” ins 1999 SL No. 315 s 42(2)

def “**AS/NZS**” ins 1999 SL No. 315 s 42(2)

def “**check testing**” amd 1999 SL No. 315 s 42(4)

def “**domestic appliance**” om 1999 SL No. 315 s 42(1)

def “**electrical appliance**” ins 1999 SL No. 315 s 42(2)

def “**electrical refrigerating unit**” om 1999 SL No. 315 s 42(1)

def “**freezer**” om 1999 SL No. 315 s 42(1)

def “**output capacity**” om 1999 SL No. 315 s 42(1)

def “**prescribed electrical article**” sub 1999 SL No. 315 s 42(1)–(2)

def “**prescribed electrical equipment**” ins 1999 SL No. 315 s 42(2)

def “**program**” om 1999 SL No. 315 s 42(1)

def “**proposed transferee**” amd 1999 SL No. 315 s 42(5)

def “**RCM**” ins 1999 SL No. 315 s 42(2)

def “**recommended**” om 1999 SL No. 315 s 42(1)

def “**refrigerating appliance**” om 1999 SL No. 315 s 42(1)

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def “**register of registered prescribed electrical appliances**” ins 1999 SL No. 315 s 42(2)

def “**regulatory compliance mark**” ins 1999 SL No. 315 s 42(2)

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def “**specification**” om 1999 SL No. 315 s 42(1)

def “**star rating**” om 1999 SL No. 315 s 42(1)

- def **“supplementary water supply connection mode”** om 1999 SL No. 315 s 42(1)
def **“test load”** om 1999 SL No. 315 s 42(1)
def **“test report”** amd 1999 SL No. 315 s 42(6)
def **“water supply connection mode”** om 1999 SL No. 315 s 42(1)