

1991—No. 301

ELECTRICITY ACT 1945—REGULATION

(Relating to fees, certificates of suitability for electrical articles and law revision)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER
Minister for Energy.

Commencement

1. This Regulation commences on 1 August 1991.

Amendments

2. The Electrical Articles Regulation 1985 is amended:
 - (a) by omitting the word “Director” wherever occurring and by inserting instead the word “Director-General”;
 - (b) by omitting the definition of “category” in clause 3 (1) and by inserting instead the following definition:

“category” means:

 - (a) in relation to an electrical article to which Part 4C of the Act applies, the category under which an electrical article of the class to which the electrical article belongs is listed in Schedule 1; and
 - (b) in relation to any other electrical article, the category under which an electrical article of the same type is listed in Schedule 5;

- (c) by omitting from clauses 4, 26, 27 and 31 and Forms 5, 6 and 7 and Schedule 4 the words “Department of Energy” wherever occurring and by inserting instead the words “Department of Minerals and Energy”;
- (d) by omitting from clause 20 the words “Secretary of the Department of Energy” and by inserting instead the words “Director-General”;
- (e) by omitting clause 23 (3) (b) (i);
- (f) by inserting in clause 40 (1) before the word “, for” the words “accompanied by the prescribed fee for that category of electrical article”;
- (g) by inserting after clause 43 the following clauses:

Replacement of certificate of suitability

43A. If a certificate of suitability is lost, stolen, destroyed, mutilated or defaced, a duplicate certificate of suitability may be issued by the Director-General:

- (a) on proof to the Director-General’s satisfaction of the theft, loss or destruction of the certificate; or
- (b) on surrender of the mutilated or defaced certificate, and on payment of the prescribed fee.

Transfer of certificate of suitability

43B. (1) A person to whom it is proposed to transfer a certificate of suitability must apply to the Director-General for the transfer of the certificate.

(2) An application for the transfer of a certificate of suitability must:

- (a) be made in a form approved by the Director-General; and
- (b) be accompanied by the prescribed fee; and
- (c) be endorsed by the holder of the certificate of suitability by signifying consent to the transfer; and
- (d) be accompanied by the certificate of suitability to which it relates.

(3) The Director-General may, if the Director-General approves an application for transfer of a certificate of suitability, allocate the certificate a new number and issue a new certificate.

(4) The Director-General after approving an application for transfer is:

- (a) to cancel the former certificate of suitability; and
- (b) to amend the entry in the Register relating to the certificate to show the particulars of the new holders; and

1991—No. 301

- (c) to forward particulars of the transfer to the relevant authorities for the other States and Territories.
- (5) Without limiting the grounds on which the Director-General may refuse an application for transfer, the Director-General may refuse an application for transfer if the applicant:
- (a) has committed an offence against the Act or this Regulation within the period of 5 years immediately preceding the date of the application; or
 - (b) fails to comply with any of the requirements of this Regulation made with respect to the application.
- (h) by inserting after clause 45 (5) the following subclause:
- (6) An application pursuant to subclause (1) must be accompanied by the prescribed fee.
- (i) by omitting Schedule 2 and by inserting instead the following Schedule:

SCHEDULE 2—PRESCRIBED FEES

(Cl. 3 (1))

Certificates of approval

(a) Preliminary application (clause 11):	
(i) Category 1—Electrical Articles	38
(ii) Category 2—Electrical Articles	65
(iii) Category 3—Electrical Articles	88
(b) Application for approval (other than for modified articles) (clause 12(1)):	
(i) Category 1—Electrical Articles	208
(ii) Category 2—Electrical Articles	400
(iii) Category 3—Electrical Articles	600
(c) Application for renewal of approval (clause 13)	100
(d) Issue of duplicate certificate of approval (clause 21)	35
(e) Application for transfer of certificate of approval (clause 22 (2))	75
(f) Application for approval of modified article (clause 23 (2))	100
(g) Inspection of register (clause 27)	20
(h) Issue of certified copies of entries in the Register applicable to any one person or registration of any one type of electrical article (clause 27)	20

Certificates of suitability

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| (a) Application for certificate of suitability (clause 40 (1)): | |
| (i) Category 1—Electrical Articles | 200 |
| (ii) Category 2—Electrical Articles | 400 |
| (b) Issue of duplicate certificate of suitability (clause 43A) | 35 |
| (c) Application for transfer of certificate of suitability (clause 43B) | 75 |
| (d) Application for endorsement revariation (clause 45 (6)) | 100 |
- (j) by omitting from Schedule 4 the words “DEPARTMENT OF ENERGY” and by inserting instead the words “DEPARTMENT OF MINERALS AND ENERGY”;
- (k) by inserting after Schedule 4 the following Schedule:

**SCHEDULE 5—CATEGORIES OF NON-DECLARED
ELECTRICAL ARTICLES**

(Cl. 3 (1))

Category 1

Electrical components or accessories, being any apparatus, fixture, device, material or the like, used or intended for use as part of, or in connection with, an electrical installation, but not including:

- (a) appliances in which electricity is converted into heat, motion, light or any other form of energy; or
- (b) luminaires; or
- (c) any electrical article covered by Schedule 1.

Luminaires, being complete lighting assemblies (excluding any covered by Schedule 1) intended to distribute, filter or transform the light from one or more lamps together with such components as ancillary and auxiliary equipment, shades, diffusers, reflectors and accessories, including the means of connection to supply circuit wiring, internal or interconnected wiring, and any associated housings.

Category 2

All electrical articles other than those covered by Category 1.

EXPLANATORY NOTE

The object of this Regulation is to amend the Electrical Articles Regulation 1985:

- (a) to increase fees under that Regulation and to introduce new fees relating to certificates of suitability which are issued when electrical articles are tested and found to comply with specified standards; and
 - (b) to provide for the issue of duplicate certificates of suitability and the transfer of such certificates; and
 - (c) to change out of date references.
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