



ELECTRICAL PRODUCTS (ADMINISTRATION) AMENDMENT ACT 1994

No. 71 of 1994

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ELIZABETHAE II REGINAE

A.D. 1994

No. 71 of 1994

An Act to amend the Electrical Products Act 1988.

[Assented to 24 November 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Electrical Products (Administration) Amendment Act 1994*.

(2) The *Electrical Products Act 1988* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 4—Interpretation

3. Section 4 of the principal Act is amended—

(a) by striking out from the definition of "authorised person" in subsection (1) "Trust" and substituting "Minister";

(b) by striking out the definition of "the Trust" from subsection (1).

Amendment of s. 5—Labelling of electrical products

4. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1)(a) "Trust" and substituting "Minister";

(b) by striking out from subsection (2)(a) "Trust" and substituting "Minister";

(c) by striking out from subsection (5) "Trust" and substituting "Minister".

Amendment of s. 6—Prohibition of sale or use of unsafe electrical products

5. Section 6 of the principal Act is amended—

(a) by striking out from subsection (1) "Trust's" and "Trust" and substituting, respectively, "Minister's" and "Minister";

- (b) by striking out from subsection (2) "Trust's" and "Trust" and substituting, respectively, "Minister's" and "Minister";
- (c) by striking out from subsection (8) "Trust" (wherever occurring) and substituting, in each case, "Minister".

Insertion of ss. 6A and 6B

6. The following sections are inserted after section 6 of the principal Act:

Ministerial arrangements in relation to testing and labelling electrical products

6A. (1) The Minister may make an arrangement with a person conferring on the person a specified role in relation to testing, and authorising the labelling of, electrical products for the purposes of section 5(1) or (2), if the Minister is satisfied—

- (a) that the person, or its agents or contractors, can provide a satisfactory and efficient service; and
- (b) that the testing will be carried out by suitably qualified persons using appropriate equipment.

(2) The arrangement—

- (a) must be in writing and executed by the Minister and the person; and
- (b) may contain a delegation by the Minister of a function or power under this Act; and
- (c) may require that the Minister be indemnified for any liability arising from an act or omission of the person under a delegation; and
- (d) may provide for the termination of the arrangement by the person; and
- (e) may provide for the variation of the arrangement by the Minister and the person; and
- (f) may provide for a procedure for complaints against the person to be referred to, and determined by, the Minister.

(3) The Minister may terminate the arrangement at any time.

(4) A delegation by the Minister for the purposes of the arrangement—

- (a) may be subject to conditions specified in the arrangement; and
- (b) may be varied or revoked by the Minister in accordance with the terms of the arrangement; and
- (c) does not prevent the Minister from acting in any matter.

(5) The Minister must, within six sitting days after execution of an arrangement, cause a copy of the arrangement to be laid before both Houses of Parliament.

Evidence

6B. In any proceedings, a certificate executed by the Minister certifying as to a matter relating to—

- (a) an arrangement under this Act; or
- (b) a delegation under this Act; or
- (c) the appointment of an authorised person under this Act; or
- (d) a notice given or published under this Act,

constitutes proof, in the absence of proof to the contrary, of the matters so certified.

Amendment of s. 8—Regulations

7. Section 8 of the principal Act is amended by striking out paragraph (c) of subsection (2) and substituting the following paragraph:

- (c) fix, or provide for the Minister to fix, administration or application fees and provide for the waiver or refund of such fees;

Transitional provision

8. An authority or notice given or published by the Electricity Trust of South Australia and in force under the principal Act immediately before the commencement of this Act continues in force as an authority or notice given or published by the Minister under the principal Act as amended by this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor