

Electricity (Safety) Regulations—Recognition of Australian Legislation in Respect of Approval of Declared Articles Notice 2022

Pursuant to Regulation 86 of the Electricity (Safety) Regulations 2010 (“Regulations”), I, Mark Stephen Wogan, Manager Energy Safety, acting under the delegated authority of the Chief Executive, WorkSafe New Zealand, give the following notice:

Notice

1. Short Title and Commencement

1. This notice is the Electricity (Safety) Regulations — Recognition of Australian Legislation in Respect of Approval of Declared Articles Notice 2022.
2. This notice takes effect on the seventh day following the date of notification of this notice in the *New Zealand Gazette*.

2. Notice

Pursuant to Regulation 86(2) of the Regulations, WorkSafe recognises the approvals regime established by the New South Wales Gas and Electricity (Consumer Safety) Act 2017 as being a regime of compliance for the purposes of Regulation 86(1) of the Regulations and accordingly any declared high-risk article that is of a model approved under that regime is deemed to be approved by WorkSafe, subject to the conditions below.

3. Defined Terms

In this notice, **certificate** means a certificate of approval issued by the Commissioner for Fair Trading, Department of Finance, Services and Innovation under the New South Wales Gas and Electricity (Consumer Safety) Act 2017.

4. Conditions

The deemed approval of a declared high risk article referred to in clause 2 of this notice (a ‘declared high risk article’) is subject to the following conditions, and the conditions set out in clause 5 of this notice:

1. each declared high risk article must have a certificate; and
2. the supporting test report or reports used for that approval must verify compliance with the specific New Zealand requirements in the relevant joint standard or standards applicable in New South Wales for the declared high risk article; and
3. the supporting test report or reports used for the approval must confirm that the declared high risk article has been evaluated for compliance at—
 - a. a nominal supply voltage of, or across a range that includes, 230 volts or 400 volts (or both) or
 - b. a voltage above 230 volts, if the article is an electrical accessory or cable; and
4. if the declared high risk article is a single-phase appliance, it must be marked with 230 volts or a range including 230 volts; and
5. if the declared high risk article is a fitting intended to have, or supplied as having, a safety function, it must be marked with—
 - a. 230 volts or 400 volts (or both); or
 - b. a range including 230 volts or 400 volts (or both); and
6. the approved declared electrical article must be marked with—
 - a. the approval number referenced in the certificate (e.g. NSWxxxxx); and
 - b. the unique model number referenced in the certificate; and
7. the certificate must—
 - a. be supported by one or more test reports, none of which are more than 5 years old at the time of approval; and
 - b. not apply to a group or range of products unless the certification is based on an evaluation that verifies all aspects of compliance for each individual product of the group or range of products; and
8. if issued in respect of a residual current device (RCD), the certificate and any supporting test report or reports must—
 - a. identify the type of RCD; and
 - b. confirm compliance with the limits specified in AS/NZS 3190; and

c. in the case of a portable RCD, identify if the RCD is a Type FS.

5. Supply of Documentation

Any person who relies on a certificate for the purposes of Regulation 84(2)(b) of the Regulations must provide WorkSafe with a copy of the certificate and all related compliance documentation within 10 days of a request being made by WorkSafe for that information.

6. Variation or Withdrawal

Under Regulation 86(4)(a) of the Regulations, WorkSafe may at any time vary or withdraw the deemed approval of a declared high risk article that is of a model approved under the approvals regime established by the New South Wales Gas and Electricity (Consumer Safety) Act 2017, by way of notice in the *New Zealand Gazette*.

7. Existing Deemed Approvals Remain in Place

For the avoidance of doubt, the deemed approval of a declared high risk article that is certified or approved under a regime recognised by WorkSafe in one of the following notices remains in place until such time as it is varied or withdrawn under Regulation 86(4)(a) of the Regulations, or WorkSafe revokes the notice:

- *Notice of Australian Certification Regimes Recognised Under Regulation 101 (10) of the Electricity Regulations 1997, in Respect of Approval of Declared Articles* (published in the [New Zealand Gazette, 19 December 2001, No. 173, page 4219](#)); and
- *Notice of Australian Legislation Recognised Under Regulation 101 (10) of the Electricity Regulations 1997, in Respect of Approval of Declared Articles* (published in the [New Zealand Gazette, 19 December 2001, No. 173, page 4219](#)).

Signed at Wellington this 28th day of July 2022.

MARK STEPHEN WOGAN, Manager, Energy Safety, WorkSafe New Zealand.