



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 34 of 1967

An Act to amend the Electrical Articles and Materials Act, 1940.

[Assented to 14th September, 1967]

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

1. (1) This Act may be cited as the "Electrical Articles and Materials Act Amendment Act, 1967". Short titles.

(2) The Electrical Articles and Materials Act, 1940, as amended by this Act, may be cited as the "Electrical Articles and Materials Act, 1940-1967".

(3) The Electrical Articles and Materials Act, 1940, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsection (1) of section 2 of the principal Act is amended— Amendment of principal Act, s. 2—
Interpretation.

(a) by striking out the definition of "committee" therein ;

and

(b) by inserting after the definition of "proclaimed class" therein the following definitions :—

"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 :

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

Amendment of principal Act, s. 3—

Marks for use under this Act.

4. Section 3 of the principal Act is amended by striking out the word "committee" therein and inserting in lieu thereof the passage "Trust or a recognized authority of another State".

Repeal of ss. 4 to 9 of principal Act.

5. Sections 4 to 9 inclusive of the principal Act are repealed.

Repeal and re-enactment of s. 12 of principal Act—

Regulation of sales and hiring of electrical articles and materials.

6. Section 12 of the principal Act is repealed and re-enacted as follows :—

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.

7. The following section is enacted and inserted in the principal Act after section 12 thereof :—

Enactment of
s. 12a of
principal
Act—

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.

(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.

Amendment of
principal Act,
s.15—
Regulations.

8. Section 15 of the principal Act is amended—

(a) by striking out the word "committee" in paragraph (c) thereof and inserting in lieu thereof the word "Trust";

and

(b) by striking out the word "committee" twice occurring in paragraph (e) thereof and inserting in lieu thereof the passage "Trust or a recognized authority of another State".

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

EDRIC BASTYAN, Governor.