

**EXTRAORDINARY GAZETTE**



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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**ADELAIDE, WEDNESDAY, 16 DECEMBER 2009**

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South Australia

## **Electrical Products (Part 2 Declarations) Variation Proclamation 2009**

under section 5 of the *Electrical Products Act 2000*

### **Part 1—Preliminary**

#### **1—Short title**

This proclamation may be cited as the *Electrical Products (Part 2 Declarations) Variation Proclamation 2009*.

#### **2—Commencement**

This proclamation will come into operation on 1 January 2010.

#### **3—Variation provisions**

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

### **Part 2—Variation of *Electrical Products (Part 2 Declarations) Proclamation 2004***

#### **4—Variation of clause 5—Energy performance registration**

Clause 5—after subclause (2) insert:

- (3) For the purposes of item 1 (Air conditioner packaged) and item 2 (Air conditioner—refrigerative) of Schedule 2, AS/NZS 3823.2:2009 as in force as at 1 January 2010 is to apply with the following modifications:

- (a) section 3.2—delete the 2 paragraphs (leaving Tables 3.1 and 3.2) and substitute:

Air conditioners manufactured in Australia or New Zealand or imported after the dates specified, **shall** meet or exceed the requirements in Table 3.1A, Table 3.1 or Table 3.2, as applicable.

The requirements in Table 3.1A apply as follows:

- (a) from 1 January 2010 until 31 March 2010 (inclusive) the minimum EER requirements apply;
- (b) from 1 April 2010 until 31 March 2011 (inclusive) the minimum EER and the minimum COP requirements apply;
- (c) on and from 1 April 2011 the minimum EER, minimum AEER and minimum ACOP requirements apply.

**Note—**

For requirements in the previous edition of this Standard, see Appendix H.

Reverse cycle products must meet the requirements for both heating and cooling. In the case of reverse cycle products, the MEPS levels for heating and cooling are based on the rated total cooling capacity. For the purposes of determining the relevant MEPS level in Table 3.1A, Table 3.1 or Table 3.2, **rated capacity shall** be rounded to the nearest 0.1 kW.

**TABLE 3.1A—MEPS—MINIMUM REQUIREMENTS FOR AIR TO AIR HEAT PUMPS AND AIR CONDITIONERS AT RATED CAPACITY SOLD IN SOUTH AUSTRALIA**

<b>Product Description</b>	<b>Minimum EER 1 January 2010</b>	<b>Minimum COP 1 April 2010</b>	<b>Minimum AEER and/or ACOP 1 April 2011</b>
Non ducted unitary – all types, <10kW, all phases	2.9	2.84	2.84
Non ducted unitary – all types, 10kW to <19kW, all phases	2.9	2.75	2.75
Non ducted split systems – all types, <4kW, all phases	3.4	3.33	3.33
Non ducted split systems – all types, 4kW to <10kW, all phases	3.0	2.93	2.93
Non ducted split systems – all types, 10kW to <19kW, all phases	3.0	2.75	2.75
Ducted systems – all types, <19kW, all phases	2.9	2.75	2.75

<b>Product Description</b>	<b>Minimum EER 1 January 2010</b>	<b>Minimum COP 1 April 2010</b>	<b>Minimum AEER and/or ACOP 1 April 2011</b>
All configurations – all types, 19kW to 39kW, all phases	3.1	3.05	3.05
All configurations – all types, >39kW to 65kW, all phases	2.9	2.75	2.75

- (b) section 3.2, heading to Table 3.1—after "RATED CAPACITY" insert:

SOLD IN PLACES OUTSIDE SOUTH AUSTRALIA

- (c) section 3.3—delete "EER (**AEER** in 2011) and/or COP (**ACOP** in 2011)" last occurring and substitute:

EER, AEER, COP and/or ACOP

- (d) section 3.3—delete "EER (**AEER** in 2011) and/or COP (**ACOP** in 2011)" wherever else occurring and substitute in each case:

EER, AEER, COP and/or ACOP (as applicable)

- (e) section 3.5—delete "EER (**AEER** in 2011)" and substitute:

EER and/or AEER (as applicable)

## **5—Variation of Schedule 2—Energy performance registration**

- (1) Schedule 2, item 1—delete "AS/NZS 3823.2<sup>2</sup>" and substitute:

AS/NZS 3823.2:2009 as in force as at 1 January 2010 with the modifications specified in clause 5(3)<sup>2</sup>

- (2) Schedule 2, item 2—delete "AS/NZS 3823.2<sup>1</sup>" and substitute:

AS/NZS 3823.2:2009 as in force as at 1 January 2010 with the modifications specified in clause 5(3)<sup>1</sup>

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 16 December 2009

DPC09/022CS

South Australia

## **Electrical Products Variation Regulations 2009**

under the *Electrical Products Act 2000*

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- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Electrical Products Regulations 2001***

- 4 Variation of regulation 4—Interpretation
  - 5 Insertion of regulation 14A
    - 14A Energy performance registration of air conditioners by Technical Regulator
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Electrical Products Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 January 2010.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Electrical Products Regulations 2001***

#### **4—Variation of regulation 4—Interpretation**

Regulation 4(2)—after "published" insert:

or approved

## 5—Insertion of regulation 14A

After regulation 14 insert:

### **14A—Energy performance registration of air conditioners by Technical Regulator**

- (1) If a model of air conditioner has been registered in accordance with these regulations or in accordance with a corresponding law so as to indicate compliance with the national energy performance standard, the Technical Regulator may, if satisfied that the model complies with the SA energy performance standard, register the model so as to indicate compliance with the SA energy performance standard for the purposes of section 6(2) of the Act.
- (2) Registration under subregulation (1)—
  - (a) may be issued without application by any person; and
  - (b) is at the absolute discretion of the Technical Regulator; and
  - (c) will be issued in the same name as the registration indicating compliance with the national energy performance standard; and
  - (d) remains in force for the same period as the registration indicating compliance with the national energy performance standard.
- (3) The Technical Regulator may vary the registration under subregulation (1) of a model of air conditioner as necessary to accommodate—
  - (a) variations in the registration of the model indicating compliance with the national energy performance standard; or
  - (b) on the application of the person in whose name the registration is issued—
    - (i) a modification of the model of air conditioner that does not, in the opinion of the Technical Regulator, significantly affect any relevant characteristic of the model; or
    - (ii) a variation in the brand, model number or other designation of the model of air conditioner.
- (4) The Technical Regulator may, on the application of the person in whose name a model of air conditioner is registered under subregulation (1), transfer the registration into the name of another person.
- (5) The Technical Regulator may cancel the registration under subregulation (1) of a model of air conditioner if—
  - (a) the registration of the model indicating compliance with the national energy performance standard is cancelled; or
  - (b) the Technical Regulator is satisfied that the model does not comply with the SA energy performance standard; or
  - (c) the Technical Regulator has, under section 8 of the Act, prohibited the sale or use (or both sale and use) of that model of air conditioner.

- (6) Before the Technical Regulator cancels registration under subregulation (5)(b), the Technical Regulator must give the person in whose name the model of air conditioner is registered a reasonable opportunity to show cause why the registration should not be cancelled.
- (7) The Technical Regulator must make the following information available for inspection by members of the public during ordinary business hours on payment of a fee fixed by the Technical Regulator in relation to each model of air conditioner registered under subregulation (1):
  - (a) the name and address of the person in whose name the registration is issued;
  - (b) a description of the characteristics of the model.
- (8) In this regulation—

***air conditioner*** means an electrical product of the class defined by proclamation under section 5 of the Act as air conditioner—packaged or air conditioner—refrigerative;

***national energy performance standard*** means AS/NZS 3823.2;

***SA energy performance standard*** means the applicable energy performance standard for an air conditioner (namely, AS/NZS 3823.2:2009 as in force as at 1 January 2010 with the modifications specified in clause 5(3) of the *Electrical Products (Part 2 Declarations) Proclamation 2004*).

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 16 December 2009

No 297 of 2009

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South Australia

## **Mutual Recognition (South Australia) (Temporary Exemptions) Variation Regulations 2009**

under the *Mutual Recognition (South Australia) Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999***

- 4 Insertion of regulation 8
    - 8 Temporary exemptions—energy inefficient air conditioners
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Mutual Recognition (South Australia) (Temporary Exemptions) Variation Regulations 2009*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999***

#### **4—Insertion of regulation 8**

After regulation 7 insert:

##### **8—Temporary exemptions—energy inefficient air conditioners**

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, energy inefficient air conditioners are declared to be goods to which section 15 of the Commonwealth Act applies.
- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months commencing on 1 July 2010.

(3) In this regulation—

***air conditioner*** means an electrical product of the class defined by proclamation under section 5 of the *Electrical Products Act 2000* as air conditioner—packaged or air conditioner—refrigerative;

***energy inefficient air conditioner*** means an air conditioner that does not comply with the applicable energy performance standard under the *Electrical Products Act 2000* (namely, *AS/NZS 3823.2:2009* as in force as at 1 January 2010 with the modifications specified in clause 5(3) of the *Electrical Products (Part 2 Declarations) Proclamation 2004*).

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 16 December 2009

No 298 of 2009

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## **Trans-Tasman Mutual Recognition (South Australia) Variation Regulations 2009**

under the *Trans-Tasman Mutual Recognition (South Australia) Act 1999*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Trans-Tasman Mutual Recognition (South Australia) Regulations 1999***

- 4 Insertion of regulation 8
    - 8 Temporary exemptions—energy inefficient air conditioners
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Trans-Tasman Mutual Recognition (South Australia) Variation Regulations 2009*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Trans-Tasman Mutual Recognition (South Australia) Regulations 1999***

#### **4—Insertion of regulation 8**

After regulation 7 insert:

##### **8—Temporary exemptions—energy inefficient air conditioners**

- (1) For the purposes of section 5 of the Act and section 46 of the Commonwealth Act, energy inefficient air conditioners are declared to be exempt from the operation of the Commonwealth Act.
- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months commencing on 1 July 2010.

(3) In this regulation—

***air conditioner*** means an electrical product of the class defined by proclamation under section 5 of the *Electrical Products Act 2000* as air conditioner—packaged or air conditioner—refrigerative;

***energy inefficient air conditioner*** means an air conditioner that does not comply with the applicable energy performance standard under the *Electrical Products Act 2000* (namely, *AS/NZS 3823.2:2009* as in force as at 1 January 2010 with the modifications specified in clause 5(3) of the *Electrical Products (Part 2 Declarations) Proclamation 2004*).

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 16 December 2009

No 299 of 2009

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