

2000

**THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY**

**ELECTRICITY AMENDMENT BILL 2000  
GOVERNMENT AMENDMENTS**

**EXPLANATORY MEMORANDUM**

**CIRCULATED BY AUTHORITY OF  
GARY HUMPHRIES MLA  
TREASURER**

**Government Amendment No 1**  
**Clause 5**  
**Proposed new paragraph 5 (2) (e)**  
**Page 4, line 6—**

Omit the paragraph, substitute the following new paragraph:

"(e) 1 must be a person nominated by the chief executive."

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**Explanatory Memorandum**

This is a drafting amendment to correct a typographical error.

**Government Amendment No 2**  
**Clause 23**  
**Proposed new section 79A**  
**Page 8, line 17—**

After proposed new section 79, insert the following new section:

**"79A Energy efficiency requirements**

**"(1)** A trader must not, without reasonable excuse, sell an article of electrical equipment unless the article complies with the relevant energy efficiency standard.

Maximum penalty: 50 penalty units.

**"(2)** A trader must not, without reasonable excuse, sell an article of electrical equipment unless it is labelled with an energy efficiency label in accordance with the regulations.

Maximum penalty: 10 penalty units.

**"(3)** A person must not, without reasonable excuse, attach an energy efficiency label to an article of electrical equipment unless, under the regulations, the article has the energy efficiency rating indicated by the label.

Maximum penalty: 30 penalty units.

**"(4)** A person must not attach to an article of electrical equipment anything that falsely appears to be an energy efficiency label.

Maximum penalty: 30 penalty units.

**"(5)** The relevant energy efficiency standard for an article of electrical equipment of a particular type is—

- (a) the energy efficiency standard (however described) for articles of that type under a corresponding law ascertained under the regulations; or

(b) if the regulations provide an energy efficiency standard for articles of that type—that standard.

“(6) The regulations may make provision in relation to the energy efficiency of articles of electrical equipment, including provision for—

- (a) standards of energy efficiency; and
- (b) the examination and testing of articles; and
- (c) labels and labelling for articles; and
- (d) the prescription or ascertainment of corresponding laws for this section.

“(7) Without limiting the operation of subsection (6), the regulations may make provision for a matter by reference to an instrument in force from time to time under a corresponding law.

“(8) This section does not apply to a second-hand article.

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### **Explanatory Memorandum**

This amendment provides for the insertion of new clauses that deal with energy efficiency standards. The provisions prohibit traders, unless they have a reasonable excuse, from selling electrical appliances that do not comply with the relevant energy efficiency standard or that are not appropriately labelled. The provisions also prohibit persons from falsely labelling electrical appliances. These requirements do not apply to second-hand articles.

Energy efficiency standards are either the standard prescribed under a corresponding law as stated in the regulations, or as prescribed by the regulations.

The regulations may provide for energy efficiency standards, the examination and testing of articles, labels and labelling for articles, and the prescription of corresponding laws. The regulations may also make provision for matters by reference to instruments in force from time to time under a corresponding law.

The Australian Greenhouse Office administers the Minimum Energy Performance Standards (MEPS) and Energy Rating Labels (ERL) schemes. MEPS prescribe energy efficiency for specific domestic electrical appliances manufactured in or imported into Australia. ERLs give a rating of the energy efficiency of domestic electrical appliances. The schemes are implemented by jurisdictional legislation.

Since 1 October 1999 it has been mandatory in most states for refrigerators, freezers and electric storage water heaters to meet the MEPS levels specified in the relevant Australian Standards.

A revised ERL based on higher standards of efficiency was introduced on 1 July 2000 and has become mandatory in Queensland, Victoria, NSW and Western Australia for refrigerators and freezers, clothes washers and dryers, dishwashers and room air-conditioners.

While the Commonwealth administers the MEPS and ERL schemes it is necessary for States and Territories to legislate to enforce the schemes. The ACT currently does not have any legislation or regulations relating to MEPS or energy efficiency labelling of electrical appliances. Although appliances are not manufactured in, or imported into, the ACT it is important to ensure national consistency and to prevent

manufacturers from bypassing the regulatory frameworks in other jurisdictions. The amendments to the Electricity Amendment Bill give effect to this policy.

The amendments also give authority to the making of energy labelling regulations.

### **Government Amendment No 3**

#### **Clause 23**

#### **Proposed new subsection 87 (2)**

**Page 11, line 21—**

Omit the subsection, substitute the following proposed new subsection:

**“(2) Subsection (1) does not apply to disturbance or interference by the person—**

- (a) except where paragraph (b) applies—more than 24 hours after the accident; or**
- (b) if, within the 24 hours, the chief executive extends the period and tells the person of the extension—after the extended period expires.**

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#### **Explanatory Memorandum**

This amendment provides that persons are exempted from the requirement not to disturb or interfere with serious electrical accident sites if it is more than 24 hours since the accident occurred or, if otherwise extended by the administrative head, after the expiry of that period.

The proposed amendment was developed after the Bill was tabled and is the approach taken in the Gas Safety Bill which was introduced later. The amendment achieves a consistency in approach between the two.

### **Government Amendment No 4**

#### **Clause 23**

#### **Proposed new paragraph 89D (3) (c)**

**Page 13, line 34—**

Omit “the person—”, substitute “the chief executive has certified in writing that the chief executive is satisfied that the person—”

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#### **Explanatory Memorandum**

This drafting amendment provides that the chief executive must certify that a person satisfies certain criteria before that person can be appointed as an inspector. The provision, as amended, is consistent with corresponding provisions in the Utilities Bill and the Gas Safety Bill.

**Government Amendment No 5**  
**Clause 23**  
**Proposed new paragraph 89H (2) (c)**  
**Page 15, line 12—**

Before "the time", insert "stating".

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**Explanatory Memorandum**  
This is a drafting amendment to correct a typographical error.

**Government Amendment No 6**  
**Clause 23**  
**Proposed new subsection 89ZB (2)**  
**Page 23, line 24—**

Omit "this Act", substitute "this Part".

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**Explanatory Memorandum**  
This amendment corrects a drafting error.