

ISSUE

01



Product Approval Guide

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1. Regulation of Electrical Appliances and Equipment in Australia

Most electrical appliances and equipment require Electrical Safety Approval by a State or Territory approval authority or an approved third party scheme before they can be sold in Australia or New Zealand.

Australian Safety Approval (ASA) is a third party product safety approval scheme accredited by JAS-ANZ and approved by the NSW Office of Fair Trading

ASA derives its income through providing the following service:

1. Product Certification and Approval for electrical equipment sales in Australia and New Zealand.
2. Regulatory advice for product compliance
 - a. Specific regulatory requirements
 - b. Applicable standards

Any Electrical Product approval certification issued by ASA is accepted by all other Australian states and territories.

Certification issued by ASA is only with respect to article's Electrical Safety and is not an endorsement for that article.

Electrical appliances or equipment are broadly defined as prescribed or Non-prescribed, depending on their risk to consumer safety. These definitions are listed in the Appendices of the safety standard AS/NZS4417.2 and also listed on state authority websites. (Note – The terms prescribed or declared and Non-prescribed or Non-declared are used by various states and have the same meaning for the purpose of listing of the electrical equipment in legislation)

It is an offence to supply or offer to supply prescribed electrical equipment unless it is approved or certified, and subsequently labelled with the approval mark issued by ASA or other relevant authority or scheme.

Further, where an article is not prescribed to be approved before sale, the supplier remains responsible to ensure that the product complies with the essential minimum safety requirements described in AS/NZS3820. Refer to the relevant legislation of each jurisdiction for further detail, specifically Clause 23 of the NSW Electricity (Consumer Safety) Regulation.

- Declared Articles: mandatory approval applies
- Non-Declared Articles: voluntary approval may be sought.

2. ASA Approval Process

Mandatory and Voluntary Approval for Declared and Non-declared Articles may be granted by **Australian Safety Approval (ASA)** where the article is shown to comply with:

- The relevant Safety standard and
- Any further requirements particular to the model or its design and.
- Safety rulings issued by Regulatory authorities

An application for approval must be made to **ASA** on the attached form and must be accompanied by:

- a) Payment of the prescribed fee
- b) Accredited test reports as evidence of compliance with the relevant standard
- c) Clear, colour photographs sufficient to
 - identify the article and
 - identify specific designs relating to safety
- d) Installation and operating instructions
- e) Circuit diagrams
- f) Materials and component lists.
- g) A declaration stating that the article complies with the relevant safety standards.
 - Signed by the applicant (product supplier).
- h) A declaration of product identity where the application includes model numbers different to those in the test reports.
- i) A letter of authorisation where the application is made by an agent on behalf of the applicant
 - Signed by the applicant (product supplier).

The Application Form must be signed on the last page (Applicant's Declaration) which states:

I Hereby Declare:

- That the product(s) described in this application:
 - Comply with the requirements of the NSW Electricity (Consumer Safety) Act 2004 and the Electricity (Consumer Safety) Regulation 2006.
 - Comply with the requirements of the nominated standards.
- That the product(s) identified in the test report(s) are identical to the product(s) described in this application.
- That any modifications (components, construction, materials, software) to the product(s) described in this application will be identified by further application to ASA for modification to the Certificate.
- That I agree to the Terms and Conditions of the ASA Certification Scheme as documented in the Scheme Guidelines (ASAgI), in relation to holding Certification for the product(s) described and that such terms and conditions will be applied.

The application will progress without impediment or partiality where the above detail is sufficiently supplied. Approvals are granted for a period of 5 years and can be renewed or extended.

Note: Extensions to Approvals are at the discretion of the Commissioner for Fair Trading.¹

¹ Pursuant to section 19 (3) of the Electricity (Consumer Safety) Regulation 2006.

3. Types of Certificates

Certificate of Approval

A Mandatory certificate issued by Australian Safety Approval (ASA) for Prescribed Equipment.

Certificate of Suitability

A Voluntary Certificate issued by Australian Safety Approval (ASA) for Non-Prescribed Equipment.

4. Modifications to Equipment

Where the approved equipment is modified, after the original testing and approval, the supplier must apply to **Australian Safety Approval (ASA)** to have the modifications approved.

The modifications which require approval are:

- (i) change of components, materials, software or equipment design,
- (ii) an extension to the listed models or options,
- (iii) change of model number, or
- (iv) change of manufacturer.

- Minor modifications, as detailed by an exemption issued under the Electricity (Consumer Safety) Act 2004, are exempt.
- Where there is any doubt regarding approval modifications, **ASA** should be contacted.
- Legislation requires that, for declared articles, the COMPLETE modified article must comply with the applicable safety standard, including the amendments to that standard.

Approval of a modification will be recorded as an addendum to the Approval Certificate and will be valid for the remaining approval period.

If the modification constitutes a new type of equipment, the applicant should apply for a new approval certificate.

5. Renewal of Certificates

Where a Certificate of Approval has reached its expiry date, **Australian Safety Approval (ASA)** will notify the Approval Holder no less than three months prior to the expiry date.

The Approval Holder may either renew the Approval Certificate for another 5 years or allow the certificate to formally expire.

To renew a Certificate, application must be made in the same way as a new certificate.

The article must be shown to comply with the current safety standard as prescribed by the Commissioner for Fair Trading and listed in the appendixes of AS/NZS 7441.2.

6. Transfer of Certificates to a new Certificate Holder

The Approval Certificate holder may transfer ownership of the Certificate to another party, after obtaining written consent from the current owner and the proposed owner.

Application for Approval Certificate Transfer is made using the regular **Australian Safety Approval ASA** application form and forwarding the prescribed fee.

7. Withdrawal and Suspension of Certificates

A Certificate may be suspended on the following grounds:

- Any grounds prescribed by the NSW Electricity (Consumer Safety) Regulation 2006
- By written request of the certificate holder to Australian Safety Approvals (ASA),
- By written request of the regulatory authority to ASA
- The electrical article design is found to be unsafe by ASA
- The electrical article is found **NOT** to comply with the relevant or prescribed safety standards for the model or requirements of the Regulation²

When the Certificate of Approval is suspended for any reason ...

- Australian Safety Approvals (ASA) will advise the relevant regulatory authorities and the approval holder, in writing, within 5 days of certificate suspension.
- The approval holder will discontinue the sale of the article subject to the certificate suspension, as well as the use of all advertising matter that contains any reference to the article.
- The approval holder will reply to Australian Safety Approvals (ASA) to confirm such undertaking.
- The approval holder will be referred to the relevant regulatory authority for subsequent resolution regarding such approval suspension.

A Certificate remains suspended for no more than 90 days, after which the matter is resolved or the certificate is subsequently withdrawn indefinitely.

8. Test Reports

² NSW Electricity (Consumer Safety) Regulation 2006

Most Australian standards for safety of electrical articles are based on international standards (IEC). Australian (AS/NZS) and European (EN) standards are derived from the IEC standards.

The product must comply with the prescribed revision and amendments of the AS/NZS standard. The equivalent IEC or EN standard may be applied where Australian deviations and amendments to the IEC standard have been addressed.

Verification is by means of test reports supplied by test laboratories which are ...

- a) Accredited by the National Association of Testing Authorities, Australia (NATA) or
- b) Accredited under the Certifying Body (CB) scheme and accompanied by a CB Certificate or
- c) Accredited by Organisations with a reciprocal arrangement or mutual recognition with NATA;
 - a. Note: test reports must bear the endorsement of the relevant accreditation body (eg: Accreditation body LOGO)
 - b. The accreditation body's country of origin must be listed by the Corruption Perceptions Index as being greater than 3.5.

The Scope of Laboratory Accreditation or Certification must include testing in accordance with the prescribed standard, or its equivalent, including Australian deviations.

9. Electrical Article non-conformance

Where an application has been unsuccessful in demonstrating compliance with the minimum safety standards, Australian Safety Approvals (ASA) will promptly advise the applicant in writing.

The application will remain open for a period of no longer than three months, in which time the applicant has the opportunity to redesign and retest the article.

After a period of four months, a new application will be required.

10. Rights and Duties of Certificate Holders

The approval holder must ensure that the product is marked with the approval marking described in the Certificate, in accordance with the requirements of the safety standards and relevant regulation.

The approval holder must ensure that no other product or product modification is made available to the Australian and New Zealand public, other than those defined in the Certificate of Approval, and any of its addendums.

The approval holder must inform ASA with regard to the following changes related to the Certificate:

- Product Modifications (Components, Construction, Materials, Software)
- Approval Holder's business entity status
- Approval Holder's contact details
- Changes to the place of manufacture

The product marking described on the Certificate (ASA-xxxxxx-EA) does not infer endorsement of the product in any way other than certification that the product complies with the prescribed minimum safety standards.

Claims made by the Approval Holder regarding ASA Certification may only be in respect of the scope of the certification.

The Approval Holder will not use the ASA Certification, nor any associated documentation, in a misleading manner or a manner which brings ASA into disrepute. This

includes making unauthorised statements regarding the Certification which ASA may consider as misleading.

Copies of the ASA Certificate may only be made in its Entirety, including any Addendums to the Certificate.

The Approval Holder must keep a record of complaints and corrective actions concerning the approved product in relation to product safety as defined by the safety standards. These records must be made available to **Australian Safety Approval (ASA)** on request.

11. Complaints and Appeals.

Should the applicant have a complaint regarding the service offered by Australian Safety Approval, or an appeal regarding decisions made by ASA, the issue is to be taken to the Quality Manager who will initiate an investigation and corrective action.

Complaints may be made, with reference to the product under assessment, via email or by phone to the Certification Manager.

Complaints and appeals will be investigated in a timely, consistent and impartial manner.

All complaints are recorded in a register and reviewed for corrective action to ensure a better service to our clients.

12 Force Majeure

No party is liable for any failure to perform or delay in performing its obligations under the Contract if that failure or delay is due to flood, fire, earthquake or other occurrences beyond that party's reasonable control. If that failure or delay exceeds 60 days, the other party may terminate the Contract with Immediate effect by giving notice to the other party.

13. Governing Law and Jurisdiction

The Contract for Approval Certification is governed by the law applicable in the State of New South Wales, Australia.

Each party submits to the non-exclusive jurisdiction of the courts of the state of New South Wales.

14. Fee Schedule

Following is the schedule of fees for 2012 (GST Exclusive) ...

	AU\$
Approval of new equipment	650.00
Approval of new equipment with numerous models and/or complex technical modifications (Ask for advice from Technical Staff)	1080.00
Approval of equipment modification	430.00
Renewal of Certificate	600.00

	AU\$
Modification of Certificate details	200.00
Transfer of Certificate	200.00

15. Disclaimer

The information provided above should be read in conjunction with the NSW Electricity (Consumer Safety) Act 2004 and the Electricity (Consumer Safety) Regulation 2006.

16. Prescribed Minimum Safety Standards

(Source: NEW SOUTH WALES GOVERNMENT GAZETTE No. 65,)

<http://www.fairtrading.nsw.gov.au>

- Refer to Schedule 1 attached.