

ELECTRICITY.

2° Elizabeth II., No. LXXII.

No. 72 of 1953.

AN ACT to amend the Electricity Act, 1945.

[Assented to 9th January, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.
and citation.

1. (1) This Act may be cited as the *Electricity Act Amendment Act, 1953*.

(2) In this Act the Electricity Act, 1945,
Act No. 19 of 1945,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Electricity Act, 1945-1953.

2. Section two of the principal Act is amended by adding after the word "By-laws" in line fourteen the following:—

S. 2 amended.

Part IVA.—Sections 33A to 33E: Approval of Electrical Appliances.

3. Paragraph (i) of subsection (1) of section thirty-two of the principal Act is repealed.

S. 32 amended.

4. The principal Act is amended by adding after section thirty-three the following heading and sections:—

Part IVA added.

Part IVA.—Approval of Electrical Appliances.

33A. For the purposes of this Part—

Interpretation.

"electrical appliance" means an appliance fitting, wire, or other apparatus or material intended suggested or designed for use in or for purposes of or for connection to any electrical installation;

"electrical installation" means any appliances, wires, fittings or other apparatus placed in or on or over any land or premises and used for or for purposes incidental to the conveyance, control, supply or use of electricity and includes additions, alterations and repairs to an electrical installation.

33B. (1) (a) The Commission may by notice published in the *Gazette* prescribe any class or type of electrical appliance which shall not after a date specified in the notice be sold, hired or exposed for sale or hire or advertised for sale or hire, unless the electrical appliance of that class or type is approved by the Commission and is stamped or labelled if and as prescribed in the regulations.

Power of Commission to prescribe classes or types of electrical apparatus, etc. which shall not be sold, etc. unless approved by the Commission. Cf. Vic. No. 4220, 25 Geo. V., s. 7.

(b) An application to the Commission for its approval under the provisions of paragraph (a) of this subsection shall be in the prescribed form.

Contraven-
tion an
offence.

(2) A person, who after the date so specified sells, hires or exposes for sale or hire or advertises for sale or hire or causes to be sold or hired or exposed for sale or hire or advertised for sale or hire an electrical appliance of the class or type prescribed commits an offence unless the electrical appliance is approved by the Commission and is stamped as prescribed or is approved by the Commission and labelled as prescribed.

Approval by
Commission.

(3) For the purposes of this section the approval of the Commission may be signified by approval of samples or specifications of an electrical appliance or by such other means as the Commission thinks proper.

Withdrawal
of approval.

(4) Subject to this section the Commission may withdraw at any time and from time to time an approval given under this section.

(5) (a) The Commission shall provide for the examination or testing or both of the electrical appliance referred to in the application and thereafter shall as soon as practicable determine whether the application in respect of the electrical appliance is—

- (i) approved;
- (ii) not approved; or
- (iii) deferred.

(b) If an electrical appliance has been approved by a duly constituted authority in another State of the Commonwealth the Commission may approve the electrical appliance without an examination or test of the electrical appliance and the approval may if the Commission thinks proper take the form of the approval of the duly constituted authority.

Regulations.

(6) The Governor on the recommendation of the Commission may make regulations for or with respect to—

- (a) the examination, testing and approval and the deferring and withdrawal of approval and the stamping and labelling of electrical appliances to which this Act applies; and for regulating and controlling the use of the stamps and labels under this Act;
- (b) the fees to be charged under this Part, including fees to be charged for the examination and testing of the electrical appliances;
- (c) prohibiting the fraudulent or improper use of marks similar to those used by the Commission or of marks so nearly resembling those used by the Commission as to be likely to deceive;
- (d) prescribing penalties not exceeding twenty pounds in any case, for a breach of the regulations; and
- (e) prescribing any matters or things required to be prescribed for the purposes of this Part or necessary or expedient to be prescribed for carrying the purposes of this Part into effect.

33C. (1) If in the opinion of the Commission an electrical appliance is or is likely to become unsafe or dangerous in use, the Commission notwithstanding the provisions of section thirty-three B of this Act, may prohibit by notice the sale, hire or use of the electrical appliance of the description referred to in the notice.

Power to Commission to prohibit the sale, etc. or use of unsafe or dangerous electrical apparatus, etc.

(2) The notice shall—

Notice of prohibition.

- (a) be in writing;
- (b) contain a description of the prohibited electrical appliance; and
- (c) contain a direction prohibiting the person to whom it is addressed from selling, hiring, exposing for sale or hire or advertising for sale or hire or, as the case may be, from using an electrical appliance of the description specified in the notice.

(3) A person to whom a notice is given who fails to comply with a direction contained in the notice is guilty of an offence.

Penalties.

33D. A person who is guilty of an offence against this Part for which no penalty is specially provided is liable—

- (a) for a first offence to a fine of not less than two pounds or more than twenty-five pounds;
 - (b) for a second offence to a fine of not less than five pounds or more than fifty pounds; and
 - (c) for a third or any subsequent offence to a fine of not less than ten pounds or more than one hundred pounds or to imprisonment for a term of three months or to both the fine and the imprisonment.
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