

# **Supplying safe electrical and gas products**

**MAY 2015**



# **For Manufacturers and Importers of Electrical and Gas Appliances and Fittings, Suppliers of Electrical and Gas Appliances and Fittings, and Retailers of Electrical and Gas Appliances and Fittings**

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## **ACKNOWLEDGEMENTS**

WorkSafe New Zealand would like to acknowledge and thank the stakeholders who have contributed to the development of this guidance.

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# SUPPLYING SAFE ELECTRICAL AND GAS PRODUCTS KEY POINTS:

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**All gas and electrical product (appliances and fittings) must be safe. This applies whether the appliances or fittings are imported or domestically produced.**

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**Everyone who supplies gas and electrical product must ensure it is safe. These rules apply to manufacturers, importers, and all sellers and suppliers (including for hire or lease).**

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**The compliance framework for gas and electrical product is designed to operate alongside New Zealand's general consumer protection legislation: The Consumer Guarantees Act 1993 and The Fair Trading Act 1986.**

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**Electrical equipment identified as *high-risk declared articles* must be approved or have relevant certification.**

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**The supplier of electrical equipment identified as *medium risk declared articles* must make a formal supplier declaration of compliance, accompanied evidence of how products comply with cited safety standards, eg a test report.**

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**Compliance of other electrical equipment with fundamental safety can generally be demonstrated by compliance with a recognised safety standard(s). Recognised certification regimes, certification bodies and standards are identified in Schedule 2A of the Gas (Safety and Measurement) Regulations 2010.**

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**Gas appliances must be certified – 'small production' appliances may alternatively be endorsed by an approved practitioner.**

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**Gas *declared articles* must be approved.**

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**Other gas fittings must be safe.**

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**Declared articles (gas and electricity) are set by Gazette notices published on the Energy Safety website.**

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## INTRODUCTION

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### IN THIS SECTION:

- 1.1 What is this guide?
- 1.2 What does energy safety do?

## 1.1 WHAT IS THIS GUIDE?

Energy Safety has produced this guide to give manufacturers, importers, retailers, all other suppliers, including online marketplaces, landlords and hire firms, and all traders of electrical and gas products information that will help you:

- > comply with safety requirements
- > contribute to safe and fair trading
- > take the appropriate steps before supplying

avoid the potential for enforcement action which can be costly to the responsible supplier, especially where someone has been harmed, property damaged or a safety recall is required.

The information in this guide tells you about:

- > compliance requirements
- > market monitoring and the audit process
- > enforcement action for non-compliance.

The information in this compliance guide is current as at the date of publication and is intended to be used in conjunction with the current **Electricity (Safety) Regulations 2010 and Gas (Safety and Measurement) Regulations 2010** on the New Zealand Legislation Regulations website.

No information in this Compliance Guide overrides or replaces any requirement specified by the Regulations, or associated electricity and gas Gazette notices. (Note: Regulations are subject to amendment from time to time; this guide may not reflect changes made by future amendments.)

This third edition incorporates changes made to implement a revised certification regime for gasfitting and prescribed electrical work that came into effect on 1 July 2013. Other changes due to amendments in December 2013 and February 2014:

- > provision for qualifying product to be deemed to have WorkSafe approval under Regulation 83A, as an alternative to supplier declarations for listed Medium risk electrical products
- > explicit requirement that an electrical appliance for general consumer use must be fitted with a plug suitable for New Zealand
- > the list of suitable product standards in Schedule 4 of the Electricity (Safety) Regulations 2010 has been updated
- > the gas appliance certification regime has been revised and extended to include specific product with North American certification, and the certification regime is mandatory
- > the endorsement regime for small production gas appliances is modified in line with adjustments to the gas appliance certification regime
- > the gas safety compliance label has been modified.

## 1.2 WHAT DOES ENERGY SAFETY DO?

Energy Safety is the government agency responsible for the operation of an effective investigative, compliance, enforcement and conformance regime for electrical and gas safety under the provisions of the Electricity Act 1992, the Gas Act 1992 and associated Regulations and Gazette notices.

Energy Safety administer the technical provisions of the **Electricity (Safety) Regulations 2010** and **Gas (Safety and Measurement) Regulations 2010** to promote, monitor and enforce the safe supply and use of electrical and gas installations, works, appliances and fittings. Energy Safety does this by:

- > working with manufacturers, importers, suppliers, retailers, traders and installers of electrical and gas products to ensure they provide safe products to New Zealand consumers
- > monitoring the New Zealand marketplace to encourage appropriate behaviour and processes that ensure the safe supply and use of electrical and gas products and installations
- > conducting compliance audits of electrical and gas installations and suppliers
- > investigating accidents and incidents involving electrical and gas installations
- > investigating complaints of non-compliance involving electricity and/or gas appliances
- > providing advice to Government on energy safety issues associated with electrical and gas safety.

In December 2013, Energy Safety became part of WorkSafe New Zealand, the stand-alone health and safety regulatory agency, and works with a number of agencies with responsibility for, or an interest in, the safe supply and use of gas and electricity.

All electrical and gas installations, work, appliances and fittings in New Zealand must comply with the fundamental safety requirements and any applicable Standards in accordance with the Electricity (Safety) Regulations 2010 and Gas (Safety and Measurement) Regulations 2010.



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## **BACKGROUND TO ENERGY SAFETY'S COMPLIANCE PROGRAMME**

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### **IN THIS SECTION:**

- 2.1 Optimising safety**
- 2.2 Energy safety's compliance strategy**

It is important for people, organisations and businesses with “duties” under the Electricity Act 1992 and the Gas Act 1992 to understand how and why we choose to respond to non-compliance.

It is also important to outline our overall approach to enforcement. This will help you develop or refine your own internal operating systems and procedures to achieve compliance.

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## **2.1** OPTIMISING SAFETY

The use of electrical and gas technology in New Zealand society is commonplace in almost every aspect of business and personal life. Society relies on electrical and gas technology to improve business efficiency, maintain well-being and improve social interaction. The use of electricity and gas as energy sources brings with it risks that need to be understood and managed.

Energy Safety manages the acceptable levels of electrical and gas safety through the Product Compliance Framework which forms part of the regulatory environment.

In addition, the New Zealand regulatory environment is closely aligned with international practices through the application of International Standards.

Where appropriate, Mutual Recognition Arrangements (MRAs) with our trading partners reduce the impact of New Zealand's regulatory environment and support compliance through international regulatory co-operation.

### **Electricity and Gas Product Compliance Framework is based on:**

- > Electricity (Safety) Regulations 2010.
- > Gas (Safety and Measurement) Regulations 2010.
- > Associated electricity and gas Gazette notices.
- > Recognised International Standards.
- > Electrical codes of practice (ECP).
- > New Zealand Standards.

## **2.2** ENERGY SAFETY'S COMPLIANCE STRATEGY

To support our compliance strategy, Energy Safety's compliance and enforcement team ensures safety issues are quickly identified and consistently managed. Our strategy is to:

- > monitor the market across the distribution chain and promote greater industry and public awareness of product safety
- > promote greater industry and public awareness of product safety compliance requirements, in the context of New Zealand's MRAs with Australia and other trading partners

- > audit manufacturers, importers, and suppliers of electrical and gas appliances and fittings to ensure they comply with safety fundamentals and with legislative obligations
- > enforce compliance, including issuing Warning notices, Infringement notices and Prosecution proceedings as appropriate.

**Energy Safety's compliance programme has five key components:**

- > increase industry and public awareness of the need for compliance
- > proactively audit electrical and gas products
- > investigate accidents and incidents involving electrical and gas appliances and fittings and unsafe situations
- > investigate cases where non-compliance is suspected or reported
- > carry out enforcement activities.



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## PRODUCT COMPLIANCE

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### IN THIS SECTION:

- 3.1 Who must comply?
- 3.2 Regulatory framework

### 3.1 WHO MUST COMPLY?

Everyone who manufactures, imports, supplies, retails, trades, hires or leases electrical and/or gas appliances or fittings in New Zealand must ensure their products comply with New Zealand's established regulatory framework. This applies whether the appliances or fittings are imported or domestically produced.

Importers or manufacturers of electrical and gas appliances must ensure their appliances meet the safety obligations. Suppliers should note that appliances supplied by both energy sources will have obligations under both the electricity and gas regulations. For instance, a gas water heater that needs an electrical supply is both a gas appliance and an electrical appliance.

Some equipment used in the supply and use of gas (such as LPG cylinders and regulators) also fall under the Hazardous Substances and New Organisms Act 1996. While the Environmental Protection Authority (EPA) has overall responsibility for the Act, WorkSafe New Zealand also carries out some operational functions on behalf of EPA such as approval of test certifiers and some equipment:

- > [HSNO Act 1996](#)
- > [www.epa.govt.nz](http://www.epa.govt.nz)
- > [HSNO Functions](#)

In addition, there are obligations in regard to Electromagnetic Compatibility (EMC) and energy efficiency in some appliances. Details on the EMC and energy efficiency requirements may be found at the following URLs respectively:

- > [www.rsm.govt.nz](http://www.rsm.govt.nz)
- > [www.eeca.govt.nz](http://www.eeca.govt.nz)

### WHO IS A SUPPLIER?

Anyone who supplies electrical and/or gas appliances or fittings in New Zealand by way of gift, sale, exchange, lease, hire or hire-purchase. Examples include:

- > a New Zealand manufacturer who makes any electrical or gas product for supply in New Zealand
- > an importer of electrical or gas product intended for supply in New Zealand
- > a distributor, wholesaler, retailer or trader, including on line or private individuals, hire firms or landlords selling or supplying electrical or gas products in New Zealand
- > an authorised agent, based in New Zealand, acting on behalf of a supplier to New Zealand
- > distributors and retailers should check that compliance requirements have been met before offering products for sale or offering to supply products in New Zealand.

It is illegal to sell or supply gas and electrical appliances in an unsafe condition.

### 3.2 REGULATORY FRAMEWORK

New Zealand's regulatory framework requires every electrical or gas appliance or fitting that is sold, or offered for sale, to be safe. The principal provisions are implemented throughout the appliance distribution chain. This also includes safe disposal of electrical products. These rules apply to manufacturers, importers, and all sellers and suppliers

The framework aligns with the following World Trade Organisation (WTO) requirements:

- > performance based
- > risk driven
- > aligned with International Standards
- > inclusive of MRAs, including those at equivalent levels.



If you need advice about compliance with the Regulations, Energy Safety recommends you seek advice from professional consultants who specialise in electrical and gas safety or an accredited testing or certification agency such as those listed on the [IANZ](#) or [JAS-ANZ](#) websites.

### ELECTRICAL PRODUCT COMPLIANCE FRAMEWORK

The Electrical Product Compliance Framework is described in more detail in Part A. The framework applies three levels of regulatory intervention depending on the assessed product safety risks.

**High risk** level intervention in accordance with ISO/IEC guide 67.

**Medium risk** level implementing a requirement for supplier declarations in accordance with ISO/IEC 17050 accompanied by reasonable documentary evidence of how products declared comply with cited safety standards, eg test report, etc.

**Other products** require compliance with fundamental safety and this can generally be demonstrated by compliance with a recognised safety Standard(s).

All three levels of intervention provide for the recognition of:

- > suitable alternative Standards
- > international accreditation systems and
- > MRAs with New Zealand's trading partners.

Recognised Standards based on international guidelines are provided in the Electricity (Safety) Regulations 2010, [Schedule 4](#), for the most common products. This schedule was revised and updated by the 2011 Amendments. An essential safety standard is provided to address innovative products and meet the performance-based expectations that WTO place on the Regulations. While the recognised

Standards are listed in Schedule 4, the list of products in the Medium and High risk categories is set by [Gazette notices](#), together with the associated regulatory definitions for those listed products.

The product compliance framework of the [Electricity \(Safety\) Regulations 2010](#) is designed to operate alongside New Zealand's general consumer protection legislation: [The Consumer Guarantees Act 1993](#) and [The Fair Trading Act 1986](#).

In specific cases, New Zealand MRAs permit the use of other Standards.

### GAS PRODUCT COMPLIANCE FRAMEWORK

The Gas Product Compliance Framework is described in more detail in Part B. The framework has four categories of product control.

**Certification regime** for appliances and specified fittings.

**Endorsement regime** for small volume products.

**Declared articles** for appliances and fittings deemed to be high risk.

**Other fittings** not deemed as being of high or medium risk.

Recognised certification regimes, certification bodies and standards are identified in [Schedule 2A of the Gas \(Safety and Measurement\) Regulations 2010](#).

Innovative products may be certified or endorsed by meeting the performance-based requirements of the Regulations.

While recognised certification is listed in the Regulations, products in high risk categories (specified fittings and declared articles) are set by [Gazette notices](#) published on the Energy Safety website.

The product compliance framework of the Gas (Safety and Measurement) Regulations 2010 is designed to operate alongside New Zealand's general consumer protection legislation: **The Consumer Guarantees Act 1993** and **The Fair Trading Act 1986**.

For information on how to use products safely and how to make sure the products you buy are safe:

- > **The Consumer Guarantees Act 1993** which is self-enforcing and requires consumers to go to the trader to get their problem solved.
- > The Commerce Commission which investigates breaches of the **Fair Trading Act 1986**.



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## TRANSITIONING FROM OLD TO NEW REGULATIONS

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### IN THIS SECTION:

#### 4.1 What you need to know

## 4.1 WHAT YOU NEED TO KNOW

### ELECTRICAL PRODUCTS

General transitional provisions deem that product supplied or installed under previous regulations continues to be compliant provided that it was compliant immediately before the commencement of the current regulations and it is not unsafe.

In addition, the transitional provisions retain the validity of prohibitions, exemptions and other legislative “instruments” into the current regulatory environment.

Refer to **Regulations 113–118D** for transitional arrangements.

As of 1 April 2010 a Supplier Declaration of Conformity (SDoC) form must be supported by reasonable documentary evidence of compliance with applicable safety standards eg a test report.

### GAS PRODUCTS

General transitional provisions deem that products supplied or installed under previous regulations continues to be compliant provided that it was compliant immediately before the commencement of the current regulations and it is not unsafe.

The **Gas (Safety & Measurement) Regulations 2010** had transitional arrangements that meant the Certification and Endorsement Regimes did not become fully mandatory until 1 July 2013. The equivalent safety provisions in the Gas Regulations 1993 could be used for products manufactured or imported in New Zealand up to that date.

In addition, the transitional provisions retain the validity of prohibitions, exemptions and other legislative “instruments” into the new regulatory environment.

Refer to **Regulations 93–102** for transitional arrangements.

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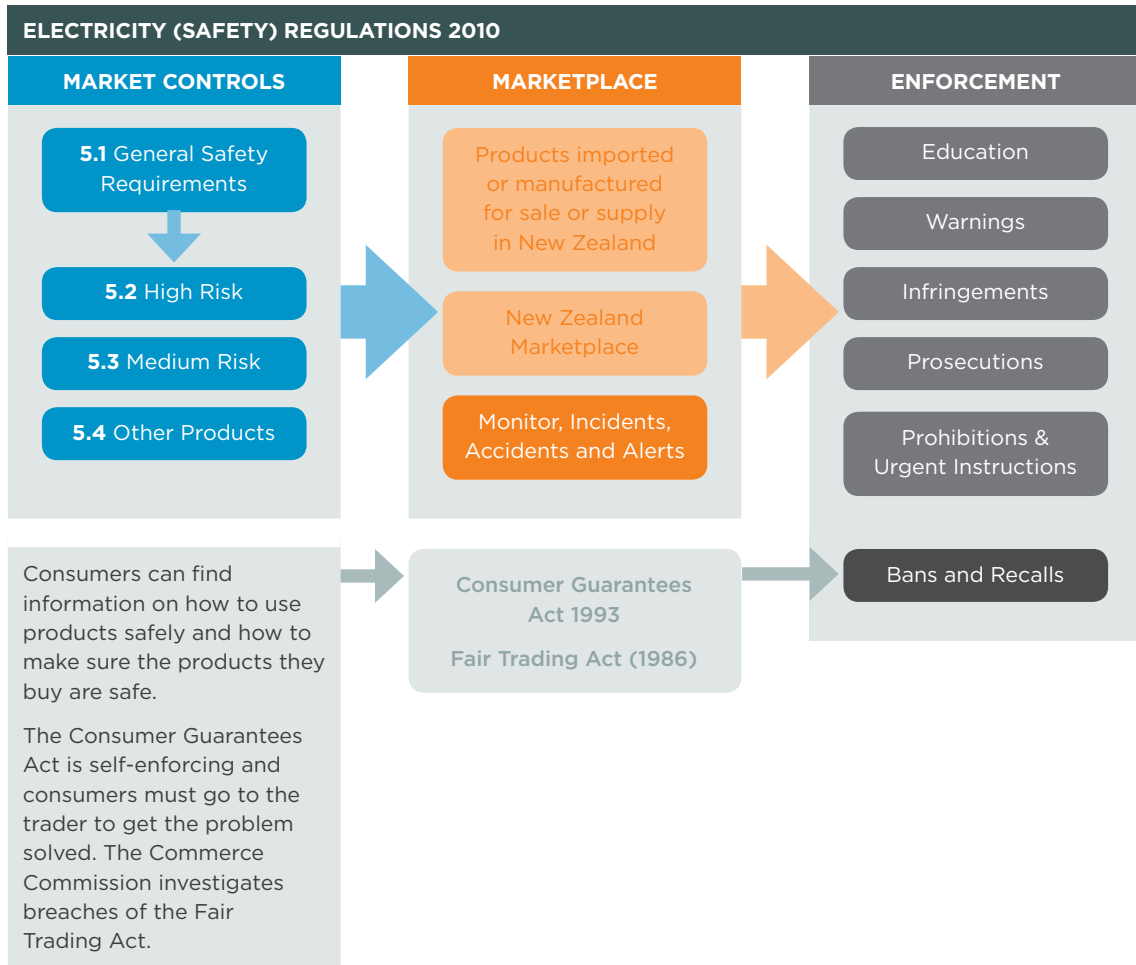
## **ELECTRICAL PRODUCT SAFETY OVERVIEW**

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### **IN THIS SECTION:**

- 5.1 General safety requirements**
- 5.2 High risk products**
- 5.3 Medium risk products**
- 5.4 Other products**





Portable electrical appliances for general consumer use must be fitted with a plug recognised as suitable for New Zealand and must be safe when used with electricity supplied at a standard low voltage, which is typically 230V, 50 Hz. The maximum electrical rating of the appliance must be within the maximum electrical rating of the plug

All appliances must be marked 230V or include 230V within the range of marked supply voltages.

Note: the characteristics of the electricity supplied in New Zealand differ from those used in many other countries and products intended to be used in those other countries may be dangerous if directly connected to the standard New Zealand supply.

### 5.1 GENERAL SAFETY REQUIREMENTS

While there is a general requirement under the Regulations for all electrical products to be safe (ESR 80), the New Zealand regulatory environment defines the limits of fundamental safety. The Regulations specify aspects of electrical appliance and fitting design and construction that are not permissible, eg deemed to be unsafe (ESR 22 and 23).

The factors identified as being unsafe are also used as the basis for enforcement including Prohibition.

CATEGORY OF PRODUCTS	SAFETY REQUIREMENTS
High risk	Recognised Approval or Certification
Medium risk	Supplier Declaration of Conformity (SDoC) made by the New Zealand manufacture or importer
Other products	Comply with fundamental safety requirements

The New Zealand market is aligned with the Australian regulatory regime through compliance processes that meet both our regulatory requirements. Most domestic consumer appliances in Australia are listed Level 3 products (equivalent to high-risk in New Zealand) requiring recognised Approval, however most of these appliances in New Zealand are listed Medium risk articles that a **SDoC, the approval documentation from Australia can be used by the New Zealand importer to support a valid SDoC**. Alternatively if the imported product is listed on the Electrical Equipment Safety Scheme (EESS) online database and the New Zealand importer is registered as a supplier of that product on the EESS database, it is deemed to be WorkSafe approved and does not need an additional SDoC to be made.

As a result, with very few exceptions, products that are able to be sold in the Australian market can be sold and used lawfully in New Zealand.

### PROHIBITED PRODUCTS

**Regulation 87** and any associated prohibition **Gazette notices** allow WorkSafe New Zealand to prohibit specific products from importation, manufacture, sale and use. The actual prohibition may apply to all or selected activities, as stated in the issued Prohibition notice.

## 5.2 HIGH RISK PRODUCTS

Under the Electricity (Safety) Regulations 2010 (**Regulation 84**) High risk products are referred to as Declared High Risk Articles. The list of **High risk** products is set by Gazette notices.

All high risk products must be formally approved, or covered by **certification** that is recognised as an equivalent to an approval (under **Regulations 85** or 86A) before being offered for sale, or sold in New Zealand.

In the majority of cases the recognised certification relates to one of **New Zealand's Electrical and Electronic Equipment (EEE) MRAs** and is implemented by Gazette Notices.

Most High risk products are also “declared articles” in Australia. The Australian approvals systems (and associated certification) are recognised through Gazette notices and the Trans-Tasman Mutual Recognition Arrangement (TTMRA). The new Australasian Electrical Equipment Safety System (EESS) is recognised through **Regulation 86A**. Most products lawfully saleable in Australia comply with the requirement of the New Zealand Electricity (Safety) Regulations 2010, provided the associated documentation is available from the supplier.

Products in the high risk category require evidence of approval or deemed equivalent certification.

**Approvals and recognised certification** are often conditional and normally valid for up to five years, but may be less. An approval can be obtained from Energy Safety for products that are not covered by a valid Australian approval or recognised certification, or certified in accordance with one of New Zealand's EEE MRAs. An application for approval should be made on the **applicable form** and should be accompanied by a **test report** verifying compliance with the applicable Standard listed in **Schedule 4** of the Regulations.

Under the transitional arrangements of the **Electricity (Safety) Regulations 2010**, any **Supplier Declaration of Conformity (SDoC)**, Declared High Risk Articles were previously referred to as Declared Articles under Regulation 101 of the Electricity Regulations 1997:

- > The list of Declared High Risk Articles is retained from the Electricity Regulations 1997.

All High Risk Articles are currently also be listed as “Medium Risk” and will also require a Supplier Declaration and supporting compliance documentation.

Products certified in accordance with New Zealand’s **EEE MRA with China** are also recognised under the Regulations.

### 5.3 MEDIUM RISK PRODUCTS

Under the Electricity (Safety) Regulations 2010 (**Regulation 83**) medium risk products are referred to as Declared Medium Risk Articles. The list of **medium risk products** is set by a Gazette notice.

All medium risk products must have a valid Supplier Declaration of Conformity (SDoC). The **form** for this declaration has been aligned with the international format in ISO/IEC 17050. An exception to this requirement is if the imported product is listed on the Electrical Equipment Safety Scheme (EESS) online database and the New Zealand importer is registered as a supplier of that product on the EESS database, it is deemed to be WorkSafe approved and does not need a separate SDoC to be made.

The SDoC must be supported by documentary evidence showing (eg test report) how the fitting or appliance complies with AS/ NZS3820 or the applicable Standard listed in the current **Schedule 4**.

Schedule 4 of the Regulations introduces a list of the recognised Standards including any alternatives. Many of these Standards are IEC (International Electro technical Commission) Standards with variations to reflect any specific New Zealand requirements such as language and voltage. This provides for a wider range of recognised and accredited testing facilities.

Most medium risk products are also “declared articles” in Australia. The Australian certification is recognised under the Electricity (Safety) Regulations 2010 to accompany the SDoC.

Declared Medium Risk Articles require:

- > Supplier Declaration of Conformity (SDoC) (or a WorkSafe approval).
  - A copy of a valid SDoC and supporting test report(s) or certificates of conformity must be produced within 10 days after being asked to do so by Energy Safety.
  - The declaration must also be available to a purchaser or potential purchaser.
- > Supporting documentary evidence of compliance eg Test Report.
  - The Supporting documentary evidence of compliance is not required to be from an accredited test laboratory. However, a fully accredited test report remains as the recognised bona fide means of demonstrating compliance. There is some flexibility for the actual Standards used to support evidence with cited Standards.

## 5.4 OTHER PRODUCTS

All electrical products sold in New Zealand are required to meet the fundamental safety provisions. Recognised safety standards for all commonly available electrical products, including those that are not High risk or Medium risk declared articles, are listed in the current **Schedule 4** of the Regulations. Where a specific appliance standard is not available, then AS/NZS 3820 may be applied.

### EVIDENCE OF ELECTRICAL SAFETY

Accredited **test reports** or a recognised certification showing full product compliance with the applicable safety standard, are recognised by the Regulations as bona fide proof of compliance with the safety fundamentals.

Many of the recognised Standards are adoptions or variations of international Standards. The variations are required to meet New Zealand's particular safety and "environmental" requirements and address such things as language, voltage, frequency and plugs.

The Regulations now formally identify that the New Zealand suppliers or New Zealand manufacturers of electric appliances are responsible for the accuracy and safety of any installation or usage instructions supplied with each appliance.

The **Electricity (Safety) Regulations 2010**, by recognising **documentation** that demonstrate how a product complies with the recognised Standard, permit the use of other Standards that are identical or have explicit relationships with the recognised Standards.

The recognised test laboratories or certification bodies include those established under New Zealand's EEE MRAs.

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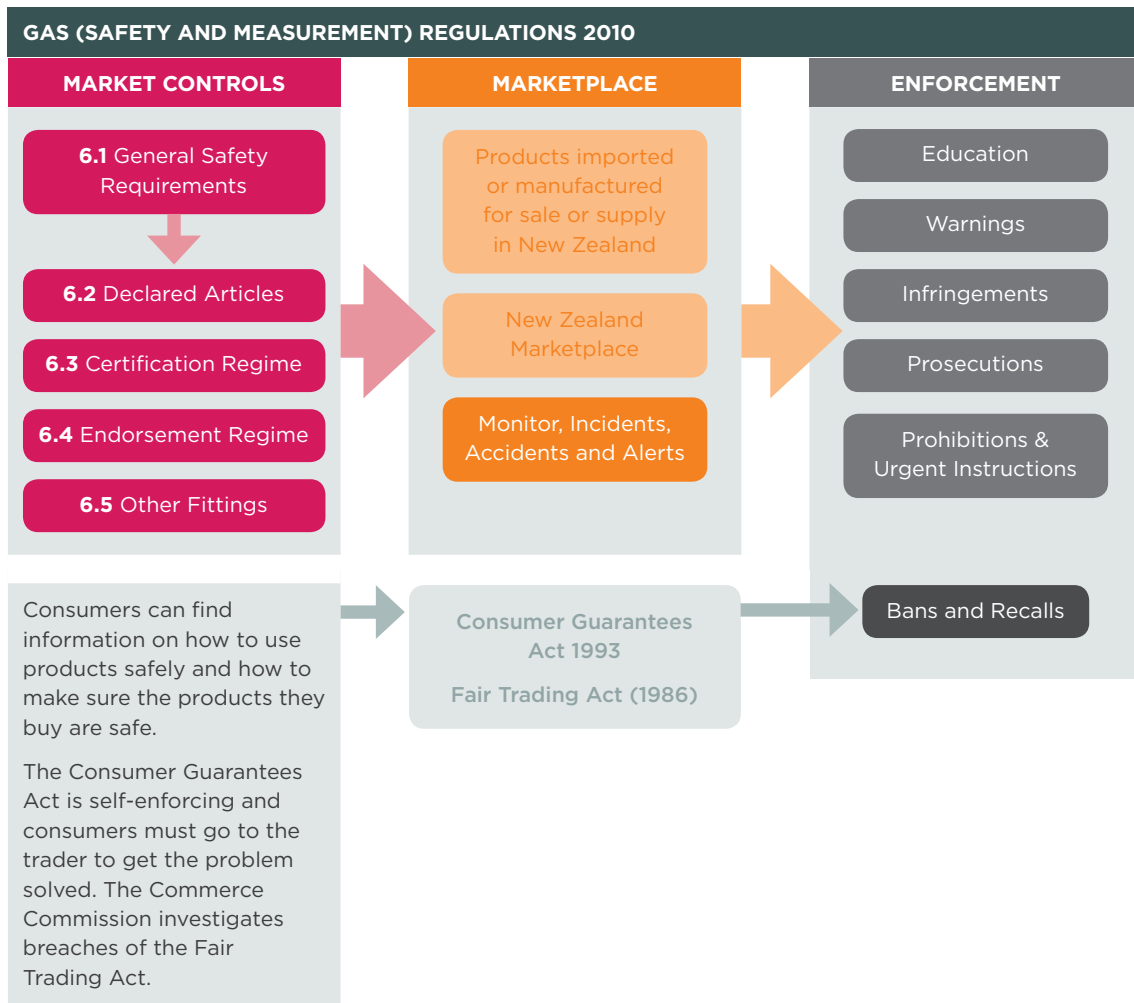
## **GAS PRODUCT SAFETY OVERVIEW**

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### **IN THIS SECTION:**

- 6.1 General safety requirements**
- 6.2 Declared articles**
- 6.3 Certification regime**
- 6.4 Endorsement regime**
- 6.5 Other fittings**





## 6.1 GENERAL SAFETY REQUIREMENTS

There is a general obligation on every person who manufactures, imports, sells or offers for sale, hires out, leases out, or installs a gas appliance or fittings to take all practicable steps to ensure that the gas appliance or fitting is safe **Regulation 53**. This applies to appliances and fittings whether new or used, or imported as part of an installation such as a caravan.

While there is a general requirement under the Regulations for all gas products to be safe, the New Zealand regulatory environment establishes the limits of fundamental safety. The Regulations specify aspects of the gas appliance design and construction that are deemed unsafe and are therefore not permissible (**Regulation 11** and **Regulation 13**).

The factors identified as being unsafe are also used as the basis for enforcement including Prohibition.

The Regulations explicitly state the obligations on appliance importers. These also apply to persons who import gas installations such as caravans.

### PROHIBITED PRODUCTS

**Regulation 63** and any associated prohibition **Gazette notices** allow the Secretary to prohibit specific products from importation, manufacture, sale and use.

The actual prohibition may apply to all or selected activities, as stated in the issued prohibition notice.

### MARKING REQUIREMENTS

All gas appliances sold or offered for sale must have, as a minimum, the markings specified in **Regulation 71**.

This applies in addition to markings required by the specific certification or endorsement standard.

### MANUFACTURER'S INSTRUCTIONS

If a supplier provides manufacturer's instructions, they must be such that when the appliance or fitting is installed it is safe and is compliant with the regulations (**Regulation 14A**).

Gas appliances must be safe when used with the gas for which they are intended. This is typically either natural gas, which must meet NZS 5442, or LPG, which must meet NZS 5435.

Note: the characteristics of the gases supplied in New Zealand differ from those used in many other countries.

### 6.2 DECLARED ARTICLES

The Gas (Safety and Measurement) Regulations 2010 (**Regulations 60–62**) set out requirements for certain products referred to as Declared Articles. Such products are expected to be mostly high risk products and are set by a **Gazette notice**.

All Declared Articles must be formally approved, or covered by certification, that is, recognised as an equivalent to an approval under Regulation 62 before being offered for sale or sold in New Zealand.

An application for approval should be made on the applicable form and should be accompanied by documentation as specified in Gazette notices.

Approvals and recognised certification are often conditional and normally valid for up to five years, but may be less.

Approvals may be issued by Energy Safety.

The Certification and Endorsement Regimes became fully mandatory on 1 July 2013. It was permissible to use the equivalent safety provisions in the Gas Regulations 1993 up to 30 June 2013 as an alternative.

### 6.3 CERTIFICATION REGIME

Under the Gas (Safety and Measurement) Regulations 2010 **Regulation 54**, gas appliances and specified fittings must be certified.

**Regulation 55** and **Schedule 2A** specify the bodies and standards deemed acceptable for certification, and any conditions that apply. Applicable conditions generally relate to ensuring safety with the fuel gases available in New Zealand, and safe operation with electrical supply at standard low voltage of 230 V, 50 Hz (nominal).

The Certification Regime recognises four alternative certification regimes:

- > Certification by bodies certified to EU Directives 2009/142/EC using standards specified in **Clause 2** of **Schedule 2A**.
- > Certification by Canadian Standards Association or Underwriters Laboratories using North American standards specified in **Clause 3** of **Schedule 2A**.
- > Certification by recognised Australian bodies using Australian standards specified in **Clause 4** of **Schedule 2A**.
- > Certification by a certification body recognised by **Joint Accreditation System of Australia and New Zealand (JAS-ANZ)** to a standard specified in Part 2 of NZS/AS 3645:2010.

### SUPPLIER DECLARATIONS OF GAS APPLIANCES AND SPECIFIED FITTINGS

Appliances and specified fittings requiring certification will also be required to have a **Supplier Declaration of Compliance (SDoC)** published on Energy Safety’s website (**Regulation 65 to 66**). The importer or New Zealand manufacturer is responsible for supplying the SDoC and publishing it.

The Certification and Endorsement Regimes became fully mandatory on 1 July 2013. It was permissible to use the equivalent safety provisions in the Gas Regulations 1993 up to 30 June 2013 as an alternative.

### LABELLING OF GAS APPLIANCES AND SPECIFIED FITTINGS

All gas appliances and all specified fittings certified under this regime must also carry a **gas safety compliance label (Regulation 72)**. Responsibility to ensure correct labelling extends across the supply chain, such as importers and manufacturers, through to retailers and installers.

### USE OF GAS SAFETY COMPLIANCE LABEL

The Regulations require gas appliances, except for endorsed appliances and those for which the transitional provisions are applied, to be labelled with the gas safety compliance label. However, there is at present uncertainty as to whether European-certified or North American-certified product or product certified to NZS/AS 3645 will be acceptable for sale in Australia. Therefore, it is recommended that suppliers of products that do not have Australian certification apply the gas safety compliance label in a manner that allows it to be removed post-manufacture if necessary.

## 6.4 ENDORSEMENT REGIME

Some appliances and specified fittings requiring endorsement do not fit well into the Certification Regime, so the regulatory framework provides an alternative safety pathway through the **Endorsement Regime, Regulation 58, and Regulation 59**. These rules apply to “small production appliances”. Small production appliances are defined as those appliances that form part of an imported new or used gas installation or of which there are 21 or fewer supplied in New Zealand per year.

The Endorsement Regime generally applies to products for which certification is unavailable or is otherwise not practicable. Under the Regime an appliance must be endorsed by an **Approved Practitioner** who has been approved by Energy Safety on behalf of the Secretary.

The Approved Practitioner must make an endorsement that states the appliance complies with the Regulations and NZS 5266. A copy of the endorsement must be supplied with the appliance.

The Certification and Endorsement Regimes became fully mandatory on 1 July 2013. It was permissible to use the equivalent safety provisions in the Gas Regulations 1993 up to 30 June 2013 as an alternative.

### SPECIFIED FITTINGS

WorkSafe New Zealand may, by way of a **Gazette notice**, specify that the fitting must comply with either the Certification Regime or the Endorsement Regime. The Gazette notice may also require that the importer or New Zealand manufacturer of the specified fitting must place a **Supplier Declaration of Compliance (SDoC)** on **Energy Safety’s website**.

## 6.5 OTHER FITTINGS

All gas appliances, whether under the Certification Regime or Endorsement Regime, must have a data plate that complies with **Regulation 71**. This Regulation requires that the data plate provides data needed by the installer such as gas supply pressure and input rating.

For products that are required to have a Supplier Declaration, the markings should identify the supplier that made the declaration.

“Fitting” is defined as any piece of gas equipment including an appliance. This includes equipment such as hoses, pressure regulators and gas pressure raising equipment (eg compressors). There are general safety obligations to ensure fittings are safe (**Regulation 53**), and Regulation 11 defines circumstances in which fittings are deemed unsafe.

### EVIDENCE OF GAS PRODUCT COMPLIANCE

The Regulations state that, on request from the Secretary, the importer or New Zealand manufacturer must provide documentation showing they have complied with the Regulations within ten working days of the request (**Regulation 73**).

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## **MARKET MONITORING OF ELECTRICAL & GAS PRODUCTS**

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### **IN THIS SECTION:**

- 7.1 Why monitor**
- 7.2 Audits and inspections**



## 7.1 WHY MONITOR?

Regular market monitoring of electrical and gas products, through audits and inspections of suppliers and products, is Energy Safety's proactive approach to maintaining the compliance framework and promoting the appropriate steps to compliance. This minimises the likelihood of unsafe products reaching New Zealand consumers, as well as the costs associated with compliance action.

Our approach to market monitoring is to:

- > promote risk and compliance management within firms
- > ensure that electrical and gas products comply with the Regulations
- > strengthen relationships with the electrical and gas product industries through education
- > improve Energy Safety's understanding of the marketplace
- > maintain the value of a safe electrical and gas product environment in New Zealand
- > maintain the integrity of the appliance safety regime
- > provide a level playing field for suppliers
- > target non-compliance.

## 7.2 AUDITS AND INSPECTIONS

### WHO CAN BE AUDITED?

Anyone who imports, manufactures, and/or sells new or used electrical or gas appliances and fittings in New Zealand can be audited.

### WHAT ARE THE SELECTION CRITERIA?

The selection criteria undertaken by Energy Safety are based on:

- > supplier risk assessment
- > product risk assessment
- > complaints, incidents and accidents

- > advice from other regulatory agencies
- > type of supplier or trader
- > regional spread.

### ACCIDENTS AND INCIDENTS

Where an accident or incident involving equipment occurs that is considered significant, or where product compliance is drawn into question, Energy Safety may at the time of investigation

- > request the manufacturer to provide information relating to product safety or compliance and/or
- > request the supplier to cease sale of electrical and gas products.

Any subsequent action will follow Energy Safety's compliance and enforcement procedures.

### ALERTS

Energy Safety maintains a number of international linkages and co-operation arrangements with other regulatory agencies where information on product safety compliance is exchanged and surveillance activities are carried out co-operatively.

Based on information exchanged under New Zealand's international arrangements, product investigations may be carried out or direct enforcement action implemented.

In some cases information from industry participants is brought to the attention of Energy Safety for assessment and follow-up action.

### THE AUDIT PROCESS

If you are selected for a planned electrical or gas product audit, Energy Safety will give you notice. Spot audits may also occur without advanced notice during business hours. When Energy Safety visits, you will need to provide:

- > details of the appropriate contact person authorised to respond on behalf of the business
- > details of your business eg registered company, partnership
- > the basis on which the product is legally sold in New Zealand. For example, evidence of approval and Supplier Declaration
- > evidence of correct product labelling
- > evidence of correct product marking
- > evidence of general suitability for the marketplace, including correct plugs, warning labels and instruction manuals.

### **OUTCOME OF AUDITS**

Energy Safety will advise the outcome when all elements of the audit have been considered. At the time of an audit, a verbal explanation will be given which may include advice to cease sale.

If the audit has been deemed unsatisfactory, Energy Safety will advise of the problem(s) requiring remedy and compliance action may include issuing an Infringement notice or Prosecution. See the Enforcement section of this guide for more information.

If you have concerns about any electrical or gas product please call our free-phone number 0800 030 040 or complete our [product appliance complaint form](#).

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## **ENFORCEMENT OF ELECTRICAL AND GAS PRODUCT SAFETY**

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### **IN THIS SECTION:**

- 8.1 Assessment process**
- 8.2 Warnings and advisories**
- 8.3 Infringement notices**
- 8.4 Offences and prosecutions**
- 8.5 Prohibitions and urgent instructions**
- 8.6 Bans and recalls**

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## Energy Safety works with manufacturers and importers throughout the audit and investigation process to initiate proactive education strategies and audit programmes that enhance our effectiveness as a safety regulator.

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### 8.1 ASSESSMENT PROCESS

Enforcement of electrical and gas product safety is based on Energy Safety's observations and assessment of the market. Energy Safety operates in a fair and consistent manner when dealing with non-compliance.

Non-compliance is based on evidence and circumstance to determine the appropriate action required. The action may be a Warning, Infringement Notice, Prosecution, and/or Prohibition or Urgent Instruction. A variety of factors are considered for their impact on public safety and care, including:

- > severity of the offence
- > impact of the offence
- > co-operation, attitude and behaviour
- > operational implications
- > risk to consumers and members of the public.

If the impact from the assessment indicates that non-compliance is sufficiently serious, or there is a previous history of non-compliance, Energy Safety may issue an Infringement notice directly after the investigation or audit. The supply of prohibited items will result in an Infringement notice, regardless of the circumstance.

Energy Safety will also consider what action(s) may be necessary to correct the non-compliance. This may include issuing an Urgent Instruction. Failure to comply with the Urgent Instruction may result in Prosecution and the matter referred to **Consumer Affairs** to consider initiating a compulsory recall under the **Fair Trading Act 1986**.

### 8.2 WARNINGS AND ADVISORIES

A Warning notice will outline:

- > the offence observed
- > the remedial action to take.

The Warning notice may be accompanied by advice to cease supply and notify consumers who purchased that product.

A follow-up audit may be made to monitor compliance with the Regulations and any remedial action required.

If remedial action is not taken within the specified timeframe, Energy Safety may escalate the enforcement to ensure protection of the public and their property.

#### WARNINGS

While an Infringement notice may follow from an unresolved Warning notice, there is no requirement to give a Warning notice first.

### 8.3 INFRINGEMENT NOTICES

An Infringement notice will be issued in the form specified in Schedules of the Regulations, and will outline:

- > the relevant infringement offence
- > your rights and obligations
- > the amount of the Infringement fee and
- > the address for payment of the Infringement fee.

Infringement notices do not require a preliminary warning. Infringement notices are issued where the effect of the non-compliant situation is sufficiently serious, or a previous history of non-compliance exists.

Paying an Infringement fee will not exempt you from having to carry out any remedial action. Continuing to commit an offence may result in further notices or prosecution.

If the impact assessment made by Energy Safety indicates that the effect of non-compliance is sufficiently serious, or a previous history of non-compliance exists, an Infringement notice may be issued directly following an investigation or audit. For example, a serious breach would be the sale, or offer for sale, of prohibited items. The seriousness of this breach would result in an Infringement notice, regardless of circumstance.

Infringement notices are accompanied by Infringement fees. The notice applies to the observed instance of non-compliance.

Notices include an explanation of the recipient's responsibilities and rights so should be read carefully and advice should be sought if necessary.

#### INFRINGEMENT OFFENCES

The following are examples of offences and their related fees (per infringement) under the Regulations.

**Selling or offering for sale, supplying or offering to supply:**

- > an electrical or gas fitting or appliance that is unsafe
- > an electrical medium risk declared article for which a Supplier Declaration (SDoC) has not been made
- > an electrical high-risk declared article that has not been approved
- > a gas appliance that has not been certified, or does not have relevant endorsement
- > a gas declared article that has not been approved.

**Failing to:**

- > provide a copy of a Supplier Declaration (SDoC), test report/certification or other documentation within ten working days of request
- > meet the terms and conditions of an approval.

**Other:**

- > Manufacturing, importing, selling, installing or using contrary to a prohibition.
- > Applying false safety labelling to a product.

**Fee:**

Level 1	Individual: \$500	Body Corporate*: \$3,000
Level 2	Individual: \$1,000	Body Corporate*: \$1,000

\* A Body Corporate includes (but is not limited to) organisations such as companies, incorporated societies and charitable trust boards.

### 8.4 OFFENCES AND PROSECUTIONS

Energy Safety may take Prosecution action rather than issue an Infringement notice. This will be considered on a case by case basis.

Every person who commits an offence shall be liable on summary conviction to a fine not exceeding:

**Level 2 offences:**

- > \$10,000 in the case of an individual, and,
- > In any other case, \$50,000.

**Level 1 offences:**

- > \$2,000 in the case of an individual, and,
- > In any other case, \$10,000.

**SECTION 163C OF THE ELECTRICITY ACT 1992**

- > Imprisonment up to 2 years.
- > \$100,000 in the case of an individual.
- > \$500,000 in the case of a body corporate.\*

**SECTION 56B OF THE GAS ACT 1992**

- > Imprisonment up to 2 years.
- > \$100,000 in the case of an individual.
- > \$500,000 in the case of a body corporate.\*

\* A Body Corporate includes (but is not limited to) organisations such as companies, incorporated societies and charitable trust boards.

**8.5 PROHIBITIONS AND URGENT INSTRUCTIONS**

If it is determined that a serious safety risk is occurring, or could occur, then a Prohibition or an Urgent Instruction may be issued.

A Prohibition or Urgent Instruction may:

- > require ceasing importation, the use, sale, or manufacture of the product
- > alert the public or those who have purchased a product of safety risks
- > specify that an instruction be carried out within a stipulated way.

Failing to comply with a Prohibition or Urgent Instruction may result in a prosecution.

The person to whom the instruction is issued is responsible for the costs complying with an Urgent Instruction.

**8.6 BANS AND RECALLS**

Where it is considered appropriate, and as reflected in the underlying policy of the Regulations, bans and compulsory recalls may be implemented under the legislation administered by **Consumer Affairs** in co-ordination with Energy Safety.

A supplier may initiate their own, voluntary recall. A supplier initiated recall must be **notified** to the Trading Standards unit of Consumer Affairs.



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## APPENDICES

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### IN THIS SECTION:

- 9.1 Links to other websites
- 9.2 Acronyms and glossary
- 9.3 Contacts

Throughout this publication, we refer to a number of other publications and resources, which you should consult for comprehensive and detailed information.

### 9.1 LINKS TO OTHER WEBSITES

Below is a list of websites for agencies websites and certification bodies with an interest in energy safety.

Energy Safety	<a href="http://www.energysafety.govt.nz">www.energysafety.govt.nz</a>
Electrical Workers Registration Board	<a href="http://www.ewrb.govt.nz">www.ewrb.govt.nz</a>
Plumbers, Gasfitters and Drainlayers Board	<a href="http://www.pgdb.co.nz">www.pgdb.co.nz</a>
Energy Efficiency and Conservation Authority	<a href="http://www.eeca.govt.nz">www.eeca.govt.nz</a>
Former Department of Building and Housing (DBH)	<a href="http://www.dbh.govt.nz">www.dbh.govt.nz</a>
Former Department of Labour (DoL)	<a href="http://www.dol.govt.nz">www.dol.govt.nz</a>
International Accreditation of New Zealand (IANZ)	<a href="http://www.ianz.govt.nz">www.ianz.govt.nz</a>
Joint Accreditation System of Australia and New Zealand	<a href="http://www.jas-anz.com.au">www.jas-anz.com.au</a>
Consumer Affairs	<a href="http://www.consumeraffairs.govt.nz">www.consumeraffairs.govt.nz</a>
New Zealand Customs	<a href="http://www.customs.govt.nz">www.customs.govt.nz</a>
Radio Spectrum Management	<a href="http://www.rsm.govt.nz">www.rsm.govt.nz</a>
Standards New Zealand	<a href="http://www.standards.co.nz">www.standards.co.nz</a>
Standards Australia	<a href="http://www.standards.org.au">www.standards.org.au</a>
WorkSafe New Zealand	<a href="http://www.worksafe.govt.nz">www.worksafe.govt.nz</a>
World Trade Organisation	<a href="http://www.wto.org">www.wto.org</a>

The following legislation is available online or can be purchased from bookstores that supply government publications.

Consumer Guarantees Act 1993	<a href="http://www.legislation.govt.nz/act/public/1993/0091/latest/DLM311053.html">www.legislation.govt.nz/act/public/1993/0091/latest/DLM311053.html</a>
Electricity (Safety) Regulations 2010	<a href="http://www.legislation.govt.nz/regulation/public/2010/0036/latest/DLM2763501.html">www.legislation.govt.nz/regulation/public/2010/0036/latest/DLM2763501.html</a>
Fair Trading Act 1986	<a href="http://www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html">www.legislation.govt.nz/act/public/1986/0121/latest/DLM96439.html</a>
Gas (Safety and Measurement) Regulations 2010	<a href="http://www.legislation.govt.nz/regulation/public/2010/0076/latest/DLM2359501.html">www.legislation.govt.nz/regulation/public/2010/0076/latest/DLM2359501.html</a>
Hazardous Substances and New Organisms Act 1996	<a href="http://www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html">www.legislation.govt.nz/act/public/1996/0030/latest/DLM381222.html</a>
The Health and Safety in Employment Act 1992	<a href="http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html">http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html</a>

## 9.2 ACRONYMS AND GLOSSARY

Below is a list of acronyms that describe the abbreviations within this guide.

TERM	DEFINITION
Audits	A term used by Energy Safety to refer to a range of activities undertaken to assess the compliance and safety of products and systems under the Electricity (Safety) Regulations 2010 and the Gas (Safety and Measurement) Regulations 2010
Body Corporate	Bodies Corporate include (but are not limited to) organisations such as companies, incorporated societies and charitable trust boards
CAB	Conformity Assessment Body
CCC	China Compulsory Certification. An agreement between New Zealand and China that is regulated in China under the CCC system
CoC	Certificate of Conformity (for products) or; Certificate of Compliance (for completed electrical or gas work)
CGA	Consumer Guarantees Act 1993
EECA	Energy Efficiency and Conservation Authority
EEE	Electrical and Electronic Equipment
EWRB	Electrical Workers Registration Board
HSNO	Hazardous Substances and New Organisms Act 1996
IANZ	International Accreditation of New Zealand
ISO/IEC Standards	International Standards Organizations/International Electro technical Commission
JAS-ANZ	Joint Accreditation System of Australia and New Zealand
LPG	Liquefied Petroleum Gas
MRA	Mutual Recognition Arrangements that New Zealand has with global trading partners. You can view these on <a href="#">Energy Safety's website</a>
PGDB	Plumbers, Gasfitters and Drainlayers Board
Products	All electrical and gas appliances and fittings mentioned in this guide
SDoC	Supplier Declaration of Conformity (Electricity (Safety) Regulations 2010) or; Supplier Declaration of Compliance (Gas (Safety & Measurement) Regulations 2010)
TTMRA	Trans-Tasman Mutual Recognition Arrangement. The arrangement New Zealand has with Australia can be viewed on the <a href="#">Ministry of Business, Innovation and Employment's website</a>
WTO	World Trade Organisation. The only global international organisation dealing with the rules of trade between nations

## 9.3 CONTACTS

Website [www.energysafety.govt.nz](http://www.energysafety.govt.nz)

Email [info@energysafety.govt.nz](mailto:info@energysafety.govt.nz)

Phone 0800 030 040  
+64 3 962 6248 (outside New Zealand)

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## DISCLAIMER

Energy Safety as part of WorkSafe New Zealand, is responsible for the operation of an effective investigation, compliance, enforcement and conformance regime for gas and electrical safety.

WorkSafe has made every effort to ensure the information contained in this publication is reliable, but makes no guarantee of its completeness. WorkSafe may change the contents of this guide at any time without notice.

This document is a guideline only. It should not be used as a substitute for legislation or legal advice. WorkSafe is not responsible for the results of any action taken on the basis of information in this document, or for any errors or omissions.

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[www.energysafety.govt.nz](http://www.energysafety.govt.nz)



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