



ANNO QUARTO

## GEORGI VI REGIS.

A.D. 1940.

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### No. 39 of 1940.

An Act to regulate the sale and hiring of electrical articles and materials, and for purposes incidental thereto.

[Assented to 28th November, 1940.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the “ Electrical Articles and Materials Act, 1940 ”. Short title.
2. (1) In this Act, unless the context otherwise requires, or some other meaning is clearly intended— Interpretation.
  - “ committee ” means the committee established under this Act :
  - “ electrical articles and materials ” include any wire, cable, appliance, fitting, meter, insulator, apparatus or other material or article intended or designed for use in connection with the transmission of electricity, or operated by electricity :
  - “ label ” includes any strip, band, or piece of paper, cardboard, cloth, metal, or other prescribed material :
  - “ proclaimed class ” means a class, description, or type of electrical article or material proclaimed under this Act.
- (2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, so as not to exceed the legislative power of the State, to the intent that if any provision of this Act would, apart from this section, be in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

Marks for use under this Act.

**3.** For the purposes of this Act a mark shall consist of any name, word, letter, figure, or sign or any combination of any of them, which the committee selects in each case for the purpose of signifying its approval of any electrical article or material.

Establishment of electrical articles approvals committee.

**4.** (1) There shall be established a committee to be called "The Electrical Goods Approvals Committee".

(2) The committee shall consist of not more than eight members appointed by the Governor.

(3) A member of the committee shall not by virtue only of his office as member be subject to the Public Service Act, 1936.

Term of office of members.

**5.** Subject to this Act every member of the committee shall hold office for three years :

Provided that—

(a) one-third of the first members of the committee shall retire at the end of one year after their appointment, and one-third of these members shall retire at the end of two years after their appointment. If the members of the committee are unable to agree as to which members are to retire under this paragraph the chairman of the committee shall determine the matter by drawing lots. If the number of members of the committee is not divisible by three, the number of members to retire under this paragraph shall be one-third of the next lower number which is divisible by three :

(b) any person appointed to a casual vacancy shall hold office for the balance only of the term of the member in whose place he was appointed :

(c) a retiring member shall be eligible for re-appointment.

Chairman.

**6.** The Governor shall appoint one of the members to be chairman of the committee. Subject to this Act a member appointed as chairman shall hold office as such for such term, not extending beyond the end of the term of office of such member, as the Governor determines.

Casual vacancies.

**7.** The office of a member of the committee shall become vacant if—

(a) he dies ;

(b) he resigns by written notice given to the chairman ; or

(c) he is removed from office by the Governor for misbehaviour, neglect of his duties as a member, or physical or mental incapacity to perform those duties.

Quorum.

**8.** A majority of the members of the committee shall form a quorum thereof for the transaction of business and no business shall be transacted at a meeting unless a quorum is present.

Every matter coming before the committee shall be decided by a majority of the votes of the members present and voting at a duly convened meeting of the committee.

9. (1) The chairman shall preside at every meeting of the committee at which he is present. In his absence another member chosen for the purpose by a majority of the members present and voting shall preside. Conduct of meetings.

(2) At a meeting of the committee the chairman or acting chairman shall have a deliberative vote and in the event of equality of votes a casting vote also.

10. The Governor may, by proclamation—

(a) declare that any authority of another State or Territory of the Commonwealth, which authority has power to approve of electrical articles or material before the sale or hiring thereof shall be a “ recognized authority of another State ” for the purposes of this Act : Proclaimed authorities of other States.

(b) from time to time revoke or vary any such proclamation.

11. The Governor may, by proclamation—

(a) declare that any class, description, or type of electrical articles or material shall, as from a day to be specified in the proclamation, be a proclaimed class for the purposes of this Act : Proclaimed classes.

(b) vary or revoke any such proclamation.

12. (1) No person shall sell, offer to sell, expose for sale, let on hire or offer to let on hire any electrical article or material of a proclaimed class unless such article or material bears thereon or on a label attached thereto either— Regulation of sales and hiring of electrical articles and material.

(a) a mark affixed under the authority of the committee ;  
or

(b) a mark which has been—

(i.) affixed under the authority of a recognized authority of another State for the purpose of indicating that the said article or material is approved by that authority ; and

(ii.) approved by the committee.

(2) If any person contravenes this section he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) No person shall be convicted of an offence against this section in respect of any article or material if he shows—

(a) that, at the time when the class description or type of electrical articles or material to which the said

## Electrical Articles and Materials Act, 1940.

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article or material belongs, was declared to be a proclaimed class, the said article or material was in his possession for sale ; or

- (b) that the said article or material was after the said time delivered to him in pursuance of a contract entered into before the said time.

**Exemptions from Act.**

**13.** The Governor may, by regulations, declare that any electrical articles or material defined, described or otherwise specified or referred to in the regulations, shall be exempt from this Act, during any period, and subject to any restrictions or conditions mentioned in the regulations.

**Summary procedure.**

**14.** Proceedings for offences against this Act shall be disposed of summarily.

**Regulations.**

**15.** The Governor may make regulations—

- (a) providing for the examination, testing, approval and the withholding and withdrawal of approval of any electrical articles or material or samples thereof :
- (b) providing for the issue of certificates of approval of any electrical articles or materials and for cancelling, suspending, and transferring such certificates :
- (c) providing for the stamping or labelling of any electrical apparatus or material with marks so as to show that the committee approves or does not approve thereof and for regulating and controlling the use of marks under this Act :
- (d) prescribing the fees to be charged for the examination, testing, and approval of any class of electrical apparatus or material and for the issue and transfer of certificates of approval :
- (e) prohibiting the fraudulent or improper use of marks similar to those used by the authority of the committee, or of marks so nearly resembling those used by the authority of the committee as to be likely to deceive :
- (f) prescribing any matters incidental to any of those previously mentioned in this section or necessary or convenient to be prescribed for carrying this Act into effect :
- (g) prescribing fines recoverable summarily and not exceeding twenty pounds for the breach of any regulation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.