



# Queensland Government Gazette

**EXTRAORDINARY**

**PUBLISHED BY AUTHORITY**

ISSN 0155-9370

**Vol. 380]**

**MONDAY 1 APRIL 2019**

**[No. 65**

## **DECLARATION OF A SCHEME UNDER THE *ELECTRICAL SAFETY ACT 2002***

I, BRIAN RICHARDSON, Director Equipment Safety and Licensing, Office of Industrial Relations, being the delegate of the regulator acting under Part 2A, Division 3, Section 48J of the *Electrical Safety Act 2002*, hereby declare Conformity Certification Services Pty Ltd ABN 74 161 881 401 trading as EESS Conformity Certification, as a Recognised External Certification Scheme (RECS).

The establishment of the RECS is effective from the date of publication of this notice in the Queensland Gazette and is for a period of 5 years.

In accordance with the *Electrical Safety Act 2002*, Part 2A, Division 3, Section 48J and the *Electrical Safety Regulation 2013* - Part 7 In-scope electrical equipment, Division 8 Recognised external certification schemes –

I, Brian Richardson Director Equipment Safety and Licensing, Office of Industrial Relations, being the delegate of the regulator impose the following conditions on the declared scheme:

### **Conditions:**

1. All certificates issued under the Electrical Equipment Safety System (EESS) by the Recognised External Certification Scheme (RECS) shall be in accordance with these conditions, the Queensland *Electrical Safety Act 2002*, *Electrical Safety Regulation 2013*, and the Equipment Safety Rules as current at the time of issuing the certificate. The RECS shall also adhere to any rulings, interpretations or other guidance material issued by the regulator or as published on a website by the regulator.
2. The RECS shall not authorise or otherwise permit persons to conduct assessments on certificate applications, or make determinations to issue certificates if those person's details were not originally supplied with the application to become a RECS and accepted, or whose details were subsequently supplied to and accepted as suitable by the regulator. All certification processes shall be conducted in Australia or New Zealand by the persons authorized.
3. The RECS shall remain independent of any other parts or processes involved in the in-scope electrical equipment supply chain (that includes: design, manufacture, import, testing, consultancy, sale of in-scope electrical equipment), nor shall they be involved in work of, or act as, a consultant or agent or lobbyist for persons or companies involved in those processes. The RECS will not engage persons to assess applications for certification, or decide on certification, or to be involved in any other processes that relate to assessment or decisions for RECS certification (such as, but not limited to, training of staff, assessment of competency, writing of policies and procedures for certification), if those persons conduct other work in the supply chain of in-scope electrical equipment, unless the person and activity is accepted by the Regulator prior to the activity occurring. Such other work includes, but is not limited to, designing, importing, manufacturing or selling in-scope electrical equipment, consultancy, compiling documents for application for certification, testing of the in-scope electrical equipment or supervising or training of people conducting any of that work.
4. During the period of recognition as a RECS, the RECS shall notify the regulator of any material change related to the information supplied with the related application to become a RECS within two weeks of any such change. Such change includes but is not limited to: change of ownership, change of directors, change of senior officers of company, change of personnel involved in certification processes as a RECS, relocation of business premises or places where certification processes are conducted, changes to procedures.
5. The RECS shall allow the regulator access to the RECS within 3 working days of a request by the regulator, including participating in random and/or scheduled auditing of files by the regulator. Such access may include making available files, the staff involved in the assessment of an application for certification, the staff involved in making decisions to issue a certificate, making available the physical location where assessment and decisions for certification occur and all records and documentation relating to any certificate or the process of assessing and issuing of certificates.

- 6 All certificates issued will be in accordance with the requirements of the Equipment Safety Rules and based on test reports that meet the requirements of the Equipment Safety Rules unless otherwise agreed to by the Regulator. The RECS shall maintain suitable records of the equipment certified to be able to verify this condition.
- 7 If a certificate is issued, the RECS shall provide written documentation of the details of certification to the applicant related to that certificate. If the certification status changes the RECS shall give written documentation to the certificate holder of the changed certification status.
- 8 The RECS shall execute the Electrical Equipment safety system (EESS) database – Recognised External Certifier Access Deed and ensure at least one appropriate Staff member executes the Electrical Equipment safety system (EESS) database – Recognised External Certifier Deed of Acknowledgment (named Users). Unless otherwise agreed to by the regulator the RECS shall ensure the relevant equipment certification details are uploaded onto the certification database within three days of issue of the certificate.
- 9 The RECS shall cancel, suspend or amend any details relating to a certificate within three days of written advice from the regulator. The RECS shall update the certificate details on the certification database to align with the status of the certificate within one day of making the required change.
- 10 The RECS shall cancel, suspend or amend any details relating to a certificate that they identify as having been issued incorrectly (either through failing of certifier or failing of applicant supplied information or failing in the safety standards applied) and inform the regulator within 5 days, in a form acceptable to the regulator,
- 11 The RECS shall not extend a certificate beyond the initial expiry date without evidence of compliance to the relevant standard as in force at the time of extension unless written exemption to this requirement is given by the regulator, the duration of extension is agreed to by the regulator.
- 12 Where the RECS issues an additional certificate or modification to an existing certificate to include additional equipment on that certificate the RECS shall ensure the equipment on the certificate falls within the definition of ‘family’ as indicated with the Equipment Safety Rules, and shall ensure the additional equipment listed on the certificate is compliant to the relevant standard listed on the existing certificate.
- 13 The RECS shall inform the regulator within 5 days, in a form acceptable to the regulator, of any applications for certification that were refused by the RECS.
- 14 The RECS shall inform the regulator, in a form acceptable to the regulator, within five days of becoming aware of equipment certified by the RECS that no longer meets the conditions of the issued certificate.
- 15 The RECS shall only issue certificates identified as being a RECS issued certificate for equipment within the scope of the RECS accreditation. If any accreditation status changes (either RECS status or status of accreditation listed in the application for RECS) any further certificates issued will only be within the scope of the changed accreditation. The RECS will ensure any certificates issued by the RECS that relate to electrical equipment that is not in the scope of the RECS recognition will be clearly identified as not being a certificate issued under the regulators recognition of the RECS and details of the certificate will not be placed on the certification database.
- 16 A RECS shall not indicate there is authorisation of the use of the RCM mark on electrical equipment where that use is not consistent with the requirements of AS/NZS 4417 standards and electrical safety legislative requirements.
- 17 The RECS shall not make statements or provide advice that may be considered to bring the EESS into disrepute or otherwise cause harm to the implementation and application of the EESS. The RECS shall not offer their ‘interpretation’ of the requirements of the equipment safety rules or requirements for certification issued by the RECS that are inconsistent with the interpretations given by the regulator or as published on a website by the regulator. If any ‘interpretation’ of the Equipment Safety Rules or certification offered by a RECS is found to be inconsistent by the regulator the RECS will take immediate steps to rectify the information previously offered and will not continue to offer that ‘interpretation’.
- 18 The RECS shall not misrepresent their RECS accreditation or offer information in relation to the EESS and/or their accreditation as a RECS that may mislead persons in relation to the extent of acceptance of themselves or any other organisation by electrical safety regulators; recognition of certificates not within the scope of the RECS accreditation; recognition or endorsement of any other products or services offered by the RECS. The RECS shall not misrepresent to the ESO any details of their organization, or withhold from the ESO any information that may show they do not comply with the requirements to maintain their RECS accreditation.
- 19 Unless the information obtained by a RECS from the regulator has been made public by the regulator, the RECS shall consider the information obtained from the regulator as confidential information and shall not disclose or use the information without the written consent of the regulator unless required by law.
- 20 The RECS shall not act as a consultant, or offer consultancy, or exclusively offer the services of a consultant or test facility. The only exceptions being the RECS may assist the applicant for certification by acting as an authorised representative to register the equipment to the responsible supplier; offering general information on electrical equipment safety requirements; details of requirements relating to the RECS process for application for certification; information on the various test facilities or consultants that the applicant may utilise to assist in their application process.
- 21 The RECS shall not specify particular consultants or test facilities that an applicant for a certificate of conformity or certificate of suitability must use. The RECS shall not indicate, intimate, suggest or otherwise recommend a particular consultant, testing facility or other person/company would be able to give a service that would cause the RECS to reduce the appropriate assessment and verification processes of the RECS. The RECS shall not engage in agreements or advertising of agreements or other activities that may be seen to compromise the independence and impartiality of the RECS in the performance of the RECS function.

- 22 The RECS shall inform the ESO without delay of any circumstances that may cause the RECS to not be able to perform its functions in accordance with the Equipment Safety Rules, these conditions and Queensland electrical safety legislative requirements.
  - 23 The RECS shall make arrangements such that if the RECS ceases to trade all files relating to certificates issued as a REC are to be made available to the regulator.
  - 24 These conditions do not in any way inhibit the regulator from exercising powers under the *Electrical Safety Act 2002* or *Electrical Safety Regulation 2013* to amend, revoke or vary conditions or to act on regulators own initiative to vary or impose new conditions. Any variations to the requirements of these conditions shall be in writing and shall form part of these conditions.
  - 25 Disputes as to interpretations or application of the Queensland Electrical Safety Act, Electrical Safety Regulation, and the Equipment Safety Rules shall in the first instance be referred to the regulator for consideration.
  - 26 The RECS shall maintain suitable professional indemnity, public liability and business continuity insurances commensurate with the level of risk of work undertaken.
  - 27 The RECS shall, upon request by the Regulator for information or a specified report, furnish such reports or information to the ESO within 5 days, or a time longer if agreed by the ESO.
  - 28 A RECS shall not place themselves in a position where a conflict of interest may arise in relation to issuing of certificates. Any real or perceived conflict of interest shall be resolved to the satisfaction of the regulator. As part of maintaining the independence of certification process of a RECS, the RECS shall not be part of any processes to lobby to government or any other body on behalf of requirements or criteria or actions demanded by designers, manufacturers, importers, sellers of in-scope electrical equipment, or bodies who are involved in acting as a consultant or agent or lobbyists for persons or companies involved in those processes. This includes RECS shall not be members of associations formed for the purposes of advancing interests of the above. This does not preclude a RECS being part of an independent association aimed at representing interests of certification bodies or participating on bodies to develop equipment safety standards ('equipment safety standards' does not include the standards related to use of the RCM mark or risk levels of equipment).
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