MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Updating the references to standards in the electricity and gas safety regulations

DISCUSSION DOCUMENT
APRIL 2021 – 1 JUNE 2021

New Zealand Government

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE)

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Online: ISSN 978-1-99-100814-5

April 2021

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How to have your say

We are interested in your feedback on proposed amendments to the Electricity (Safety) Regulations 2010 and the Gas (Safety and Measurement) Regulations 2010.

Who do we want to hear from?

We want to hear from any person or organisation that is interested in or affected by the Electricity (Safety) Regulations 2010 and the Gas (Safety and Measurement) Regulations 2010. This includes but is not limited to, regulatory bodies, importers, exporters, manufacturers, suppliers, technicians and training organisations.

We want to hear from you if any of the proposals might impact on your business. Any facts and figures you can give us would be particularly helpful.

Please only provide information on standards that apply specifically to your business or industry.

Submissions process

The Ministry of Business, Innovation and Employment (MBIE) invites you to submit your thoughts in writing on the proposals outlined in this document. Questions are posed throughout the discussion document to guide submissions. We will also provide a separate template sheet with the questions.

The closing date for submissions is **5.00pm, 1 June 2021.**

You can make your submission:

- By completing the survey at this link: ***https://www.surveymonkey.com/r/EGstandards***
- By using the online form and submitting it to ***EnergyStandards@mbie.govt.nz***.
- By mailing your submission to:

  Health and Safety Policy
  Workplace Relations and Safety Policy
  Ministry of Business, Innovation & Employment
  PO Box 1473
  Wellington 6140.

When mailing your submission, please include your name, the name of your organisation, and your contact details.

Please direct any questions that you have in relation to the submissions process to ***EnergyStandards@mbie.govt.nz*.**

Use of and release of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers about health and safety at work regulatory reform. We may contact submitters directly if we require clarification of any matters in submissions.

MBIE intends to upload PDF copies of submissions received to MBIE's website at ***www.mbie.govt.nz***. When you make a submission, MBIE will consider you to have consented to it being uploaded to the website unless you clearly specify otherwise. If your submission contains any information that is confidential or you otherwise wish us not to publish, you can clearly mark this within the text and provide a separate version excluding the relevant information for publication on our website.

Submissions remain subject to request under the Official Information Act 1982. Please clearly indicate in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and which parts you consider should be withheld, together with the reasons for withholding the information. MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.

Private Information

The Privacy Act 2000 applies to submissions. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

Contents

Why we are consulting

The Ministry of Business, Innovation and Employment (MBIE) wants to hear from you about proposed amendments to the Electricity (Safety) Regulations 2010 and the Gas (Safety and Measurement) Regulations 2010 (the "electricity and gas safety regulations").

The electricity and gas safety regulations prescribe standards for what is considered safe in the supply and use of electricity and gas products.[1] Regulations are the mechanism to ensure that risks to people and property are managed from the supply and use of electricity and gas. This is achieved by referencing national and international standards.

Currently, over half of the electricity and gas standards are out of date, and our regulations do not include any new standards delivered over the last seven years. This has a range of implications for safety, the compliance costs borne by business, and the ease with which electricity and gas products can be imported and exported.

We want to hear from you about the impact of changes in standards arising from safety developments in products, or from new standards that are developed from new technologies. We want to hear whether our assessment of the impacts in this discussion document is correct, or whether there are impacts that we have not fully considered.

We want your feedback on the options for, and impacts on affected parties from:

- adopting the latest versions of some standards referenced in the electricity and gas regulations
- referencing some new standards in the electricity regulations
- updating the references to the European international certification regime and inserting a reference to the BSI Group (Australia and New Zealand) Pty Ltd conformance assessment body in the gas regulations
- making some minor changes to streamline the structure of Schedule 4 of the electricity safety regulations
- a proposed new approach to update the references to standards in the electricity and gas safety regulations in the future, as developments to the standards emerges.

What are the issues?

We rely on electricity and gas on a daily basis for domestic and commercial use. Our reliance on electricity and gas for energy has been rising over the past two decades, and will continue to evolve as consumer focus begins to shift towards new technologies, such as electric vehicles and the use of hydrogen as a fuel source.

Unsafe electrical and gas systems and products are a significant risk to public health and safety, and can damage property when problems occur. We need to make sure that our electricity and gas networks, installations, appliances and associated fittings are safe.

The standards referenced in the energy and gas safety regulations were last updated in 2013/14. Since then, most of the 630 standards referenced in the current regulations have been amended, revoked or replaced.

New electrical standards have also been developed for new technologies, such as electric vehicles, which are not referenced in the electricity regulations.

[1] Includes electricity and gas installations, appliances and associated fittings used by end-consumers.

Outdated references to standards in the electricity and gas safety regulations have a detrimental impact on the effectiveness, integrity and safety of the energy safety regulatory system by:

- Referring to earlier versions of standards that have subsequently been replaced by standards that incorporate technological and health and safety improvements to new or existing gas and electricity products. Public health and safety, and security of supply will benefit from improved access to safety-tested products coming into the domestic market, and to/from international markets where appropriate. The update will enable ready and cost-effective access to products that are certified to relevant and up to date standards suitable for use in New Zealand. Increased access to safe and reliable products will also minimise the risk of New Zealand receiving products that meet lower standards of safety or compliance, or are simply outdated.

- Creating uncertainty among importers, manufacturers, and suppliers about which standards should be used by the industry to comply with the electricity and gas regulations. The present lack of certainty is leading to increased compliance costs, impacting the efficiency of trade, and potentially resulting in higher costs being passed on to the New Zealand market.

- Imposing barriers to the uptake of emerging technologies and practices. Alternatively, manufacturers may withdraw from supplying the New Zealand market because of the cost of running dual verification systems, potentially limiting choice for domestic importers and exporters of electrical and gas products.

- Overseas exporters potentially avoiding the New Zealand market due to our outdated compliance measures and associated costs, for example, the cost of producing and exporting luminaire lights. Consumer choice is thereby limited when new products are developed, manufactured and released overseas without meeting the standard set by the New Zealand regulations.

- Creating confusion by including standards in regulation that are not aligned with the European Gas Appliance Regulation certification regime introduced in 2018. This creates uncertainty for gas appliance importers because our gas safety regulations do not formally recognise the current standards in use in Europe.

- Creating confusion by not recognising the new Australia/New Zealand conformance system for gas products, known as the BSI Group Pty Ltd, which was established in 2018. Again, this creates uncertainty, with the expectations of the key Australasian conformance body not captured by our regulatory regime.

- Referenced standards becoming out of date as new versions of standards are made, because there is no simple mechanism for maintaining up-to-date references to standards for gas and electricity products, without amending the electricity and gas safety regulations. We are presently working on a longer-term solution to streamline the regulatory mechanism to update references to standards in a more timely and responsive way. This would be beneficial and improve competition within the domestic market, and in trading with other countries.

Question

1) What other issues should we be considering that may have an impact on the effectiveness and integrity of the electricity and gas regulatory system?

What is our approach to amending the electricity and gas safety regulations?

Scope

The scope of this discussion document is limited to:

- updating the references to standards in the Electricity (Safety) Regulations 2010 and Gas (Safety and Measurement) Regulations 2010
- updating the gas certification regimes and conformance bodies referenced in the Gas (Safety and Measurement) Regulations 2010
- streamlining the structure of Schedule 4 in the Electricity (Safety) Regulations 2010.

The updating of new and revised standards is current as of November 2020.

Principles for amending regulations

Wherever possible, only the most recent version of the relevant international and AS/NZ standard will be referenced to enable industries, workers and consumers to benefit from increased trade access between New Zealand and Australia as our closest primary product exporter/importer. We also want to reference the most recent international standard where appropriate and safe, to support our businesses that trade between international markets.

We propose to withdraw some standards, because:

- the standard has been incorporated into another standard
- the standard has been withdrawn, and no replacement exists, or
- an administrative reason where an electricity safety standard has been referred to in Schedule 2 but nowhere else in the regulations, making it an unnecessary reference.

We propose that some new standards will be added to take account of new technologies, such as electric vehicle charging infrastructure and solar panel inverters.

When considering which references to standards to amend, we have taken into consideration the role of the relevant standard in:

- fulfilling NZ's WTO obligations as an international trade partner by using and aligning with changes to international standards
- benefiting from international developments in ensuring the safety of new and existing products
- enabling increased access to international markets by New Zealand importers, by recognising the current standards to which safe products are manufactured and certified
- facilitating lower compliance costs for importers, manufacturers, technicians and training organisations.

We are seeking your input to help us understand these impacts and whether there are other impacts we should also be considering.

Questions

2) Do you agree or disagree with the principles that are being applied for determining which referenced standards should be amended, withdrawn or added?
3) Have we taken into account all relevant considerations in determining which references to standards should be amended or added?

How to find the standards of interest to you

- Please refer to Table A for the list of proposed new standards to add to the Electricity (Safety) Regulations 2010.
- Please refer to Table B for the list of proposed changes to references to standards in the Electricity (Safety) Regulations 2010.
- Please refer to Table C for the list of proposed changes to the Gas (Safety and Measurement) Regulations 2010.

What are the proposed changes to standards?

As mentioned on above, we have used tables to show the proposed changes to the existing standards referenced in the regulations. We propose amending the electricity and gas safety regulations with reference to the latest versions of standards listed in:

- Schedules 2 and 4 of the Electricity (Safety) Regulations 2010
- Schedules 1 and 2A of the Gas (Safety and Measurement) Regulations 2010

We have identified which standards have been amended, revoked or replaced since the Schedules were last updated in 2013/14. No change is proposed if the version of a cited standard remains current (that is, it has not been updated with a new version and it has not been withdrawn).

Tables B and C have been colour-coded to show the level of impact anticipated by the proposed change.

Impacts

In general, adopting the latest version of a referenced standard in the list of proposed amendments will only have minor impacts, but some proposed updates may have a considerable impact. We have, therefore graded the proposed list of amendments into three colours, according to our understanding of the potential impact:

- Green = no impact because there is no change to the standard.
- Blue = minimal impact as we are updating the standard to the latest version.
- Yellow = potential impact from new or different requirements.
- No colour = any proposed new standard.

We propose adopting the relevant international standard where available and appropriate to meet specific safety requirements in New Zealand. We anticipate this will make it easier for importers and suppliers to comply with the regulations, while ensuring product safety.

Question

4) What difference will updating the standard(s) in the regulation make to you? Please provide as much information as you can about the impacts to your business or industry, positive and negative.

   - Will the changes make it easier/harder to know when you are compliant?
   - Will the changes make it easier/harder to source safe, compliant products?
   - Will the changes increase/decrease costs? How much do you think it will change costs?
   - Are the benefits greater than the costs? Please tell us why you think so.

What will implementation look like?

We are proposing changes to 382 of the 630 standards referenced in the gas and electricity regulations. The majority of changes to standards will be minor, and will not result in a significant change.

Transitional options

Against each proposed new version of a standard or new standard, there is a proposed 'transition' period. This refers to when the new version of a standard, or the new standard, would come to be recognised after the regulations have been amended.

The transition options for updated standards are either:

1. **Immediate adoption** of a new version of a referenced standard, or the withdrawal and replacement of an outdated standard. We propose that these standards do have an immediate transition because the impact of the change is expected to be minimal on the industry. The mechanism for immediate adoption is separate from the mechanism to retire old products to make sure that any continued sale of these products is regulated until phased out.
2. **Phased transition** of an amended standard or new standard to provide opportunities to fully prepare those in the sector to meet the requirements of the relevant standard. We propose that some new standards are adopted over time as the market transitions to new technologies.

Multiple versions of standards in the Electricity (Safety) Regulations 2010

For some standards in the electricity regulations, we propose to reference multiple versions. This is to:

- provide for a transition period as recommended by Standards NZ, the International Electrotechnical Commission (IEC), or industry
- provide a transition period where the update would affect declared medium to high risk articles already in production, or
- adopt an international standard while enabling New Zealand-specific variations when safety requirements will differ from international specifications.

Impacts of transitioning to the most recent standards

In order to reduce the impact of the changeover to the most recent versions of standards, it is proposed that the transitional provisions in the electricity regulations will recognise that products already in the market, or under order to enter the market, will continue to be deemed safe (refer to regulation 118B of the Electricity (Safety) Regulations for an example of how this worked for the 2013 amendment).

Where standards listed in Schedule 4 of the electricity regulations are made mandatory by other regulatory provisions, including declared high risk articles for electricity and gas products, the international market is expected to drive the transition. For example, as products are manufactured to the latest standards and saturate the domestic market, products made to earlier versions of standards are likely to become less available as demand for newer technologies rises. The costs to consumers should not increase as a result of technological advances if the costs of compliance are low. There may also be a positive impact from increased production overseas due to increased consumer demand, leading to economies of scale.

Questions

5) Do you agree or disagree with the proposed approach for the transition to the new and amended standards in the electricity and gas safety regulations? Please explain why.
6) Do you agree or disagree with the proposal to reference multiple versions of some standards where applicable in the Electricity (Safety) Regulations 2010?

Some of the proposed changes are not straightforward

Some of our proposed updates are not as straightforward to explain. We have provided some extra information about these standards and our proposals. As mentioned on page eight, you can find the standards of interest to you, in the order they are listed in regulation, in Tables A – C. We are particularly interested in your views on the changes to the standards below, and the implications for your business (if any).

1. AS/NZS 3000 Electrical installations

We are proposing to adopt both the old and the new versions of AS/NZS 3000 Electrical Installations (known as the Australian/New Zealand Wiring Rules).

AS/NZS 3000:2007 has been superseded by AS/NZS3000:2018. While 3000:2018 includes important and beneficial updates, we have some concerns with 3000:2018:

- We believe the cost to comply with certain updates is not justified by any safety gain.
- A number of safety improvements were not included in the revised version which means New Zealand cannot benefit from these safety improvements if we adopt 3000:2018. These relate to conditions for electric vehicle charging and the introduction of a TT earthing system for electricity supply.
- There are a number of minor errors in the standard.

We think it unreasonable to propose adopting, in its entirety, a standard that is not entirely adequate and will be altered in the near future.

We therefore propose citing both AS/NZS 3000:2007 with modifications, and AS/NZS 3000:2018:

- AS/NZS 3000:2018 is to be cited in full. Despite its drawbacks, the risks associated with AS/NZS 3000:2018 are essentially on a par with those in AS/NZS 3000:2007. AS/NZS 3000:2018 is useful for showing the path along which transition to a new standard will run, and industry have already taken steps to implement it (such as additional training). It is therefore useful as a guide to how the revised standard will look.
- AS/NZS 3000:2007 is to be cited as it currently is, with modifications in relation to downlights. Refer to Table B for details.

We believe this will ensure any issues with adopting the latest version of the standard can be avoided, and compliance costs minimised, while benefitting from the positive aspects of the standard.

Question

7) Do you agree or disagree with the proposal to reference both AS/NZS 3000:2007, with modifications, and AS/NZS 3000:2018? Please explain why. Any information you can provide on potential impacts, costs and benefits of adoption would be helpful.

2. AS/NZS 1677.2 Refrigerating Systems - Part 2: Safety requirements for fixed applications, including Amendments 1 and 2

This standard has been superseded by parts 1-4 of AS/NZS 5149:2016. We propose citing parts 2 and 3 in Schedule 2 as they most closely relate to the currently cited standard.

- AS/NZS 5149.2:2016 Refrigerating systems and heat pumps – Safety and environmental requirements – Part 2: Design, construction, testing, marking and documents
- AS/NZS 5149.3:2016 Refrigerating systems and heat pumps – Safety and environmental requirements – Part 3: Installation site.

It is not necessary to directly cite AS/NZS 5149.1:2016 in Schedule 2 as all subsequent parts refer to this for their terms and definitions.

AS/NZS 1677.2 is also referenced in Regulation 60(2)(a). This reference would similarly be updated by replacing the reference to AS/NZS 1677.2 with AS/NZS 5149.2 and AS/NZS 5149.3.

3. AS/NZS 1677.4 Refrigerating Systems – Part 4: Operational, maintenance, repair and recovery

We propose to include a new requirement in the regulations. Unlike AS/NZS 1677, AS/NZS 5149 has a Part 4 for maintenance and repair. We want to include Part 4 as a requirement under the regulations where applicable. For example, by amending regulation 59(3) with content to the effect that a low-voltage or extra-low voltage installation or part installation may be maintained or replaced by complying with AS/NZS 5149.4:2016 where that installation or part installation is a refrigeration system.

Until 2016, there was no standard for maintenance and repair of refrigeration systems and heat pumps. We believe this is needed to enable checks for all the latest safety requirements for refrigeration systems, including for maintenance and repair.

Question

8) Do you agree or disagree with the proposals regarding refrigerants? Specifically do you agree or disagree with the proposals to add an additional requirement under Regulation 59(3)? If so, why? Any information on potential impacts, costs and benefits of adoption to your business/industry would be helpful.

4. AS/NZS 3003 Electrical installations – patient areas

We propose amending the reference to AS/NZS 3003 to refer to the latest version of the standard: AS/NZS 3003:2018.

Please be aware that this latest version provides more flexibility for supply of electricity to patient treatment equipment when that equipment is being used in residential locations, including private homes and retirement homes or aged care facilities.

We propose an immediate transition because we think this standard improves the provision of quality healthcare in private homes. We want those affected by the inclusion of the standard to benefit from improved healthcare services and outcomes. Regarding any installations that are currently being installed, or in transit to New Zealand or are the subject of an irrevocable purchasing order by a person in New Zealand, these can continue operating safely under the 2011 version of the standard.

The electricity regulations also specify safety requirements for the installation and regular inspection of private electrical medical equipment, to ensure the equipment is electrically safe.

Questions

9) Do you agree or disagree with the proposed change to AS/NZS 3003, and the proposed immediate transition? Please explain why. Any information you can provide on potential impacts, costs and benefits of adoption would be helpful.

5. IEC 62841 series – hand-held motor-operated electric tools

The IEC has introduced a new series for hand-held motor-operated electric tools (IEC 62841 SER). This series is intended to replace much of the IEC 60745 series. The IEC recommends allowing a 36 month transition period from the publication of each standard in the series before it is adopted. Where a part of the 60745 series and part of the 62841 series both apply to an equipment type, they have both been cited with a 36 month transition period to ensure the equipment is safe to operate.

In some cases, there is no applicable standard in the 60745 series to reference, and the corresponding 62841 standard will not be published for 36 months. In these instances, we propose referencing the relevant part of the 62841 series to ensure there is a minimum standard for health and safety, and regulatory compliance.

Questions

10) Do you agree or disagree with any of these proposed updates to standards or any of the proposed transition times to recognise the relevant updated standard? Please identify which of these standards is of interest and tell us why you disagree. Please also indicate any suggestions or changes that should be made.
11) Have we missed, or incorrectly identified, the latest version of any standards? Which ones did we miss, and why should they be included?
12) If you disagree with our assessment of whether a standard will have a minimal impact to adopt, please advise which standard and why its adoption is not straightforward.
13) What are the costs and benefits to your business/sector from adopting the latest versions of standards referenced in the electricity and gas safety regulations?

What new standards in the electricity safety regulations are proposed?

In table A, we have identified additional product standards for inclusion in Schedule 4 of the Electricity (Safety) Regulations 2010. These standards have been developed since the last update of the regulations in 2013/14 and address new areas of electrical safety.

New standards for electric vehicle charging infrastructure

To support the anticipated uptake in use of electric vehicles as part of New Zealand's response to climate change, we need to be sure their charging systems and the required electrical infrastructure is safe. Having applicable standards cited in the regulations will support businesses and consumers to adapt to regulatory guidance on how to safely charge electric vehicles.

WorkSafe currently issues safety guidelines for safety of electric vehicle charging, intended to ensure electric vehicle supply equipment suitable for New Zealand is supplied, installed and used in line with electrical and workplace health and safety regulatory requirements. However, there are no current standards cited in the regulations related to electric vehicle charging infrastructure, as the technologies have been developing at a rapid pace.

We have included 20 standards to introduce to the regulations to provide certainty and strengthen the safety aspects of electric vehicle charging infrastructure. These standards relate to 14 different aspects of electric vehicle safety. We consider these standards provide a comprehensive basis to regulate the safety of charging electric vehicles. We are proposing to only reference electric vehicle charging standards from the International Electrotechnical Commission (IEC) and North America, because we think they are the most relevant and most advanced in an area where technology has been progressing quickly.

Aspects of electric vehicle safety covered by the proposed standards include:

- Plugs, sockets, etc.
- Conductive charging systems
- Electrical connections
- A.C. and D.C. charging equipment (including stations)
- Power supply
- Wireless power transfer

We believe these standards should be recognised immediately for transition, to enable the supply and installation of infrastructure for rapidly developing technologies.

We propose adding a new product category clause into Schedule 4 for these standards.

Other new electrical standards

In addition to electric vehicle charging infrastructure, we propose including an additional 23 standards. The majority of these standards did not exist when the regulations were amended in 2013/14, or did not get included in that update.

Table A shows the full list of proposed new standards with an explanation of why we are proposing to include them.

We propose to include:

- a new standard for battery systems that are commonly used in association with photo-voltaic systems
- a new standard about grid connection of energy
- six new standards in the household appliances section, including a standard about refrigerating appliances using flammable refrigerants. These standards recognise the increased likelihood of safety risks from the uptake of refrigeration appliances with flammable refrigerants, as New Zealand moves away from refrigerants using hydrofluorocarbons[2]
- four new standards in the section for switches for circuits, installation protective devices and connection devices
- eight new standards in the section for hand-held motor-operated electric tools which recognise new types of equipment

[2] See the Montreal Protocol commitment to reduce use of hydrofluorocarbons.

- a new standard for audio and video products
- a new standard for electrocardiographs
- a new standard for cosmetic and beauty care appliances incorporating lasers.

Impact

We have identified these standards as potentially having less risk of harm at work, as the workers using the technology will need to be registered and trained as appropriate. There could be a potential cost for workers whose businesses do not offer to fund the cost of re-training to install or use the new equipment, despite health and safety training being a requisite to conduct the work, as prescribed in the electricity regulations. Similarly, contractors or self-owned businesses could suffer increased costs of compliance if use of the new technology became an industry standard. We are seeking your feedback on the nature of any costs.

There are safety gains from introducing new technologies for workers, businesses, and consumers, but there should at minimum be references to appropriate standards in the regulations, before these technologies penetrate New Zealand markets. We are seeking information on the impact of adopting these new standards to inform our risk impact analysis.

Questions

14) Do you agree or disagree with including any of the proposed new standards in Schedule 4 of the Electricity (Safety) Regulations 2010? Please identify which standard(s) and explain why you agree or disagree and what alternative standard(s) you would propose (if any).
15) What is the potential impact (for example, additional costs, risks and benefits) of adopting these new standards? Any information you can provide on costs and benefits of adoption to your business/industry would be helpful.

What changes to references to certification regimes and conformance assessment bodies in the gas regulations are proposed?

For gas appliances and fittings to be sold in New Zealand, they must be certified to the standards listed in Schedule 2A in the Gas (Safety and Measurement) Regulations 2010. This certification must be carried out by a certification body listed in the regulations.

New Zealand has no gas certification system of its own, reflecting the size of our domestic market. We recognise gas product certification from three principal regimes that supply our market – Australia, North America and Europe. There have been changes to the European certification regime and the Australia/New Zealand conformance system for gas products since the regulations were last updated in 2013/14.

There is a need to provide certainty through the regulations to gas appliance importers on current certification and conformance regimes followed in New Zealand.

Recognising Europe's new certification regime for gas products

The European Directive system was completely repealed and replaced by the European Gas Appliances Regulations (GAR) on 21 April 2018. We propose amending the gas safety regulations to recognise the European GAR Regulation EU 2016/426.

The gas safety regulations recognise certification bodies that are working within the European Directive EU 2009/142/EC or the EU Directive 90/396/ECC. These are referred to as the Gas Appliance Directives.

The Gas Appliance Directives were replaced by the Gas Appliances Regulation (GAR) in April 2018. The European GAR has revoked the status of certification of appliances under the Gas Appliance Directive. Appliances certified within the new GAR are not recognised formally in New Zealand law. We understand this is creating uncertainty for New Zealand importers and suppliers about what is needed for compliance.

Approach

We understand that any alternative option, without recognising the new GAR certification system in the gas regulations, would pose a level of detriment to the safety, trade and supply functions of businesses, importers/exporters, manufacturers, retail suppliers, and consumers using European-made gas products. We propose an immediate transition.

Impact

We think that the impacts from updating the outdated references to the European certification regime in the gas regulations would be largely minimal on New Zealand businesses and consumers, but positive for importers/exporters of gas products. In 2018, the GAR incorporated new legislative frameworks setting out the requirements for gas products and revoked the status of certified products recognised in the previous legislation.

For importers, there may be reduced total costs, as the New Zealand regulatory system would no longer require a different set of standards to be met for products to be deemed compliant and therefore saleable.

We would like to hear from you on whether the transition to recognise this regime should be immediate, or phased to inform our risk impact analysis.

Questions

16) Do you agree or disagree with amending the gas safety regulations to recognise the Gas Appliance Regulations? If you disagree, please outline why.
17) What impact would this amendment have for you on importing and supplying gas appliances from the European Union, and why?
18) What, if any, transitional provisions are necessary from Government to support these changes?

Recognising the new body certifying gas products in Australia

BSI Group (Australia and New Zealand) Pty Limited, gained recognition to certify gas appliances to 'Australian' standards in late 2018.

We propose amending the gas safety regulations to add the BSI Group (Australia and New Zealand) Pty Limited to the list of certification bodies in Schedule 2A.

Approach

We understand that any alternative option, without recognising the new conformance body in the gas regulations would be detrimental to the safety, trade and supply functions of businesses, importers/exporters, manufacturers, retail suppliers, and consumers using Australian-made or New Zealand-made gas products. We propose an immediate transition.

Impact

Australia is the closest primary importer/exporter of gas products from New Zealand. We strongly recommend updating the regulations to reflect the recent accreditation of BSI Group (Australia and New Zealand) Pty Limited to certify gas appliances to 'Australian' standards. We think that recognising this body will allow New Zealand importers and consumers to engage in safer, freer, and fairer trade of gas products. New Zealand importers may face a decrease in total costs as the BSI group provides a means of certification, recognised in the gas regulations, that is coherent with both the Australian and New Zealand safety regulations. Access to safe and complaint gas appliances is likely to improve as New Zealand formally recognises the conformance body in the regulations, providing assurance to retailers and consumers that the products they buy are safe and compliant.

There are also positive trade implications from updating the references to the conformance group more generally, enabling New Zealand to fulfil its obligations as a member of the World Trade Organisation to promote fair and equal trade and access to new or developing products in international markets.

We would expect the number of affected businesses to be small as New Zealand lacks its own gas certification regime, and the market will already be relying on existing conformance arrangements to some extent as Australia is one of New Zealand's primary (and closest) trading partners of gas products. Industry is likely to be aware of the conformance body, and the associated costs of meeting the new compliance standards. For importers/exporters, there may be reduced costs, as the New Zealand regulatory system would no longer require a different set of standards to be met for products to be deemed compliant and therefore saleable.

Questions

19) Do you agree or disagree with recognising BSI Group (AS/NZ) as a conformance body for gas appliances and specified fittings certified under the Australian regime?
20) Do you think phased or immediate transition would be more effective to reduce total costs to your industry and/or sector, and why?
21) How would this change affect your ability to import gas appliances and fittings from Australia?
22) Would this change be likely to result in any additional costs or savings in your industry?

We are not proposing to make any changes for gas products certified in Britain

There is a current agreement between the New Zealand and the United Kingdom Governments which means that Brexit will not affect existing abilities for gas products to enter the market.

New Zealand intends to build on its relationship with the UK, and its relationship with the EU, as the UK leaves the EU. In addition, we expect Britain to use the existing European Gas Appliances Regulation (GAR) to certify gas appliances and fittings in the short to medium term.

We propose making some minor changes to the structure of Schedule 4 of the electricity safety regulations

We propose making some minor changes to the structure of Schedule 4 of the Electricity (Safety) Regulations 2010.

Beauty therapy products

We propose moving beauty therapy products into their own category in Schedule 4 (clause 16) of the Electricity (Safety) Regulations. While some items could be included in the *Household appliances and similar electrical appliances* category, the standards for sunbeds and appliances with lasers and intense light sources do not easily fit into that category.

Electrical medical devices

We propose moving the general medical equipment standards to their own section at the start of the clause for electrical medical devices. These standards run in parallel with the other standards in the section and are not specific to any particular piece of equipment. As their application is more general, we think it more appropriate to list them at the start of the section.

Changing how standards are cited

We also propose adopting a more uniform method for the citation of standards in Schedule 4. Currently, IEC Standards are cited using various formats. This can be confusing when reading the regulations.

Wherever possible, in Schedule 4, we propose to only cite applicable international standards. This has been done to provide uniformity with an international market, and clarity across these regulations. Where necessary, the applicable IEC Standard will be modified by the AS/NZS version of that standard, or the AS/NZS version will be cited. Where citation occurs in this way, it is to ensure the electricity or gas product meets New Zealand specific safety requirements, including voltage, frequency and pin configuration.

Questions

23) Do you agree or disagree with moving the beauty therapy appliances into a separate category in Schedule 4?
24) Do you agree or disagree with moving the general medical equipment standards to their own section at the start of the clause for electrical medical devices?
25) Will the proposed changes to referenced IEC Standards in Schedule 4 make it easier for your business/industry to understand the regulations? Please explain why or why not.

Any other comments?

Question

26) Do you have any other comments you would like to make regarding these proposals?

Next steps

After consultation has closed on 1 June 2021, we will review your feedback on these proposals. Informed by your feedback, we will then advise the Government about adopting the new versions of the standards cited in the Electricity (Safety) Regulations 2010 and Gas (Safety and Measurement) Regulations 2010, and the other proposals in this consultation document. We intend to finalise amendments to legislation for commencement later in 2021.

We are also considering approaches for streamlining the update of standards in the regulations in the future.