

Fact Sheet

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Selling second hand electrical articles

Definitions

If you sell (as a supplier) second hand electrical goods, you must comply with the *Electricity Industry Safety and Administration Act 1997*.

Supplier: someone who, in trade or commerce, sells goods or services and is commonly referred to a 'trader', or 'service provider'.

Supply includes: in relation to goods – supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase.

Legislation

Electricity Industry Safety and Administration Act 1997 (see section 55 - Sale of second-hand electrical articles)

A person must not in the course of a business sell second-hand electrical articles unless a label is attached –

- (a) **warning** that the article has not been tested to ensure that it can be safely operated; or
- (b) **certifying** that the article has been tested by a competent person and has been found to be safe.

It is a requirement that used second hand electrical goods are labelled to indicate its safety as either (a) or (b) described above.

Australian and New Zealand Standards

- AS/NZS 5761:2011 *In-service safety inspection and testing - Second-hand equipment prior to sale and*
- AS/NZS 3760:2010 *In-service safety inspection and testing of electrical equipment*

The item does not have to be safety tested, however if no testing has been performed it must be labelled with a label warning that it has not been tested.

Examples of labels

Compliant with Appendix D of Australian Standard /New Zealand Standard 5761

Tested and compliant equipment

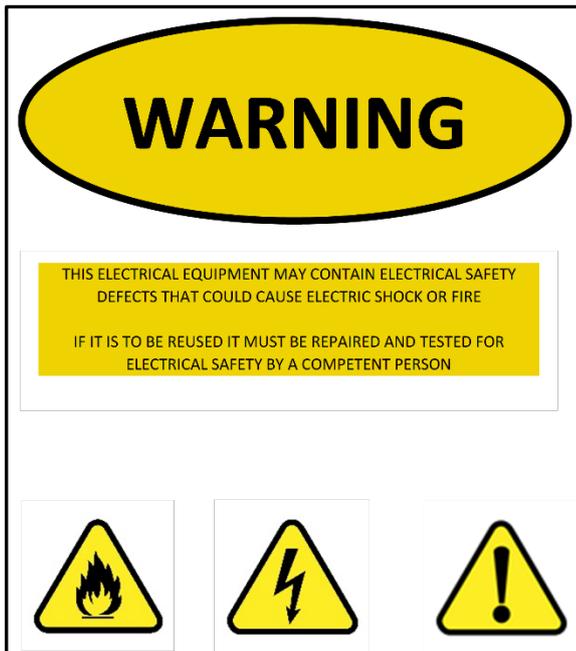
Figure 1 – Example label for equipment which has been tested and found safe

SECOND-HAND EQUIPMENT
COMPLIES WITH AS/NZS 5761:2011
Testing performed by
Date
Instructions provided – Yes/No (Delete non-applicable option)

- The label/tag must contain:
 - inspection and test date
 - name of the person or company who performed the tests
 - recommended colour scheme is black on a white background
- The label/tag must be legible, durable and non-metallic.

Untested equipment

Figure 2 – Warning label example for untested equipment



- Minimum Size 80mm high 50mm wide, not including any area needed to attach to item.
- Must be durable material with indelible marking.

Who can safety test electrical equipment

A competent person is required to perform the test. This may be a qualified electrician, or another person with such training and experience to be assessed as competent.

TasTAFE offers courses in Electrical Safety Testing at www.tastafe.tas.edu.au. Use the search term: portable appliance tester.

Check for recalled products

Check the website www.recalls.gov.au to ensure the article you are selling is not affected by a recall.

Statutory warranties

Statutory warranties apply to second hand or used goods. In general terms an item must be 'fit for purpose'. That means it is assumed to be in safe working order unless sold under different terms, e.g. for parts.

More information on consumer guarantees is available at <http://consumerlaw.gov.au>

You can also read [Consumer Guarantees – A Guide for Business and Legal Practitioners \(pdf\)](#)

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