

RH301

ELECTRICITY ACT 1945

ELECTRICITY (AMENDMENT) REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Electricity (Amendment) Regulations 1995*.

Principal regulations

2. In these regulations the *Electricity Act Regulations 1947** are referred to as the principal regulations.

[* Reprinted as at 14 June 1967.
For amendments to 31 December 1994 see 1993 Index to
Legislation of Western Australia, Table 4, p. 65.]

Commencement

3. These regulations come into operation on the day on which Part 4 of the *Energy Corporations (Transitional and Consequential Provisions) Act 1994* comes into operation.

Regulation 3 amended

4. Regulation 3 of the principal regulations is amended —
- (a) by inserting, before “Electricity Act” in both places where it occurs, the following —
“ *Energy Coordination Act 1994*, ”;
 - (b) by deleting “State Electricity Commission”, in both places where it occurs, and substituting the following —
“ *Energy Corporations (Powers)* ”; and
 - (c) by deleting “, No. 19 of” and “, No. 60 of”.

Regulation 237 inserted

5. Part VIII of the principal regulations is amended by inserting, immediately after the Part heading, the following regulation —

“

Exemption applicable to the Electricity Corporation

237. The Electricity Corporation, and the operation of the supply system of the Electricity Corporation, is exempt from the requirement to comply with the provisions of this Part other than regulations 242, 244, 249, 250, 252, 253, 254, 255, 257, 265, 271, 272, and 274.

”

Various references to "Commission" changed to "Director"

6. The principal regulations are amended by deleting "Commission", where it occurs in the regulations referred to in the Table to this regulation, and substituting the following —

" Director "

Table

238	279	322	328	332	336	341.
276	280	326	329	333	337	
277	316	327	330	334	338	

Regulation 242 repealed and a new regulation substituted

7. Regulation 242 of the principal regulations is repealed, and the regulation following is substituted —

"

Connection of supply

242. A supply authority shall not supply electricity to any place, building or premises unless —

- (a) the supply authority has ensured that all service apparatus which will be used for supplying electricity to the place or building or on the premises is installed and maintained in a safe condition for use and in accordance with the Act; and
- (b) there has been produced to the supply authority a notice of completion, in a form approved by the Director and duly completed as required under the Act, from a person licensed under the Act as an electrical contractor, or who is the holder of an in-house electrical work licence under the Act, certifying that the electric installations and electric fittings on the premises to be supplied have been installed and fitted properly and as required by the Act.

"

Regulation 245 amended

8. Regulation 245 of the principal regulations is amended, in paragraph (c) (v), by —

- (a) deleting "to be supplied by the Commission";
- (b) deleting "approved by the Commission" and substituting the following —
" acceptable to the Supply Authority "; and
- (c) deleting "Minister" and "Minister's" and substituting, respectively, the following —
" Director " and " Director's ".

Regulation 249 amended

9. Regulation 249 of the principal regulations is amended by inserting, after "employee of", the following —

" , or a person authorised by, "

Regulation 253 repealed and a new regulation substituted

10. Regulation 253 of the principal regulations is repealed, and the regulation following is substituted —

“

Systems of inspection

253. (1) For the purpose of ensuring the safety of consumers' electric installations and consumers' apparatus which forms part of the consumers' electric installation to which the supply relates, and of monitoring the work of electrical contractors and other persons licensed under the Act, each supply authority shall establish and maintain an effective system of inspection.

(2) The system of inspection to be established and maintained by a supply authority under subregulation (1) shall —

- (a) relate to work on all types of consumers' electric installations, whether new or by way of alteration or addition;
- (b) provide for —
 - (i) safety from fire and electrical shock; and
 - (ii) the investigation of incidents of fire or shock, including incidents related to apparatus connected (whether or not permanently) to the consumers' electric installation, which may have been associated with electricity supplied by the supply authority to a consumer;
- (c) subject to subregulation (6), give effect —
 - (i) to such guidelines as are, for the purposes of the system of inspection referred to in subregulation (1), issued by the Director from time to time setting out the technical, investigative, reporting, administrative and other requirements with which the system is to comply;
 - (ii) to a system plan, and a policy statement, complying with such guidelines and submitted by the supply authority to the Director for use during such period, which shall normally be one year and not exceed 2 years, as the Director may, at the time of giving that approval, specify; and
 - (iii) to any condition, relevant to the compliance by the supply authority with its obligation under subregulation (1) to establish and maintain an effective system of inspection, to which the approval of the Director is made subject.

(3) Whether or not any inspection to which this regulation applies is to be carried out, and if it is carried out the nature and extent of it, is a matter within the discretion of the inspector authorized in accordance with that system to make the relevant inspection, subject to subregulation (4), unless —

- (a) a written law, or a term of an agreement, otherwise specifically requires; or
- (b) the Director or a responsible officer of the supply authority otherwise directs, if the relevant approved system so provides.

(4) If an inspection to which this regulation applies is proposed to be carried out —

- (a) after the installation or apparatus to which it relates has been energized; or
- (b) by way of the examination only of a sample of the work,

an inspection practice of that kind may be used if the relevant approved system so provides but otherwise only subject to the prior approval of the Director being obtained and to any condition, restriction, or limitation imposed.

(5) If —

- (a) in good faith, the authorized inspector decides not to carry out an inspection;
- (b) the supply authority, or the system of inspection established by the supply authority, does not require that an inspection be carried out; or
- (c) the approval of the Director has been given to an inspection not being carried out,

in any particular case or in relation to any class of case, the inspector, the supply authority and the Director shall not be liable, in civil or criminal proceedings, for any injury or damage occasioned by reason that the inspection was not carried out.

(6) Where a supply authority submits to the Director a system plan and a policy statement under subregulation (2) (c), or following a requirement made under subregulation (7) (b) (ii), the Director shall respond within 20 days and may —

- (a) require that further particulars be supplied in relation to any matter, or that other matters specified by the Director be addressed, in a further submission;
- (b) grant approval, or grant approval subject to any condition imposed relevant to the compliance by the supply authority with its obligation to establish and maintain an effective system of inspection under subregulation (1); or
- (c) reject the submission, wholly or in part, and require a further submission,

and a supply authority aggrieved by the response of the Director under this regulation in relation to any matter may, in writing, seek the approval of the Minister to that matter and effect shall be given to any such matter which the Minister may approve as though the approval had been given by the Director.

(7) The Director may audit the inspection practices of a supply authority against the system plan and policy statement approved under this section for that supply authority by the Director, and may by order in writing —

- (a) require the modification of any inspection practice of that supply authority if it is found by the Director not to conform with the approved system plan and policy statement; or
- (b) require the supply authority —
 - (i) to review those practices, or such of those practices as are specified in the order; and

- (ii) if in any respect the approved system of inspection is found to be inadequate to discharge the obligation of the supply authority under subregulation (1) to establish and maintain an effective system of inspection, to submit a revised system plan and policy statement,

within such time as is specified in the order,

and the supply authority shall forthwith give effect to such order.

(8) Although the Director may exercise the powers conferred by subregulation (7) at any time in so far as that may be necessary in relation to any particular accident, or to any incident or other matter related to safety, no full audit of the practices of the supply authority shall, unless the Minister otherwise authorizes, be commenced within 9 months of the completion of the last preceding full audit, and the Director shall, on request by a supply authority, specify when such an audit was last completed.

(9) A supply authority that —

- (a) supplies electricity in contravention of subregulation (1); or
- (b) otherwise fails to comply with a requirement of —
 - (i) this section; or
 - (ii) the system plan and policy statement, including any condition which may have been imposed in respect of the obligations of the supply authority under subregulation (1), relating to any system of inspection approved by the Director under this section,

commits an offence.

”.

Regulation 268 amended

11. Regulation 268 of the principal regulations is amended by deleting “Commission” and substituting the following —

“ the Co-ordinator ”.

Regulations 269 and 270 repealed

12. Regulations 269 and 270 of the principal regulations are, respectively, repealed.

Regulation 320 repealed

13. Regulation 320 of the principal regulations is repealed.

Regulation 321 amended

14. Regulation 321 of the principal regulations is amended —

- (a) in the definition of “Act”, by deleting “ — 1953”;
- (b) throughout, by deleting “Commission”, wherever it occurs, and substituting the following —

“ Director ”;

- (c) by deleting the definition of "Approved" and substituting the following —

"

"Approved" in relation to an electrical appliance means approved —

- (a) by the State Energy Commission, prior to the coming into operation of section 6 of the *Energy Corporations (Transitional and Consequential Provisions) Act 1994*; or

- (b) thereafter, by the Director,

for the purposes of the Act;

”;

- (d) by deleting the definition of "Duly constituted authority in another State of the Commonwealth" and substituting the following —

"

"Duly constituted authority in another State of the Commonwealth" means —

- (a) the Queensland Electricity Commission;
(b) the Office of Energy, N.S.W.;
(c) the Office of the Chief Electrical Inspector, Victoria;
(d) the Electricity Trust of South Australia;
(e) the Hydro Electric Commission of Tasmania; or
(f) A.C.T. Electricity and Water.

”;

and

- (e) by deleting the definition of "Approvals Engineer" and of "Prescribed fee or fees".

Regulation 322 amended

15. Regulation 322 of the principal regulations is amended —

- (a) in subregulation (1), by deleting "and paying the relevant prescribed fee or fees";
(b) in subregulation (3) (e), by deleting "appliance." and substituting the following —

"

appliance,

and shall also deliver with that appliance the original of a test report, from a test laboratory or facility recognised by the Director for the purpose of these regulations, containing references as to the compliance of that appliance with all relevant provisions of a specification published in respect to the appliance and acceptable to the Director.

”;

and

- (c) by adding the subregulation following —

“

(4) There shall be payable in respect of any application for an approval under this regulation —

- (a) a fee of such amount as is determined by the Director having regard to the cost and nature of the type of investigation, examination and other action necessary prior to the issue, or refusal, of approval; and
- (b) such other expenses related to that application as the Director may certify to have been incurred,

by the applicant to the Director, within 30 days of demand by the Director.

”

Regulations 323, 324 and 325 repealed

16. Regulations 323, 324 and 325 of the principal regulations are, respectively, repealed.

New regulation 323 inserted

17. The principal regulations are amended by inserting, immediately after regulation 322, the following regulation —

“

Further testing of electrical appliances approved

323. (1) The Director, at any time, may —

- (a) direct the holder of an approval certificate to make available for examination or testing, or both, electrical appliances of the class or type to which that approval relates; and
- (b) arrange for another or further examination or testing, or both, of those appliances,

for the purpose of determining the electrical safety of that class or type of appliance or its compliance with an applicable specification or Australian Standard.

(2) The holder of the certificate shall be responsible —

- (a) for submitting the appliance to any examination, or testing, or both, required for the purpose of ascertaining compliance with relevant provisions of the specification applicable in respect of the appliance;
- (b) for the arrangements required by the Director, at a test laboratory or facility recognised by the Director, in respect of that examination or testing;
- (c) for ascertaining what, if any, specification in respect to the appliance is acceptable to the Director and applicable for the purpose of these regulations; and
- (d) for the submission of evidence, additional to, or in verification of, the test report, if so required by the Director, as to the performance and suitability of the appliance.

(3) A direction under subregulation (1) shall be given in writing and specify —

- (a) the period, being not less than 1 month, within which the appliances are to be made available; and
- (b) the place to which the appliances are to be delivered.

(4) If an electrical appliance is found not to be in accordance with the approval previously given there shall be payable in respect of testing under this regulation —

- (a) a fee of such amount as is determined by the Director having regard to the cost and nature of the testing; and
- (b) such other expenses related to that testing as the Director may certify to have been incurred,

by the holder of the approval certificate to the Director, within 30 days of demand by the Director.

”

Regulation 326 amended

18. Regulation 326 of the principal regulations is amended by adding the subregulations following —

“

(7) A certificate of approval, at all times, shall —

- (a) remain the property of the Director; and
- (b) be made available, upon request, for inspection by an inspector.

(8) A certificate of approval —

- (a) has effect for such period, not exceeding 5 years, as is determined by the Director and endorsed on the certificate of approval; and
- (b) may be renewed, within that period, on application to the Director and, if required by the Director, subject to re-examination or re-testing of the appliance.

”

Regulation 328 (1) amended

19. Regulation 328 (1) of the principal regulations is amended —

- (a) by deleting “or testing by the Commission to its satisfaction”; and
- (b) by deleting “or testing carried out under this regulation, but the fees shall not exceed the prescribed fee or fees for examination and testing of an electrical appliance of that type or class” and substituting the following —

“

under this regulation and, where the Director determines that any testing may be required as a result of any alteration in design, materials or construction, the cost of that testing shall also be paid for by the applicant

”

Regulations 328 (2), 329 (2) and 330 amended

20. Regulations 328 (2), 329 (2) and 330 of the principal regulations are respectively amended by deleting “it” and substituting the following —

“ the Director ”.

Regulation 331 repealed and a new regulation substituted

21. Regulation 331 of the principal regulations is repealed, and the regulation following is substituted —

“

Delegation by the Director

331. (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director, delegate to a person authorised by the Director the power of making any assessment, examination or test for the purposes of this Part, or of granting or refusing to grant any approval under this Part.

(2) A person on whom power is conferred under subregulation (1) may exercise a discretion whether or not to treat as acceptable any non-compliance with the detail of a technical standard or specification, subject to —

- (a) compliance with all requirements where safety is an issue; and
- (b) the approval of the Director having first been obtained to the exercise of that discretion in a matter of that kind.

(3) Subject to subregulation (2), a person on whom power is conferred under subsection (1) may exercise discretion to grant dispensation, for a period specified in writing with the prior approval of the Director, to an applicant with regard to any requirement of, or under, these regulations, and any such dispensation may be made subject to such conditions, qualifications, limitations or exceptions as are specified in the instrument of dispensation.

”

Regulation 334 amended

22. Regulation 334 of the principal regulations is amended by deleting “its”.

Regulation 335 amended

23. Regulation 335 of the principal regulations is amended —

- (a) by deleting “Commission”, wherever it occurs except in the passage “an officer of the Commission duly authorised in that behalf”, and substituting the following —

“ Director ”; and

- (b) by deleting “an officer of the Commission duly authorised in that behalf” and substituting the following —

“

a person who is an employee within the meaning of the *Public Sector Management Act 1994* and who is authorised to make the request on behalf of the Director

”

Regulation 336 amended

24. Regulation 336 (2) of the principal regulations is amended by deleting “or to the Approvals Engineer or to any other duly authorised officer of the Commission” and substituting the following —

“

, or to any other person who is authorised by the Director to perform any function under these regulations,

”

Regulation 339 repealed

25. Regulation 339 of the principal regulations is repealed.

Regulation 340 repealed and a new Part heading and regulation substituted

26. Regulation 340 of the principal regulations is repealed, and the heading and regulation following is substituted —

“

PART XI — PENALTIES AND PROCEEDINGS**Penalties**

340. A person who contravenes, either by act or omission, these regulations commits an offence.

Penalty: In the case of an individual, \$5 000; and
In the case of a body corporate, \$20 000.

”

Repeal of the Schedule

27. The Schedule to the principal regulations, referring to General Fees and Testing Fees, is repealed.

Repeal of the Appendix

28. The Appendix to the principal regulations, containing prescribed forms, is repealed.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.
