

WESTERN AUSTRALIA

**ELECTRICITY AMENDMENT
ACT 1996**

No. 63 of 1996

AN ACT to amend the *Electricity Act 1945*.

[Assented to 11 November 1996.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Electricity Amendment Act 1996*.

Commencement

2. The provisions of this Act come into operation on such day as is, or days as are respectively, fixed by proclamation.

Principal Act

3. In this Act, the *Electricity Act 1945** is referred to as the principal Act.

[* *Reprinted as at 26 June 1984.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 68.]

**PART 2 — FINES, PENALTIES, DAMAGES AND FEES
PAYABLE AND EXPENDITURE AUTHORIZED**

Division 1 — Fines

Fines amended

4. The principal Act is amended, in accordance with the Table to this section, by deleting in the provision referred to in Column 1 of the Table the words set out opposite in column 2 of the Table and substituting the penalty set out opposite in column 3 of the Table.

Table

Provision to be amended	Words to be deleted	Amended penalty
7 (1)	One thousand dollars	\$2 000
7 (2)	one hundred dollars	\$200
33B (6) (d)	two hundred dollars in any case	in the case of an individual, \$5 000, and in the case of a body corporate, \$20 000
36 (1)	One hundred dollars	\$500
40 (2)	One hundred dollars	\$500
43 (2)	Twenty dollars	\$500
47 (1)	Ten dollars	\$1 000

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48	Twenty dollars	\$200
50 (1)	Two hundred dollars	In the case of an individual, \$2 000, and in the case of a body corporate, \$10 000
52	forty dollars	in the case of an individual, \$5 000, and in the case of a body corporate, \$20 000

Section 33D amended

5. Section 33D of the principal Act is amended by deleting paragraphs (a), (b) and (c) and “and” after paragraph (b) and substituting the following —

- “
- (a) in the case of an individual, to a fine of \$5 000; and
 - (b) in the case of a body corporate, to a fine of \$20 000.
- ”.

Division 2 — Penalties**Section 49 amended**

6. Section 49 (1) of the principal Act is amended —

- (a) by deleting “ten dollars” and substituting the following —
 - “ \$100 ”; and

- (b) by deleting “four dollars” and substituting the following —

“ \$50 ”.

Division 3 — Damages

Section 19 amended

- 7. Section 19 (2) of the principal Act is amended —

- (a) by deleting “twenty dollars” and substituting the following —

“ \$200 ”; and

- (b) by deleting “ten dollars” and substituting the following —

“ \$100 ”.

Section 50 amended

- 8. Section 50 (2) of the principal Act is amended by deleting “forty dollars” and substituting the following —

“ \$200 ”.

Section 51 amended

- 9. Section 51 (1) of the principal Act is amended by deleting “one hundred dollars” and substituting the following —

“ \$500 ”.

Division 4 — Fees

Section 41 amended

10. Section 41 (3) (b) of the principal Act is amended —

(a) by deleting “fifty cents” and substituting the following —

“ \$20 ”; and

(b) by deleting “six dollars thirty cents” and substituting the following —

“ \$50 ”.

Division 5 — Expenditure

Section 8 amended

11. Section 8 (2) of the principal Act is amended by deleting “one hundred dollars” and substituting the following —

“ \$500 ”.

PART 3 — ELECTRICAL APPLIANCES

Section 33B amended

12. Section 33B (5) of the principal Act is amended —

(a) by repealing paragraph (b) and substituting the following paragraph —

“

(b) The Director may approve the electrical appliance, without an examination or test of the electrical appliance, where —

(i) the appliance has been approved by a duly constituted authority in another State of the Commonwealth, in which case the approval may take the form of the approval of that authority; or

(ii) the appliance has been approved by a person recognized by the Director as a competent authority for that purpose and carries a mark recognized by the Director for that purpose.

”;

and

(b) by inserting after paragraph (b) the following paragraphs —

“

(c) The recognition of a person by the Director as a competent authority for the purposes of paragraph (b) does not have any effect in relation to the approval or marking of an electrical appliance if the person may have a financial interest in the manufacture, sale or hire of that appliance.

(d) The Director may, by notice published in the *Gazette*, specify the persons and the marks which are recognized by the Director for the purposes of paragraph (b).

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PART 4 — ENERGY EFFICIENCY

Part IVB inserted

13. After section 33D of the principal Act the following Part is inserted —

“

PART IVB — ENERGY EFFICIENCY

Energy efficiency standards

33E. (1) Regulations may be made under section 32 in respect of the conservation and management of electrical energy, and any such regulations may —

- (a) set minimum energy efficiency standards with which any electrical apparatus or installation must comply;
- (b) specify procedures to be used, and measurements to be taken, to —
 - (i) assess the relative energy efficiency of any electrical apparatus or installation; or
 - (ii) ascertain whether or not any electrical apparatus or installation complies with prescribed energy efficiency standards;
- (c) provide for the declaration, by notice published in the *Gazette*, of —
 - (i) the various types or classes of apparatus or installation that are to be subject to the regulations; and

- (ii) the procedures, measurements or formulae, either expressly or by reference to published technical documents, to be used for the evaluation of the energy consumption rate and the energy efficiency rating;
- (d) specify the product information standard requirements, and the form and manner of disclosure required, in relation to any such apparatus or installation;
- (e) prescribe labelling requirements;
- (f) provide that the requirements of this Act, or the specific requirements prescribed, are to be deemed to have been complied with if the apparatus or installation in question has been approved under, or is labelled in accordance with, the relevant provisions of —
 - (i) the *State Electricity Commission (Energy Efficiency Labelling) Regulations 1987*, the *State Electricity Commission (Energy Efficiency Labelling) (Refrigerative Air Conditioners) Regulations 1988*, the *State Electricity Commission (Energy Efficiency Labelling) (Dishwashers for Domestic Use) Regulations 1988*, the *State Electricity Commission (Energy Efficiency Labelling) (Rotary Clothes Dryers) Regulations 1989*, or the *State Electricity Commission (Energy Efficiency Labelling) (Clothes Washing Machines) Regulations 1990* made under the *State Electricity Commission Act 1958* of the State of Victoria;
 - (ii) the *Electrical Products Regulations 1990* made under the *Electrical Products Act 1988* of the State of South Australia;

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- (iii) the *Electricity (Energy Labelling of Electrical Articles) Regulations 1995* made under the *Electricity Act 1945* of the State of New South Wales;
- (iv) the *Electricity (Electrical Articles) Regulations 1994* made under the *Electricity Act 1994* of the State of Queensland; or
- (v) any other corresponding law specified for the purpose of this regulation by notice published in the *Gazette*;

and

- (g) provide for exclusions or exemptions from the application of the regulations.

(2) The Director may approve an apparatus or installation, or a manner of labelling, for the purposes of this Part where —

- (a) the apparatus or installation is approved, or the label is registered, by a duly constituted authority in another State of the Commonwealth; or
- (b) the approval was given, or the labelling was carried out, by a person recognized by the Director as a competent authority for that purpose,

and the apparatus or installation carries a mark recognized by the Director for that purpose.

(3) The Director may, by notice published in the *Gazette*, specify the authorities, the persons and the marks which are recognized by the Director for the purposes of subsection (2).

(4) An approval given by the Director for the purposes of this Part —

- (a) is, unless sooner revoked, valid for 5 years or such lesser period as may be specified by the Director; and
- (b) may be revoked by the Director.

Offences related to energy efficiency labelling

33F. Where by regulations to which this Part relates any apparatus or installation is required to be labelled in accordance with those regulations a person who —

- (a) sells or hires;
- (b) exposes or advertises for sale or hire; or
- (c) causes to be sold or hired, or exposed or advertised for sale or hire,

any such apparatus or installation, not being so labelled, commits an offence.

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

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PART 5 — OTHER AMENDMENTS

Section 5 amended

14. Section 5 (1) of the principal Act is amended —

- (a) by inserting in the appropriate alphabetical position the following definition —

“**electric installation**” includes all wiring, wiring enclosures, switch gear, control and protective gear, appliances, and other components permanently connected to or associated with the wiring, on premises to which electricity is or is intended to be supplied through distribution works, and where electricity is supplied from a private generating plant includes that plant;”

and

- (b) by deleting the definition of “supply authority” and substituting the following definition —

“**supply authority**” means any person who supplies electricity to the public under the authority of a consent given pursuant to section 7 or as specifically authorized by any other Act by means of transmission or distribution works owned or operated by that person, and may in accordance with section 6 (1) include a reference to the Electricity Corporation;”

Section 6A repealed

15. Section 6A of the principal Act is repealed.

Section 7 amended

16. Section 7 of the principal Act is amended —

(a) in subsection (1), by deleting “After the commencement of this Act” and substituting the following —

“ Subject to subsections (3) and (4), ”; and

(b) by repealing subsection (3) and substituting the following subsections —

“

(3) Subsection (1) does not apply to or in relation to any generating works which —

(a) are used solely for the purpose of generating electricity for supply to a private electric installation, where that installation —

(i) is owned, controlled or operated by; and

(ii) is located on the same premises as are the generating works, being premises owned or occupied by,

the person who owns, controls or operates the generating works; and

(b) are so designed as to prevent operation in parallel with the transmission or distribution system of a supply authority, or of the Electricity Corporation, whether that operation is deliberate or accidental.

(4) A person who sells electricity supplied to that person by a supply authority, but only to tenants of that person occupying premises owned by that person and at prices not in excess of the prescribed charges, shall not by doing so be taken, for the purposes of subsection (1), to require to obtain the consent of the Coordinator.

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Section 8 amended

17. Section 8 (2) of the principal Act is amended by inserting before “which” the following —

“ or a supply authority ”.

Section 18 amended

18. Section 18 of the principal Act is amended —

(a) in paragraph (b), by deleting “, shall be at least six metres from such surface” and substituting the following —

“

shall be constructed in accordance with the technical standards, and with the clearances from structures and surfaces, prescribed

”;

and

- (b) in paragraph (e), by deleting “but so that any line of aerial and any lamp shall be at least five metres from the surface of the earth on which the building is situate”.

Section 25 amended

19. Section 25 (2) of the principal Act is amended —

- (a) by deleting “Subject as hereinafter provided —
(a)”; and
- (b) by deleting paragraph (b).

Section 30 repealed and a section substituted

20. Section 30 of the principal Act is repealed and the following section is substituted —

“

Powers of inspectors, relating to electricity

30. (1) The exercise of a power conferred by this section is subject to —

- (a) the terms of the designation of the inspector under the *Energy Coordination Act 1994*; and
- (b) Part 3 of that Act.

(2) Where an inspector is of the opinion, having inspected any thing which that inspector is authorized to inspect, that —

- (a) the thing is dangerous; or

- (b) the thing has been rendered dangerous, having regard to its actual or possible use, by —
 - (i) the introduction of any other object into the proximity of that thing;
 - (ii) the use of any other object in conjunction with or in relation to that thing; or
 - (iii) any circumstance,

the inspector may serve an order, in writing, specifying the reason for that opinion, on the person who has apparently caused the danger, or who has apparent control of that thing, or who is responsible under this Act for the control of that thing, requiring that immediate steps be taken to remove or mitigate the danger, in such manner, if any, as the order may specify.

(3) If the inspector is of the further opinion that any immediate steps taken or to be taken under an order served under subsection (2) may not remove the danger, or are in the nature of a temporary expedient, the inspector may serve an order, in writing, specifying the reason for that opinion, on —

- (a) the person having apparent control of that thing;
- (b) the person who is responsible under this Act for the control of that thing;
- (c) the person having apparent control of an object, specified in the order, which may render that thing dangerous; or
- (d) the person who is responsible for the circumstance, specified in the order, which may render that thing dangerous.

(4) An order served under subsection (3) may require that, within such period of not less than 28 days as that order may specify —

- (a) the thing giving rise to the danger be modified, dismantled or removed; or
- (b) a specified object the introduction of which may render that thing dangerous, or a specified circumstance which may render that thing dangerous, be so dealt with as to remove the danger,

in such manner, if any, as the order may specify.

(5) An inspector may inspect any work practice related to safety used in, or in relation to, the construction, repair, maintenance or operation of any thing the inspector is authorized to inspect and, if in the opinion of the inspector such a work practice may give rise to any danger from electricity or does not comply with this Act, by order in writing given to the person appearing to be responsible for the carrying out of that work practice, specifying the work practice of concern and the reason why it is unsafe or does not so comply, require —

- (a) the modification of that work practice, in such manner, if any, as the order may specify, within such period of not less than 28 days as the order may specify; and
- (b) that meanwhile the work practice be carried out in accordance with any condition, restriction or limitation specified in the order until the modification required under paragraph (a) has taken effect,

or may prohibit the carrying out of the work practice absolutely.

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(6) A person aggrieved by any order made by an inspector under subsection (3) or (5) may appeal in the prescribed manner in accordance with section 19 of the *Energy Coordination Act 1994* as though the order were an order made under section 18 of that Act.

(7) A person who fails to comply with any requirement of an order served under subsection (3) or (5) commits an offence.

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Section 32 amended

21. Section 32 (5) of the principal Act is amended, in paragraph (b), by deleting “the responsible Ministers have consulted with” and substituting the following —

“

consultation between the Coordinator or the Director, as the case may require, and

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