

Western Australia

Electricity Regulations 1947

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Electricity Regulations 1947

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Western Australia

Electricity Act 1945

Electricity Regulations 1947

Part I — Preliminary

[Heading inserted in Gazette 30 May 2000 p. 2567.]

1. Citation

These regulations may be cited as the *Electricity Regulations 1947*¹.

[Regulation 1 inserted in Gazette 30 May 2000 p. 2567.]

2. Terms used in these regulations

Unless the contrary intention appears, words defined in the Australian/New Zealand Standard AS/NZS 3000 — Wiring Rules, published by the Standards Association of Australia² and as amended from time to time, have the same respective meanings when used in these regulations.

[Regulation 2 inserted in Gazette 30 May 2000 p. 2567.]

Part II — Energy efficiency labelling

[Heading inserted in Gazette 30 May 2000 p. 2568.]

3. Application of this Part

This Part applies to an apparatus or installation of a type or class declared by the Director, by notice published in the *Gazette*, to be subject to this Part if and when that apparatus or installation is —

- (a) sold, whether by wholesale or retail, as a new apparatus or installation;
- (b) exposed or advertised for sale, whether by wholesale or retail, as a new apparatus or installation;
- (c) hired; or
- (d) exposed or advertised for hire.

[Regulation 3 inserted in Gazette 30 May 2000 p. 2568.]

4. Energy efficiency label to be displayed

- (1) An apparatus or installation to which this Part applies must be labelled with a label that —
 - (a) sets out —
 - (i) the brand and model of the apparatus or installation; and
 - (ii) the comparative energy consumption, energy efficiency rating and energy efficiency star rating of the apparatus or installation,
whether with or without other particulars;
 - (b) is approved or registered as a label under a law specified in a notice published under subregulation (2); and
 - (c) is displayed on the apparatus or installation in a prominent and unobscured position.

- (2) The Director may, by notice published in the *Gazette*, specify all or part of a law of another State or of a Territory for the purposes of subregulation (1) and regulation 8.

[Regulation 4 inserted in Gazette 30 May 2000 p. 2568; amended in Gazette 9 Nov 2004 p. 5005.]

5. Display fronts

A person must not, in connection with the sale or hiring of an apparatus or installation to which this Part applies, exhibit a model or display which is intended to represent all or part of that apparatus or installation unless the model or display is labelled in accordance with regulation 4 as if it were the apparatus or installation.

[Regulation 5 inserted in Gazette 30 May 2000 p. 2568.]

6. Director may grant temporary exemptions

- (1) The Director may, by notice in writing, exempt an apparatus or installation, or a class or type of apparatus or installation, from all or any of the requirements of regulations 4 and 5, for such period, and on such conditions, as the Director considers appropriate and are set out in that notice.
- (2) The Director must not grant an exemption under subregulation (1) unless the Director is satisfied that —
- (a) there are special circumstances which justify exempting the apparatus or installation from the requirements of those regulations;
 - (b) those circumstances are temporary; and
 - (c) the exemption will not unduly disadvantage —
 - (i) the public; or
 - (ii) people who manufacture, or deal in, apparatus or installations which do comply with those regulations.

[Regulation 6 inserted in Gazette 30 May 2000 p. 2568.]

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7. Misleading information

A person must not —

- (a) display a label on;
- (b) cause to be published any advertisement for the sale or hire of; or
- (c) produce, distribute or display any brochure, sign or other promotional material relating to,

an apparatus or installation to which this Part applies, if the label, advertisement or promotional material contains information of the kind referred to in regulation 4(1)(a)(ii) which the person knows, or ought reasonably to have known, is false, misleading or likely to mislead.

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

[Regulation 7 inserted in Gazette 30 May 2000 p. 2569.]

8. Use of unregistered labels

A person must not display on an apparatus or installation to which this Part applies, a label which is not approved or registered as a label under a law specified in a notice published under regulation 4(2) but which is deceptively similar to labels which are so approved or registered, if the person knows, or ought reasonably to have known, that the label was not so approved or registered.

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

*[Regulation 8 inserted in Gazette 30 May 2000 p. 2569;
amended in Gazette 9 Nov 2004 p. 5006.]*

Part III — Minimum energy performance standards

[Heading inserted in Gazette 30 May 2000 p. 2570.]

9. Application of this Part

This Part applies to an apparatus or installation of a type or class declared by the Director, by notice published in the *Gazette*, to be subject to this Part.

[Regulation 9 inserted in Gazette 30 May 2000 p. 2570.]

10. Minimum standards for energy efficiency

(1) A person must not —

- (a) sell;
- (b) expose or advertise for sale; or
- (c) cause to be sold or exposed or advertised for sale,

as a new apparatus or installation, any apparatus or installation to which this Part applies unless the apparatus or installation complies with the minimum standards for energy efficiency set out in a law specified in a notice published under subregulation (2).

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

(2) The Director may, by notice published in the *Gazette*, specify all or part of a law of another State or of a Territory for the purposes of subregulation (1).

[Regulation 10 inserted in Gazette 30 May 2000 p. 2570.]

11. Director may grant temporary exemptions

(1) The Director may, by notice in writing, exempt an apparatus or installation, or a class or type of apparatus or installation, from the requirements of regulation 10, for such period, and on such conditions, as the Director considers appropriate and are set out in that notice.

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- (2) The Director must not grant an exemption under subregulation (1) unless the Director is satisfied that —
- (a) there are special circumstances which justify exempting the apparatus or installation from the requirements of regulation 10;
 - (b) those circumstances are temporary; and
 - (c) the exemption will not unduly disadvantage —
 - (i) the public; or
 - (ii) people who manufacture, or deal in, apparatus or installations which do comply with that regulation.

[Regulation 11 inserted in Gazette 30 May 2000 p. 2570.]

[12-70. Deleted in Gazette 14 Oct 1991 p. 5294.]

[71-107. Deleted in Gazette 20 Dec 1985 p. 4881.]

[Part IV (r. 108-142) deleted in Gazette 12 Sep 1956 p. 2294.]

[Parts V-VII (r. 143-236) deleted in Gazette 14 Oct 1991 p. 5294.]

Part VIII — Supply of electricity to consumers

[Heading inserted in Gazette 30 May 2000 p. 2571.]

[237. Deleted in Gazette 31 Mar 2006 p. 1348.]

[238-240. Deleted in Gazette 31 Oct 2006 p. 4597.]

241. Term used in this Part

(1) In this Part —

network operator means a supply authority and any person lawfully operating transmission or distribution works, and service apparatus.

(2) To avoid doubt, it is declared that the word “network” does include service apparatus, but does not include a line, pole, switch, transformer, or apparatus on or part of premises to which electricity is supplied by a network operator that is situated beyond the point at which electricity is so supplied to the premises.

(3) To avoid doubt, it is declared that the term “network operator” does not include the owner of premises to which electricity is supplied who distributes the electricity to a person who occupies a part or all of the premises.

[Regulation 241 inserted in Gazette 31 Oct 2006 p. 4597-8.]

242. Connection of supply

(1) A network operator shall not supply electricity to any place, building or premises unless —

[(a) deleted]

(b) there has been produced to the network operator 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

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electric fittings on the premises to be supplied have been installed and fitted properly and as required by the Act.

- (2) The Director may, in a particular case or class of case, exempt a network operator from subregulation (1)(b).

[Regulation 242 inserted in Gazette 23 Dec 1994 p. 7125; amended in Gazette 19 Dec 2000 p. 7274; 31 Oct 2006 p. 4598.]

[243. Deleted in Gazette 31 Oct 2006 p. 4598.]

244. Damage by overloading to network operator's apparatus

The consumer shall be responsible for any damage caused to meters or other property of the network operator caused through overloading, of which the network operator has not had previous notification, and such consumer shall be liable to disconnection.

[Regulation 244 inserted in Gazette 31 Oct 2006 p. 4598.]

[245-248. Deleted in Gazette 19 Dec 2000 p. 7274.]

249. Fixing the leads in fuses, meters etc.

Only an employee of, or a person authorised by, the network operator may insert the ends of the consumer's wiring into any service fuse, meter, indicator, current limiter, or other device the property of the network operator.

[Regulation 249 amended in Gazette 23 Dec 1994 p. 7125; 31 Oct 2006 p. 4598.]

[250. Deleted in Gazette 31 Oct 2006 p. 4598.]

[251. Deleted in Gazette 19 Dec 2000 p. 7274.]

[252. Deleted in Gazette 31 Oct 2006 p. 4598.]

253. Systems of inspection

- (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 network operator shall —
 - (a) establish and maintain an effective system of inspection in accordance with this regulation; or
 - (b) ensure that any consumers' electric installation is individually inspected in accordance with regulation 254.
- (2) The system of inspection to be established and maintained by a network operator 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 network operator 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 network operator to the Director for use during such period, which shall not exceed 4 years, as the Director may, at the time of giving that approval, specify; and
 - (iii) to any condition, relevant to the compliance by the network operator 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 authorised 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 network operator 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 energised; 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 authorised inspector decides not to carry out an inspection;

- (b) the network operator, or the system of inspection established by the network operator, 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 network operator 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 network operator 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 network operator 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 network operator aggrieved by the response of the Director under this regulation in relation to any matter may, in writing, seek the approval of the Minister, who may rely on the advice of an independent expert technical panel to give or refuse that approval, 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 network operator against the system plan and policy statement approved

under this section for that network operator by the Director, and may by order in writing —

- (a) require the modification of any inspection practice of that network operator if it is found by the Director not to conform with the approved system plan and policy statement; or
- (b) require the network operator —
 - (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 network operator 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 network operator 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 network operator shall, unless the Minister otherwise authorises, be commenced within 9 months of the completion of the last preceding full audit, and the Director shall, on request by a network operator, specify when such an audit was last completed.
- (9) A network operator 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 network operator under subregulation (1), relating to any system of inspection approved by the Director under this section,

commits an offence.

[Regulation 253 inserted in Gazette 23 Dec 1994 p. 7126-8; amended in Gazette 31 Oct 2006 p. 4599.]

254. Individual inspection and reporting for electric installation

- (1) If a network operator does not have an inspection plan or policy statement that either complies with regulation 253, or is approved by the Director under regulation 253, the network operator must not —
 - (a) supply electricity to a newly installed consumer's electric installation; or
 - (b) supply electricity to a consumer's electric installation that has been altered or expanded (if the network operator has been notified of that alteration or expansion in a manner, if any, set out in the *Electricity (Licensing) Regulations 1991*),

unless the installation has been inspected by an inspector and complies with the requirements, if any, prescribed in respect of that installation.

- (2) If, on an inspection under subregulation (1), the inspector makes an order under section 18(2)(a) of the *Energy Coordination Act 1994*, the network operator must send a copy of the order to the Director within 28 days of the completion of the inspection.
- (3) If an accident of the type referred to in regulation 63 of the *Electricity (Licensing) Regulations 1991* occurs at an installation referred to in subregulation (1), the network operator who supplies electricity to the installation must give the

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Director a report, in a form approved by the Director, on the accident —

- (a) within 3 days of the accident; or
 - (b) within any longer period approved, in writing and on a case-by-case basis, by the Director.
- (4) A network operator that fails to comply with subregulation (1), (2) or (3) commits an offence.
- (5) In proceedings for an offence against subregulation (1) it is a defence for the accused to show that the Director had given prior written approval to a network operator or a class of network operator to supply electricity to certain types of alterations or expansions to consumers' installations without prior inspection.

[Regulation 254 inserted in Gazette 31 Oct 2006 p. 4599-600.]

[255. Deleted in Gazette 31 Oct 2006 p. 4600.]

[256. Deleted in Gazette 19 Dec 2000 p. 7274.]

257. Supply to large premises

Where electricity is to be supplied to premises of considerable size or with a large or a fluctuating load and the network operator deems it necessary to install transformers at the site the consumer shall provide an accessible space and enclosure to the satisfaction of the network operator for the transformers, switchgear and associated apparatus. The network operator shall have the right to use such equipment in the usual manner for supply to other consumers. All circuit breakers and fuses used on premises where transformers are installed on or near to the site shall be of a fault rating to the satisfaction of the network operator.

[Regulation 257 amended in Gazette 31 Oct 2006 p. 4600-1.]

[258-264. Deleted in Gazette 19 Dec 2000 p. 7274.]

265. Pulsating and rapidly varying loads

[(1), (2) deleted]

- (3) In the event of a consumer operating any electrical equipment in such a manner as will, in the opinion of the network operator, interfere with the supply to other consumers, the network operator may require the consumer to make such necessary adjustments or alterations and so to operate the apparatus as will, in the opinion of the network operator, ensure that the supply to other consumers will not be interfered with; and in the event of the consumer failing to do so the network operator may cut off the supply of electricity to the consumer. The fact that the network operator has connected and approved of the apparatus aforesaid shall not be deemed to exempt the consumer from the operation of this regulation.

[Regulation 265 amended in Gazette 31 Oct 2006 p. 4601.]

[266, 267. Deleted in Gazette 19 Dec 2000 p. 7274.]

[268. Deleted in Gazette 31 Oct 2006 p. 4601.]

[269, 270. Deleted in Gazette 23 Dec 1994 p. 7128.]

271. Apparatus, interruptions, responsibility

The supply authority:

- (a) shall have the right at all reasonable times to enter the premises of the consumer to inspect and test the installation and the supply authority's meter and to remove any of the supply authority's property;
- (b) may at any time interrupt the supply to make a test or to effect alterations, or repairs to the supply authority's system, or for any other purpose;
- (c) shall not be responsible or liable for any injury, damage or loss of any kind to the person, property, or business, of the consumer, or to the consumer's electrical equipment, resulting from fire or otherwise, through the

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supply of electricity or through interruptions or defects of supply due to storm, accident, or breakdown of plant or mains or force majeure, unless it can be shown that negligence on the part of the supply authority was the reason for, or part of the reason for, the injury, loss or damage.

[Regulation 271 amended in Gazette 31 Oct 2006 p. 4601.]

272. Disconnections

The supply authority shall have the right to disconnect a consumer's installation without notice if the consumer —

- (a) has an installation that is faulty or unsafe; or
- (b) uses the service in a way that interferes with the general supply to other consumers; or
- (c) connects substantial increased load without first obtaining the consent of the supply authority.

[Regulation 272 inserted in Gazette 31 Oct 2006 p. 4601-2.]

[273. Deleted in Gazette 31 Oct 2006 p. 4602.]

274. Consumer's liability for loss

The consumer shall be liable for loss by fire, damage, or theft of the meters or other apparatus hired from or loaned by the network operator on the consumer's premises, or which may be on the consumer's premises in connection with the supply of electricity to the consumer.

[Regulation 274 amended in Gazette 31 Oct 2006 p. 4602.]

[275. Deleted in Gazette 31 Oct 2006 p. 4602.]

276. Alteration to system

The supply authority shall not make any material alteration to the system of supply until reasonable notice has been given to

the consumer and then only after the proposal has been approved by the Director.

[Regulation 276 amended in Gazette 23 Dec 1994 p. 7125; 31 Oct 2006 p. 4602.]

[277. Deleted in Gazette 31 Oct 2006 p. 4602.]

[278. Disallowed in Gazette 1 Oct 1948 p. 2375.]

[279. Deleted in Gazette 31 Oct 2006 p. 4602.]

280. Charges for services

For any service rendered by the Director to a network operator, the Director may impose a reasonable charge (sufficient to cover labour, travelling and other expenses including overheads) for the service rendered.

[Regulation 280 inserted in Gazette 31 Oct 2006 p. 4602.]

Part IX — General safety requirements for electrical work

[Heading inserted in Gazette 30 May 2000 p. 2571.]

281. Employers to provide safety equipment

Employers who employ persons to work on or about overhead lines and/or apparatus for the transmission and distribution of electrical energy shall provide such safety equipment, appliances, or materials, as may be required, to comply with the provisions of these regulations.

282. Resuscitation instruction for employees

Employers shall take all practicable steps to ensure that all employees working on or assisting in work on electrical apparatus are instructed in the method of resuscitation from apparent death due to electric shock, and every such employee shall keep himself familiar with the method.

283. First-aid outfit

A first-aid outfit shall be kept at each depot, attended sub-station, workshop and camp, and also on each motor truck attached to a party in the field.

284. Safety equipment to be used properly

It shall be the duty of every person working on electrical apparatus to use in a proper manner the safety equipment provided.

285. Defective safety equipment

No employee shall use any safety equipment that is not in good condition. Employees shall notify the employer of all defects in safety equipment of which they become aware.

286. Inspection of safety equipment

Employers shall issue all safety equipment in good order. Provision shall be made by the employer for the periodic inspection of all safety equipment and any such equipment found to be defective shall be withdrawn from service and suitable measures shall be taken to ensure that upon withdrawal such equipment shall not be returned to service whilst so defective.

287. Dangerous poles to be secured

Any person, before ascending a pole or structure or part thereof, which is subject to decay or deterioration, shall satisfy himself that there is no danger of the pole, structure, or part thereof, collapsing. If such a danger exists, the pole or structure shall be effectively secured before an ascent is made.

288. Timber ladders to be used

Either one-piece or extension ladders may be used for work on overhead lines. All ladders shall be made from first-class timber free from flaws and defects. All ladders that may be used against poles shall be provided with a pole-strap fixed to the top of the ladder.

289. Reinforced ladders

Ladders with stiles reinforced longitudinally with wire or other metal reinforcement may be used, provided the reinforcement does not reach within 1.22 metres of either end of the ladder, but shall not, in themselves, be regarded as insulated ladders for the purpose of these regulations.

[Regulation 289 amended in Gazette 28 Jun 1973 p. 2469.]

290. Use of ladders

When in use the distance between the foot of the ladder and the pole or structure shall not exceed one quarter of the length of the ladder. Except in cases of emergency 2 ladders are not to be

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joined together when one ladder is of insufficient length, but when so used the ladders shall overlap at least one-fifth of the length of the longer and shall be securely lashed together.

291. Safety in relation to ladders

The provisions of regulations 284, 285 and 286 shall apply to ladders.

292. Safety belts

Linesmen's safety belts shall be provided by the employer and shall be worn and used when engaged in work in elevated positions, except on guarded platforms, or where special circumstances pertaining to the work may render their use unnecessary or undesirable.

293. Clearing apparatus before starting

Before new apparatus or apparatus which has been out of service is made alive, it shall be the responsibility of every person in charge of works on that apparatus to satisfy himself personally that all persons under his charge are clear of and that all earthing equipment and other plant and material used by him have been removed from the apparatus.

294. Operator to check apparatus before starting

Before carrying out or issuing instructions for the necessary switching, the authorised operator who is responsible for the switching shall satisfy himself by personal inspection or, where this is not possible, by information obtained from persons in charge of works that the apparatus is clear, as set out in regulation 293.

295. Distance from live apparatus

No person shall work on or within a distance of 762 millimetres of exposed conductors of live apparatus unless accompanied by

another person, except in cases of emergency, or cases covered by regulation 300.

Provided that this restriction shall not preclude the carrying out by an authorised person, when unattended, of normal operations (switching, fuse replacement, and the like) and investigations of apparatus performance for which it is essential that the apparatus be alive.

[Regulation 295 amended in Gazette 28 Jun 1973 p. 2469.]

296. Low and high voltage conductors

For the sole purpose of this Part low voltage conductors are to be considered as those which in normal service are alive at a voltage of 650 volts or less between conductors, and high voltage conductors are those which in normal service are alive at a voltage of more than 650 volts between conductors.

297. Low and high voltage apparatus

Low voltage and high voltage apparatus means electrical equipment such as transformers, switch gear, machine lines, and feeders of which low voltage and high voltage conductors respectively form an integral part.

298. Protection against accidental contact

Where persons are working in positions where they are liable to make accidental contact with live low voltage conductors, they shall protect themselves against such accidental contact by means of the safety equipment provided by the employer for the purpose.

299. Work on live low voltage conductors and apparatus

Work on live low voltage conductors and apparatus may be carried out by authorised persons: Provided that persons so working are suitably insulated from the live conductor being worked on or from earth.

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300. Low voltage work — further requirements

Notwithstanding the requirements of regulation 295 work on live low voltage apparatus may be carried out by an authorised person without the presence of an assistant: Provided that the work is confined to such items as installation and testing of meters, running maintenance on machines, maintenance of control circuits and equipment, and the connection and disconnection of services, with the further provisions that, in overhead line work, the person does not place himself between or above bare line conductors.

301. Special authority for high voltage work

No person shall perform any switching on high voltage apparatus unless he has been specially authorised for this purpose. No work shall be performed on or near high voltage apparatus without the knowledge of the officer controlling that apparatus.

302. Contact with high voltage conductors

No person shall make personal contact, either directly or through any conducting object, with any high voltage conductor believed to be dead, unless the conductor has been effectively earthed and short-circuited, as provided for in regulations 311, 312 and 313, with the exception that personal contact with such high voltage conductors may be permitted if the contacting person uses an insulated platform in accordance with the requirements of these regulations.

303. Work on high voltage apparatus

High voltage apparatus, on which work other than live work permitted by these regulations is to be carried out, shall be isolated from all possible sources of supply by opening appropriate circuit breakers and/or switches, or removing appropriate fuses so that the apparatus then is not and cannot be made alive from the high or low voltage systems. Warning

against reclosing the circuit breakers, switches, or fuses so opened shall be given by danger notices suitably displayed.

304. Switches, fuses etc. to be locked

Access to such circuit breakers, switches, or fuses by unauthorised persons shall be prevented by means of suitable locks where practicable.

305. Proving apparatus to be dead

Subsequent to isolation and prior to commencement of the work, the apparatus must be proved dead, discharged, and earthed and short-circuited as provided for in regulations 307, 308, 309, 311, 312 and 313.

306. Barriers between dead and live items

Before beginning work on dead equipment which is adjacent to live conductors in substations and similar locations, suitable barriers must first be erected to prevent accidental contact with those conductors.

307. Proving high voltage apparatus to be dead

High voltage apparatus which is to be earthed and short-circuited shall be proved by suitable methods to be dead and safe for earthing and short-circuiting.

308. Rotating machines

In addition to the other requisite conditions, no rotating machine, nor the circuits connected thereto, are to be considered dead while the machine is revolving.

309. Discharging dead apparatus

Before touching, for the purpose of fitting an “earth and short circuit”, any part of the apparatus normally alive but made dead for the purpose of working thereon, the apparatus shall be discharged by connecting the conductors or terminals to earth

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by means of the standard equipment provided by the employer for the purpose of taking care to ensure good contact between the earthing wire and the conductors or terminals of the apparatus to be discharged.

310. Discharging where induced potentials suspected

Where there may be danger of induced potentials, discharging by this method does not ensure that the conductors are safe to touch, and the “earth and short circuit” referred to in regulations 311, 312 and 313 must in such cases be attached to the conductors by means of an insulating medium, or the discharging equipment must be left in position while the “earth and short circuit” is fitted.

311. Earthing and short-circuiting

After apparatus has been proved dead and has been discharged, earthing and short-circuiting shall be carried out by the parts normally alive being connected together and to earth.

312. Only apparatus provided to be used

No other apparatus other than that specially provided by the employer shall be used.

313. Where earthing etc. takes place

Earthing and short-circuiting shall be effected at or within sight of the work, except that when the nature of the apparatus, work or soil renders this impossible, the earth connection shall be placed as near as possible to the work.

314. Earthing when line is divided

When a line to be worked on is divided or has to be divided, both sides of the division shall be earthed and short-circuited.

315. Recheck earthing if recommencing work

All persons working on any high voltage apparatus which has been earthed and short-circuited who for any reason leave the site during the progress of the work on such apparatus shall, on return to the site, ensure that the apparatus is still earthed and short-circuited before recommencing work.

316. Certain precautions required for some high voltage work

Certain work on or near the conductors of live high voltage apparatus may be performed by authorised persons, provided either —

- (a) the work is performed through the medium of special appliances provided for the purpose; or
- (b) the persons so working are supported on insulated platforms, towers, or ladders, the design and construction of which has been approved by the Director.

Provided that in every such case the person using such special appliances or insulated platforms, towers, or ladders has been personally instructed in the precautions to be taken with each specific class of work.

[Regulation 316 amended in Gazette 23 Dec 1994 p. 7125.]

316A. Vegetation control work near overhead power lines

- (1) A person performing vegetation control work for reward shall not do so within the danger zone of overhead power lines unless exempted by subregulation (4).
- (2) The danger zone of an overhead power line is anywhere that —
 - (a) is at the same height as, higher than, or not more than the specified distance lower than, the power line conductors; and

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- (b) is directly above or below, or not more than the specified distance to either side of, the power line conductors.
- (3) The specified distance is —
 - (a) 3 metres for an overhead power line carrying electricity at a nominal voltage of not more than 33 000 volts; and
 - (b) 6 metres for an overhead power line carrying electricity at a nominal voltage of more than 33 000 volts.
- (4) A person is exempt from subregulation (1) if —
 - (a) the person —
 - (i) has been trained in electrical linework to the satisfaction of the Director; or
 - (ii) has been trained in vegetation control work by a person or training authority approved by the Director by notice published in the *Gazette*;and
 - (b) the work is carried out in accordance with —
 - (i) the electrical safety requirements described in the *Code of Practice for Personnel Electrical Safety for Vegetation Control Work Near Live Powerlines* issued by the Director (as from time to time amended and for the time being in force); or
 - (ii) such other safety requirements as the Director has approved in writing.
- (5) For the purposes of this regulation —
 - (a) **conductors** includes active or neutral conductors (whether bare, insulated or double insulated), catenary supported conductors, neutral screened conductors, and aerial bundled cable;
overhead power lines means overhead lines for the transmission of electrical energy;

- (b) a reference to performing work includes a reference to assisting to perform work;
- (c) performing work in the course of employment is to be regarded as being for reward; and
- (d) vegetation control work is performed within a danger zone if any part of —
 - (i) the vegetation; or
 - (ii) the body of, or any tool, vehicle, or other equipment used by, a person performing the work,

comes within the danger zone at any time while the work is being performed.

[Regulation 316A inserted in Gazette 30 Aug 1996 p. 4316-17.]

317. Rubber gloves

Rubber gloves shall not be used for handling by direct contact conductors carrying high voltage.

318. Safety equipment that must be provided

The safety equipment specified in these regulations and which must be provided by employers shall include: —

Linesmen's belts, rubber gloves, first-aid outfit, suitable earthing equipment, approved insulating equipment for working on live low voltage conductors, approved insulating platforms.

319. This Part to be supplied to relevant workers

A copy of this Part shall be supplied to each worker engaged on work covered by this Part and each employee shall make himself familiar with the requirements of the said Part.

Part X — Approval of electrical appliances

[Heading inserted in Gazette 7 Sep 1955 p. 2143.]

[320. Deleted in Gazette 23 Dec 1994 p. 7128.]

321. Terms used in this Part

Unless inconsistent with the context or subject matter, the following terms shall for the purpose of this Part have the meanings given to them hereunder —

Act means the *Electricity Act 1945*;

appliances of the same class means appliances which come within the scope of the definition of a class of appliance included in any notice published by the Director in the *Government Gazette* pursuant to section 33B of the Act;

appliances of the same type means prescribed appliances of the same class which in the opinion of the Director are constructed to the same design and of corresponding materials;

applicant means a person who makes application for approval of an electrical appliance under these regulations or any person who has made application for approval of any electrical apparatus, appliance or fitting under the regulations repealed by these regulations and any person to whom a certificate of approval is transferred as provided for in regulation 329;

approvals marking means the mark, words, symbol or figures or all or any of them as the case may be shown on the certificate of approval of an approved electrical appliance;

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;

duly constituted authority in another State of the Commonwealth means —

- (a) the Department of Mines and Energy, Queensland;
- (b) the Department of Energy, New South Wales;
- (c) the Office of the Chief Electrical Inspector, Victoria;
- (d) the Office of Energy Policy, South Australia;
- (e) the Hydro Electric Corporation of Tasmania; or
- (f) the Department of Urban Services, Australian Capital Territory;

published specification means the relevant Approval and Test Specification published by the Standards Association of Australia² and which is that relating to prescribed appliances which are prescribed in a notification published in the *Government Gazette* by direction of the Director by reference —

- (i) to the classification letters, numbers, month (if any) and year of publication or title of Approval and Test Specifications published by the Standards Association of Australia²;
- (ii) to any amendment of the Approval and Test Specifications published by that Association;
- (iii) to any part of the Approval and Test Specifications or any amendment thereof published by that Association.

[Regulation 321 inserted in Gazette 7 Sep 1955 p. 2144; amended in Gazette 22 May 1987 p. 2189; 23 Dec 1994 p. 7128-9; 23 May 1997 p. 2418.]

322. Application for approval

- (1) An application for approval of an electrical appliance is to be made to the Director, in writing in a form approved by the Director.
- (1a) An applicant must give to the Director, with the application or when subsequently requested, such samples of, and information

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(including drawings, photographs and labels) relating to, the electrical appliance as the Director may require.

- (2) Notwithstanding the requirements of subregulation (1), if an appliance of the same type is approved, within the meaning of the Act, by a duly constituted authority in another State of the Commonwealth, the provisions of regulation 326(1) shall apply and an application for approval need not be made, in respect of that appliance.
- (3) To each electrical appliance delivered to the Director pursuant to this regulation the applicant or his agent shall attach or affix a label bearing the signature of the applicant or his agent and showing in legible writing —
 - (a) the name in full of the applicant;
 - (b) the date of application to the Director for the approval of the electrical appliance;
 - (c) the designation of the class of electrical appliance under which it is prescribed;
 - (d) the type and description of the electrical appliance;
 - (e) the manufacturer's catalogue number, type number, or other means of distinguishing the type of electrical 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.

- (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.

[Regulation 322 inserted in Gazette 7 Sep 1955 p. 2145; amended in Gazette 22 Dec 1964 p. 4081; 23 Dec 1994 p. 7125 and 7129-30; 23 May 1997 p. 2418.]

323. Further testing of electrical appliances approved

- (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

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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 323 inserted in Gazette 23 Dec 1994 p. 7130-1.]

[324, 325. Deleted in Gazette 23 Dec 1994 p. 7130.]

326. Certificate of approval

- (1) Approval of an electrical appliance may be granted by the Director —
- (a) on the issue to the applicant of a certificate of approval, in or to the effect of Form No. 38 in the Appendix; or
 - (b) without the issue of a certificate of approval, where a duly constituted authority in another State of the Commonwealth has issued any such certificate, and in that event the form of approval of that authority shall be deemed to be a certificate of approval issued by the Director under the provisions of these regulations.

- (2) Approval of an electrical appliance may be granted unconditionally or may at the discretion of the Director be granted on and subject to conditions requiring warning to be given to persons using or purchasing or hiring the electrical appliance of precautions to be observed in the use of the electrical appliance or as to other matters tending to safety in the use of the electrical appliance. The conditions shall be endorsed on the certificate of approval.
- (3) No person shall sell, hire, expose for sale or hire or advertise for sale or hire, an electrical appliance so as not to comply with any conditions specified on the certificate of approval issued by the Director in respect of that electrical appliance.
- (4) The issue of a certificate of approval in respect of an electrical appliance shall not authorise any person to use, sell, hire or expose for sale or hire or connect or install the electrical appliance for use in any place or in any manner —
- (a) forbidden by the Act or any regulations or by-laws made thereunder; or
 - (b) for which the consent of the network operator is required.
- (5) No electrical appliance shall be, or be deemed to be approved at any time when —
- (a) a certificate of approval has not been issued for the electrical appliance; or
 - (b) the approval of the electrical appliance has been withdrawn; or
 - (c) it does not comply in full with every term, provision or condition endorsed upon the certificate of approval thereof given by the Director in respect of the electrical appliance.
- (6) No person shall, in connection with an electrical appliance which has not been approved, represent that such electrical appliance has been approved or shall be approved or that the

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electrical appliance complies with the requirements of the Director for the purpose of this Part.

- (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 326 inserted in Gazette 7 Sep 1955 p. 2146-7; amended in Gazette 22 Dec 1964 p. 4081; 23 Dec 1994 p. 7125 and 7131; 31 Oct 2006 p. 4602.]

327. Stamping and labelling of approved electrical appliances

- (1) No person shall sell, hire or expose for sale or hire or advertise for sale or hire or cause to be sold or hired or exposed for sale or hire or advertised for sale or hire any electrical appliance for which a certificate of approval has been issued unless the electrical appliance is permanently and clearly stamped or labelled with the mark, words, symbols or figures or all or any of them as the case may be shown as the approvals marking on the certificate of approval of the electrical appliance. For the purpose of these regulations an electrical appliance shall be deemed to have been stamped if the approvals marking is moulded, embossed, engraved, incised or indented or otherwise permanently marked on the electrical appliance to the satisfaction of the Director.
- (2) If in the opinion of the Director as notified on the certificate of approval of an electrical appliance, the electrical appliance is

too small to be stamped in compliance with subregulation (1) or for any other sufficient reason should not be so stamped, the electrical appliance shall be deemed to comply with this regulation if it is packed by the manufacturer or applicant in a container or wrapping marked, or to which container or wrapping is affixed, a label marked with —

- (a) the approvals marking on the certificate of approval issued for the electrical appliance; and
 - (b) the nature of the electrical appliance.
- (3) An applicant to whom has been issued a certificate of approval endorsed with any conditions as set out in regulation 326 shall clearly label the electrical appliance for which the certificate of approval was issued with a label setting out the conditions under which the certificate was issued.
- (4) No person shall sell or hire or expose for sale or hire any electrical appliance which has been approved on conditions in accordance with regulation 326(2) unless the person adequately notifies the purchaser or hirer of the conditions.
- (5) In respect of an electrical appliance which has not been approved under these regulations, no person shall whilst the appliance remains unapproved —
- (a) stamp or label or cause or permit to be stamped or labelled the appliance; or
 - (b) place or cause or permit the appliance to be placed in any container or wrapping which is stamped or labelled or marked; or
 - (c) affix or attach or cause or permit to be affixed or attached to the container or wrapping of the appliance a label which is stamped or marked,

with a marking similar to, or so nearly resembling, a marking authorised by the Director as an approvals marking as to be likely to deceive.

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*[Regulation 327 inserted in Gazette 7 Sep 1955 p. 2147-8;
amended in Gazette 23 Dec 1994 p. 7125.]*

328. Modification of design or construction

- (1) A person to whom has been issued a certificate of approval in respect of an electrical appliance may, if the Director in writing so approves, alter the design, materials or construction of the electrical appliance in any particular, but the approval shall be given only after examination of a sample or samples of the altered electrical appliance. The Director shall cause to be endorsed on the relevant certificate of approval particulars of the alteration or alterations so approved and thereupon the electrical appliance so altered shall be approved and shall be deemed to be the approved electrical appliance to which that certificate relates. The applicant shall pay to the Director any fees demanded by the Director for any examination 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.
- (2) If the Director does not approve the alteration of the electrical appliance in any particular the Director shall so notify in writing the person applying for the approval.
- (3) No person shall sell or hire or expose for sale or hire or advertise for sale or hire any electrical appliance purporting to be identical with or similar to an electrical appliance for which a certificate of approval has been issued, but which in the opinion of the Director is not identical with or similar to the approved electrical appliance by reason of change of design, materials or construction.

*[Regulation 328 inserted in Gazette 7 Sep 1955 p. 2148;
amended in Gazette 23 Dec 1994 p. 7125 and 7131.]*

329. Transfer of certificate of approval

- (1) When an applicant to whom a certificate of approval of an electrical appliance has been issued, disposes of his business or

that part of the business to which that certificate of approval is relevant, the applicant may apply in writing to the Director to have the certificate of approval of the electrical appliance transferred to the person to whom the business or portion of the business has been disposed. Every such application shall be countersigned by the person to whom the business or portion of the business has been disposed and shall be accompanied by the prescribed fee.

- (2) The Director may, if the Director approves of an application made under subregulation (1), transfer the certificate of approval to the person to whom the business or portion of the business has been disposed.
- (3) From the date of the transfer the person to whom the certificate of approval has been transferred shall, in respect of the certificate of approval be entitled to all rights and privileges under and be responsible for all liabilities, responsibilities, duties and penalties under these regulations in the same manner as the original applicant.

[Regulation 329 inserted in Gazette 7 Sep 1955 p. 2148; amended in Gazette 23 Dec 1994 p. 7125 and 7131.]

330. Lost or destroyed certificates of approval

If any certificate of approval issued by the Director is lost, stolen, destroyed, mutilated or defaced, a duplicate certificate of approval may be issued by the Director upon proof to the Director's satisfaction of the loss, theft or destruction or upon surrender of the mutilated or defaced certificate of approval and on payment of the prescribed fee.

[Regulation 330 inserted in Gazette 7 Sep 1955 p. 2149; amended in Gazette 23 Dec 1994 p. 7125 and 7131; 20 Mar 2007 p. 1038.]

331. Delegation by the Director

- (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director,

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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 331 inserted in Gazette 23 Dec 1994 p. 7132.]

332. Refusal or withdrawal of approval

- (1) Without in any way limiting the power of the Director to grant approval of any electrical appliance the Director may refuse to grant approval to any application made under this Part —
 - (a) if any specification, drawing, photograph, label or other information delivered to the Director in accordance with this Part is found to be misleading;
 - (b) if the applicant shall fail or refuse to submit either for examination for testing or both the sample or samples of the electrical appliance as required under this Part;
 - (c) if an electrical appliance of the same type or of the same class for which approval is sought when examined and

- tested in accordance with the provisions of the relevant published specifications, fails to comply with the published specifications;
- (d) if in the opinion of the Director the electrical appliance for which approval is sought is dangerous or is likely to be or to become dangerous in normal use;
 - (e) if in the opinion of the Director representations are made by the applicant or advertisements are employed by the applicant in connection with the selling or hiring of electrical appliances of that type or class for which approval is sought which would mislead as to the significance of approval or the use for which approval may be granted.
- (2) The Director may withdraw approval already granted in respect of any electrical appliance whether the approval was granted under this Part or under the regulations repealed by this Part —
- (a) if an electrical appliance of the same class or of the same type for which approval has been granted is, when examined and tested in accordance with the provision of the relevant specifications, found at any time not to conform to the published specifications;
 - (b) if in the opinion of the Director the electrical appliance for which approval has been granted is dangerous or is likely to be or to become dangerous in normal use;
 - (c) if the applicant shall at any time fail or refuse to submit either for examination or testing or both the sample or samples of the electrical appliance as required under this Part;
 - (d) if the applicant shall at any time fail or refuse to supply particulars required under this Part;
 - (e) if in the opinion of the Director representations are made by the applicant or advertisements are employed by the applicant in connection with the selling or hiring of electrical appliances of the type or class for which

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approval has been granted which would mislead as to the significance of approval or the use for which approval is granted;

- (f) if any information delivered to the Director pursuant to this Part is found to be false or misleading;
- (g) if the applicant has been convicted by a Court of competent jurisdiction for a contravention or a breach of the Act or of this Part;
- (h) if the certificate of approval granted in the State where the electrical appliance was originally approved is withdrawn by the duly constituted authority of that State;
- (i) if the applicant so requests.

[Regulation 332 inserted in Gazette 7 Sep 1955 p. 2149-50; amended in Gazette 23 Dec 1994 p. 7125; 23 May 1997 p. 2418.]

333. Notification of withdrawal of approval

- (1) When the Director withdraws approval of an electrical appliance otherwise than at the request of the applicant, the Director shall advertise in the *Government Gazette* notice of the withdrawal of approval, therein specifying the name of the applicant, the class or type of electrical appliance, the date of the certificate of approval, the approvals marking (if any) thereon referred to and the date on or from which the withdrawal of approval is to take effect. The Director shall send to the applicant by prepaid post at the address of the applicant recorded in the Register of Approved Electrical Appliances a copy of that notice, and after the date specified in the notice as the date on or from which withdrawal of approval is to take effect, no person shall —
 - (a) sell or hire or expose for sale or hire or advertise for sale or hire an electrical appliance in respect of which the certificate of approval was withdrawn; or
 - (b) stamp or label any electrical appliance with the approvals marking referred to on the certificate of

approval issued in respect of the electrical appliance the approval to which was withdrawn.

- (2) The applicant shall within 14 days of the despatch by the Director of the notice referred to in subregulation (1) return to the Director, the certificate of approval in respect of the electrical appliance referred to in the notice.

[Regulation 333 inserted in Gazette 7 Sep 1955 p. 2150; amended in Gazette 23 Dec 1994 p. 7125; 23 May 1997 p. 2418.]

334. Deferment of approval

The Director may at discretion defer any decision as to the approval or non-approval of any application under this Part.

[Regulation 334 inserted in Gazette 7 Sep 1955 p. 2150; amended in Gazette 23 Dec 1994 p. 7125 and 7132.]

335. Purchase of electrical appliances for inspection

The Director may purchase an electrical appliance from any person dealing in electrical appliances. Any person (hereinafter referred to as the dealer) who deals whether by wholesale, retail or otherwise in any electrical appliance shall, when requested so to do by 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, sell to the Director any electrical appliance sought to be purchased by the officer on behalf of the Director for the same price as the dealer charges other purchasers for the electrical appliance and, if the price cannot be identified, for a fair price. The officer shall at the time of the purchase and before carrying away the electrical appliance inform the dealer or his servant or agent, that he is purchasing the electrical appliance on behalf of the Director for the purpose of these regulations and shall if required by the dealer produce evidence of his authority and shall affix to the electrical appliance or (as the case requires) its container —

- (a) a label showing in legible writing —

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- (i) the name and address of the dealer;
 - (ii) the date of purchase as aforesaid;
 - (iii) the nature of the electrical appliance;
 - (iv) if the electrical appliance is of a class or type that is prescribed, the designation of the class or type under which it is prescribed;
 - (v) the type of flexible cord (if any) supplied with or sold for use with the electrical appliance purchased;
 - (vi) the signature of the authorised officer;
- and
- (b) any pamphlet, leaflet, or other writing descriptive of the electrical appliance or instructions for use thereof supplied with the electrical appliance so purchased; and
 - (c) the receipt of the dealer (or his servant or agent) for the money paid for the electrical appliance so purchased,

and the dealer shall if he is then or thereafter requested by the authorised officer forthwith inform the officer when and from whom he obtained the electrical appliance so purchased and shall produce for inspection by the authorised officer all vouchers, invoices or accounts in his possession showing when and from whom the dealer obtained the electrical appliance.

[Regulation 335 inserted in Gazette 7 Sep 1955 p. 2150-1; amended in Gazette 23 Dec 1994 p. 7132.]

336. Obstruction of officers

- (1) No person shall in any way obstruct, hinder, interfere with or aid or abet, encourage, invite or instruct any person to obstruct, hinder or interfere with any authorised officer exercising any powers conferred under these regulations.
- (2) No person shall give any false information either verbally or in writing to the Director, or to any other person who is authorised by the Director to perform any function under these regulations,

in relation to an electrical appliance or its sale or hire or exposure for sale or hire or as to its marking or labelling, or as to the marking or labelling of any container or wrapping in which it is sold or hired or exposed for sale or hire.

[Regulation 336 inserted in Gazette 7 Sep 1955 p. 2151; amended in Gazette 23 Dec 1994 p. 7125 and 7132.]

337. Register of Prescribed Electrical Appliances and Register of Approved Electrical Appliances

- (1) The Director shall cause to be kept —
- (a) a register to be called the “Register of Prescribed Electrical Appliances” setting out a list of the classes and types of electrical appliances prescribed by notice in the *Gazette* and a reference to the date of the *Gazette* in which such list was published;
 - (b) a register to be called the “Register of Approved Electrical Appliances” containing the following information in respect to each class or type of electrical appliance approved by the Director —
 - (i) particulars of the electrical appliance;
 - (ii) the marking required by these regulations;
 - (iii) all conditions imposed by the Director upon approval;
 - (iv) the purpose or purposes for which approval has been given;
 - (v) the date of approval;
 - (vi) the name (in full), place of abode and place of business of the applicant;
 - (vii) particulars of approved modifications of design, materials or construction (if any);
 - (viii) such further or other particulars as the Director may from time to time think fit.

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- (2) A person upon payment of the prescribed fee or fees may —
- (a) inspect the registers during the normal business hours of the Director;
 - (b) obtain certified copies of entries in the registers.

*[Regulation 337 inserted in Gazette 7 Sep 1955 p. 2151;
amended in Gazette 23 Dec 1994 p. 7125.]*

338. Change of address

An applicant who changes his address after the issue to him of a certificate of approval shall within one (1) month of changing his address give notice to the Director of his new address.

*[Regulation 338 inserted in Gazette 7 Sep 1955 p. 2152;
amended in Gazette 23 Dec 1994 p. 7125.]*

[339. Deleted in Gazette 23 Dec 1994 p. 7133.]

Part XI — Penalties and enforcement

[Heading inserted in Gazette 23 Dec 1994 p. 7133; amended in Gazette 20 Mar 2007 p. 1038.]

340. Penalties

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

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

[Regulation 340 inserted in Gazette 23 May 1997 p. 2419.]

341. Proceedings

All proceedings in respect of penalties or forfeitures may be taken in the name of any person authorised in that behalf by the Director.

[Regulation 341 inserted in Gazette 7 Sep 1955 p. 2152; amended in Gazette 23 Dec 1994 p. 7125.]

342. Prescribed offences and modified penalties

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under Part 2 of the *Criminal Procedure Act 2004*.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 5(3) of the *Criminal Procedure Act 2004*.

[Regulation 342 inserted in Gazette 20 Mar 2007 p. 1039.]

343. Authorised officers and approved officers

- (1) The Director may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.

r. 344

- (2) The Director is to issue to each authorised officer a certificate of his or her appointment.

[Regulation 343 inserted in Gazette 20 Mar 2007 p. 1039.]

344. Forms

The forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

[Regulation 344 inserted in Gazette 20 Mar 2007 p. 1039.]

Schedule 1 — Prescribed offences and modified penalties

[r. 342]

[Heading inserted in Gazette 20 Mar 2007 p. 1039.]

Offences under <i>Electricity Act 1945</i>		Modified penalty	
		Individual	Body corporate
s. 25(1)(a), 52	Failing to maintain service apparatus in safe and fit condition		\$4 000
s. 25(1)(b), 52	Failing to take all reasonable precautions to avoid the risk of fire or damage		\$4 000
s. 30(7)	Failing to comply with order of inspector	\$500	\$2 000
s. 33B(2)	Selling or hiring, or exposing or advertising for sale or hire, prescribed appliance without approval	\$1 000	\$4 000
s. 33C(3)	Failing to comply with notice prohibiting sale, hire or use of unsafe or dangerous apparatus ...	\$1 000	\$4 000
s. 33F	Selling or hiring, or exposing or advertising for sale or hire apparatus or installation that does not comply with energy efficiency labelling regulations	\$500	\$2 000

Offences under <i>Electricity Regulations 1947</i>		Modified penalty	
		Individual	Body corporate
r. 10	Selling or hiring, or exposing or advertising for sale or hire apparatus or installation that does not comply with energy efficiency standards	\$500	\$2 000
r. 242(1)(b), 340	Supplying electricity without receiving certificate of correct installation and fitting		\$4 000
r. 253(1), (9)(b)	Failing to establish and maintain system of inspection or ensure installation is individually inspected		\$4 000

Electricity Regulations 1947**Schedule 1** Prescribed offences and modified penalties

r. 253(7)(a), (9)(b)	Failing to modify inspection practice when ordered to do so		\$4 000
r. 253(7)(b), (9)(b)	Failing to review inspection practice and submit revised system plan and policy statement within required time		\$4 000
r. 253(9)(a)	Supplying electricity in contravention of s. 253(1)		\$4 000
r. 316A, 340	Performing vegetation control work in danger zone of overhead power lines	\$500	\$4 000

Offences under <i>Electricity (Licensing) Regulations 1991</i>		Modified penalty	
		Individual	Body corporate
r. 19(1)	Carrying out electrical work without a licence or permit	\$500	\$2 000
r. 19(2a), 65	Failing to ensure electrical work is checked, tested and certified	\$500	\$2 000
r. 28(1), 65	Failing to notify Board of change of address ..	\$250	\$1 000
r. 33(1), 65	Carrying on business as an electrical contractor without a licence	\$1 000	\$4 000
r. 34	Knowingly contracting unlicensed person to do electrical work	\$500	\$2 000
r. 35	Falsely representing electrical work to be carried out by or on behalf of employer	\$500	\$2 000
r. 37(1)	Carrying out in-house electrical installing work without a licence	\$1 000	\$4 000
r. 45(1), 65	Failing to display licence and certificate of registration at principal place of business	\$500	\$2 000
r. 45(1), 65	Failing to include licence number in advertisement	\$500	\$1 000
r. 45(2), 65	Failing to notify Board of change of address ..	\$250	\$1 000
r. 49(1), (3), 65	Carrying out, or causing or permitting to be carried out, electrical work contrary to Wiring Rules, WA Electrical Requirements or specified standards	\$500	\$2 000

Offences under <i>Electricity (Licensing) Regulations 1991</i>		Modified penalty	
		Individual	Body corporate
r. 50(1), 65	Failing to effectively supervise the carrying out of electrical work	\$500	\$2 000
r. 50A	Causing or permitting unsafe wiring or equipment to be, or to remain, connected	\$500	\$2 000
r. 51(1)	Failing to deliver preliminary notice within required time	\$500	\$2 000
r. 52(1)	Failing to give notice of completion within required time	\$500	\$2 000
r. 52(3)	Giving notice of completion in relation to uncompleted work	\$500	\$2 000
r. 53(2), 65	Employing, engaging or instructing unlicensed person to carry out electrical work	\$500	\$2 000
r. 54(1), (2)	Unauthorised person signing notice of completion or record of work carried out	\$500	\$2 000
r. 57(1), 65	Failing to maintain record of electrical workers	\$250	\$1 000
r. 57(3), 65	Failing to produce record for inspection	\$500	\$2 000
r. 58	Failing to produce licence and registration certificate on request	\$500	\$2 000
r. 59(1)	Giving false information, evidence, statements etc., personation etc.	\$500	\$2 000
r. 62, 65	Failing to report defect	\$500	\$2 000
r. 63, 65	Failing to report accident	\$500	\$2 000

Offences under <i>Electricity (Supply Standards and System Safety) Regulations 2001</i>		Modified penalty	
[Failure to comply with these regulations is an offence under r. 46.]		Individual	Body corporate
r. 14(2)(a)	Failing to give notice before commencing major activity		\$2 000

Electricity Regulations 1947**Schedule 1** Prescribed offences and modified penalties

Offences under <i>Electricity (Supply Standards and System Safety) Regulations 2001</i> [Failure to comply with these regulations is an offence under r. 46.]		Modified penalty	
		Individual	Body corporate
r. 14(2)(b)	Failing to give quarterly outline of proposed major activities		\$2 000
r. 16	Failing to ensure prescribed activity is carried out in accordance with specified standard or code		\$4 000
r. 29	Failing to ensure prescribed activity is carried out in accordance with accepted safety case		\$4 000
r. 30(2)	Failing to lodge report in respect of accepted safety case		\$4 000
r. 33(1)	Failing to establish and maintain record keeping system in relation to accepted safety case		\$4 000
r. 33(3)	Failing to keep records in required manner		\$4 000
r. 33(4)	Failing to keep records for required time		\$4 000
r. 35(1)	Failing to notify Director of notifiable incident within required time		\$4 000
r. 36(2)	Failing to give report of notifiable incident within required time		\$2 000
r. 38(1)	Failing to ensure site of notifiable incident is not disturbed		\$4 000

[Schedule 1 inserted in Gazette 20 Mar 2007 p. 1039-41.]

Schedule 2 — Forms

[r. 344]

[Heading inserted in Gazette 20 Mar 2007 p. 1042.]

Form 1 — Infringement notice

<i>Electricity Act 1945</i>		Infringement notice no.
Infringement notice		
Alleged offender	Name: Family name _____	
	Given names _____	
	or Company name _____	
	ACN _____	
Address _____		Postcode _____
Alleged offence	Description of offence _____	
	<i>Electricity Act 1945 s.</i> <i>Electricity Regulations 1947 r.</i> <i>Electricity (Licensing) Regulations 1991 r.</i> <i>Electricity (Supply Standards and System Safety) Regulations 2001 r.</i>	
	Date / /20	Time a.m./p.m.
	Modified penalty \$ _____	
Officer issuing notice	Name _____	
	Signature _____	
	Office _____	
Date	Date of notice / /20	
Notice to alleged offender	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>By post: Send a cheque or money order (payable to 'Director of Energy Safety') to: Director of Energy Safety [Address]</p> <p>In person: Pay the cashier at: Energy Safety [Address]</p> <p>If you do not pay the modified penalty within 28 days, you will be prosecuted or enforcement action will be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended.</p> <p>If you need more time to pay the modified penalty, you can</p>	

	apply for an extension of time by writing to the Director of Energy Safety at the above address.
	If you want this matter to be dealt with by prosecution in court , tick this box <input type="checkbox"/> and post this notice to the Director of Energy Safety at the above address within 28 days after the date of this notice.

[Form 1 inserted in Gazette 20 Mar 2007 p. 1042.]

Form 2 — Withdrawal of infringement notice

<i>Electricity Act 1945</i>		Withdrawal no.	
Withdrawal of infringement notice			
Alleged offender	Name: Family name _____		
	Given names _____		
	or Company name _____		
	ACN _____		
Address _____			
Postcode _____			
Infringement notice	Infringement notice no. _____		
	Date of issue / /20		
Alleged offence	Description of offence _____		
	<i>Electricity Act 1945 s.</i>		
	<i>Electricity Regulations 1947 r.</i>		
	<i>Electricity (Licensing) Regulations 1991 r.</i>		
<i>Electricity (Supply Standards and System Safety) Regulations 2001 r.</i>			
Date / /20		Time a.m./p.m.	
Officer withdrawing notice	Name _____		
	Signature _____		
	Office _____		
Date	Date of withdrawal / /20		
Withdrawal of infringement notice	The above infringement notice issued against you has been withdrawn.		
	If you have already paid the modified penalty for the alleged offence you are entitled to a refund. * Your refund is enclosed.		
<i>[*delete whichever is not applicable]</i>	or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to: Director of Energy Safety [Address]		

	Signature	/	/20
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[Form 2 inserted in Gazette 20 Mar 2007 p. 1043.]

Notes

¹ This is a compilation of the *Electricity Regulations 1947* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Electricity Act Regulations 1947</i> ^{3,4}	27 Jun 1947 p. 1156-94	27 Jun 1947
Untitled regulations	11 Jul 1947 p. 1262-4	11 Jul 1947
Untitled regulations ⁵	25 Mar 1948 p. 695-6	25 Mar 1948
Untitled regulations	7 Sep 1955 p. 2143-56	7 Sep 1955
Untitled regulations	12 Sep 1956 p. 2294-6	12 Sep 1956
Reprint of the <i>Electricity Act Regulations 1947</i> dated 26 Apr 1957 in <i>Gazette</i> 10 May 1957 p. 1321-90 (includes amendments listed above)		
Untitled regulations	5 Mar 1958 p. 448	5 Mar 1958
Untitled regulations	31 May 1960 p. 1522	31 May 1960
Untitled regulations	29 Dec 1961 p. 3960-1	29 Dec 1961
Untitled regulations	1 May 1962 p. 1027	1 May 1962
Untitled regulations	7 Feb 1963 p. 597	7 Feb 1963
Untitled regulations	22 Dec 1964 p. 4081	22 Dec 1964
Untitled regulations	31 Aug 1965 p. 2560-2	31 Aug 1965
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
Untitled regulations	14 Jun 1967 p. 1608-9	14 Jun 1967

Citation	Gazettal	Commencement
Reprint of the <i>Electricity Act Regulations 1947</i> dated 12 Aug 1968 in <i>Gazette</i> 21 Aug 1968 p. 2475-544 (includes amendments listed above)		
Untitled regulations	25 Jun 1969 p. 1868	25 Jun 1969
Untitled regulations	25 Sep 1970 p. 3061-3 (erratum 9 Oct 1970 p. 3145)	25 Sep 1970
Untitled regulations	8 Feb 1972 p. 265	8 Feb 1972
Untitled regulations	7 Jun 1972 p. 1707	7 Jun 1972
Untitled regulations	7 Jul 1972 p. 2346-7 (erratum 14 Jul 1972 p. 2467)	7 Jul 1972
Untitled regulations	24 Nov 1972 p. 4512-14	1 Jan 1973
Untitled regulations	28 Jun 1973 p. 2469	1 Jul 1973
Untitled regulations	21 Feb 1975 p. 667-9	1 Mar 1975 (see r. 2)
Untitled regulations	5 Mar 1976 p. 688	1 Mar 1976 (see r. 2)
Untitled regulations	9 Sep 1977 p. 3307-10	9 Sep 1977 (see r. 2)
Untitled regulations	15 Jun 1979 p. 1620-3	15 Jun 1979 ⁶
<i>Electricity Amendment Regulations (No. 2) 1981</i>	2 Oct 1981 p. 4214-17	2 Oct 1981
<i>Electricity Amendment Regulations 1982</i>	7 Jan 1983 p. 30-2	7 Jan 1983
<i>Electricity Amendment Regulations 1985</i>	20 Dec 1985 p. 4881	1 Jan 1986 (see r. 2)
<i>Electricity Amendment Regulations 1987</i>	22 May 1987 p. 2187-8	22 May 1987

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Citation	Gazettal	Commencement
<i>Electricity Amendment Regulations (No. 2) 1987</i>	22 May 1987 p. 2188	1 Jul 1987 (see r. 3)
<i>Electricity Amendment Regulations (No. 3) 1987</i>	22 May 1987 p. 2188-9	1 Jan 1988 (see r. 2)
<i>Electricity Amendment Regulations (No. 4) 1987</i>	22 May 1987 p. 2189-93	22 May 1987
<i>Electricity Amendment Regulations 1988</i>	31 Mar 1988 p. 971	31 Mar 1988
<i>Electricity Amendment Regulations 1989</i>	27 Oct 1989 p. 3911	31 Oct 1989 (see r. 2)
<i>Electricity Amendment Regulations (No. 2) 1989</i>	29 Dec 1989 p. 4701	29 Dec 1989
<i>Electricity (Licensing) Regulations 1991 r. 66</i>	14 Oct 1991 p. 5249-99	1 Nov 1991 (see r. 2)
<i>Electricity (Amendment) Regulations 1995</i>	23 Dec 1994 p. 7124-33	1 Jan 1995 (see r. 3 and <i>Gazette</i> 23 Dec 1994 p. 7069)
<i>Electricity (Amendment) (No. 2) Regulations 1995</i>	20 Jun 1995 p. 2400	20 Jun 1995
<i>Electricity Amendment Regulations 1996</i>	30 Aug 1996 p. 4316-17	30 Nov 1996 (see r. 2)
<i>Electricity Amendment Regulations 1997</i>	23 May 1997 p. 2417-19	23 May 1997
<i>Electricity Amendment Regulations 2000</i> ⁷	30 May 2000 p. 2567-72	30 May 2000
Reprint of the Electricity Regulations 1947 as at 3 Oct 2000 (includes amendments listed above)		
<i>Electricity Amendment Regulations (No. 2) 2000</i>	19 Dec 2000 p. 7274	19 Dec 2000
<i>Electricity Amendment Regulations 2004</i>	9 Nov 2004 p. 5005-6	9 Nov 2004
<i>Electricity Corporations (Consequential Amendments) Regulations 2006 r. 78</i>	31 Mar 2006 p. 1299-357	1 Apr 2006 (see r. 2)
<i>Electricity Amendment Regulations (No. 2) 2006</i>	31 Oct 2006 p. 4597-602	31 Oct 2006
Reprint 4: The Electricity Regulations 1947 as at 2 Mar 2007 (includes amendments listed above)		

Citation	Gazettal	Commencement
<i>Electricity Amendment Regulations (No. 2) 2007</i>	20 Mar 2007 p. 1038-43	20 Mar 2007

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Electricity Amendment Regulations 2009</i> r. 3-5 ⁸	8 May 2009 p. 1492-7	9 Aug 2009 (see r. 2(b))

- ² The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.
- ³ Now known as the *Electricity Regulations 1947*; citation changed (see note under r. 1).
- ⁴ Regulations 180 and 278 disallowed on 24 Sep 1947, see *Gazette* 5 Dec 1947 p. 2209.
Regulations 113, 117-19, 123, 124, 129-32, 138, 139 and 142 disallowed on 14 Oct 1947, see *Gazette* 5 Dec 1947 p. 2209.
- ⁵ The amendments to regulations 71, 80, 86 and 104 disallowed on 21 Sep 1948, see *Gazette* 25 Feb 1949 p. 340.
Regulations 113, 117-19, 123, 124, 129-32, 138, 139 and 142 disallowed on 21 Sep 1948, see *Gazette* 25 Feb 1949 p. 340.
Regulation 278 disallowed on 22 Sep 1948, see *Gazette* 1 Oct 1948 p. 2375 and 25 Feb 1949 p. 340.
- ⁶ The commencement date of 1 Jun 1979 that was specified was before the date of gazettal.
- ⁷ The headings before r. 238-277, 279 and 321-341 were deleted by the *Electricity Amendment Regulations 2000*, see *Gazette* 30 May 2000 p. 2571-2.
- ⁸ On the date as at which this compilation was prepared, the *Electricity Amendment Regulations 2009* r. 3-5 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *Electricity Regulations 1947*.

4. Regulation 2 amended

(1) At the beginning of regulation 2 insert:

(1) In these regulations —

Australian/New Zealand Wiring Rules means AS/NZS 3000:2000 Electrical Installations (known as the Australian/New Zealand Wiring Rules), published jointly by Standards Australia and Standards New Zealand.

- (2) In regulation 2:
 - (a) delete “Unless” and insert:

- (2) Unless
 - (b) delete “Australian/New Zealand Standard AS/NZS 3000 — Wiring Rules, published by the Standards Association of Australia and as amended from time to time,” and insert:

Australian/New Zealand Wiring Rules

5. Part IV inserted

After regulation 11 insert:

Part IV — Residual current devices

12. Terms used

In this Part —

commencement day means the day on which this Part comes into operation;

common property, relating to residential premises —

- (a) if the premises are part of a scheme as defined in the *Strata Titles Act 1985* section 3(1) — means common property as defined in that section; or
- (b) if those premises and other residential premises are situated on the same lot as defined in the *Land Administration Act 1997* section 3(1) — means all the areas of that lot that do not comprise or form part of any residential premises;

installed, in relation to residential premises or common property relating to residential premises, means —

- (a) installed in accordance with the Australian/New Zealand Wiring Rules in relation to those premises or that property; and

(b) not installed in relation to any other premises or property;
occupied by an owner, in relation to residential premises, means occupied by an owner, whether legal or beneficial, of those premises as the owner's principal place of residence;
residential premises has the meaning given in the *Residential Tenancies Act 1987* section 3 but does not include any common property relating to the residential premises;
residential tenancy agreement has the meaning given in the *Residential Tenancies Act 1987* section 3.

13. Residential premises occupied by an owner

Except as provided in regulations 16(1) and 17, an owner of residential premises that are occupied by an owner must ensure that at least 2 residual current devices are installed in relation to the premises —

- (a) before title to the premises is transferred; or
- (b) before the owner enters into a residential tenancy agreement in respect of the premises; or
- (c) before the owner makes the premises available for hire.

Penalty:

- (a) in the case of an individual — a fine of \$15 000;
- (b) in the case of a body corporate — a fine of \$100 000.

14. Residential premises not occupied by an owner

Except as provided in regulations 16(1) and (3) and 17, an owner of residential premises that are not occupied by an owner must ensure that at least 2 residual current devices are installed in relation to the premises —

- (a) before title to the premises is transferred; or
- (b) before the owner enters into a residential tenancy agreement in respect of the premises with someone other than a person who was a tenant (as defined in the *Residential Tenancies Act 1987* section 3) of the premises immediately before the commencement day; or
- (c) unless the premises were made available for hire immediately before the commencement day — before the owner makes the premises available for hire; or
- (d) in any event, before the second anniversary of the commencement day.

Penalty:

- (a) in the case of an individual — a fine of \$15 000;
- (b) in the case of a body corporate — a fine of \$100 000.

15. Common property relating to residential premises

Except as provided in regulation 16(4), an owner of common property relating to residential premises must ensure that at least one residual current device per switchboard, designed to protect all the sub-circuits supplied from that switchboard, is installed in relation to the property before the second anniversary of the commencement day.

Penalty:

- (a) in the case of an individual — a fine of \$15 000;
- (b) in the case of a body corporate — a fine of \$100 000.

16. Exception in the case of demolition

- (1) An owner of residential premises is not required to comply with regulation 13(a) or 14(a) if the owner gives to the Director a written statement, signed by the person to whom the premises are to be transferred, that the premises are to be demolished by that person on or before a date specified in the statement.
- (2) The date specified in a statement under subregulation (1) must not be more than 6 months after the transfer of the premises.
- (3) An owner of residential premises is not required to comply with regulation 14(d) if the owner gives to the Director a written statement that the premises are to be demolished on or before a date specified in the statement.
- (4) An owner of common property relating to residential premises is not required to comply with regulation 15 if the owner gives to the Director a written statement that all residential premises forming part of the scheme are to be demolished on or before a date specified in the statement.
- (5) The date specified in a statement under subregulation (3) or (4) must not be more than 6 months after the second anniversary of the commencement day.
- (6) Except as provided in regulation 17, if subregulation (1) or (3) applies and the residential premises are not demolished by the date specified in the statement, the owner of the premises must ensure that at least 2 residual current devices are installed in relation to the premises as soon as is practicable after the date specified in the statement.

Penalty:

- (a) in the case of an individual — a fine of \$15 000;
- (b) in the case of a body corporate — a fine of \$100 000.

- (7) If subregulation (4) applies and the residential premises are not demolished by the date specified in the statement, the owner of the premises must ensure that at least one residual current device per switchboard is installed in relation to the common property as soon as is practicable after the date specified in the statement.

Penalty:

- (a) in the case of an individual — a fine of \$15 000;
(b) in the case of a body corporate — a fine of \$100 000.

17. Exception in the case of lack of appropriate switchboard

An owner of residential premises is not required to comply with regulation 13, 14 or 16(6) if —

- (a) the premises do not have —
(i) a switchboard; or
(ii) a switchboard that can accommodate 2 residual current devices,
located on those premises; and
(b) an inspector is of the opinion that it is impractical to install 2 residual current devices in relation to the premises and gives written notice of that opinion to the owner; and
(c) the owner installs one residual current device in relation to the premises.

18. Inspection and inquiry

- (1) An inspector is authorised to inspect, or make inquiry in relation to, the installation of residual current devices under this Part.
- (2) Without limiting subregulation (1), an inspector who has reasonable grounds to suspect that a residual current device has not been installed in relation to residential premises as required by regulation 13, 14 or 16(6), or in relation to common property relating to residential premises as required by regulation 15 or 16(7), may serve on an owner of those premises or that property a written request to provide proof of that installation in the form of either —
(a) a written statement to that effect —
(i) in a form approved by the Director; and
(ii) signed by a person who holds an electrical contractor's licence as defined in *Electricity (Licensing) Regulations 1991* regulation 3(1);

or

- (b) a written statement from the relevant local government to the effect that the first building licence relating to the construction of the premises was granted after 1 January 2000.
- (3) In proceedings against an owner of premises or property for an offence under regulation 13, 14, 15 or 16(6) or (7), evidence that the owner —
 - (a) was served with a request under subregulation (2); and
 - (b) failed to provide the requested proof within 28 days after the service,

is, in the absence of evidence to the contrary, proof that on the day of the alleged offence the residual current device or devices sufficient for compliance with that regulation were not installed in relation to the premises.