



Western Australia

Electricity Act 1945

Electricity Regulations 1947

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Electricity Regulations 1947

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Defined Terms

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

(1) In these regulations —

Australian/New Zealand Wiring Rules means AS/NZS 3000:2007 Electrical installations (known as the Australian/New Zealand Wiring Rules), published jointly by Standards Australia and Standards New Zealand, as amended from time to time.

(2) Unless the contrary intention appears, words defined in the Australian/New Zealand Wiring Rules have the same respective meanings when used in these regulations.

[Regulation 2 inserted in Gazette 30 May 2000 p. 2567; amended in Gazette 8 May 2009 p. 1492-3; 5 Mar 2010 p. 841.]

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.

[Regulation 7 inserted in Gazette 30 May 2000 p. 2569; amended in Gazette 27 Oct 2009 p. 4211.]

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.

[Regulation 8 inserted in Gazette 30 May 2000 p. 2569; amended in Gazette 9 Nov 2004 p. 5006; 27 Oct 2009 p. 4211.]

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).

(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
amended in Gazette 27 Oct 2009 p. 4211.]*

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.]

Part IV — Residual current devices

[Heading inserted in Gazette 8 May 2009 p. 1493.]

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 means premises that constitute or are intended to constitute a place of residence 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.

[Regulation 12 inserted in Gazette 8 May 2009 p. 1493-4; amended in Gazette 5 Mar 2010 p. 842.]

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.

[Regulation 13 inserted in Gazette 8 May 2009 p. 1494.]

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.

[Regulation 14 inserted in Gazette 8 May 2009 p. 1494.]

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 common 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.

*[Regulation 15 inserted in Gazette 8 May 2009 p. 1494-5;
amended in Gazette 5 Mar 2010 p. 842.]*

16. Exception in 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.

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- (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.

[Regulation 16 inserted in Gazette 8 May 2009 p. 1495-6.]

17. Exception in 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.

[Regulation 17 inserted in Gazette 8 May 2009 p. 1496.]

18. Director may grant temporary exemptions

- (1) The Director may, by notice in writing, exempt an owner of residential premises from the requirements of regulation 13, 14 or 15, 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 owner from the requirements of regulation 13, 14 or 15, as the case requires; and
 - (b) those circumstances are temporary; and
 - (c) the exemption will not cause or allow to continue any undue risk of —
 - (i) injury to a person; or
 - (ii) damage to property.

[Regulation 18 inserted in Gazette 5 Mar 2010 p. 842.]

[19-70. Deleted in Gazette 14 Oct 1991 p. 5294.]

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

[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: network operator

(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

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 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;

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- (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 regulation 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 must not —
 - (a) supply electricity in contravention of subregulation (1); or
 - (b) otherwise contravene a requirement of —
 - (i) this regulation; or

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- (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 regulation.

[Regulation 253 inserted in Gazette 23 Dec 1994 p. 7126-8; amended in Gazette 31 Oct 2006 p. 4599; 27 Oct 2009 p. 4211-12.]

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

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) deleted]

- (5) In proceedings for an offence involving a contravention of 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 amended in Gazette 27 Oct 2009 p. 4212.]

[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. Interference with supply to other consumers

[(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

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

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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 — Vegetation control safety requirements

[Heading inserted in Gazette 27 Oct 2009 p. 4212.]

[281-316. Deleted in Gazette 27 Oct 2009 p. 4212.]

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
 - (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*

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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.]

[317-319. Deleted in Gazette 27 Oct 2009 p. 4212.]

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

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;

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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

(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

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- (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 Director, as to the performance and suitability of the appliance.

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- (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

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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 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

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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.

[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

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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, 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

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- 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 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

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- (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 —
 - (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.

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- (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.

- (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 — a fine of \$50 000.
In the case of a body corporate — a fine of \$250 000.

[Regulation 340 inserted in Gazette 23 May 1997 p. 2419; amended in Gazette 27 Oct 2009 p. 4213.]

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*.

- (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

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[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

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

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

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> [Failure to comply with these regulations is an offence under r. 46.]		Modified penalty	
		Individual	Body corporate
r. 14(2)(a)	Failing to give notice before commencing major activity		\$2 000
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. 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 <i>[Address]</i></p> <p>In person: Pay the cashier at: Energy Safety <i>[Address]</i></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 apply for an extension of time by writing to the Director of Energy Safety at the above address.</p>
	<p>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.</p>

[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.	
[*delete whichever is not applicable]	* Your refund is enclosed.	
	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

[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. 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

Electricity Regulations 1947

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

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)		

Electricity Regulations 1947

Citation	Gazettal	Commencement
<i>Electricity Amendment Regulations (No. 2) 2007</i>	20 Mar 2007 p. 1038-43	20 Mar 2007
<i>Electricity Amendment Regulations 2009</i>	8 May 2009 p. 1492-7	r. 1 and 2: 8 May 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Aug 2009 (see r. 2(b))
<i>Electricity Amendment Regulations (No. 4) 2009</i>	29 Sep 2009 p. 3847	r. 1 and 2: 29 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2009 (see r. 2(b))
<i>Electricity Amendment Regulations (No. 3) 2009</i>	27 Oct 2009 p. 4211-13	r. 1 and 2: 27 Oct 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Oct 2009 (see r. 2(b))
Reprint 5: The Electricity Regulations 1947 as at 19 Feb 2010 (includes amendments listed above)		
<i>Electricity Amendment Regulations (No. 5) 2009</i>	5 Mar 2010 p. 841-2	r. 1 and 2: 5 Mar 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Mar 2010 (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.

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Act.....	321
appliances of the same class.....	321
appliances of the same type	321
applicant.....	321
approvals marking.....	321
approved.....	321
Australian/New Zealand Wiring Rules	2(1)
commencement day	12
common property	12
conductors.....	316A(5)(a)
duly constituted authority in another State of the Commonwealth	321
installed.....	12
network	241(2)
network operator	241(1) and (3)
occupied by an owner	12
overhead power lines	316A(5)(a)
published specification.....	321
residential premises.....	12
residential tenancy agreement.....	12