



Western Australia

Electricity Act 1945

Reprint 6: The Act as at 16 December 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Electricity Act 1945

CONTENTS

1.	Short title and commencement	1
Part I — Preliminary		
3.	Act repealed	2
4A.	Act not to apply to Government electric railways	2
5.	Interpretation	2
6.	Application of Act to supply authorities	5
Part II — Powers, rights and obligations		
11.	Supply authority to pay compensation for damage done	7
12.	Crossing the district of a local government with transmission works	7
14.	Method of metering bulk supplies	8
18.	General powers	8
19.	Supply authority to reinstate works of a public authority	11
20.	Interference with works of public authorities and vice versa	12
21.	Supply authority may let meters and apparatus	13
22.	Power to contract to supply electricity	14
23.	Power to cut off supply in case of illegal or fraudulent interference with works	14

Contents

24.	Power of officer of supply authority to enter premises	15
25.	Duties as to supply of electricity	16
	Part III — Inspection	
30.	Powers of inspectors, relating to electricity	17
	Part IV — Regulations	
32.	Regulations	20
33.	Annual reporting	25
33AA.	Guidelines	26
	Part IVA — Approval of electrical appliances	
33A.	Interpretation	27
33B.	Power of Director to prescribe classes or types of electrical apparatus, etc., which shall not be sold, etc., unless approved by the Director	27
33C.	Power to Director to prohibit the sale, etc. or use of unsafe or dangerous electrical apparatus, etc.	29
33D.	Penalties	30
	Part IVB — Energy efficiency	
33E.	Energy efficiency standards	31
33F.	Offences related to energy efficiency labelling	32
	Part V — Miscellaneous	
34.	Service apparatus, etc. of supply authority not subject to seizure etc.	34
35.	Power to cut off supply	34
36.	Powers where electricity wasted or misused	34
37.	Power to remove appliances	35
38.	Incoming tenant must be supplied although outgoing tenant in arrears	36
39.	Supply authority to keep meter in order	36
40.	Control of meters and fittings	36
41.	Meter record to be prima facie evidence	37
42.	Apparatus	39
43.	Uniform charges and zoning	39
44.	Obligation to supply	40

45.	Compensation, damages etc.	40
47.	Illegal interference with works, etc.	40
48.	Obtaining supply under false name	41
49.	Unauthorised use	41
50.	Alteration of meter	42
51.	Summary remedy for damage to electric works	43
52.	General penalty	44
53.	Limitation period for offences	44

Notes

Compilation table	45
Provisions that have not come into operation	47

Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 16 December 2005

Electricity Act 1945

An Act to make provision as to the examination and licensing of persons in respect of their competency to carry out works relating to electricity, and the examination, prohibition or approval of electrical appliances; to repeal the *Electricity Act 1937*; and for other relative purposes.

[Long title amended by No. 86 of 1979 s. 3; No. 33 of 2004 s. 4.]

1. Short title and commencement

This Act may be cited as the *Electricity Act 1945*, and shall come into operation on a date to be fixed by Proclamation¹.

[2. Repealed by No. 10 of 1998 s. 76.]

Part I — Preliminary

3. Act repealed

- (1) The *Electricity Act 1937* (No. 45 of 1937), is hereby repealed.
- (2) Nothing in this Act shall affect the operation of section 16 of the *Interpretation Act 1918*², in relation to any act, matter or thing done or arising under the provisions of the said *Electricity Act 1937*, prior to the commencement of this Act.

[4. Repealed by No. 89 of 1994 s. 66.]

4A. Act not to apply to Government electric railways

- (1) This Act does not apply to or in relation to any Government electric railway under the *Government Railways Act 1904* that is operated at a nominal pressure of 25 kv and the traction system and the signalling and communication systems ancillary thereto whether or not those systems are operated at a pressure of 25 kv.
- (2) Subsection (1) does not of itself have any implication with respect to the Crown in relation to this Act.

[Section 4A inserted by No. 42 of 1988 s. 4.]

5. Interpretation

- (1) In this Act, unless the context otherwise requires —
 - “**apparatus**” means any apparatus, equipment, plant, or appliance in which electricity is capable of being, or is, or is intended to be transmitted, distributed, used, consumed or converted and includes any meter, fitting, or connection;
 - “**consumer**” means any person to whom electricity is supplied;
 - “**Coordinator**” means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;
 - “**Director**” means the Director of Energy Safety referred to in section 5 of the *Energy Coordination Act 1994*;

“distribution licensee” means the holder of —

- (a) a distribution licence under the *Electricity Industry Act 2004*; or
- (b) an integrated regional licence under the *Electricity Industry Act 2004* that authorises the holder to operate a distribution system as defined in section 3 of that Act;

“distribution works” means any works, including lines, poles, switches, and transformers and all apparatus and other equipment or plant used in conjunction therewith, and any part thereof, utilized or capable of being or intended to be utilized for the purpose of distributing electricity to consumers either direct from any generating station or from any transmission works;

“electric fitting” includes any apparatus and any means of connection therefor;

“exempt operator” means a person who —

- (a) operates transmission works or distribution works; and
- (b) would be required under section 7 of the *Electricity Industry Act 2004* to be the holder of a transmission licence, distribution licence or integrated regional licence in respect of the operation of those works but for an order issued by the Governor under section 8(1) of that Act;

“generating station” means any generating works, including the site on which the same are situated, and all buildings and appurtenances belonging thereto;

“generating works” means any apparatus or other equipment or plant utilized or capable of being or intended to be utilized for the purpose of generating electricity;

“inspector” means a person designated as an inspector under section 12 of the *Energy Coordination Act 1994*;

s. 5

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

“land” includes any legal or equitable estate, right, title, easement, privilege, or other interest in, over, under, affecting, or in connection with, such land;

“network operator” means a person who —

- (a) operates transmission works and is a transmission licensee;
- (b) operates distribution works and is a distribution licensee; or
- (c) is an exempt operator;

“premises” means any land, street, structure, or other place, and may include a vehicle or other thing in or in connection with which electricity is or is to be supplied;

“public authority” means any authority controlling any service such as roads, bridges, water supply, sewerage or drainage and any service or utility for the benefit of the public;

“service apparatus” means any works, apparatus or system which is or is capable of being or is intended to be used for the purpose of conveying, measuring, or controlling electricity supplied from any distribution works to the position on any premises at which delivery of the electricity is, is capable of being, or is intended to be, made to the consumer, and includes any part of the service apparatus, and any other equipment or plant used in conjunction therewith, whether or not the property of a supply authority or network operator;

“street” includes any highway, road, thorough fare, lane, alley, square, court, or place of public passage;

“supply authority” means an entity that, immediately before the coming into operation of section 5 of the *Electricity Legislation Amendment Act 2004*, was a supply authority as defined in this section, but does not include the Western Power Corporation;

“transmission licensee” means the holder of —

- (a) a transmission licence under the *Electricity Industry Act 2004*; or
- (b) an integrated regional licence under the *Electricity Industry Act 2004* that authorises the holder to operate a transmission system as defined in section 3 of that Act;

“transmission works” means any main line, and all poles, switches, transformers and apparatus pertaining thereto, which is or is capable of being or is intended to be used for the purpose of conveying electricity from a generating station to any distribution works;

“Western Power Corporation” means the body corporate continued by section 4 of the *Electricity Corporation Act 1994*.

[(2) *repealed*]

[Section 5 inserted by No. 86 of 1979 s. 5; amended by No. 89 of 1994 s. 67; No. 14 of 1996 s. 4; No. 63 of 1996 s. 14; No. 24 of 2000 s. 14(13); No. 33 of 2004 s. 5.]

6. Application of Act to supply authorities

- (1) The Minister may, by instrument published in the *Government Gazette*, declare that on and after a specified day a specified relevant provision does not apply to a specified supply authority, and a declaration so made has effect accordingly.
- (2) A declaration is not to be made in respect of a relevant provision unless the Minister is of the opinion that on and after the specified day the specified supply authority will have powers, rights and obligations under the *Electricity Industry Act 2004*

s. 6

that are substantially equivalent to those conferred or imposed by the relevant provision.

- (3) A declaration is not to be made after the expiration of the period of 2 years beginning on the day of the insertion of subsection (1) into this Act by the *Electricity Legislation Amendment Act 2004*.

- (4) In this section —

“declaration” means a declaration made under subsection (1);

“relevant provision” means any of sections 11 to 24, 34 to 41 or 43 to 51, or any portion of any of those sections, or section 32(a), (b), (d) or (l);

“specified” means specified in the declaration.

[Section 6 inserted by No. 33 of 2004 s. 6.]

[6A. *Repealed by No. 63 of 1996 s. 15.]*

Part II — Powers, rights and obligations

[Heading amended by No. 33 of 2004 s. 7.]

[Heading deleted by No. 33 of 2004 s. 8.]

[7-10. Repealed by No. 33 of 2004 s. 9.]

11. Supply authority to pay compensation for damage done

- (1) A supply authority shall —
 - (a) in the exercise of the powers conferred by this Act, cause as little detriment and inconvenience and do as little damage as possible; and
 - (b) make full compensation to all persons concerned for all damage (other than the compulsory acquisition of land) sustained by them in consequence of the exercise by the supply authority of the powers aforesaid.
- (2) Where in accordance with subsection (1)(b) a supply authority is liable to make compensation to a person for damage sustained by him in consequence of the exercise of its said powers by such supply authority, the amount of the compensation to be paid, shall, in default of agreement between the parties, be determined by means of a reference to an arbitrator or arbitrators under and in accordance with the provisions of the *Commercial Arbitration Act 1985*¹.

[Section 11 amended by No. 109 of 1985 s. 3(1).]

12. Crossing the district of a local government with transmission works

- (1) A local government may with the consent of the Coordinator, and shall, if so required by the Coordinator, grant to a supply authority a licence, for such period as may be necessary but in any event not exceeding 21 years, authorising the construction and maintenance by the supply authority of transmission works within the district of the local government.

s. 14

- (2) The exercise by a supply authority of a licence granted to it under subsection (1) shall be deemed to be the exercise by the supply authority of a power conferred by this Act within the meaning of section 11, and the provisions of that section shall apply accordingly, and, where the supply authority does any damage to the works of the local government which has granted the licence, the local government shall be a **“person concerned”** within the meaning of section 11(1)(b).

[Section 12 amended by No. 89 of 1994 s. 79; No. 14 of 1996 s. 4.]

[13. Repealed by No. 33 of 2004 s. 10.]

14. Method of metering bulk supplies

Where a supply authority, which generates electricity, supplies electricity in bulk under a linking-up scheme, then for the purpose of measuring the quantity supplied from the supplier to any supply authority or to any local government participating in such scheme, the electricity supplied in bulk shall be metered at a point to be mutually agreed upon between the supplier and the receiver of the electricity in bulk, or, in default of such agreement, to be determined by the Coordinator.

[Section 14 amended by No. 89 of 1994 s. 79; No. 14 of 1996 s. 4.]

[15-17. Repealed by No. 33 of 2004 s. 11.]

[Heading deleted by No. 33 of 2004 s. 12.]

18. General powers

Subject to this Act and as in this section hereafter provided, a supply authority may do all or any of the following things, that is to say —

- (a) enter upon any land, street or place and survey and take levels thereof;

- (b) open and break up the soil, surface or pavement of any streets and bridges within the limits of any district or locality to be supplied by the supply authority with electricity, and open and break up any sewers, drains or tunnels within or under any such streets or bridges, and carry out and install transmission and distribution works under, over, along or across any such street, bridge, or shore of the sea, or of any stream or water but so that any electric line crossing above the surface of any street or of any water commonly used for navigation shall be constructed in accordance with the technical standards, and with the clearances from structures and surfaces, prescribed, and that the free use of any street, bridge, shore, stream or water aforesaid shall not be obstructed more than is necessary for enabling the supply authority to exercise the rights, powers and authorities conferred upon it by this Act;
- (c) from time to time repair, alter or remove any such works;
- (d) for all or any of the purposes aforesaid remove and use all materials in, under or over any streets, and bridges aforesaid;
- (e) carry out and install any transmission works or distribution works in any place or in, against or through any building for the purpose of supplying the same or any other place or building with electricity, and set up any service apparatus necessary for providing thereto a complete supply of electricity, and for measuring and ascertaining the extent of such supply.

Provided that if the owner of the building shall rebuild or alter the same, any work attached to the building shall be removed so far as may be necessary to enable such rebuilding or alteration to be carried out, and, if so required shall be affixed to the new or altered building at the cost of the supply authority; and

s. 18

- (f) generally all other acts and things which the supply authority from time to time deems necessary with respect to the supply of electricity.

Provided that —

- (i) the supply authority shall not erect or install any distribution works and service apparatus in or against any building or on any land without the consent of the owners and occupiers thereof, but nothing in this proviso shall preclude the supply authority from entering such building or land and carrying out, erecting and installing new distribution works and service apparatus to replace any distribution works or service apparatus already lawfully carried out, erected or installed or to repair or alter any such works or apparatus;
- (ii) before the supply authority proceeds to open or break up any street, bridge, sewer, drain or tunnel it shall give to any public authority affected, under whose control or management the same or any part of the same or any works on, under or above the same may be placed, at least 3 clear day's notice in writing of the intention of the supply authority so to do except —
 - (a) in cases of emergency arising from defects in any transmission works or distribution works of the supply authority in which cases such notice shall be given with all reasonable dispatch after the beginning of the work or the necessity for the same has arisen; and
 - (b) in cases where the work to be carried out consists of the connection of any distribution works to any transmission works which have been previously laid

or erected, in which cases one clear day's notice in writing shall be sufficient;

- (iii) no such street, bridge, sewer, drain or tunnel shall be opened up or broken up (except in the case of emergency) except under the superintendence of the public authority having the control or management thereof or of its officer, and according to such plan as shall be approved by such public authority or its officer, or, in case of any difference regarding such plan, then according to such plan as shall be determined, settled or approved by the Director. Provided that if the public authority or its officer fails to attend at the time fixed for the opening up or breaking up of any such street, bridge, sewer, drain or tunnel after notice as required by paragraph (ii) of this proviso or shall not submit any plan for opening up or breaking up the same or shall refuse or fail to superintend the operations in connection therewith, then the supply authority may carry out the work specified in the said notice without the superintendence of the public authority or its officer.

[Section 18 amended by No. 94 of 1972 s. 4 (as amended by No. 19 of 1973); No. 86 of 1979 s. 7; No. 89 of 1994 s. 80; No. 63 of 1996 s. 18.]

19. Supply authority to reinstate works of a public authority

- (1) When a supply authority carries out any works in the exercise of its powers under this Act, and in the course thereof damages or prejudicially affects the works of any public authority, the supply authority shall —
- (a) with all possible speed complete the works of the supply authority, reinstate and make good the damage done to

s. 20

the works of the public authority, and remove all spoil and rubbish occasioned by the operations of the supply authority;

- (b) cause a light sufficient for the warning of persons, to be set up and maintained at night against or near the works being carried out by the supply authority in any street or public place, and keep the said works adequately fenced and guarded for the protection of persons until the supply authority has duly discharged its obligations as specified in paragraph (a); and
 - (c) keep any streets which have been broken up or disturbed in the course of the works carried out by the supply authority in good repair and condition for a period of 3 months after reinstating and making good any damage done to the same and for any further period, not exceeding 12 months in all, during which the said streets may continue to subside.
- (2) If a supply authority makes default in the due discharge of any of its obligations under subsection (1), then without prejudice to any other liability at law or in equity to which it may be subject, the supply authority so in default shall forfeit and pay to the public authority, whose works or property have or has been damaged, a sum not exceeding \$200 for every such default and a further sum not exceeding \$100 for each day or part of a day during which any such default is continued after notice thereof in writing has been served by the said public authority upon the said supply authority as shall be fixed and ordered by the Director.

[Section 19 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 80; No. 63 of 1996 s. 7.]

20. Interference with works of public authorities and vice versa

- (1) Subject to this Act and to the regulations made and from time to time in force under this Act —
- (a) Where a supply authority in the exercise of its powers under this Act deems it necessary to alter the position of

any works of any public authority in any street or place, the supply authority shall give to the public authority affected notice specifying the nature of the alteration proposed to be made.

- (b) If the parties cannot agree as to the necessity for the alteration or as to any other matters pertaining to the proposed alteration, the matter in dispute or difference between them shall be referred to and be heard and determined by the Director.
 - (c) The supply authority shall make or secure to the public authority affected such amount of compensation and expenses as may be reasonably necessary to compensate the public authority in respect of the alteration of the position of works and the re-establishment thereof in such other position as may be agreed upon by the parties, or in default of agreement, be settled and determined by the Director.
- (2)(a) Any public authority which in the exercise of its statutory powers deems it necessary to alter the position of any transmission works or distribution works of a supply authority in any street or place may give to the supply authority notice specifying the nature of the alteration proposed to be made.
- (b) Where notice is given by a public authority to a supply authority under this subsection the provisions of subsection (1)(b) and (c) shall, with such adaptations thereof as may be necessary, apply and have effect.

[Section 20 amended by No. 89 of 1994 s. 80; No. 14 of 1996 s. 4.]

21. Supply authority may let meters and apparatus

A supply authority may let to a consumer any meter for ascertaining the quantity of electricity consumed or supplied and also any electric fittings or other apparatus required by the consumer in connection with the supply to him of electricity for such rent and on such terms in respect of the maintenance and

s. 22

repair of such meter, fittings or other apparatus and the assuring of the safety and return thereof to the supply authority as may be prescribed for that particular part of the State in which the meter, fittings or other apparatus aforesaid are used.

22. Power to contract to supply electricity

Subject to this Act, a supply authority may from time to time —

- (a) enter into a contract with any person for the supply of electricity to any public or private building or for the providing of any person with electric fittings or other apparatus required in connection with the supply or use of electricity, and for the maintenance and repair of any such fittings or other apparatus; and
- (b) enter into a contract with any public authority having the control of streets within the limits of that area of the State in which the supply of electricity by such supply authority is authorised by or under this Act, for the supply of electricity for the lighting of such streets or of any public building or place with electricity, and for the providing of such public authority with electric fittings and other apparatus required in connection with the supply or use of electricity and for the maintenance and repair of such fittings or other apparatus in such manner and upon such conditions as shall be agreed upon between the parties.

23. Power to cut off supply in case of illegal or fraudulent interference with works

Where on the premises of any consumer any person (whether the consumer or not) has wilfully or fraudulently damaged or tampered with or permitted or suffered to be damaged or tampered with any distribution works or service apparatus belonging to the supply authority, or altered the index of any meter or prevented any meter from registering correctly the quantity of electricity supplied, the supply authority may discontinue the supply of electricity to the said premises until

the damage caused has been repaired or the interference has been rectified but for no longer period.

24. Power of officer of supply authority to enter premises

- (1) Subject as hereinafter provided, any officer appointed for the purposes of this section by the supply authority in writing may at all reasonable times enter upon or into any place, building or premises in which electricity is or has been supplied by the supply authority.

Provided that if the occupier or other person for the time being in charge of such place, building or premises shall request such officer so to do, he shall before making any entry as aforesaid produce to such occupier or other person the written instrument of his said appointment.

- (2) Upon making such entry such officer may —
- (a) inspect and examine all distribution works, and all service apparatus and electric fittings in or upon the place, building or premises entered and which belong to the supply authority for the purpose of ascertaining the quantity of electricity consumed or supplied therein or thereto; and
 - (b) subject as hereinafter provided, where the supply authority desires to discontinue the supply of electricity as authorised by this Act, remove any service apparatus and electric fittings belonging to the supply authority.

Provided that when the supply authority does remove any service apparatus or electric fittings as aforesaid it shall make good or otherwise compensate the owner of the premises concerned in respect of the damage caused by such removal.

[Heading deleted by No. 33 of 2004 s. 13.]

25. Duties as to supply of electricity

- (1) A network operator shall —
- (a) at all times maintain all service apparatus belonging to the network operator which is on the premises of any consumer, in a safe and fit condition for supplying electricity;
 - (b) in the actual supply of electricity to the premises of a consumer take all reasonable precautions in order to avoid the risk of fire or of other damage on the said premises to the position on the said premises where the electricity passes beyond the service apparatus of the network operator;
 - (c) from the time when the network operator begins to supply electricity through a distributing main as continuous current, maintain such supply constantly without a change of polarity; and
 - (d) declare the system pressure and/or frequency at which the network operator proposes to supply electricity to the premises of a consumer at the position thereon where the electricity will pass beyond the service apparatus of the network operator, and maintain constantly the said pressure within the limit of $\pm 6\%$ and the said frequency within the limit of $\pm 2\frac{1}{2}\%$.
- (2) If any network operator fails to comply faithfully with any of the obligations imposed upon it by subsection (1), any person aggrieved by the default of the network operator may make a complaint thereof to the Minister, and the Minister may refer such complaint to the Director for inquiry and determination.

[Section 25 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 80; No. 63 of 1996 s. 19; No. 33 of 2004 s. 14.]

Part III — Inspection

[26-29. Repealed by No. 89 of 1994 s. 72.]

30. Powers of inspectors, relating to electricity

- (1) The exercise of a power conferred by this section is subject to —
 - (a) the terms of the designation of the inspector under the *Energy Coordination Act 1994*; and
 - (b) Part 3 of that Act.
- (2) Where an inspector is of the opinion, having inspected any thing which that inspector is authorised to inspect, that —
 - (a) the thing is dangerous; or
 - (b) the thing has been rendered dangerous, having regard to its actual or possible use, by —
 - (i) the introduction of any other object into the proximity of that thing;
 - (ii) the use of any other object in conjunction with or in relation to that thing; or
 - (iii) any circumstance,

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

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

s. 30

- (b) the person who is responsible under this Act for the control of that thing;
 - (c) the person having apparent control of an object, specified in the order, which may render that thing dangerous; or
 - (d) the person who is responsible for the circumstance, specified in the order, which may render that thing dangerous.
- (4) An order served under subsection (3) may require that, within such period of not less than 28 days as that order may specify —
 - (a) the thing giving rise to the danger be modified, dismantled or removed; or
 - (b) a specified object the introduction of which may render that thing dangerous, or a specified circumstance which may render that thing dangerous, be so dealt with as to remove the danger,

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

- (5) An inspector may inspect any work practice related to safety used in, or in relation to, the construction, repair, maintenance or operation of any thing the inspector is authorised to inspect and, if in the opinion of the inspector such a work practice may give rise to any danger from electricity or does not comply with this Act, by order in writing given to the person appearing to be responsible for the carrying out of that work practice, specifying the work practice of concern and the reason why it is unsafe or does not so comply, require —
 - (a) the modification of that work practice, in such manner, if any, as the order may specify, within such period of not less than 28 days as the order may specify; and
 - (b) that meanwhile the work practice be carried out in accordance with any condition, restriction or limitation specified in the order until the modification required under paragraph (a) has taken effect,

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

- (6) A person aggrieved by any order made by an inspector under subsection (3) or (5) may appeal in the prescribed manner in accordance with section 19 of the *Energy Coordination Act 1994* as though the order were an order made under section 18 of that Act.
- (7) A person who fails to comply with any requirement of an order served under subsection (3) or (5) commits an offence.

[Section 30 inserted by No. 63 of 1996 s. 20.]

[31.] *Repealed by No. 89 of 1994 s. 74.]*

Part IV — Regulations

[Heading amended by No. 14 of 1996 s. 4.]

32. Regulations

- (1) The Governor may make any regulations not inconsistent with the provisions of this Act which may be necessary or convenient for carrying this Act into operation or for facilitating the operation of this Act, and, without in any way limiting or restricting the generality of this section, may make regulations particularly in respect of the following matters, namely —
- (a) the limit within which and the conditions under which a supply of electricity by a supply authority shall be compulsory or permissive;
 - (b) securing a regular and sufficient supply of electricity by supply authorities;
 - (c) securing the safety of the public from personal injury and the property of the public from damage by fire or otherwise;
 - (d) subject to existing contracts the limitation of the prices which may be charged by supply authorities in respect of the supply of electricity and the rent and sale of service apparatus and electric fittings;
 - (e) authorising inspection and inquiry;
 - (f) the examination, qualifications and licensing of electrical workers, radio workers and contractors or of special classes of electrical workers and contractors (including cinematograph operators who operate plants electrically supplied with a pressure of not less than 100 volts);
 - [(g) deleted]*
 - (h) for the prevention of radio interference, authorising inspection of any premises in any part of the State from which radio interference is or is suspected of being caused;

- [(i) repealed]*
- (j) prescribing standards for electrical wires and cables and for the materials used in the manufacture of electrical appliances, fittings and things used in connection with any supply of electricity;
- (k) prescribing the fees which may be charged for any services performed or rendered by the Director or by any officer, inspector or other authority pursuant to this Act or the regulations made thereunder;
- (l) prescribing the form and basis of charging for electricity by a supply authority, and the methods to be adopted in fixing such charges, and prescribing times for revising the same;
- (m) prohibiting interference by unauthorised persons with any electric work, service apparatus, electric fitting or other electrical installation;
- (n) conferring upon a network operator power to refuse or discontinue the supply of electricity where under the conditions existing such supply may be dangerous to life, health or property, and regulating the exercise of such power by the network operator;
- (o) requiring the periodical inspection by a network operator for all its electric works installed in, on, over or under any street, or any public or private building or premises;
- (p) the safety of persons employed in or about generating stations or in the construction or installation of electric works;
- (q) prescribing standards for the voltages to be maintained by network operators at that position on the premises of a consumer at which the main switch is situated; and prescribing standards and rules for the construction or installation of electric works, service apparatus, electric fittings and other electrical installations;
- (r) generally in regard to any other matters in connection with the supply of electricity by a network operator; and

s. 32

- (s) imposing penalties for any offence committed against a regulation made under this section —
 - (i) in the case of an individual, of \$5 000; and
 - (ii) in the case of a body corporate, of \$20 000.
- (2) Such regulations may be restricted to any part of the State or, except where the context of subsection (1) specifically requires, may be of general application throughout the State and apply generally to and incidental to the generation and use of electricity throughout the State.
- (3) Without prejudice to the generality of subsection (1) or subsection (2), such regulations may —
 - (a) provide for the establishment, functions and conduct of a Board or Boards appointed by the Minister and subject to the directions of, the Director for the purposes of administering, pursuant to the powers respectively set out in the regulations relating thereto, schemes for —
 - (i) the regulation of electrical work, and the licensing of persons as electrical workers;
 - (ii) the regulation of the practice of cinematograph operating, and the licensing of persons as cinematograph operators;
 - (iii) the regulation of electrical contracting, and the licensing of persons as electrical contractors;
 - (iiia) the licensing or registration of persons having qualifications obtained in another State or Territory of the Commonwealth and approved by the Board as electrical workers or electrical contractors under this Act either unconditionally or subject to such terms and conditions as may be imposed by the Board;
 - (iv) the regulation of such other trades or practices relating to electricity, and the licensing of persons in relation thereto, as may be prescribed;

- (b) provide that the carrying out of prescribed kinds of electrical work, or the doing of any prescribed act or thing in relation to electricity or electrical work, shall be prohibited unless carried out or done pursuant to a licence, permit or authorisation under this Act and in accordance with the regulations and any conditions imposed thereby or by the relevant licence, permit or authorisation;
- (c) prohibit persons from employing or permitting other persons to carry out work or do any act or thing in contravention of the regulations, and provide for the registration of employees engaged in work of a kind to which the regulations apply;
- (d) provide for the conduct of examinations for, and the classification, issue, suspension, cancellation, or surrender of, differing kinds of licences, permits or authorisations and for their duration and renewal or the grounds upon which renewal may be refused;
- (e) authorise the Director to delegate his or her powers to a Board, and the exercise by the Board of such powers as are so delegated or as are prescribed including the issue of licences, permits and authorisations, and the conduct of proceedings, in the name of the Board, and provide for the control or supervision of all such Boards by the Director;
- (f) establish systems of inspection, inquiry, and supervision, (including the appointment of persons as inspectors and specifying their duties and powers, and provide for the Director to exercise disciplinary powers in respect of certain matters and specify disciplinary penalties, other than the suspension or cancellation of a licence, permit, or authorisation, that the Director may impose;
- (faa) regulate the making of allegations in respect of disciplinary matters by the Director to the State Administrative Tribunal and specify the penalties that may be imposed and disciplinary action, including

s. 32

- suspending or cancelling a licence, permit or authorisation, that may be taken by the State Administrative Tribunal in dealing with an allegation;
- (fa) contain such provisions of a savings and transitional nature as are necessary or convenient for the purposes of dealing with matters that are incidental to or consequential on an amendment to any regulations made under this section and for adjustments to any fees and charges payable under the regulations;
- (g) create offences, and provide for the payment, enforcement and recovery of penalties, fees and charges;
- (h) adopt, by reference to the text as from time to time amended and for the time being in force, unless a particular text is specified at the time of such adoption, —
- (i) such rules, regulations, codes, instructions or other subordinate legislation made, determined or issued under any other Act, or under any Act of the Parliament of the Commonwealth or of the Parliament of the United Kingdom; or
 - (ii) such standards, rules, codes or specifications issued by Standards Australia, the British Standards Institution, or other specified body,
- either wholly or in part or with modifications, as are specified;
- (i) provide that where by reason of unavailability of materials or other reason that the Director considers valid any requirement imposed by the Director cannot be conformed to, the Director may dispense with that requirement and in lieu authorise in writing in any particular case the use of materials or any other matters which he or she considers to be appropriate;
- (j) provide that, in a specified case or a specified class of case, whether on specified conditions or unconditionally, a person or thing or a class of persons or things, may be

exempted from the provisions of those regulations either wholly or to such extent as is specified; and

- (k) require a matter affected by them to be in accordance with a specified standard, specification or requirement or to be as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body, or so as to confer on a specified person or body or a specified class of person or body a discretionary authority.
- (4) In this section, “**specified**” means specified in the regulation in relation to which the term is used.

[Section 32 amended by No. 72 of 1953 s. 3; No. 113 of 1965 s. 8; No. 86 of 1979 s. 8; No. 42 of 1988 s. 5; No. 89 of 1994 s. 75 and 81; No. 14 of 1996 s. 4; No. 63 of 1996 s. 21; No. 24 of 2000 s. 14(13); No. 74 of 2003 s. 48(2); No. 33 of 2004 s. 15; No. 55 of 2004 s. 273.]

33. Annual reporting

The annual report under the *Financial Administration and Audit Act 1985* of the department of the Public Service in which the Director is employed is to include details of —

- (a) the number, nature, and outcome, of —
 - (i) investigations and inquiries undertaken under this Act by, or at the direction of, the Director; and
 - (ii) matters that have been brought before the State Administrative Tribunal under this Act by the Director;
- (b) the number and nature of matters referred to in paragraph (a) that are outstanding;
- (c) any trends or special problems that may have emerged;
- (d) forecasts of the workload of the Director in performing functions under this Act in the year after the year to which the report relates; and

s. 33AA

- (e) any proposals for improving the performance of the Director's functions under this Act.

[Section 33 inserted by No. 55 of 2004 s. 274.]

33AA. Guidelines

- (1) The Director may from time to time formulate and publish guidelines recommending safe practices to be adopted in electrical work under this Act.
- (2) Guidelines under subsection (1) may —
 - (a) specify standards to be observed, practices and procedures to be followed and measures to be taken with respect to electrical work;
 - (b) recommend practices and procedures that may be followed, and measures that may be taken to promote the safety of the public and persons engaged in electrical work.
- (3) Guidelines published under this section may incorporate or adopt guidelines or codes of practices made, formulated, published or issued under any law of another State or the Commonwealth, Standards Australia, the Electricity Supply Association of Australia or any other standards with such variations and modifications, if any, as the Director specifies.

[Section 33AA inserted by No. 42 of 1988 s. 6; amended by No. 89 of 1994 s. 80; No. 74 of 2003 s. 48(2).]

Part IVA — Approval of electrical appliances

[Heading inserted by No. 72 of 1953 s. 4.]

33A. Interpretation

For the purposes of this Part —

“electrical appliance” means an appliance fitting, wire, or other apparatus or material intended suggested or designed for use in or for purposes of or for connection to any electrical installation;

“electrical installation” means any appliances, wires, fittings or other apparatus placed in or on or over any land or premises and used for or for purposes incidental to the conveyance, control, supply or use of electricity and includes additions, alterations and repairs to an electrical installation.

[Section 33A inserted by No. 72 of 1953 s. 4.]

33B. Power of Director to prescribe classes or types of electrical apparatus, etc., which shall not be sold, etc., unless approved by the Director

- (1)(a) The Director may by notice published in the *Gazette* prescribe any class or type of electrical appliance which shall not after a date specified in the notice be sold, hired or exposed for sale or hire or advertised for sale or hire, unless the electrical appliance of that class or type is approved by the Director and is stamped or labelled if and as prescribed in the regulations.
- (b) An application to the Director for approval under the provisions of paragraph (a) shall be in the prescribed form, and shall, unless exempted by the Director, be accompanied by a test report from a testing laboratory approved by him or her.
- (2) A person who, after the date so specified sells, hires or exposes for sale or hire or advertised for sale or hire or causes to be sold or hired or exposed for sale or hire or advertised for sale or hire an electrical appliance of the class or type prescribed commits

s. 33B

an offence unless the electrical appliance is approved by the Director and is stamped as prescribed or is approved by the Director and labelled as prescribed.

- (3) For the purposes of this section the approval of the Director may be signified by approval of samples or specifications of an electrical appliance or by such other means as the Director thinks proper.
- (4) Subject to this section the Director may withdraw at any time and from time to time an approval given under this section.
- (5)(a) The Director shall as soon as practicable determine whether the application in respect of the electrical appliance is —
 - (i) approved;
 - (ii) not approved; or
 - (iii) deferred.
- (b) The Director may approve the electrical appliance, without an examination or test of the electrical appliance, where —
 - (i) the appliance has been approved by a duly constituted authority in another State of the Commonwealth, in which case the approval may take the form of the approval of that authority; or
 - (ii) the appliance has been approved by a person recognized by the Director as a competent authority for that purpose and carries a mark recognized by the Director for that purpose.
- (c) The recognition of a person by the Director as a competent authority for the purposes of paragraph (b) does not have any effect in relation to the approval or marking of an electrical appliance if the person may have a financial interest in the manufacture, sale or hire of that appliance.
- (d) The Director may, by notice published in the *Gazette*, specify the persons and the marks which are recognized by the Director for the purposes of paragraph (b).

- (6) The Governor on the recommendation of the Director may make regulations for or with respect to —
- (a) the examination, testing and approval and the deferring and withdrawal of approval and the stamping and labelling of electrical appliances to which this Act applies; and for regulating and controlling the use of the stamps and labels under this Act;
 - (b) the fees to be charged under this Part, including fees to be charged for the examination and approval of the electrical appliances;
 - (c) prohibiting the fraudulent or improper use of marks similar to those used by the Director or of marks so nearly resembling those used by the Director as to be likely to deceive;
 - (d) prescribing penalties not exceeding in the case of an individual, \$5 000, and in the case of a body corporate, \$20 000, for a breach of the regulations; and
 - (e) prescribing any matters or things required to be prescribed for the purposes of this Part or necessary or expedient to be prescribed for carrying the purposes of this Part into effect.

[Section 33B inserted by No. 72 of 1953 s. 4; amended by No. 113 of 1965 s. 8; No. 86 of 1979 s. 9; No. 89 of 1994 s. 77, 80 and 83; No. 63 of 1996 s. 4 and 12.]

33C. Power to Director to prohibit the sale, etc. or use of unsafe or dangerous electrical apparatus, etc.

- (1) If in the opinion of the Director an electrical appliance is or is likely to become unsafe or dangerous in use, the Director notwithstanding the provisions of section 33B, may prohibit by notice the sale, hire or use of the electrical appliance of the description referred to in the notice.
- (2) The notice shall —
 - (a) be in writing;

s. 33D

- (b) contain a description of the prohibited electrical appliance; and
 - (c) contain a direction prohibiting the person to whom it is addressed from selling, hiring, exposing for sale or hire or advertising for sale or hire or, as the case may be, from using an electrical appliance of the description specified in the notice.
- (3) A person to whom a notice is given who fails to comply with a direction contained in the notice is guilty of an offence.

[Section 33C inserted by No. 72 of 1953 s. 4; amended by No. 89 of 1994 s. 80.]

33D. Penalties

A person who is guilty of an offence against this Part for which no penalty is specially provided is liable —

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

[Section 33D inserted by No. 72 of 1953 s. 4; amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 5.]

Part IVB — Energy efficiency

[Heading inserted by No. 63 of 1996 s. 13.]

33E. Energy efficiency standards

- (1) Regulations may be made under section 32 in respect of the conservation and management of electrical energy, and any such regulations may —
 - (a) set minimum energy efficiency standards with which any electrical apparatus or installation must comply;
 - (b) specify procedures to be used, and measurements to be taken, to —
 - (i) assess the relative energy efficiency of any electrical apparatus or installation; or
 - (ii) ascertain whether or not any electrical apparatus or installation complies with prescribed energy efficiency standards;
 - (c) provide for the declaration, by notice published in the *Gazette*, of —
 - (i) the various types or classes of apparatus or installation that are to be subject to the regulations; and
 - (ii) the procedures, measurements or formulae, either expressly or by reference to published technical documents, to be used for the evaluation of the energy consumption rate and the energy efficiency rating;
 - (d) specify the product information standard requirements, and the form and manner of disclosure required, in relation to any such apparatus or installation;
 - (e) prescribe labelling requirements;
 - (f) provide that the requirements of this Act, or the specific requirements prescribed, are to be deemed to have been complied with if the apparatus or installation in question

s. 33F

has been approved under, or is labelled in accordance with, the relevant provisions of a law of another State, or of a Territory, specified for the purpose of this paragraph by notice published in the *Gazette*; and

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

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

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

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

- (3) The Director may, by notice published in the *Gazette*, specify the authorities, the persons and the marks which are recognized by the Director for the purposes of subsection (2).
- (4) An approval given by the Director for the purposes of this Part —
 - (a) is, unless sooner revoked, valid for 5 years or such lesser period as may be specified by the Director; and
 - (b) may be revoked by the Director.

[Section 33E inserted by No. 63 of 1996 s. 13; amended by No. 10 of 1998 s. 31; No. 74 of 2003 s. 48(3).]

33F. Offences related to energy efficiency labelling

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

- (a) sells or hires;

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

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

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

[Section 33F inserted by No. 63 of 1996 s. 13.]

Part V — Miscellaneous

34. Service apparatus, etc. of supply authority not subject to seizure etc.

Distribution works or service apparatus or electric fittings belonging to a supply authority in any place or building (not in the possession of the supply authority) and which are used for the purpose of supplying or in connection with the supply of electricity shall be exempted from any execution under any process of a court of law.

35. Power to cut off supply

If any consumer neglects to pay to a supply authority any rent or the price of or any charge in respect of any service apparatus or electric fittings due and payable to the supply authority for the space of 14 days next after demand in writing for payment of the amount due shall have been served on the consumer, the supply authority may cut off the supply of electricity, and, until payment of the amount demanded together with any expenses incurred in connection with the collection or recovery of such amount may discontinue the supply of electricity to the consumer.

36. Powers where electricity wasted or misused

- (1) If a consumer does anything or suffers or permits anything to be done or omits to do anything whereby electricity supplied by a supply authority escapes from any electric line laid in, over or along any street or land before it reaches the meter on the premises of the consumer, he shall be guilty of an offence.

Penalty: \$500.

- (2) Where a consumer acts in contravention of subsection (1), in addition to prosecuting the offender for such offence, the supply authority may —

- (a) disconnect such electric line and discontinue the supply of electricity to the consumer during such time as the

cause of the escape of electricity from such line remains not remedied; and

- (b) recover from the consumer the amount of all loss which is sustained by the supply authority in consequence of the wrongful act of such consumer.
- (3) Any amount recoverable by the supply authority under subsection (2)(b) may be recovered in a court of competent jurisdiction.

Provided that where the supply authority prosecutes a consumer for an offence under subsection (1), the supply authority may in the same proceedings claim payment of compensation for loss sustained as provided for in subsection (2)(b), and, if the consumer is convicted of the offence with which he is charged the Court may, in addition to imposing a fine in respect of such conviction, assess and order payment of compensation by the consumer to the supply authority; and in such case the amount of compensation ordered to be paid shall be recoverable in the same manner as the fine is recoverable.

[Section 36 amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 4; No. 59 of 2004 s. 141.]

37. Power to remove appliances

- (1) Where the contract between a supply authority and a consumer for the supply of electricity or for the supply or letting of service apparatus or other apparatus or electric fittings has expired or otherwise been determined the supply authority may at any reasonable time enter the premises of the consumer and disconnect, remove and take away all service apparatus, other apparatus and electric fittings which belong to the supply authority.
- (2) All damage to property of whatever description occasioned by such disconnection and removal shall be made good by or on behalf and at the expense of the supply authority.

s. 38

38. Incoming tenant must be supplied although outgoing tenant in arrears

Whenever any consumer shall leave the premises where electricity has been supplied to him by a supply authority without paying to such supply authority the rent and all charges due and payable by him for or in connection with such supply, the supply authority shall not be entitled to require from the next incoming occupier of such premises the payment of the arrears left unpaid by the former consumer as a condition precedent to the supply of electricity to such incoming occupier, unless to the knowledge of the supply authority the latter has undertaken with the former consumer to pay either for himself or on behalf of the former consumer, the amount of such arrears.

39. Supply authority to keep meter in order

The supply authority shall owe a duty to the consumer to keep any meter let on hire to him at all times in proper order for correctly registering the quantity of electricity supplied to the consumer; and if the supply authority fails, and while it continues to fail in the discharge of that duty, the consumer shall not be liable to pay rent or other consideration for the use of such meter.

40. Control of meters and fittings

- (1) Subject to subsection (3) every meter used for ascertaining the quantity of electricity supplied by a supply authority to a consumer shall during the continuance of such supply and until all rent or other charges payable in respect thereof have been paid, be under the sole control of the supply authority, whether such meter belongs to the supply authority or not.
- (2) A person shall not cut, connect, tap, fix, alter or remove any service apparatus, other apparatus or electric fittings which belong to a supply authority and are used in connection with the supply of electricity by that supply authority unless authorised so to do in writing by the supply authority.

Penalty: \$500.

- (3) Nothing in this section shall affect the lawful exercise by any person or by any public authority of any power vested in such person or in such public authority by or under the provisions of this Act or of any other Act or the regulations made under this Act or under any other Act.

[Section 40 amended by No. 113 of 1965 s. 8; No. 14 of 1996 s. 4; No. 63 of 1996 s. 4.]

41. Meter record to be prima facie evidence

- (1) The register of the meter or other device used for ascertaining the quantity of electricity supplied by a supply authority shall be prima facie evidence of the quantity supplied or used.
- (2) The supply authority shall be entitled to test any such meter or other device at any time, and if it fails to register or is found to register incorrectly, the account of the consumer for or in respect of the supply of electricity to him on the premises upon which the said meter or other device is installed for the period next following the period for which the then last preceding account was rendered to the consumer may be adjusted by the supply authority at its option upon any one of the following bases, namely —
- (a) any test carried out under the authority of this Act; or
 - (b) the account rendered to the consumer in respect of such premises for the corresponding period of the then next preceding year; or
 - (c) the account rendered to the consumer for the then last preceding account period in respect of such premises with a reasonable adjustment thereof for any known variation in the consumer's demand for electricity; or
 - (d) the certificate of testing of the meter or other device aforesaid hereinafter provided for.
- (3) Subject to subsection (4) a consumer shall, upon payment of the prescribed testing fee, be entitled to demand a test of any meter or other device used for ascertaining the quantity of electricity

s. 41

supplied to him and when such a test is demanded the following provisions shall apply, that is to say —

- (a) The test demanded may, at the option of the person requiring the test, be performed —
 - (i) on the basis of a comparison of the working of the meter or other device under consideration with that of any other meter which has been certified by any tester approved by the Director to be effective; or
 - (ii) on the basis of testing the meter or other device under consideration by a testing laboratory approved by the Director.
- (b) The testing fee prescribed in respect of a test upon the basis mentioned in paragraph (a)(i) shall not exceed \$20, and the testing fee prescribed in respect of a test upon the basis mentioned in the said paragraph (a)(ii) shall not exceed \$50.
- (c) If it be found on testing that the meter or other device is not more than 2% fast, the testing fee shall be retained by the supply authority.
- (d) If it be found on testing that the meter or other device is more than 2% fast the testing fee shall be refunded to the consumer and a rebate, based on the result of the test shall be made on the last account rendered to the consumer and on the current account up to the date when the meter is removed or re-adjusted.
- (4) Meters or other devices shall be considered correct if on testing they are found to register within 2% of the correct registration.
- (5) All outstanding accounts between the consumer and the supply authority shall be paid before any test demanded by such consumer is made.

[Section 41 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 80; No. 63 of 1996 s. 10.]

42. Apparatus

- (1) A network operator is not entitled to insist on the use of any special form of electrical installation, apparatus or fitting, by any person.
- (2) However a person is not entitled —
 - (a) to use any form of electrical installation, apparatus or fitting; or
 - (b) to use or deal with electricity supplied to the person for any purpose or in any manner,

that would interfere unduly or improperly with the supply of electricity to any other person.

[Section 42 inserted by No. 33 of 2004 s. 16.]

43. Uniform charges and zoning

- (1) The Coordinator may create zones in any district which is supplied or which it is proposed to supply with electricity by a supply authority, and may from time to time alter the boundaries of such zones.
- (2)(a) A supply authority shall not make against any person for the supply to him of electricity any charge which exceeds the standard charge made by such supply authority against all other persons in the same zone for electricity supplied to them for the same use or purpose as that for which the first mentioned person desires to obtain a supply of electricity.

Penalty: \$500.

- (3) Any supply authority which acts in contravention of subsection (2) shall, in addition to its liability under that subsection, be liable to repay on demand to the person against whom the overcharge has been made the amount of the excess overcharged; and if such repayment is not paid when demanded the person entitled to such repayment shall be entitled to recover

s. 44

the same as and for a debt owing to him by action against the supply authority in any court of competent jurisdiction.

[Section 43 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 79; No. 63 of 1996 s. 4.]

44. Obligation to supply

There shall not be any obligation upon a supply authority to supply electricity to any person if the supply of electricity to such person would necessitate an extension of the then existing distribution system of such supply authority.

45. Compensation, damages etc.

Subject to the express provisions of this Act, whenever any person or any network operator is liable to pay any sum of money by way of compensation or damages or for costs or expenses of any examination or inquiry or in relation to any matter or thing concerning the repairing or reinstating of any loss or damage caused by such person or such network operator, the same may be recovered in a court of competent jurisdiction.

[Section 45 amended by No. 78 of 1995 s. 36; No. 33 of 2004 s. 17; No. 59 of 2004 s. 141.]

[46. Repealed by No. 33 of 2004 s. 18.]

47. Illegal interference with works, etc.

(1) Any person who —

- (a) wilfully and unlawfully removes, destroys, or damages any electric works connected with or relating to the supply of electricity by a supply authority in pursuance of this Act; or
- (b) wilfully and unlawfully extinguishes any public lamps or lights maintained by a supply authority in pursuance of this Act; or

- (c) wastes or wilfully and wrongfully uses electricity supplied by a supply authority under this Act,

shall be guilty of an offence.

Penalty: \$1 000.

- (2) Upon the conviction of a person for an offence under subsection (1), the court, in addition to imposing a fine under such subsection, may order the offender to pay to the supply authority the amount of any damage caused by him or a sum equal to the value of any electricity wasted or wrongfully used by him, and the amount so ordered shall be recoverable in the same manner as a fine imposed under subsection (1) is recoverable.

[Section 47 amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 4.]

48. Obtaining supply under false name

Any person who obtains a supply of electricity from a supply authority under the name of any other person shall, unless he proves that such supply was obtained without any intent to defraud, be guilty of an offence.

Penalty: \$200.

[Section 48 amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 4.]

49. Unauthorised use

- (1) Where electricity is supplied to a consumer and the quantity supplied is not ascertained by a meter; and the consumer does or permits or suffers any other person to do any one or more of the following things, namely —
 - (a) uses any electric fitting other than such as has been provided or approved of by the supply authority, or of larger dimensions or consuming capacity than the consumer has contracted to use; or

s. 50

- (b) uses electricity for a longer time or in greater quantities than he has contracted to pay for; or
- (c) uses the electricity in a manner not authorised by the contract under which the electricity is supplied; or
- (d) contrary to the provisions of this Act, supplies any other person with any electricity supplied to him,

the consumer commits an offence.

Penalty: \$100.

For each separate and further offence committed under section 71 of the *Interpretation Act 1984*: \$50.

- (2) The supply authority may cut off the supply of electricity from the premises of the consumer who is responsible for the doing of any act mentioned in subsection (1) notwithstanding any contract made between the supply authority and such consumer and still subsisting.

[Section 49 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 79; No. 63 of 1996 s. 6; No. 59 of 2004 s. 141.]

50. Alteration of meter

- (1) Any person who alters the index to any meter or prevents any meter from duly registering the quantity of electricity supplied by the supply authority or by any means causes any meter to register incorrectly or by any means diverts electricity for his own or any other purpose so that the quantity of such electricity will not be registered by the meter shall be guilty of an offence.

Penalty: In the case of an individual, \$2 000, and in the case of a body corporate, \$10 000.

- (2) Upon the conviction of a person for an offence under subsection (1), the court, in addition to imposing a fine under such subsection, may order that the offender pay to the supply authority affected a further sum as compensation for actual damage suffered in consequence of the wrongful act of the offender and also a still further sum (not exceeding \$200) as

exemplary damages, and payment of the total amount specified in such order shall be enforceable in the same manner as payment of the fine imposed under subsection (1) is enforceable.

- (3) The existence of artificial means for causing any alteration, prevention or diversion or for abstracting, consuming or using electricity mentioned in subsection (1) shall, when the meter lines or works interfered with are under the control or charge or in the care of the consumer, be prima facie evidence that such alteration, prevention, diversion, abstraction or consumption (as the case may be) has been caused or carried out by the consumer in contravention of subsection (1).

[Section 50 amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 4 and 8.]

51. Summary remedy for damage to electric works

- (1) Any person who carelessly or accidentally damages any electric works belonging to or under the control of a supply authority shall forfeit and pay to the supply authority by way of satisfaction for the damage done a sum (not exceeding \$500) to be fixed by the Coordinator on the application of the supply authority.
- (2) The amount of compensation fixed by the Coordinator under subsection (1) shall be a debt payable by the person concerned to the supply authority and as such shall be recoverable by the supply authority by action in any court of competent jurisdiction.
- (3) Nothing in this section shall affect or prejudice any other right, power or remedy which the supply authority may have at law in respect of the interference with its property or the damage suffered by the supply authority.

[Section 51 amended by No. 113 of 1965 s. 8; No. 89 of 1994 s. 79; No. 63 of 1996 s. 9.]

s. 52

52. General penalty

Any person who by any act or omission commits a breach of any provision of this Act shall be guilty of an offence, and, where no penalty is expressly provided by this Act for such offence, shall be liable to a penalty not exceeding in the case of an individual, \$5 000, and in the case of a body corporate, \$20 000.

[Section 52 amended by No. 113 of 1965 s. 8; No. 63 of 1996 s. 4.]

53. Limitation period for offences

A prosecution for an offence under this Act must be commenced within 2 years after the date on which the offence is alleged to have been committed.

[Section 53 inserted by No. 59 of 2004 s. 141.]

[54. Repealed by No. 89 of 1994 s. 78.]

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Notes

- ¹ This reprint is a compilation as at 16 December 2005 of the *Electricity Act 1945* and includes the amendments made by the other written laws referred to in the following table ^{1a, 3}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Electricity Act 1945</i>	19 of 1945	9 Jan 1946	29 Mar 1946 (see s. 1 and <i>Gazette</i> 29 Mar 1946 p. 310)
<i>Electricity Act Amendment Act 1953</i>	72 of 1953	9 Jan 1954	9 Jan 1954
Reprint of the <i>Electricity Act 1945</i> approved 11 Apr 1958 in Vol. 13 of Reprinted Acts (includes amendments listed above)			
<i>Decimal Currency Act 1965</i>	113 of 1965	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))
<i>Metric Conversion Act 1972</i>	94 of 1972	4 Dec 1972	Relevant amendments (see First Sch.) ⁴ took effect on 1 Jan 1974 (see s. 4(2) and <i>Gazette</i> 7 Dec 1973 p. 4490)
Reprint of the <i>Electricity Act 1945</i> authorised 6 Aug 1973 (includes amendments listed above except those in the <i>Metric Conversion Act 1972</i>)			
<i>Electricity Act Amendment Act 1979</i>	86 of 1979	11 Dec 1979	1 Feb 1980 (see s. 2 and <i>Gazette</i> 1 Feb 1980 p. 284)
Reprint of the <i>Electricity Act 1945</i> approved 26 Jun 1984 (includes amendments listed above)			
<i>Commercial Arbitration Act 1985 s. 3(1)</i>	109 of 1985	7 Jan 1986	1 Apr 1986 (see s. 2 and <i>Gazette</i> 28 Feb 1986 p. 605)
<i>Electricity Amendment Act 1988</i>	42 of 1988	30 Nov 1988	30 Nov 1988 (see s. 2)
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994 Pt. 4</i> ⁵	89 of 1994	15 Dec 1994	1 Jan 1995 (see s. 2(2) and <i>Gazette</i> 23 Dec 1994 p. 7069)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 27</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Electricity Amendment Act 1996</i>	63 of 1996	11 Nov 1996	Act other than s. 18: 25 Dec 1996 (see s. 2 and <i>Gazette</i> 24 Dec 1996 p. 7097); s. 18: 8 Mar 2002 (see s. 2 and <i>Gazette</i> 8 Mar 2002 p. 941)
Reprint of the <i>Electricity Act 1945</i> as at 26 Feb 1997 (includes amendments listed above except those in the <i>Electricity Amendment Act 1996</i> s. 18)			
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 23	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 31 and 76	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 14(13)	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
Reprint 5: The <i>Electricity Act 1945</i> as at 6 Jun 2003 (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 48	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Electricity Legislation Amendment Act 2004</i> Pt. 2 Div. 1	33 of 2004	20 Oct 2004	31 Dec 2004 (see s. 2 and <i>Gazette</i> 23 Nov 2004 p. 5243)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004</i> Pt. 2 Div. 40 ⁶	55 of 2004	24 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
Reprint 6: The <i>Electricity Act 1945</i> as at 16 Dec 2005 (includes amendments listed above)			

^{1a} On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 142 ⁷	59 of 2004	23 Nov 2004	To be proclaimed (see s. 2)
<i>Electricity Corporations Act 2005</i> s. 139 ⁸	18 of 2005	13 Oct 2005	To be proclaimed (see s. 2(2))

² Repealed by the *Interpretation Act 1984*.

³ Marginal notes in the *Electricity Act 1945* referring to the legislation from which provisions were derived have been omitted from this reprint.

⁴ The Schedule to the *Metric Conversion Act 1972* was redesignated as the First Schedule by the *Metric Conversion Act Amendment Act 1973*.

⁵ The *Energy Corporations (Transitional and Consequential Provisions) Act 1994* s. 84 reads as follows:

“

84. Transitional provision

Every instrument under a provision of the principal Act in force immediately before the commencement of this Part is to continue to have effect after that commencement according to its terms and conditions, as if it had been made under that provision as amended by this Part.

”

⁶ The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* Pt. 5, the *State Administrative Tribunal Act 2004* s. 167 and 169, and the *State Administrative Tribunal Regulations 2004* r. 28 and 42 deal with certain transitional issues some of which may be relevant for this Act.

⁷ On the date as at which this reprint was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 142, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

142. Other amendments to various Acts

Each Act listed in Schedule 2 is amended as set out in that Schedule immediately below the short title of the Act.

”

Schedule 2 cl. 16 reads as follows:

“

Schedule 2 — Other amendments to Acts

16. Electricity Act 1945

s. 32(3)(f) ⁹	Delete “a Local Court” and insert instead — “ the Magistrates Court ”.
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”

⁸ On the date as at which this reprint was prepared, the *Electricity Corporations Act 2005* s. 139, which gives effect to Sch. 5, had not come into operation. It reads as follows:

“

139. Amendments to other Acts

The Acts mentioned in Schedule 5 are amended as set out in that Schedule.

”

Schedule 5 Division 3 reads as follows:

“

Division 3 — Electricity Act 1945

5. The Act amended

The amendments in this Division are to the *Electricity Act 1945*.

6. Section 5 amended

Section 5(1) is amended as follows:

- (a) in the definition of “supply authority” by deleting “, but does not include the Western Power Corporation”;
- (b) by deleting the definition of “Western Power Corporation”.

”

”

⁹ The amendment to s. 32(3)(f) by the *Courts Legislation Amendment and Repeal Act 2004* would conflict with amendments in the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 273.

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)
apparatus	5(1)
consumer	5(1)
Coordinator	5(1)
declaration	6(4)
Director	5(1)
distribution licensee	5(1)
distribution works	5(1)
electric fitting	5(1)
electrical appliance	33A
electrical installation	33A
exempt operator	5(1)
generating station	5(1)
generating works	5(1)
inspector	5(1)
installation	5(1)
land	5(1)
network operator	5(1)
person concerned	12(2)
premises	5(1)
public authority	5(1)
relevant provision	6(4)
service apparatus	5(1)
specified	6(4), 32(4)
street	5(1)
supply authority	5(1)
transmission licensee	5(1)
transmission works	5(1)
Western Power Corporation	5(1)