
ENERGY

EN301*

Electricity Act 1945

Electricity Amendment Regulations (No. 3) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Amendment Regulations (No. 3) 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Electricity Regulations 1947*.

4. Regulation 12 amended

- (1) In regulation 12 insert in alphabetical order:

new owner, in relation to transferred residential premises, means the person to whom the title was transferred;

notice of intended demolition, in relation to transferred residential premises, means written notice, given to the prior owner before the transfer, of the new owner's intention to demolish the premises within 6 months after the transfer;

prior owner, in relation to transferred residential premises, means the person from whom the title was transferred;

transferred residential premises means residential premises the title to which has been transferred.

- (2) In regulation 12 in the definition of *residential tenancy agreement* delete “section 3.” and insert:

section 3;

5. Regulation 13 amended

In regulation 13 delete “Except as provided in regulations 16(1) and 17,” and insert:

Subject to any exemption under regulation 18,

6. Regulation 14 amended

In regulation 14 delete “Except as provided in regulations 16(1) and (3) and 17,” and insert:

Subject to any exemption under regulation 18,

7. Regulation 15A inserted

After regulation 14 insert:

15A. New owner's obligation to install residual current devices and right to recover costs

(1) In this regulation —

post-transfer period, in relation to transferred residential premises, means —

- (a) if the new owner has given a notice of intended demolition — 6 months after the transfer;
- (b) if the new owner has not given a notice of intended demolition — 2 months after the transfer.

(2) If —

- (a) the title to residential premises is transferred; and
- (b) the prior owner has not complied with regulation 13(a) or 14(a); and
- (c) demolition of the premises has not commenced within the post-transfer period,

the new owner must, on or before the expiry of the post-transfer period, ensure that at least 2 residual current devices are installed in relation to the premises.

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.

(3) If the new owner has not given a notice of intended demolition, the new owner's reasonable costs of complying with subregulation (2) —

- (a) are a debt due by the prior owner to the new owner; and
- (b) may be recovered in a court of competent jurisdiction.

8. Regulation 15 amended

In regulation 15 delete "Except as provided in regulation 16(4)," and insert:

Subject to any exemption under regulation 18,

9. Regulation 16 replaced

Delete regulation 16 and insert:

16. Defences in case of demolition

- (1) It is a defence to a charge of an offence under regulation 13(a) or 14(a) for the person charged to prove that the new owner gave a notice of intended demolition.
- (2) It is a defence to a charge of an offence under regulation 14(d) or 15 for the person charged to prove that the person had, before the charge was laid, arranged for the demolition of the premises on or before a date that is not more than 6 months after the second anniversary of the commencement day.

10. Regulation 17 deleted

Delete regulation 17.

11. Regulation 242 amended

- (1) Delete regulation 242(1) and insert:

- (1A) In this regulation —

inspection plan means a plan or policy statement approved by the Director under regulation 253;

notice of completion means a notice of completion required under the *Electricity (Licensing) Regulations 1991* regulations 52 and 53.

- (1) A network operator must not supply electricity to any premises unless —
- (a) the network operator has ensured that all the network operator's service apparatus that will be used for supplying electricity to the premises is installed and maintained in accordance with this Act and is safe to use; and
 - (b) the connection of the supply of electricity to the premises does not cause, or is unlikely to cause, any consumers' electric installations to become unsafe; and
 - (c) any notice of completion in relation to that supply of electricity has been produced to the network operator.

- (2) In regulation 242(2) delete "(1)(b)." and insert —

(1)(c).

- (3) After regulation 242(2) insert:
- (3) Subregulation (1)(c) does not apply to a connection of the premises to the network operator's network before the network operator receives a notice of completion if —
- (a) the network operator's inspection plan sets out a process for managing such a connection; and
 - (b) the connection is made in accordance with the inspection plan.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
