

EN301*

Electricity Act 1945

Electricity Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Amendment Regulations 2009*.

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 3 months after that day.

3. Regulations amended

These regulations amend the *Electricity Regulations 1947*.

4. Regulation 2 amended

- (1) At the beginning of regulation 2 insert:

- (1) In these regulations —

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

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

Australian/New Zealand Wiring Rules

5. Part IV inserted

After regulation 11 insert:

Part IV — Residual current devices

12. Terms used

In this Part —

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

common property, relating to residential premises —

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

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

- (a) installed in accordance with the Australian/New Zealand Wiring Rules in relation to those premises or that property; and
- (b) not installed in relation to any other premises or property;

occupied by an owner, in relation to residential premises, means occupied by an owner, whether legal or beneficial, of those premises as the owner’s principal place of residence;

residential premises has the meaning given in the *Residential Tenancies Act 1987* section 3 but does not include any common property relating to the residential premises;

residential tenancy agreement has the meaning given in the *Residential Tenancies Act 1987* section 3.

13. Residential premises occupied by an owner

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

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

Penalty:

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

14. Residential premises not occupied by an owner

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

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

Penalty:

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

15. Common property relating to residential premises

Except as provided in regulation 16(4), an owner of common property relating to residential premises must

ensure that at least one residual current device per switchboard, designed to protect all the sub-circuits supplied from that switchboard, is installed in relation to the property before the second anniversary of the commencement day.

Penalty:

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

16. Exception in the case of demolition

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

Penalty:

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

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

Penalty:

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

17. Exception in the case of lack of appropriate switchboard

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

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

18. Inspection and inquiry

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

or

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

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

By Command of the Governor,

P. CONRAN, Clerk of the Executive Council.
