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**ENERGY**

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EN301\*

Electricity Act 1945  
Criminal Procedure Act 2004

**Electricity Amendment Regulations (No. 2) 2007**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Electricity Amendment Regulations (No. 2) 2007*.

**2. The regulations amended**

The amendments in these regulations are to the *Electricity Regulations 1947\**.

[\* Reprinted as at 3 October 2000.

For amendments to 16 January 2007 see *Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 31 March and 31 October 2006.*]

**3. Regulation 268 amended**

Regulation 268 is amended by deleting “the the Coordinator” and inserting instead —

“ the Coordinator ”.

**4. Regulation 330 amended**

Regulation 330 is amended by deleting “to its satisfaction” and inserting instead —

“ to the Director’s satisfaction ”.

**5. Part XI heading amended**

The heading to Part XI is amended by deleting “proceedings” and inserting instead —

“ **enforcement** ”.

**6. Regulations 342 to 344 and Schedules 1 and 2 inserted**

After regulation 341 the following regulations and Schedules are inserted —

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**342. Prescribed offences and modified penalties**

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

**343. Authorised officers and approved officers**

- (1) The Director may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of Part 2 of the *Criminal Procedure Act 2004*.
- (2) The Director is to issue to each authorised officer a certificate of his or her appointment.

**344. Forms**

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

**Schedule 1 — Prescribed offences and modified penalties**

[r. 342]

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

<b>Offences under <i>Electricity Regulations 1947</i></b>		<b>Modified penalty</b>	
		<b>Individual</b>	<b>Body corporate</b>
r. 10	Selling or hiring, or exposing or advertising for sale or hire apparatus or installation that does not comply with energy efficiency standards .....	\$500	\$2 000
r. 242(1)(b), 340	Supplying electricity without receiving certificate of correct installation and fitting ....		\$4 000
r. 253(1), (9)(b)	Failing to establish and maintain system of inspection or ensure installation is individually inspected .....		\$4 000
r. 253(7)(a), (9)(b)	Failing to modify inspection practice when ordered to do so .....		\$4 000
r. 253(7)(b), (9)(b)	Failing to review inspection practice and submit revised system plan and policy statement within required time .....		\$4 000
r. 253(9)(a)	Supplying electricity in contravention of s. 253(1) .....		\$4 000
r. 316A, 340	Performing vegetation control work in danger zone of overhead power lines .....	\$500	\$4 000

<b>Offences under <i>Electricity (Licensing) Regulations 1991</i></b>		<b>Modified penalty</b>	
		<b>Individual</b>	<b>Body corporate</b>
r. 19(1)	Carrying out electrical work without a licence or permit .....	\$500	\$2 000
r. 19(2a), 65	Failing to ensure electrical work is checked, tested and certified .....	\$500	\$2 000
r. 28(1), 65	Failing to notify Board of change of address ..	\$250	\$1 000
r. 33(1), 65	Carrying on business as an electrical contractor without a licence .....	\$1 000	\$4 000
r. 34	Knowingly contracting unlicensed person to do electrical work .....	\$500	\$2 000
r. 35	Falsely representing electrical work to be carried out by or on behalf of employer .....	\$500	\$2 000
r. 37(1)	Carrying out in-house electrical installing work without a licence .....	\$1 000	\$4 000
r. 45(1), 65	Failing to display licence and certificate of registration at principal place of business .....	\$500	\$2 000
r. 45(1), 65	Failing to include licence number in advertisement .....	\$500	\$1 000
r. 45(2), 65	Failing to notify Board of change of address ..	\$250	\$1 000
r. 49(1), (3), 65	Carrying out, or causing or permitting to be carried out, electrical work contrary to Wiring Rules, WA Electrical Requirements or specified standards .....	\$500	\$2 000
r. 50(1), 65	Failing to effectively supervise the carrying out of electrical work .....	\$500	\$2 000
r. 50A	Causing or permitting unsafe wiring or equipment to be, or to remain, connected .....	\$500	\$2 000
r. 51(1)	Failing to deliver preliminary notice within required time .....	\$500	\$2 000

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

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

## Schedule 2 — Forms

[r. 344]

### Form 1 — Infringement notice

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

**Form 2 — Withdrawal of infringement notice**

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

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.