

ELECTRICITY.

No. 86 of 1979.

AN ACT to amend the Electricity Act, 1945-1973.

[Assented to 11th December, 1979.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Electricity Act Amendment Act, 1979*.

Short title
and
citation.

(2) In this Act the Electricity Act, 1945-1973, is referred to as the principal Act.

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approved for
reprint 6th
August 1973,
as amended
by Act No. 94
of 1972 (as
amended by
Act No. 19 of
1973).

(3) The principal Act as amended by this Act may be cited as the Electricity Act, 1945-1979.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Long title
amended.

3. The long title to the principal Act is amended by inserting after the passage "electricity;", in line four, the passage "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;".

Section 4
repealed and
re-enacted.

4. Section 4 of the principal Act is repealed and re-enacted with amendments, as follows—

This Act to
be read
with other
Acts.

4. (1) This Act shall be read in conjunction with—

(a) the State Energy Commission Act, 1979; and

(b) in so far as matters thereby affected were or are subject to the State Energy Commission Act, 1945-1978, that Act,

and shall be construed and have effect as being subject thereto.

(2) Where any provision in this Act or any regulation or by-law made under this Act is inconsistent with or repugnant to any provision of such of the Acts referred to in subsection (1) of this section as is for the time being relevant to the circumstances, or to any regulation or by-law made under such an Act and for the time being in force, the provision of that Act or of the regulation or by-law made under that Act shall prevail, and to the extent of such inconsistency or repugnancy the provision of this Act or the regulation or by-law made under this Act shall be void and of no effect.

(3) Without prejudice to the generality of subsection (2) of this section, where provision is made by regulation or by-law pursuant to paragraph (b) of subsection (9) of section 27 of the State Energy Commission Act, 1979,—

- (a) that provision shall have effect notwithstanding any licence, permit or authorisation granted pursuant to this Act and any such licence, permit or authorisation shall, to the extent that it is inconsistent with such a provision, be deemed to be suspended and shall not take effect; and
- (b) where such a provision empowers any person to carry out any electrical work or to do any act or thing that would otherwise contravene this Act, that provision shall be taken to constitute an authorisation for the purposes of this Act.

5. Section 5 of the principal Act is repealed and in lieu thereof a new section inserted, as follows—

Section 5 substituted.

5. (1) In this Act, unless the context otherwise requires—

Interpretation.

“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;

“Commission” means the body corporate known as The State Electricity Commission of Western Australia constituted under the State Electricity Commission Act, 1945, and preserved and continued under the name “The State Energy Commission of Western Australia” pursuant to section seven of the State Energy Commission Act, 1979;

“concessionaire” means any person, body or authority to whom or which a concession has been granted by a local authority under the provisions of this Act;

“consumer” means any person to whom electricity is supplied;

“department” or “Government Department” includes any branch of the Public Service of the State established as a Department within the meaning of that term as defined in the Public Service Act, 1978, but also means any other body established by an Act being a body that—

(a) administers or carries out in the State functions in the public interest on behalf of the Crown in right of the State, or which carries out the function of a public utility; and

(b) is declared by the Governor, by Order in Council, to be deemed to be a department for the purposes of this 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, utilised or capable of being or intended to be utilised 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;

“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 utilised or capable of being or intended to be utilised for the purpose of generating electricity;

“inspector” means a person appointed as such pursuant to section twenty-six of this Act or deemed to have been appointed as such pursuant to section sixty-eight of the State Energy Commission Act, 1979;

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

“linking up scheme” means a scheme, including the works appurtenant thereto, whereby electricity is supplied or interchanged in quantity by or between two or more supply systems;

“local authority” means the council of the municipality in question constituted pursuant to the Local Government Act, 1960, or where the municipality has no council a commissioner of the municipality appointed pursuant to that Act;

“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 the Commission;

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

“supply authority” means any local authority, concessionaire, or other person which or who supplies electricity under the authority of this Act or any other Act, and a reference to a supply authority may, pursuant to subsection (2) of this section, include a reference to the Commission;

“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.

(2) For the purposes of—

(a) section thirty-four;

(b) section thirty-six; and

(c) sections forty-seven to forty-nine inclusive,

of this Act the Commission shall be deemed to be a supply authority. .

Section 7
amended.

6. Section 7 of the principal Act is amended as to subsection (1)—

(a) by deleting the word “install”, in line one of paragraph (b), and inserting in lieu thereof the words “instal or provide”;

- (b) by deleting the passage “works,” in paragraph (c), and inserting in lieu thereof the passage “works; or”; and
- (c) by adding a new paragraph, to stand as paragraph (d), as follows—
 - (d) connect or provide facilities to connect any generating works (not being works owned, controlled, or operated by the Commission) to any distribution works of the Commission or a supply authority, .

7. Section 18 of the principal Act is amended Section 18 amended. by deleting the words “apparatus for distribution”, in line three, line twelve, and line fourteen of subparagraph (i) of paragraph (f), and inserting in lieu thereof in each case the words “service apparatus”.

8. Section 32 of the principal Act is amended— Section 32 amended.

- (a) by deleting the words “the principal Act or”, in lines three and four; and
- (b) by adding further subsections as follows—

(3) Without prejudice to the generality of subsection (1) or subsection (2) of this section, such regulations may—

- (a) provide for the establishment, functions and conduct of a Board or Boards appointed by, and subject to the directions of, the Commission 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;
 - (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 Commission to delegate its 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 Commission;
- (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 hearing of disciplinary proceedings and the imposition of disciplinary penalties, and for appeals;
- (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 the Standards Association of 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 Commission considers valid any requirement imposed by the Commission cannot be conformed to, the Commission may dispense with that requirement and in lieu authorise in writing in any particular case the use of materials or any other matters which it 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.

(5) Notwithstanding that prior to the coming into operation of the Electricity Act Amendment Act, 1979, powers, being powers purporting to be exercised but not then conferred upon the Commission or a Board established by regulations made under this Act, have been exercised, the exercise of any power or the doing of any act, matter or thing with respect to which provision is made in this Act as amended by that Act which was so exercised or done by the Commission or such a Board before the coming into operation of that Act and which would have been lawful had this Act then been in force as so amended is deemed to be and to have been duly authorised, to have been lawfully and properly exercised or done, and to have effect accordingly.

9. Section 33B of the principal Act is amended by deleting the word "forty", in line one of paragraph (d) of subsection (6), and substituting the words "two hundred".

Section 33B
amended.

10. Section 53 of the principal Act is amended by deleting the passage "1902-1942", in the last line of subsection (2), and inserting in lieu thereof the passage "1902, save that a complaint for an offence under this Act may be made at any time within two years from the time when the matter of complaint arose".

Section 53
amended.

Section 54
amended.

11. Section 54 of the principal Act is amended by deleting the passage "State Electricity Commission Act, 1945", in lines seven and eight, and inserting in lieu thereof the passage "State Energy Commission Act, 1979".
