

South Australia

# Statutes Amendment (Electricity and Gas) Act 2006

An Act to amend the *Electricity Act 1996* and the *Gas Act 1997*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Statutes Amendment (Electricity and Gas) Act 2006*.

### **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

### **3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Electricity Act 1996***

### **4—Amendment of section 4—Interpretation**

(1) Section 4(1)—after the definition of *disconnect* insert:

*electrical equipment* means any electrical appliance or wires, fittings, equipment or accessories beyond an electrical outlet at which fixed wiring terminates;

(2) Section 4(1), definition of *electrical installation*—after "the place," insert:

including anything declared by regulation to be or form part of an electrical installation,

(3) Section 4(1), definition of *electrical installation*—after paragraph (b) insert:

or

(c) anything declared by regulation not to be or form part of an electrical installation;

(4) Section 4(1), definition of *electricity infrastructure*—after paragraph (e) insert:

or

(f) anything declared by regulation to form part of electricity infrastructure,

but does not include anything declared by regulation not to form part of electricity infrastructure;

(5) Section 4(1)—after the definition of *generation* insert:

*install* includes place;

**5—Amendment of section 57—Power to enter for vegetation clearance purposes**

Section 57(2)—delete "60" and substitute:

30

**6—Amendment of section 58—Regulations in respect of vegetation clearance**

Section 58(2)—after paragraph (e) insert:

- (f) fix a penalty not exceeding \$5 000 for contravention of a regulation.

**7—Amendment of section 59—Requirements relating to electrical installation connection and meter installation**

(1) Section 59(1)—delete subsection (1) and substitute:

- (1) A person must not personally carry out the work of connecting electricity supply from a transmission or distribution network to an electrical installation, or installing or replacing a meter, unless—
- (a) the person is carrying out the work as an employee or contractor directly or indirectly on behalf of a prescribed person; or
  - (b) the electricity entity that operates the network has specifically authorised the person to carry out the work.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (1a) A prescribed person must not cause or permit or authorise a person to personally carry out the work of connecting electricity supply from a transmission or distribution network to an electrical installation, or installing or replacing a meter, unless the person personally carrying out the work has the appropriate knowledge and skills required for that purpose.

Maximum penalty: \$50 000.

- (1b) If, when electricity supply from a transmission or distribution network is connected to an electrical installation, other than an installation to which electricity supply from the network has previously been connected—
- (a) the installation does not comply with technical and safety requirements under the regulations; or
  - (b) there is a failure to comply with technical and safety requirements under the regulations relating to the making of the connection,

the person personally carrying out the work of making the connection and, if the person is carrying out the work as an employee or contractor directly or indirectly on behalf of the electricity entity that operates the network, the electricity entity are each guilty of an offence.

Maximum penalty:

- (a) in the case of the person personally carrying out the work of making the connection—\$5 000;
- (b) in the case of the electricity entity—\$50 000.

Expiation fee: in the case of the person personally carrying out the work of making the connection—\$315.

- (1c) Subject to the regulations, neither the electricity entity that operates the network nor the person personally carrying out the work of making the connection commits an offence under subsection (1b)(a) in relation to an electrical installation if the entity has, before the making of the connection, been provided with a certificate of compliance issued under this Part in relation to the installation.
- (1d) If, when electricity supply from a transmission or distribution network is connected to an electrical installation following the prior disconnection from the network of electricity supply to the installation for safety reasons—
  - (a) any work that has been carried out on the installation since the disconnection has not complied with the regulations; or
  - (b) in a case where the disconnection was by, or at the direction of, an authorised officer or the Technical Regulator—the making of the connection has not been approved by an authorised officer or the Technical Regulator; or
  - (c) in a case where the disconnection was by an electricity officer—there has not been rectification of the fault giving rise to the disconnection; or
  - (d) there is a failure to comply with technical and safety requirements under the regulations relating to the making of the connection,

the person personally carrying out the work of making the connection and, if the person is carrying out the work as an employee or contractor directly or indirectly on behalf of a prescribed person, the prescribed person are each guilty of an offence.

Maximum penalty:

- (a) in the case of the person personally carrying out the work of making the connection—\$5 000;
- (b) in the case of the prescribed person—\$50 000.

Expiation fee: in the case of the person personally carrying out the work of making the connection—\$315.

- (1e) Subject to the regulations, neither a prescribed person nor the person personally carrying out the work of making the connection commits an offence under subsection (1d)(a) in relation to work carried out on an electrical installation if the prescribed person has, before the making of the connection, been provided with a certificate of compliance issued under this Part in relation to the work on the installation.
- (1f) Neither a prescribed person nor the person personally carrying out the work of making the connection commits an offence under subsection (1d)(b) unless notice has been given, orally or by fax or email, to the prescribed person, or an employee or agent of the prescribed person, that electricity supply to the installation has been disconnected by, or at the direction of, an authorised officer or the Technical Regulator.
- (1g) If, in carrying out the work of installing or replacing a meter, there is a failure to comply with—
  - (a) regulations relating to the carrying out of such work or examinations and tests relating to such work; or
  - (b) technical and safety requirements under the regulations relating to the connection of electricity supply from a transmission or distribution network to an electrical installation,

the person personally carrying out the work and, if the person is carrying out the work as an employee or contractor directly or indirectly on behalf of a prescribed person, the prescribed person are each guilty of an offence.

Maximum penalty:

- (a) in the case of the person personally carrying out the work—\$5 000;
- (b) in the case of the prescribed person—\$50 000.

Expiation fee: in the case of the person personally carrying out the work—\$315.

- (2) Section 59(3)—delete subsection (3) and substitute:

- (3) For the purposes of this section, electricity supply to an electrical installation is disconnected *for safety reasons* if the electricity supply is disconnected—
  - (a) by, or at the direction of, an authorised officer or the Technical Regulator; or
  - (b) by an electricity officer because of a contravention of this Act relating to the electrical installation or its connection, or because the electrical installation is, in the officer's opinion unsafe; or
  - (c) to allow work on the electrical installation to be carried out safely.

- (4) For the purposes of this section—
- (a) the electricity entity that operates the transmission or distribution network concerned is a *prescribed person*; and
  - (b) a metering provider is a *prescribed person* in relation to the work of installing or replacing a meter; and
  - (c) *the work of installing or replacing a meter* includes connecting electricity supply from a transmission or distribution network to the electrical installation to which the meter is wired following the installation or replacement of the meter.
- (5) In this section—
- meter* means a meter and associated equipment for measuring the consumption of electricity supplied to a place from a transmission or distribution network;
- metering provider* means a person accredited and registered as a metering provider under the National Electricity Rules.

## 8—Insertion of section 60A

After section 60 insert:

### **60A—Responsibility to ensure correct polarity and phase relationship**

An electricity entity that operates a transmission or distribution network must ensure that any work carried out on behalf of the entity that could affect the safety of connected electrical installations is appropriately tested to ensure the correct polarity and phase relationship.

Maximum penalty: \$50 000.

## 9—Amendment of section 61—Electrical installation work

- (1) Section 61(1)—delete "section" and substitute:
- subsection
- (2) Section 61(2)—delete "This section" and substitute:
- Subsection (1)
- (3) Section 61—after subsection (2) insert:
- (3) A prosecution for an offence against subsection (1) may be brought at any time within the period of 2 years after the date on which the offence is alleged to have been committed.

- (4) If a person other than a person to whom subsection (1) applies personally carries out work of a kind prescribed by the regulations on an electrical installation or proposed electrical installation, the person must ensure that the work is carried out as required under the regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **10—Insertion of section 61A**

After section 61 insert:

### **61A—Unsafe installation of electrical equipment**

A person must not install electrical equipment that the person knows or should be reasonably expected to know is, or will be, unsafe in use.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **11—Amendment of section 62—Power to require rectification etc in relation to infrastructure, installations or equipment**

- (1) Section 62(1)—delete "or an electrical installation" and substitute:  
    , an electrical installation or electrical equipment
- (2) Section 62(1)—delete "or installation" wherever occurring and substitute in each case:  
    , installation or equipment
- (3) Section 62(2)(a)—delete "electrical" and substitute:  
    electricity
- (4) Section 62(2)(b)—after "installation" wherever occurring insert:  
    or equipment

## **12—Insertion of sections 62A and 62B**

After section 62 insert:

### **62A—Public warning statements**

- (1) The Technical Regulator may, if satisfied that it is in the public interest to do so, make a public statement identifying and giving warnings or information about any of the following:
- (a) electrical equipment that, in the opinion of the Technical Regulator, is or is likely to become unsafe in use and persons who supply the equipment;
  - (b) uses of electrical equipment, or installation practices, that, in the opinion of the Technical Regulator, pose a danger to persons or property;

- (c) any other dangers to persons or property associated with electricity or electrical equipment.
- (2) A statement under subsection (1) may identify particular electrical equipment, services, practices and persons.

### **62B—Immunity from liability**

- (1) Neither the Technical Regulator nor the Crown incurs any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under section 62A.
- (2) No liability is incurred by a person for publishing in good faith—
  - (a) a statement referred to in subsection (1); or
  - (b) a fair report or summary of such a statement.

### **13—Amendment of section 63—Reporting of accidents**

Section 63—after "electric shock" insert:

or electrical burns

### **14—Amendment of section 72—Power to make infrastructure, installation or equipment safe**

- (1) Section 72(1)—delete "or an electrical installation" and substitute:  
    , an electrical installation or electrical equipment
- (2) Section 72(1)(b)—delete "or installation" and substitute:  
    , installation or equipment
- (3) Section 72(2)(a)—delete "electrical" and substitute:  
    electricity
- (4) Section 72(2)(b)—after "installation" wherever occurring insert:  
    or equipment

### **15—Amendment of section 80—Power of exemption**

- (1) Section 80(2)—delete subsection (2) and substitute:
  - (1a) Without limiting subsection (1), the power to exempt includes power to exempt a person from the application of a provision requiring the Commission to make a licence held by the person subject to a specified condition.
  - (2) A person exempted from a requirement to hold a licence under Part 3 is, if the Commission has so determined by writing, to be treated as an electricity entity for the purposes of specified provisions of this or another Act.
- (2) Section 80(3)—after "exemption under subsection (1)" insert:  
    , or a determination under subsection (2),

**16—Amendment of section 85—Unlawful taking of electricity, interference with meters or positioning of lines**

Section 85(2)(b)—after "property" insert:

, or with the approval of the Technical Regulator

**17—Amendment of section 98—Regulations**

Section 98(3)—after paragraph (c) insert:

- (d) impose a requirement for compliance with procedures or requirements specified, whether in a particular case or generally, for safety or technical purposes by an electricity entity that operates a transmission or distribution network.

**Part 3—Amendment of *Gas Act 1997***

**18—Insertion of sections 57B and 57C**

After section 57A insert:

**57B—Public warning statements about unsafe gas installations, components, practices etc**

- (1) The Technical Regulator may, if satisfied that it is in the public interest to do so, make a public statement identifying and giving warnings or information about any of the following:
  - (a) components for gas installations that, in the opinion of the Technical Regulator, are or are likely to become unsafe in use and persons who supply the components;
  - (b) uses of gas installations or components for gas installations, or installation practices, that, in the opinion of the Technical Regulator, pose a danger to persons or property;
  - (c) any other dangers to persons or property associated with gas installations or components for gas installations.
- (2) A statement under subsection (1) may identify particular gas installations, components, services, practices and persons.

**57C—Immunity from liability**

- (1) Neither the Technical Regulator nor the Crown incurs any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under section 57B.
- (2) No liability is incurred by a person for publishing in good faith—
  - (a) a statement referred to in subsection (1); or
  - (b) a fair report or summary of such a statement.

## 19—Insertion of sections 61AA and 61AB

After section 61 insert:

### **61AA—Public warning statements about unsafe gas appliances, components, practices etc**

- (1) The Technical Regulator may, if satisfied that it is in the public interest to do so, make a public statement identifying and giving warnings or information about any of the following:
  - (a) gas appliances or components for gas appliances that, in the opinion of the Technical Regulator, are or are likely to become unsafe in use and persons who supply the appliances or components;
  - (b) uses of gas appliances or components for gas appliances, or installation practices, that, in the opinion of the Technical Regulator, pose a danger to persons or property;
  - (c) any other dangers to persons or property associated with gas appliances or components for gas appliances.
- (2) A statement under subsection (1) may identify particular gas appliances, components, services, practices and persons.

### **61AB—Immunity from liability**

- (1) Neither the Technical Regulator nor the Crown incurs any liability for a statement made by the Technical Regulator in good faith in the exercise or purported exercise of powers under section 61AA.
- (2) No liability is incurred by a person for publishing in good faith—
  - (a) a statement referred to in subsection (1); or
  - (b) a fair report or summary of such a statement.

## 20—Amendment of section 77—Power of exemption

- (1) Section 77(2)—delete subsection (2) and substitute:
  - (1a) Without limiting subsection (1), the power to exempt includes power to exempt a person from the application of a provision requiring the Commission to make a licence held by the person subject to a specified condition.
  - (2) A person exempted from a requirement to hold a licence under Part 3 is, if the Commission has so determined by writing, to be treated as a gas entity for the purposes of specified provisions of this or another Act.
- (2) Section 77(3)—after "exemption under subsection (1)" insert:

, or a determination under subsection (2),

## Schedule 1—Statute law revision of *Electricity Act 1996*

<b>Provision amended</b>	<b>How amended</b>
Section 4(1) definition of <i>council</i>	Delete " <i>Local Government Act 1934</i> " and substitute: <i>Local Government Act 1999</i>
Section 4(1) definition of <i>National Electricity Code</i>	Delete the definition and substitute: <i>National Electricity Rules</i> means the National Electricity Rules as defined in the <i>National Electricity (South Australia) Law</i> ;
Section 6A	Delete "National Electricity Code" wherever occurring and substitute in each case: National Electricity Rules
Section 6A	Delete "the Code" and substitute: the Rules
Section 6E(1)(g)	Delete "National Electricity Code" and substitute: National Electricity Rules
Section 6N(1)	Delete "National Electricity Code" and substitute: National Electricity Rules
Section 17(5)	Delete "registered as a Code participant in accordance with the National Electricity Code" and substitute: a Registered participant, as defined in the <i>National Electricity (South Australia) Law</i>
Section 17(5)	Delete "the Code" and substitute: the National Electricity Rules
Section 24(2)(a)	Delete " <i>Corporations Law</i> " and substitute: <i>Corporations Act 2001</i> of the Commonwealth
Section 24B	Delete "National Electricity Code" and substitute: National Electricity Rules
Section 31(6)	Delete "National Electricity Market (ie the market regulated by the <i>National Electricity Law</i> )" and substitute: national electricity market, as defined in the <i>National Electricity (South Australia) Law</i> ,
Section 31(6)	Delete "National Electricity Code" and substitute: National Electricity Rules
Section 35A(1)(c)	Delete "National Electricity Code" and substitute: National Electricity Rules
Section 36(3)(d)	Delete "section 78(1)" and substitute: section 120(1)
Section 39(2a)	Delete "National Electricity Code" and substitute: National Electricity Rules

**Statutes Amendment (Electricity and Gas) Act 2006—No 21 of 2006**

Schedule 1—Statute law revision of *Electricity Act 1996*

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<b>Provision amended</b>	<b>How amended</b>
Section 54	Delete " <i>Emergency Powers Act 1941</i> ,"
Section 97(2)	Delete "section 109X of the <i>Corporations Law</i> " and substitute: the <i>Corporations Act 2001</i> of the Commonwealth
Section 98(2c)	Delete "National Electricity Code" and substitute: National Electricity Rules

**Schedule 2—Statute law revision of *Gas Act 1997***

<b>Provision amended</b>	<b>How amended</b>
Section 54	Delete " <i>Emergency Powers Act 1941</i> ,"