



AUSTRALIAN CAPITAL TERRITORY

# Electricity Amendment Act 2000

No 69 of 2000

## CONTENTS

Section	
1	Name of Act
2	Commencement
3	Act amended
4	Interpretation
5	Constitution of Board
6	Substitution— 15 Staff
7	Substitution— 21 Registrar
8	Substitution— 33 Requirements for connecting electrical installations to supply mains
9	Insertion— 33D Directions to rectify unsafe installations
10	Substitution— 40 Electrician's licence, grade B—continued operation
11	Part 7, heading
12	Interpretation
13	Repeal
14	Division 2, Pt 7, heading
15	Repeal

*Electricity Amendment No 69, 2000*

**CONTENTS—continued**

Section	
16	Sale, installation etc of prescribed articles
17	Sale etc of articles not complying with standards
18	Repeal
19	Repeal
20	Renumbering of provisions
21	Evidence of registration of declaration of compliance
22	Repeal
23	Insertion—
	<b>PART 7A—NON-PRESCRIBED ARTICLES</b>
	<b>OF ELECTRICAL EQUIPMENT</b>
78	Articles to which this Part applies
79	Minimum safety standards
79A	Energy efficiency requirements
	<b>PART 7B—DEFECTIVE ARTICLES</b>
	<b>OF ELECTRICAL EQUIPMENT</b>
80	Prohibited articles
81	Sale or installation of prohibited articles
82	Directions about unsafe articles
83	Publication of safety warnings
	<b>PART 7C—SERIOUS ELECTRICAL ACCIDENTS</b>
84	Definitions for pt 7C
85	Reporting by occupiers and electrical contractors
86	Reporting by electricity distributor
87	Interference with site of serious electrical accident
88	Publication of report of serious electrical accident
	<b>PART 7D—ENFORCEMENT</b>
	<i>Division 1—General</i>
89	Definitions for pt 7D
89A	Things connected with offences
89B	Chief executive may require information and documents
89C	Contravention of requirement by chief executive
89D	Appointment of inspectors
89E	Identity cards

*Electricity Amendment No 69, 2000*

**CONTENTS—continued**

Section

*Division 2—Inspectors' powers*

89F	General power to enter premises
89G	Production of identity card
89H	Consent to entry
89J	Warrants
89K	Warrants—application made other than in person
89L	Powers on entry to premises
89M	Powers in relation to serious electrical accidents
89N	Powers in relation to unsafe articles of electrical equipment
89P	Labelling defective electrical equipment
89Q	Power to require name and address
89R	Power to seize evidence
89S	Receipt for things seized
89T	Access to things seized
89U	Return of things seized
89V	Power to inspect electrical wiring work

*Division 3—Miscellaneous*

89W	Selfincrimination etc
89X	Legal professional privilege
89Y	Providing false or misleading informatio
89Z	Providing false or misleading documents
89ZA	Obstruction of inspectors
89ZB	Damage etc to be minimised
89ZC	Compensation

24	Repeal
25	Review of decisions
26	Notification of decisions
27	Insertion—

**PART 11—TRANSITIONAL**

	107	Inspectors
	108	Expiry of pt 11
28		Further amendments
29		Renumbering
30		Amendments of Electricity Regulations
31		Amendment of Building Act

**SCHEDULE 1**

**FURTHER AMENDMENTS**

**SCHEDULE 2**

**AMENDMENTS OF ELECTRICITY REGULATIONS**



AUSTRALIAN CAPITAL TERRITORY

## Electricity Amendment Act 2000

No 69 of 2000

---

### An Act to amend the *Electricity Act 1971* and for other purposes

[Notified in ACT Gazette S68: 20 December 2000]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Electricity Amendment Act 2000*.

**2 Commencement**

This Act commences on the day it is notified in the Gazette.

**3 Act amended**

This Act amends the *Electricity Act 1971*.

**4 Interpretation**

Section 3 is amended—

- (a) by omitting the heading and substituting the following heading:  
“3 **Definitions**”; and

- (b) by omitting from subsection (1) the definitions of *electrician's licence, Grade B, Electricity and Water Act, licence, Registrar* and *regulatory authority* and substituting the following definitions:

*“electrician's licence, grade B—see section 40.*

*Energy and Water Act* means the *Energy and Water Act 1988*.

*licence* means a licence under Part 5.

*registrar* means the Registrar of Electrical Contractors and Electricians under section 21.

*regulatory authority*, for a State or another Territory, means—

- (a) for New South Wales—the Department of Fair Trading; or
- (b) for Victoria—the Office of the Chief Electrical Inspector; or
- (c) for Queensland—the Department of Mines and Energy; or
- (d) for South Australia—the Office of Energy Policy; or
- (e) for Western Australia—the Office of Energy; or
- (f) for Tasmania—the Office of Energy Planning and Conservation; or
- (g) for the Northern Territory—the Department of Industries and Business; or
- (h) any other office or body declared by the regulations to be a regulatory authority.”; and

- (c) by omitting from subsection (1) the definitions of *Authority, Chief Executive Officer* and *Company*; and

- (d) by inserting in subsection (1) the following definitions:

*“electricity distributor* means a person who owns, constructs or operates any electric line, plant or equipment that generates, transmits or supplies electricity.

*function*, in relation to an inspector, includes power.

*inspector—see section 89D (Appointment of inspectors).*

**occupier**, of premises, includes—

- (a) a person believed on reasonable grounds to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

**premises** means a building, structure or place (whether built on or not and whether enclosed or not) and includes an aircraft, a vessel and a vehicle.

**prescribed article of electrical equipment** means—

- (a) an article of electrical equipment to which a declaration under subsection 64 (1) applies; or
- (b) an article of electrical equipment to which an order under section 21 of the *Electricity Safety Act 1945* (NSW) applies, other than an article to which a declaration under subsection 64 (4) applies.

**prohibited**, in relation to an article of electrical equipment—see section 80 (Prohibited articles).

**relevant standard**—

- (a) for a prescribed article of electrical equipment—means a relevant prescribed standard under Part 7 (see s 60); and
- (b) for an article of electrical equipment to which Part 7A (Non-prescribed articles of electrical equipment) applies—see section 79 (Minimum safety standards).

**sell** includes—

- (a) barter or exchange; and
- (b) let on hire; and
- (c) offer, expose or advertise for sale, barter, exchange or letting on hire.

**serious electrical accident**—see section 84 (Definitions for pt 7C).”.

## **5 Constitution of Board**

Section 5 is amended by omitting paragraph (2) (e) and substituting the following paragraph:

- “(e) 1 must be a person nominated by the chief executive.”.

**6 Substitution**

Section 15 is repealed and the following section substituted:

**“15 Staff**

The staff of the board must be public servants made available by the chief executive.”.

**7 Substitution**

Section 21 is repealed and the following section substituted:

**“21 Registrar**

**“(1)** There is to be a Registrar of Electrical Contractors and Electricians.

**“(2)** The chief executive must create and maintain a position in the public service the duties of which include exercising the functions of the registrar.

**“(3)** The registrar must be a public servant for the time being exercising the functions of the public service position mentioned in subsection (2).”.

**8 Substitution**

Section 33 is repealed and the following section substituted:

**“33 Requirements for connecting electrical installations to supply mains**

A person must not, except in circumstances prescribed by the regulations, connect a new electrical installation to the supply mains of an electricity distributor unless the installation has been inspected, tested and passed by an inspector.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.”.

**9 Insertion**

After section 33C the following section is inserted in Part 4:

**“33D Directions to rectify unsafe installations**

**“(1)** This section applies if an inspector believes on reasonable grounds that—

- (a) an electrical installation is unsafe or has not been inspected, tested and passed as required under this Part; or
- (b) electrical wiring work is unsafe or has not been carried out, or tested, as required under this Part.

“(2) The inspector may give the person who has carried out the electrical wiring work relevant for paragraph (1) (a) or (b) a written direction to take stated action to make the installation or work safe and compliant with this Part.

“(3) Without limiting the operation of subsection (2), a direction may require the disconnection or isolation of the relevant part of the installation or wiring so that it cannot receive a supply of electricity.

“(4) A person must not, without reasonable excuse, contravene a direction under subsection (2).

Maximum penalty (subsection (4)): 50 penalty units, imprisonment for 6 months or both.”.

#### **10 Substitution**

Section 40 is repealed and the following section substituted:

#### **“40 Electrician’s licence, grade B—continued operation**

An electrician’s licence, grade B, in force immediately before the commencement of this section, continues in force subject to this Act and may be renewed under section 54.”.

#### **11 Part 7, heading**

The heading to Part 7 is omitted and the following heading substituted:

**“PART 7—PRESCRIBED ARTICLES OF ELECTRICAL EQUIPMENT”.**

#### **12 Interpretation**

Section 60 is amended—

- (a) by omitting the heading and substituting the following heading:  
“60 **Definitions for pt 7**”; and
- (b) by omitting from subsection (1) the definition of *prescribed article of electrical equipment*.

#### **13 Repeal**

Section 61 is repealed.



**14 Division 2, Pt 7, heading**

The heading to Division 2, Part 7 is omitted and the following heading substituted:

*“Division 2—Regulation of dealings”.*

**15 Repeal**

Section 63 is repealed.

**16 Sale, installation etc of prescribed articles**

Section 65 is amended—

- (a) by omitting the heading and substituting the following heading:  
“65 **Sale, installation of prescribed articles**”; and
- (b) by omitting paragraphs (1) (a) and (b), and (2) (a) and (b), and substituting the following paragraph:  
“(a) sell; or”; and
- (c) by omitting from paragraph (1) (e) “a notice under section 76” and substituting “a direction under section 82 (Directions about unsafe articles)”; and
- (d) by omitting from paragraph (2) (e) “subsection 76 (2)” and substituting “subsection 82 (3)”.

**17 Sale etc of articles not complying with standards**

Section 66 is amended—

- (a) by omitting the heading and substituting the following heading:  
“66 **Sale, installation of non-complying prescribed articles**”;  
and
- (b) by omitting paragraphs (a) and (b) and substituting the following paragraph:  
“(a) sells; or”.

**18 Repeal**

Sections 76 and 77 are repealed.

**19 Repeal**

Division 3 of Part 7 is repealed.

**20 Renumbering of provisions**

- (1) Division 4 of Part 7 is renumbered as Division 3 of that part.

(2) Section 87 is renumbered as section 76.

**21 Evidence of registration of declaration of compliance**

Section 88 is—

- (a) amended by omitting “for or on behalf of the Authority” and substituting “by or for the chief executive”; and
- (b) renumbered as section 77.

**22 Repeal**

Section 89 is repealed.

**23 Insertion**

After Part 7 the following Parts are inserted:

**“PART 7A—NON-PRESCRIBED ARTICLES OF ELECTRICAL EQUIPMENT**

**“78 Articles to which this Part applies**

This Part applies to articles of electrical equipment other than—

- (a) a prescribed article of electrical equipment; or
- (b) an article of electrical equipment that is prohibited; or
- (c) an article of electrical equipment used, or for use, in any part of the infrastructure used by an electricity distributor or retail supplier of electricity in connection with the distribution or supply of electricity to premises for consumption.

**“79 Minimum safety standards**

**“(1)** A person who knows, or might reasonably be expected to know, that an article of electrical equipment does not comply with the relevant minimum safety standards must not—

- (a) sell the article; or
- (b) install the article in, or connect it to, an electrical installation.

Maximum penalty: 200 penalty units.

**“(2)** The relevant minimum safety standards for an article of electrical equipment of a particular type are—

- (a) the minimum safety requirements for articles of that type under Australian Standard 3820, as in force from time to time; or

- (b) if the regulations provide minimum safety standards for articles of that type—those standards.

**“79A Energy efficiency requirements**

“(1) A trader must not, without reasonable excuse, sell an article of electrical equipment unless the article complies with the relevant energy efficiency standard.

Maximum penalty: 50 penalty units.

“(2) A trader must not, without reasonable excuse, sell an article of electrical equipment unless it is labelled with an energy efficiency label in accordance with the regulations.

Maximum penalty: 10 penalty units.

“(3) A person must not attach an energy efficiency label to an article of electrical equipment unless, under the regulations, the article has the energy efficiency rating indicated by the label.

Maximum penalty: 30 penalty units.

“(4) A person must not attach to an article of electrical equipment anything that falsely appears to be an energy efficiency label.

Maximum penalty: 30 penalty units.

“(5) The relevant energy efficiency standard for an article of electrical equipment of a particular type is—

- (a) the energy efficiency standard (however described) for articles of that type under a corresponding law ascertained under the regulations; or
- (b) if the regulations provide an energy efficiency standard for articles of that type—that standard.

“(6) The regulations may make provision in relation to the energy efficiency of articles of electrical equipment, including provision for—

- (a) standards of energy efficiency; and
- (b) the examination and testing of articles; and
- (c) labels and labelling for articles; and
- (d) the prescription or ascertainment of corresponding laws for this section.

“(7) Without limiting the operation of subsection (6), the regulations may make provision for a matter by reference to an instrument in force from time to time under a corresponding law.

“(8) This section does not apply to a second-hand article.

**“PART 7B—DEFECTIVE ARTICLES OF ELECTRICAL EQUIPMENT**

**“80 Prohibited articles**

“(1) The chief executive may, by notice in the Gazette, prohibit the sale or installation of articles of electrical equipment of a stated class.

“(2) The chief executive may act under subsection (1) only if satisfied on reasonable grounds that—

- (a) articles of the class are, or are likely to become, unsafe to use because of their design or construction; and
- (b) the use of an article of the class involves, or would involve, a risk of death or injury to a person or damage to property.

“(3) The chief executive must publish notice of each prohibition in a daily newspaper circulating generally in the Territory.

**“81 Sale or installation of prohibited articles**

A person who knows, or might reasonably be expected to know, that an article of electrical equipment is prohibited must not—

- (a) sell the article; or
- (b) install the article in, or connect it to, an electrical installation.

Maximum penalty: 200 penalty units.

**“82 Directions about unsafe articles**

“(1) This section applies if the chief executive believes on reasonable grounds that—

- (a) a person (the *seller*) has for sale, or may have sold, an article of electrical equipment; and
- (b) the article is prohibited, does not comply with the relevant standard or is, for any reason, unsafe.

“(2) The chief executive may give the seller a direction in writing to do all or any of the following:

- (a) advertise, in a manner stated in the direction, warnings approved by the chief executive about the risks associated with the use of the article;
- (b) refrain from selling the article;

- (c) recall an article sold, and—
  - (i) take action stated in the direction to make the article safe and compliant with the relevant standard; or
  - (ii) if it is not practicable to act in accordance with subparagraph (i) or the seller chooses not to take such action—refund to the buyer the purchase price of the article.

“(3) A direction to recall an article may require the seller to give written notice of the recall to people to whom the seller sold, or may have sold, an article to which the direction relates.

“(4) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty (subsection (4)): 200 penalty units.

**“83 Publication of safety warnings**

“(1) The chief executive may publish warnings or information to increase public awareness about risks associated with the use of articles of electrical equipment.

“(2) Without limiting the operation of subsection (1), the chief executive may publish statements containing advice about the use of—

- (a) a prohibited article of electrical equipment; or
- (b) an article of electrical equipment to which a declaration under section 82 (Directions about unsafe articles) applies.

“(3) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.

“(4) Subsection (3) does not affect any liability that the Territory would have, but for the operation of subsection (3), in relation to the act or omission.

**“PART 7C—SERIOUS ELECTRICAL ACCIDENTS**

**“84 Definitions for pt 7C**

In this Part, the following definitions apply:

*serious electrical accident* means an accident in which electricity causes, or contributes to—

- (a) the death or injury of a person; or

- (b) damage to property; or
- (c) a fire.

***relevant distributor***, in relation to a serious electrical accident, means the electricity distributor of the electricity involved in the accident.

**“85 Reporting by occupiers and electrical contractors**

“(1) The occupier of premises at which a serious electrical accident occurs must tell the relevant distributor about the accident, by telephone, immediately after becoming aware of it.

“(2) If a serious electrical accident occurs in an electrical installation on which an electrical contractor is carrying out work, the contractor must tell the relevant distributor about the accident, by telephone, immediately after becoming aware of it.

“(3) A person must not, without reasonable excuse, contravene subsection (1) or (2).

Maximum penalty (subsection (1) or (2)): 50 penalty units.

“(4) Without limiting the operation of subsection (3), it is a reasonable excuse for a contravention of subsection (1) or (2) to believe on reasonable grounds that the relevant distributor had been told about the accident.

**“86 Reporting by electricity distributor**

If a serious electrical accident occurs in connection with an electricity distributor’s own works or in the distributor’s distribution area, the distributor must not fail, without reasonable excuse, to tell the chief executive about the accident, by telephone, immediately after becoming aware of it.

Maximum penalty: 500 penalty units.

**“87 Interference with site of serious electrical accident**

“(1) A person must not, without reasonable excuse, disturb or interfere with the site of a serious electrical accident before it has been inspected by an inspector except—

- (a) to make it safe; or
- (b) with the permission of an inspector.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

“(2) Subsection (1) does not apply to a disturbance or interference by the person—

- (a) except where paragraph (b) applies—more than 24 hours after the accident; or
- (b) if, within the 24 hours, the chief executive extends the period and tells the person of the extension—after the extended period expires.

**“88 Publication of report of serious electrical accident**

“(1) The chief executive may publish a report about a serious electrical accident in the interest of public safety.

“(2) No personal liability attaches to a person for an act or omission in good faith in relation to the performance, or purported performance, of a function under this section.

“(3) Subsection (2) does not affect any liability that the Territory would have, but for the operation of subsection (2), in relation to the act or omission.

**“PART 7D—ENFORCEMENT**

*“Division 1—General*

**“89 Definitions for pt 7D**

In this Part, the following definition applies:

*business premises* means premises in which a business, trade, profession or calling is carried on, other than a part used for residential purposes.

**“89A Things connected with offences**

“(1) For this Part, a thing is connected with a particular offence if—

- (a) the offence has been committed with respect to it; or
- (b) it will afford evidence of the commission of the offence; or
- (c) it was used, is being used, or is intended to be used, for the purpose of committing the offence.

“(2) A reference in this Part to an *offence* includes an offence that there are reasonable grounds for believing has been, is being, or will be committed.

**“89B Chief executive may require information and documents**

“(1) If the chief executive is satisfied that a person is capable of providing information or producing a document that the chief executive reasonably requires for this Act, the chief executive may, by written notice given to the person, require the person—

- (a) to give the information to the chief executive in writing signed by the person or, in the case of a corporation, by an officer of the corporation; or
- (b) to produce the document to the chief executive.

“(2) The notice must state—

- (a) the place at which the information or document is to be given or produced to the chief executive; and
- (b) the time at which, or the period within which, the information or document is to be given or produced.

“(3) If a document is produced in accordance with a requirement under subsection (1), the chief executive—

- (a) may—
  - (i) take possession of, and may make a copy of, or take extracts from, the document; and
  - (ii) retain possession of the document for such period as is necessary for this Act; and
- (b) must, during that period, allow a person who would be entitled to inspect the document, if it was not in the possession of the chief executive, to inspect the document at any reasonable time.

**“89C Contravention of requirement by chief executive**

A person must not, without reasonable excuse, contravene a requirement under section 89B.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**“89D Appointment of inspectors**

“(1) The chief executive may, in writing, appoint a person to be an *inspector* for this Act or the regulations, or a provision of this Act or the regulations.

“(2) An inspector must perform his or her functions under this Act in accordance with the conditions of appointment and any direction given to the inspector by the chief executive.



- “(3) A person must not be appointed under subsection (1) unless—
- (a) the person is an Australian citizen or a permanent resident of Australia; and
  - (b) the chief executive has certified in writing that, after appropriate inquiry, the chief executive is satisfied that the person is a suitable person to be authorised, having regard in particular to—
    - (i) whether the person has any criminal convictions; and
    - (ii) the person’s employment record; and
  - (c) the chief executive has certified in writing that the chief executive is satisfied that the person—
    - (i) has satisfactorily completed adequate training; and
    - (ii) is competent;to exercise the powers of an inspector proposed to be given to the person.

**“89E Identity cards**

“(1) The chief executive must give each inspector an identity card that specifies the inspector’s name and appointment as an inspector, and on which appears a recent photograph of the inspector.

“(2) A person must, within 7 days after ceasing to be an inspector, return the identity card to the chief executive.

Maximum penalty (subsection (2)): 1 penalty unit.

***“Division 2—Inspectors’ powers***

**“89F General power to enter premises**

- “(1) For this Act, an inspector may—
- (a) enter any premises at any time with the consent of the occupier; or
  - (b) enter premises when open to the public; or
  - (c) enter business premises during business hours at the premises; or
  - (d) enter premises in accordance with a warrant under this Division.
- “(2) An inspector may, without the occupier’s consent or a warrant, enter the land around premises to ask the occupier for consent to enter the premises.

**“89G Production of identity card**

An inspector may not remain on premises entered under this Part if, on request by the occupier, the inspector does not produce his or her identity card.

**“89H Consent to entry**

**“(1)** When seeking the consent of an occupier for entering premises under this Part an inspector must—

- (a) produce his or her identity card; and
- (b) tell the occupier—
  - (i) the purpose of the entry; and
  - (ii) that anything found and seized under this Part may be used in evidence in court; and
  - (iii) that consent may be refused.

**“(2)** If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment—

- (a) that the occupier was told—
  - (i) the purpose of the entry; and
  - (ii) that anything found and seized under this Part may be used in evidence in court; and
  - (iii) that consent may be refused; and
- (b) that the occupier consented to the entry; and
- (c) stating the time, and day, when consent was given.

**“(3)** If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.

**“(4)** Unless the contrary is proven, a court must presume that an occupier of premises did not consent to an entry to the premises by an inspector under this Part if—

- (a) the question whether the occupier consented to the entry arises in proceedings in the court; and
- (b) an acknowledgment under this section is not produced in evidence for the entry; and
- (c) it is not proved that the occupier consented to the entry.

**“89J Warrants**

“(1) An inspector may apply to a magistrate for a warrant to enter premises.

“(2) The application must be sworn and state the grounds on which the warrant is sought.

“(3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.

“(4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—

- (a) there is a particular thing or activity (the *evidence*) connected with an offence against this Act; and
- (b) the evidence is, or may be within the next 14 days, at the premises.

“(5) The warrant must state—

- (a) that an inspector may, with necessary help and force, enter the premises and exercise the inspector’s powers under this Part; and
- (b) the offence for which the warrant is sought; and
- (c) the evidence that may be seized under the warrant; and
- (d) the hours when the premises may be entered; and
- (e) the date, within 14 days after the warrant’s issue, the warrant ends.

**“89K Warrants—application made other than in person**

“(1) An inspector may apply for a warrant by phone, fax, radio or other form of communication if the inspector considers it necessary because of—

- (a) urgent circumstances; or
- (b) other special circumstances.

“(2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

“(3) The inspector may apply for the warrant before the application is sworn.

“(4) After issuing the warrant, the magistrate must immediately fax a copy to the inspector if it is reasonably practicable to do so.

- “(5) If it is not reasonably practicable to fax a copy to the inspector—
- (a) the magistrate must—
    - (i) tell the inspector what the terms of the warrant are; and
    - (ii) tell the inspector the date and time the warrant was issued; and
  - (b) the inspector must complete a form of warrant (*warrant form*) and write on it—
    - (i) the magistrate’s name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the warrant’s terms.

“(6) The facsimile warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the inspector’s powers under this Part.

- “(7) The inspector must, at the first reasonable opportunity, send the magistrate—
- (a) the sworn application; and
  - (b) if the inspector completed a warrant form—the completed warrant form.

“(8) On receiving the documents, the magistrate must attach them to the warrant.

- “(9) Unless the contrary is proven, a court must presume that a power exercised by an inspector was not authorised by a warrant under this section if—
- (a) the question arises in a proceeding before the court whether the exercise of power was authorised by a warrant; and
  - (b) the warrant is not produced in evidence.

**“89L Powers on entry to premises**

- “(1) An inspector who enters premises under this Part may, for this Act—
- (a) inspect, measure, photograph or film the premises or anything on the premises; or
  - (b) copy a document on the premises; or
  - (c) test or take samples of or from anything on the premises; or

- (d) take into the premises any people, equipment or material the inspector reasonably needs for exercising a power under this Act; or
- (e) require the occupier, or a person on the premises, to give the inspector reasonable help to exercise a power under this Act.

“(2) Without limiting the operation of subsection (1), an inspector who enters premises under this Part may—

- (a) check whether an article of electrical equipment or electrical installation on the premises—
  - (i) is safe; or
  - (ii) complies with a relevant standard; or
  - (iii) is prohibited; or
- (b) check whether electrical wiring work—
  - (i) is safe; or
  - (ii) has been, or is being, done in accordance with this Act.

“(3) A person must not, without reasonable excuse, contravene a requirement under paragraph (1) (e).

Maximum penalty (subsection (3)): 50 penalty units.

**“89M Powers in relation to serious electrical accidents**

“(1) This section applies if an inspector believes on reasonable grounds that a serious electrical accident has occurred on premises.

“(2) The inspector may enter the premises at any reasonable time to investigate the accident, ensure the premises are safe and prevent the concealment, loss or destruction of anything reasonably relevant to the investigation.

“(3) The inspector may do anything necessary and reasonable for a purpose mentioned in subsection (2).

“(4) If an inspector acts under this section in the absence of the occupier, the inspector must, when leaving the premises, leave a written notice, secured in a conspicuous place, setting out—

- (a) the inspector’s name; and
- (b) the time and date of the entry; and
- (c) the purpose of the entry; and
- (d) particulars of how to contact the inspector.

“(5) The power to enter premises under this section is additional to the powers under section 89F (General power to enter premises).

**“89N Powers in relation to unsafe articles of electrical equipment**

“(1) This section applies if an inspector believes on reasonable grounds that—

- (a) a person has an article of electrical equipment for—
  - (i) sale; or
  - (ii) installation in, or connection to, an electrical installation; and
- (b) the article does not comply with the relevant standard or is unsafe.

“(2) The inspector may give the person a direction in writing to refrain from—

- (a) selling the article; or
- (b) installing the article in, or connecting it to, an electrical installation;

unless it is made safe and compliant with the relevant standard.

“(3) A person must not, without reasonable excuse, contravene a direction given to the person under this section.

Maximum penalty (subsection (3)): 50 penalty units, imprisonment for 6 months or both.

**“89P Labelling defective electrical equipment**

“(1) An inspector who enters premises under this Part and finds an article of electrical equipment, or an electrical installation, that the inspector believes on reasonable grounds is a source of danger, may—

- (a) label the article conspicuously to indicate the danger and prohibit use of the article until it has been repaired or otherwise rendered safe for use; or
- (b) disconnect the installation.

“(2) A person must not—

- (a) use an article of electrical equipment labelled under subsection (1) until the article has been repaired or otherwise rendered safe to use; or
- (b) without reasonable excuse, remove or interfere with such a label.

Maximum penalty (subsection (2)): 50 penalty units, imprisonment for 6 months or both.

**“89Q Power to require name and address**

“(1) An inspector may require a person to state the person’s name and address if the inspector—

- (a) finds a person committing an offence against this Act; or
- (b) has reasonable grounds for believing that a person has committed an offence against this Act.

“(2) In exercising a power under subsection (1), an inspector must—

- (a) inform the person of the reasons for the requirement; and
- (b) as soon as practicable thereafter, record those reasons.

“(3) A person is not required to comply with a requirement under subsection (1) if, on request by the person, the inspector does not produce his or her identity card.

“(4) Subject to this section, a person must not, without reasonable excuse, contravene a requirement under subsection (1).

Maximum penalty (subsection (4)): 5 penalty units.

**“89R Power to seize evidence**

“(1) An inspector who enters premises with a warrant under this Part may seize the evidence for which the warrant was issued.

“(2) An inspector who enters premises under this Part with the consent of the occupier may seize a thing on the premises if—

- (a) the inspector is satisfied the thing is connected with an offence against this Act; and
- (b) seizure of the thing is consistent with the purpose of the entry as told to the occupier in seeking the occupier’s consent.

“(3) An inspector may also seize another thing on premises entered under this Part if the inspector is satisfied—

- (a) the thing is connected with an offence against this Act; and
- (b) the seizure is necessary to prevent the thing being—
  - (i) concealed, lost or destroyed; or
  - (ii) used to commit, continue or repeat the offence.

“(4) Having seized a thing, an inspector may—

- (a) remove the thing from the premises where it was seized (the *place of seizure*) to another place; or
- (b) leave the thing at the place of seizure but restrict access to it.

“(5) A person must not, without the chief executive’s approval, interfere with a thing to which access has been restricted under subsection (4).

Maximum penalty (subsection (5)): 50 penalty units, imprisonment for 6 months or both.

**“89S Receipt for things seized**

“(1) As soon as practicable after a thing is seized by an inspector under this Part, the inspector must give a receipt for it to the person from whom it was seized.

“(2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt, secured conspicuously at the place of seizure.

**“89T Access to things seized**

A person who would, but for the seizure, be entitled to a thing seized under this Part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

**“89U Return of things seized**

“(1) A thing seized under this Part must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, if—

- (a) a prosecution for an offence relating to the thing is not instituted within 90 days of the seizure; or
- (b) the court does not find the offence proved in a prosecution for an offence relating to the thing.

“(2) A thing seized under this Part is forfeited to the Territory if a court—

- (a) finds an offence relating to the thing to be proved; and
- (b) orders the forfeiture.

“(3) If paragraph (2) (a) applies, but a court does not order forfeiture of the thing seized, the chief executive must return the thing to its owner or the Territory must pay reasonable compensation to the owner for the loss of the thing.



**“89V Power to inspect electrical wiring work**

“(1) An inspector may enter and remain on premises to conduct a test or inspection required under Part 4 (Electrical wiring work) in relation to an electrical installation or electrical wiring work.

“(2) An inspector may enter and remain on the premises under subsection (1)—

- (a) at any reasonable time; and
- (b) with the people, equipment or material that the inspector reasonably needs to conduct the test or inspection.

“(3) However, the inspector may not, under this section—

- (a) enter or remain on premises if, on request by the occupier, the inspector does not produce his or her identity card; or
- (b) without the consent of the occupier, enter or remain on any part of the premises used for residential purposes.

“(4) The power to enter premises under this section is additional to the powers under section 89F (General power to enter premises).

**“Division 3—Miscellaneous**

**“89W Selfincrimination etc**

“(1) A person is not excused from providing information or producing a document when required to do so under this Part on the ground that the information or document might tend to incriminate the person.

“(2) However—

- (a) the provision of the information or document; or
- (b) any information, document or thing obtained as a direct or indirect consequence of providing the information or document;

is not admissible in evidence against the person in criminal proceedings.

“(3) Subsection (2) does not apply to proceedings for—

- (a) an offence under this Part; or
- (b) any other offence in relation to the falsity of the information or document; or
- (c) an offence under or by virtue of Part 8 of the *Crimes Act 1900* that relates to an alleged offence mentioned in paragraph (a) or (b).

**“89X Legal professional privilege**

In response to a requirement under this Part, a person does not have to—

- (a) make available information or a document; or
- (b) answer a question;

if the person is entitled to claim, and does claim, legal professional privilege in relation to the requirement.

**“89Y Providing false or misleading information**

A person must not, in purported compliance with a requirement under this Part, knowingly give information that is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**“89Z Providing false or misleading documents**

A person must not, in purported compliance with a requirement under this Part, produce a document (or a copy of a document) that the person knows is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**“89ZA Obstruction of inspectors**

A person must not, without reasonable excuse, hinder or obstruct an inspector in the exercise of a function under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**“89ZB Damage etc to be minimised**

**“(1)** In the performance, or purported performance, of a function under this Part, an inspector must take all reasonable steps to ensure that he or she, and any person assisting the inspector, causes as little inconvenience, detriment and damage as is practicable.

**“(2)** If an inspector, or a person assisting an inspector, damages anything in the performance or purported performance of a function under this Part, the inspector must give written notice of the particulars of the damage to the person whom the inspector believes on reasonable grounds is the owner of the thing.

**“(3)** If the damage occurs on premises entered under this Part in the absence of the occupier, the notice may be given by securing it in a conspicuous place on the premises.

**“89ZC Compensation**

“(1) A person may claim reasonable compensation from the Territory if the person suffers loss or expense because of the performance, or purported performance, of a function under this Part by an inspector or a person assisting an inspector.

“(2) Compensation may be claimed and ordered in a proceeding for—

- (a) compensation brought in a court of competent jurisdiction; or
- (b) an offence against this Act brought against the person making the claim for compensation.

“(3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.

“(4) The regulations may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.”.

**24 Repeal**

Sections 91 and 92 are repealed.

**25 Review of decisions**

Section 94 is amended—

- (a) by omitting from subsection (1) all the words before paragraph (a) and substituting “Application may be made to the administrative appeals tribunal for a review of the following decisions of the chief executive, or a decision of an electricity distributor mentioned in paragraph (p):”; and
- (b) by omitting paragraphs (1) (a) and (b); and
- (c) by omitting paragraph (1) (o) and substituting the following paragraph:
  - “(o) under section 80 (Prohibited articles) prohibiting the sale or installation of articles of electrical equipment of a stated class;”.

**26 Notification of decisions**

Section 95 is amended by omitting subsection (1) and substituting the following subsection:

“(1) A person who makes a decision mentioned in section 94 must give written notice of the decision to each person affected by the decision.”.

**27 Insertion**

After Part 10 the following Part is inserted:

**“PART 11—TRANSITIONAL**

**“107 Inspectors**

“(1) In this section, the following definitions apply:

*commencement day* means the day the *Electricity Amendment Act 2000* commences.

*former Act* means the *Electricity Act 1971*, in force immediately before the commencement day.

“(2) A person holding a position under a provision of the former Act mentioned in the first column of the following table, is, subject to this Act, to be taken to be an inspector for this Act, as mentioned in the second column of the table opposite that position:

Appointed person under section 33	Inspector under section 33
Inspector under section 78	Inspector under section 89D
Authorised person under section 91	Inspector under section 89P

**“108 Expiry of pt 11**

This Part expires 6 months after the commencement of the *Electricity Amendment Act 2000*.”.

**28 Further amendments**

Further amendments are set out in Schedule 1.

**29 Renumbering**

In the next republication of the *Electricity Act 1971*, the provisions of that Act must be renumbered as permitted under section 13 of the *Legislation (Republication) Act 1996*.

**30 Amendments of Electricity Regulations**

The *Electricity Regulations* are amended as set out in Schedule 2.

**31 Amendment of Building Act**

Section 53 of the *Building Act 1972* is amended by omitting from paragraph (9) (c) “a person authorised for the purpose by the Australian Capital Territory Electricity and Water Authority” and substituting “an inspector under the *Electricity Act 1971*”.

---

**SCHEDULE 1**

(See s 28)

**FURTHER AMENDMENTS**

**Subparagraph 34 (a) (i)—**

Omit “licence Grade A”, substitute “licence, grade A”.

**Paragraph 43 (a)—**

Omit “42 (1) (b)”, substitute “42 (b)”.

**Paragraphs 55 (1) (b) and (c)—**

Omit all the words after “with”, substitute “Part 4 (Electrical Wiring Work)”.

**Paragraph 55 (1) (d)—**

(a) Omit “the conditions referred to in paragraph (b)”, substitute “Part 4”.

(b) Omit “those conditions:”, substitute “that Part”.

**Paragraph 55 (1) (e)—**

Omit “Authority, the Board or to an officer or employee of the Authority”, substitute “chief executive or the board”.

**Paragraph 55 (1) (h)—**

Omit “Electricity”, substitute “*Energy*”.

**Section 64—**

Omit “Authority”, substitute “chief executive”.

**Section 67—**

(a) Omit “Authority”, substitute “chief executive”.

(b) Omit “Chief Executive Officer”, substitute “chief executive”.

**Subsection 68 (1)—**

Omit “Authority”, substitute “chief executive”.

**Subsection 68 (2)—**

(a) Omit “Authority” (first occurring), substitute “chief executive”.

(b) Omit “Authority or its officers or employees”, substitute “chief executive”.

**SCHEDULE 1**—continued

**Subsection 68 (3)**—

Omit “Authority”, substitute “chief executive”.

**Section 69**—

Omit “Authority”, substitute “chief executive”.

**Subsection 70 (1)**—

Omit “Authority” (first and second occurring), substitute “chief executive”.

**Paragraph 70 (1) (a)**—

Omit “Chief Executive Officer of the Authority”, substitute “chief executive”.

**Paragraph 70 (1) (b)**—

Omit “Chief Executive Officer”, substitute “chief executive”.

**Subsections 70 (2), (3) and (4)**—

Omit “Authority”, substitute “chief executive”.

**Sections 71 and 73**—

Omit “Authority”, substitute “chief executive”.

**Subsection 74 (1)**—

Omit “Authority shall cause to be kept in its office”, substitute “chief executive must keep”.

**Paragraphs 74 (1) (a) and (c)**—

Omit “Authority”, substitute “chief executive”.

**Subsections 75 (1) and (2)**—

Omit “Authority”, substitute “chief executive”.

**Paragraph 75 (2) (b)**—

Omit “or its officers or employees”.

**Subsection 75 (4)**—

(a) Omit “Authority shall”, substitute “chief executive must”.

(b) Omit “to it in pursuance of”, substitute “under”.

**SCHEDULE 1**—continued

**Subsection 75 (5)**—

- (a) Omit “Authority” (first, second and third occurring), substitute “chief executive”.
- (b) Omit “Authority” (last occurring), substitute “Territory”.

**Heading to Part 8**—

Omit the heading, substitute the following heading:

**“PART 8—POWERS OF ELECTRICITY DISTRIBUTORS”.**

**Subsection 90 (1)**—

Omit “, the Authority may, by notice in writing by the Authority served on”, substitute “by an electricity distributor, the distributor may, by written notice given to”.

**Subsections 90 (2) and (3)**—

Omit “Authority”, substitute “electricity distributor”.

**Subsection 90 (4)**—

- (a) Omit “(2B)”, substitute “(3)”.
- (b) Omit “Authority”, substitute “electricity distributor”.

**Subsection 90 (6)**—

- (a) Omit “(2B)”, substitute “(3)”.
- (b) Omit “Authority”, substitute “electricity distributor”.

**Subsection 90 (7)**—

Omit “Authority”, substitute “electricity distributor”.

**Section 93**—

- (a) Omit from the heading “**Authority’s**”, substitute “**distributor’s**”.
- (b) Omit “the Authority” (first occurring), substitute “an electricity distributor”;
- (c) Omit “Authority” (second and third occurring), substitute “distributor”.

**Paragraph 97 (a)**—

Omit the paragraph, substitute the following paragraph:

“(a) an inspector; or”.



**SCHEDULE 1**—continued

**Subsection 101 (1)**—

Omit “Chief Executive Officer”, substitute “chief executive”.

**Paragraph 101 (1) (a)**—

Omit “a determination under section 6 of the Electricity and Water Act”, substitute “Australian Standard 3000, as in force at a stated date”.

**Paragraph 101 (1) (b)**—

Omit “determination”, substitute “standard”.

**Subsection 101 (6)**—

Omit “that Authority or”.

**Sections 103 and 105**—

Repeal the sections.

---

**SCHEDULE 2**

(See s 30)

**AMENDMENTS OF ELECTRICITY REGULATIONS**

**Regulation 2—**

Omit “the Company”, substitute “an electricity distributor”.

**Paragraphs 3 (1) (a), (f) and (g)—**

- (a) Omit “the Company” (first occurring), substitute “an electricity distributor”.
- (b) Omit “the Company” (wherever else occurring), substitute “the distributor”.

**Paragraph 3 (3) (a)—**

Omit “the Company”, substitute “an electricity distributor”.

**Paragraph 3 (3) (b)—**

Omit “the Company”, substitute “the relevant electricity distributor”.

**Paragraphs 5 (2) (a), (b) and (c)—**

- (a) Omit “the Company” (first occurring), substitute “an electricity distributor”.
- (b) Omit “the Company” (wherever else occurring), substitute “the distributor”.

**Paragraph 5 (3) (a)—**

Omit “the Company”, substitute “an electricity distributor”.

**Paragraph 5 (3) (b)—**

Omit “the Company”, substitute “the relevant electricity distributor”.

*Electricity Amendment No 69, 2000*

**Endnotes**

**Act amended**

- 1 Republished as in force on 1 June 1998. See also Acts 1998 Nos 51 and 54; 1999 No 53.

**Penalty units**

- 2 Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.

*[Presentation speech made in Assembly on 30 March 2000]*

© Australian Capital Territory 2000