

2000

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELECTRICITY AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

**CIRCULATED BY AUTHORITY OF
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Electricity Amendment Bill 2000

OUTLINE

This is an amending Bill. It amends the *Electricity Act 1971* (the "Principal Act").

The Principal Act deals with the licensing of electricians and electrical contractors, standards for consumers' electrical installations, the inspection of electrical installations and the registration of prescribed articles of electrical equipment.

The Principal Act was drawn up when ACTEW, as the Australian Capital Territory Electricity and Water (ACTEW) Authority, was the regulator for all these purposes except licensing. Even in licensing, the Principal Act gives ACTEW a legal role in support of the Electrical Licensing Board. Section 33 of the Principal Act deals with the power to inspect consumers' electrical installations and other legislation has amended the section to transfer this power from ACTEW.

The Bill removes other provisions that make ACTEW a regulator. When the Principal Act refers to ACTEW in its continuing role as an electricity distributor, the Bill substitutes this neutral term.

The Bill formalises arrangements for the reporting of serious electrical accidents, electrical fires and damage to property associated with electricity, whether they are associated with consumers' electrical installations or the electricity distribution system.

The Bill also alters the system under which consumers' electrical equipment is regulated. The Principal Act requires certain kinds of electrical appliances and other consumers' electrical equipment to be tested for electrical safety and registered. The Act calls them "prescribed articles of electrical equipment". There is a common list throughout Australia. Outside the ACT, most but not all other equipment is tested and voluntarily registered. The Bill makes it compulsory for this other equipment to be tested against minimum safety standards but allows compliance to be demonstrated by methods other than registration. The aspects of the equipment that have to be considered and the relevant standards are set out in an Australian and New Zealand standard, AS/NZS 3820 *Essential safety requirements for low voltage electrical equipment*. The Bill does not apply the new requirements to equipment used in electricity distribution systems.

Financial Implications

There are no financial implications.

CLAUSE NOTES

Formal clauses

Clauses 1, 2 and 3 are formal clauses that deal with the short title of the Bill and its commencement and give the meaning of references in the Bill to "the Principal Act".

Definitions

Section 3 of the Principal Act gives the meaning of terms used in the Act.

Paragraph 4 (a) changes the heading of the section, to comply with current drafting style.

Paragraph 4 (b) removes from subsection 3 (1) of the Principal Act the definitions of the "Authority" as the ACTEW Authority, the "Chief Executive Officer" as ACTEW's Chief Executive Officer under the Electricity and Water Act and "Company" as the ACTEW Corporation Limited.

The Principal Act refers several times to the *Electricity and Water Act 1988*, which in 1995 was renamed the Energy and Water Act. **Paragraph 4 (c)** removes from the definitions in subsection 3 (1) a short form of the old name and replaces it with a definition of the new name.

Paragraph 4 (c) replaces the definitions of "electrician's licence, Grade B", "licence", "Registrar" and "regulatory authority" in subsection 3 (1) of the Principal Act.

The first two changes are consequences of the changes made by clause 10 to section 40 of the Principal Act, which deals with electrician's licences, Grade B.

The position of Registrar of Electrical Contractors and Electricians is currently an appointment under section 21 of the Principal Act and the definition includes the word "appointed". **Clause 7** makes the Registrar the holder of a public service position and the definition is changed for consistency.

The definition of "regulatory authority" lists the names of bodies outside the ACT that are responsible for the regulation of prescribed articles of electrical equipment. These names have changed and they are replaced with the current ones.

Paragraph 4 (c) also provides for the regulations to add the names of such bodies.

Paragraph 4 (d) inserts in subsection 3 (1) of the Principal Act definitions of the terms "electricity distributor", "function", "inspector", "occupier", "premises", "prescribed article of electrical equipment", "prohibited", "relevant standard", "sell" and "serious electrical accident".

Constitution of the Board

Section 5 of the Principal Act deals with the membership of the Electrical Licensing Board and in paragraph 5 (2) (e) includes a member who is to belong to ACTEW's staff. **Clause 5** provides instead for a member who is nominated by the head of the administrative unit administering the Act.

Substitution

Section 15 of the Principal Act states that the staff of the Electrical Licensing Board are members of the ACTEW Authority's staff made available to it by ACTEW's Chief Executive Officer. **Clause 6** replaces the section and removes the references to ACTEW.

Substitution

Section 21 of the Principal Act states that the ACTEW Authority is to appoint from its staff a Registrar of Electrical Contractors and Electricians. **Clause 7** replaces this section with a requirement to create an ACT public service position in the administrative unit administering the Act, the duties of which include acting as Registrar. The position must continue to exist and the holder of this position is the Registrar. This change is consistent with the approach to statutory offices of the *Statutory Offices (Miscellaneous Provisions) Act 1994*.

Substitution

Section 33 of the Principal Act refers to ACTEW as "the Company", meaning the ACTEW Corporation Limited. The context is a requirement for electrical installations to be inspected before connection to ACTEW's electricity distribution system. The section also refers to a specific kind of inspection power, which is superseded by the revised scheme of inspection powers contained in new Part 7D. **Clause 8** replaces the section and introduces references to "an electricity distributor" and to "an inspector".

Insertion

Directions to rectify unsafe installation

Clause 9 inserts *new section 33D*. The new section allows an inspector to issue written instructions for rectification to the person responsible for an electrical installation that does not comply with section 33, 33A or 33B of the Principal Act or is otherwise unsafe and requires the person to carry out the instructions. The instructions may require the installation to be disconnected or isolated from the electricity supply until it has been rectified.

It is an offence to ignore a direction and a penalty of 50 penalty units, imprisonment for 6 months or both is provided for contravention.

Eligibility for grant of electrician's licence, Grade B

Section 40 of the Principal Act sets out qualifications for electrician's licences, Grade B. However, subsection 54 (2) of the Principal Act provides that these licences may be renewed but new ones are no longer to be issued. **Clause 10** replaces the section with a provision that preserves existing licences, subject, for instance, to disciplinary action under section 55 of the Principal Act, and allows them to be renewed.

Part 7, Heading

Clause 11 replaces the heading of Part 7 of the Principal Act.

Part 7 contains provisions for the regulation of prescribed articles of electrical equipment. The Bill introduces requirements for non-prescribed articles in new Part 7A and certain parts of the scheme of enforcement are moved from Part 7 to new Part 7B, where they apply to both prescribed and non-prescribed articles. The inspection and general enforcement powers of Part 7 in relation to prescribed articles are replaced by a new scheme in Part 7D, where they apply to all the purposes of the Act, including some currently dealt with in sections 33 and 91 to 92 of the Principal Act.

Interpretation

Clause 12 replaces the heading of section 60 of the Principal Act in accordance with current drafting style and omits the definition of "prescribed article of equipment" from the section. The term is used in new Parts 7B and 7D and paragraph 4 (d) inserts a corresponding definition in section 3 of the Principal Act, where it applies to the whole of the Principal Act.

Repeal

Clause 13 repeals section 61 of the Principal Act. The section dealt with the date when Part 7 could be brought into effect in relation to articles of electrical equipment required to be registered in another part of Australia.

Division 2, Part 7, heading

Clause 14 changes the heading for Division 2 of Part 7 of the Principal Act.

Repeal

Clause 15 repeals section 63 of the Principal Act. The section deals with actions to prevent the use of defective electrical equipment and is replaced by new section 80, which applies to both Part 7 and new Part 7A.

Sale, installation etc of prescribed articles

Clause 16 replaces the heading of section 65 of the Principal Act, simplifies the wording by using the definition of "sell" that is added to the Act by paragraph 4 (d) and replaces references to section 76 with ones to new section 82. Section 76 is replaced by clause 18 and new section 82 contains equivalent provisions.

Sale etc of articles not complying with standards

Clause 17 replaces the heading of section 66 of the Principal Act and simplifies the wording by using the definition of "sell" that is added to the Act by paragraph 4 (d).

Repeal

Clause 18 omits sections 76 and 77 of the Principal Act. They are replaced by new sections 82 and 83, which apply to both Part 7 and new Part 7A.

Repeal

Clause 19 omits Division 3 of Part 7 of the Principal Act. It contains inspection powers related to the system of registration of prescribed articles of electrical equipment and is replaced by new Part 7D, which applies to the whole of the Act.

Renumbering of provisions

Clause 20 renumbers Division 4 of Part 7 and section 87 of the Principal Act, in accordance with the omissions made by clause 19.

Evidence of registration of declaration of compliance

Section 88 of the Principal Act refers to certificates signed "for or on behalf" of the ACTEW Authority in relation to prescribed electrical articles. **Clause 21** simplifies the phrase to "by or for" and replaces the reference to ACTEW with a reference to the Chief Executive of the administrative unit administering the Act. The clause renumbers the section in accordance with the omissions made by clause 19.

Repeal

Clause 22 omits section 89 of the Principal Act, which in relation to prescribed articles of electrical equipment overlaps section 102.

Insertion

Clause 23 inserts in the Principal Act new Parts 7A to 7D.

PART 7A—NON-PRESCRIBED ARTICLES OF ELECTRICAL EQUIPMENT

Articles to which this Part applies

New section 78 states that new Part 7A does not affect articles of electrical equipment that are subject to Part 7, equipment that has been prohibited under new section 80 or equipment that is part of a electricity distribution system.

Minimum safety standards

New section 79 states that articles of electrical equipment to which new Part 7B applies must not be the subject of trade, or installed in or connected to an electrical installation unless they comply with the current version of Australian Standard 3820 or another standard prescribed by the Regulations. The person involved has to know that the equipment does not comply or be reasonably able to know that the article does not comply. This and subsequent sections use the definitions of "sell" that is added to the Principal Act by subclause 5 (d) of the amending Bill.

A penalty of 200 penalty units is provided for contravention of this provision.

PART 7B—DEFECTIVE ARTICLES OF ELECTRICAL EQUIPMENT

Prohibited articles

New section 80 allows the administrative unit administering the Principal Act to publish a notice in the ACT Government Gazette that prohibits dealing in a class of electrical equipment. The person must have reasonable grounds to consider that

the class of equipment is designed or made in a way that is unsafe or likely to become unsafe and their use is dangerous to people or property. The prohibition must be made public in a newspaper that circulates widely in the ACT.

Sale or installation of prohibited articles

New section 81 makes it an offence to deal in electrical equipment or install it in an electrical installation or connect it to one, if a person knows or might reasonably be expected to know that it is prohibited.

A penalty of 200 penalty units is provided for contravention of this provision.

Directions about unsafe articles

New section 82 allows the administrative unit administering the Principal Act to give a person written instructions to publish a warning about the dangers of using electrical equipment or instructions not to sell it or to recall it and either take specified actions to make it safe or else repay the price of the equipment. When the instruction is to recall electrical equipment, it may include a requirement to inform people the person sold goods to that there has been a recall. It is an offence not to carry out the instructions. The administrative unit must have reasonable grounds to consider that the person trades in or traded in the equipment and that the equipment is potentially dangerous.

It is an offence to fail to comply with instructions and a penalty of 200 penalty units is provided for contravention.

Publication of safety warnings

New section 83 allows the administrative unit administering the Principal Act to publish statements about the danger of electrical equipment, for instance equipment prohibited under new section 80 or equipment made the subject of written instructions under new section 82. A person who publishes a statement in good faith is protected from personal liability.

Part 7C—SERIOUS ELECTRICAL ACCIDENTS

New Part 7C is concerned with the reporting and investigation of serious electrical accidents. It covers electrical shock incidents that injure or kill someone, fires in which electricity is involved and other damage to property associated with electricity. Accidents must be reported whether they occur on consumers' electrical installations or an electricity distribution network.

Reports from the public are to be made by telephone to the electricity distributor in the first place, as the public are likely to be able to readily identify the distributor. The electricity distributor is to pass on reports from the public to the administrative unit administering the Act.

To deal with the propensity to clean up an accident site and so destroy indications of the events that led to the accident, the legislative scheme requires prompt reporting and contains a provision that an accident site must be left untouched for a minimum period if an inspector wishes to investigate it or might wish to investigate it.

To discourage the recurrence of accidents, the scheme allows the publication of reports of accidents.

Definitions for Part 7C

New section 84 gives the meaning of references in this Part to "serious electrical accident" and "relevant distributor".

Reporting by occupiers and electrical contractors

New section 85 requires the occupier of premises to report accidents on the occupier's premises, and an electrical contractor to report accidents involving electrical installations by the contractor or his or her employees. Either of these is to report to the electricity distributor. A report is to be made by telephone and as soon as possible after the person becomes aware of the accident.

A penalty of 50 penalty units is provided for contravention of this provision without a reasonable excuse. A reasonable excuse includes having good grounds to believe that someone else had reported the accident.

Reporting by electricity distributor

New section 86 requires an electricity distributor to report accidents on its distribution system to the administrative unit administering the Act and pass on reports of other accidents in its distribution area. A report is to be made by telephone and as soon as possible after the distributor becomes aware of the accident.

A penalty of 500 penalty units is provided for contravention of this provision.

Interference with site of serious electrical accident

New section 87 states that an accident site must be left alone until an inspector has examined it. This does not apply to actions to make the site safe or actions that an inspector has authorised. Nor does it apply if the accident has been reported and the minimum time has passed. Once the accident has been reported, the site may be interfered with if an inspector has not attended within four hours if the accident occurs within government business hours on a government business day. If the accident occurs outside inspectors' business hours or on a day that is not a government business day, the site may be interfered with if the inspector has not attended within four hours of the opening of business on the next day that government offices are open. Inspectors' business hours are 7:30 am to 4:20 pm.

A penalty of 50 penalty units, six months' imprisonment, or both is provided for contravention of this provision.

Publication of report of serious electrical accident

New section 88 allows reports of serious electrical accidents to be published and protects from personal legal liability a report made in good faith.

PART 7D—ENFORCEMENT

The Principal Act refers to inspection and enforcement powers in three places, in section 33 in relation to new electrical installations that are to be connected to an electricity distribution system, in sections 78 to 86 in relation to the safety of electrical equipment and in sections 91 and 92 in relation to the inspection of electrical installations and electrical equipment installed in them. The Bill replaces these various provisions with a single set of powers applicable to these purposes and, in addition, to the investigation of serious electrical accidents under provisions introduced by clause 21 of the Bill.

The new Part distinguishes powers and obligations according to the purpose of the entry. Two new sections deal with entry for special purposes, to investigate serious electrical accidents and to inspect electrical wiring work. In the first of these circumstances, the entry will in some instances be made at odd hours and in response to the emergency services rather than an occupier. In the second the inspector may make an inspection agreed with an electrical contractor and not the owner, for instance when a house is under construction, and the contractor may not be present at the time of the inspection. The section that sets out entry powers in relation to serious electrical accidents also describes the actions that an inspector make take when investigating an accident. Other sections deal with directions that may be given when the entry has been made in relation to an electrical installations or defective electrical equipment.

Division 1—General

Definitions for Part 7D

New section 89 gives the meaning of references in Part 7D to “business premises”. They include a part of residential premises that is used for work purposes.

The new Part uses a definition of “occupier” that includes the apparent occupier and a person apparently in charge of premises and is added to the Principal Act by subclause 5 (d).

Things connected with offences

New section 89A states what references to offences and things connected to an offence mean in Part 7C. Something is connected to an offence if it was a thing in respect of which the offence was committed; if it is evidence that an offence has been committed; or if it was, is being, or is intended to be, used to commit the offence. An offence includes a past, present or future offence that there are reasonable grounds to believe has occurred, is going on or will be committed.

Chief executive may require information and documents

New section 89B allows the administrative unit administering the Principal Act to require a person in writing to give information in writing or produce a document. The notice must say where and when the information or document is to be provided. The administrative head may then copy part or all of a document or keep while it is relevant to something under the Principal Act. If the document is kept, it must be made available to anyone who would otherwise have been entitled to look at it.

Contravention of requirement by chief executive

New section 89C makes it an offence to act contrary to new section 89B.

A penalty of 50 penalty units, six months' imprisonment, or both is provided for contravention of this provision.

Appointment of inspectors

New section 89D allows the administrative unit administering the Principal Act to appoint an inspector in writing. Inspectors may be appointed in relation to specific provisions of the Principal Act or Electricity Regulations and must act according to any conditions that are part of their appointment and any other direction.

To be appointed as an inspector, a person must be an Australian citizen or permanent resident of Australia; the administrative head must state in writing that checks have been made and the person is suitable for appointment, in terms of character; and the person must have adequate training and competencies.

Identity cards

New section 89E requires the administrative unit administering the Principal Act to issue inspectors with identity cards. Inspectors must return their cards when they cease to be inspectors.

A penalty of 1 penalty unit is provided for failure to return an identity card.

General power to enter premises

New section 89F sets out the conditions under which an inspector may enter premises. An inspector may enter at any time if the occupier or person in charge agrees, as set out in new section 89H; enter any premises when they are open to the public; and enter business premises during their business hours. Nothing in this prevents an inspector from coming onto premises to ask for permission to come in. New sections 89J and 89K allow entry with a warrant.

Production of identity card

New section 89G states that an inspector must leave premises if the occupier or person in charge of the premises asks the inspector to produce the inspector's identity card and the inspector does not do so.

Consent to entry

New section 89H sets out the procedure inspectors must follow to obtain consent to remain on premises. Inspectors must produce their identity card, say why they want to come in, say that if anything is found and seized, it may be produced in court as evidence and that the person does not have to let the inspector in. The occupier or person in charge of the premises must then sign a statement that the inspector provided the information mentioned in the previous sentence, and the occupier agreed to the entry. The statement must specify the date and time. If the occupier does sign, the inspector must give the occupier a copy of the signed statement.

Courts will assume that the occupier did not agree to entry if the issue arises and no written document can be produced. Other proof of consent may be provided.

Warrants

New section 89J allows a magistrate to issue an inspector with a warrant for entry to premises in response to a written application. The application must be sworn, state the grounds for the application and state that the warrant allows entry with necessary help and force to exercise the inspector's powers under the Principal Act. It must identify the offence concerned, the evidence that may be seized, the proposed hours of entry and the date when the warrant will cease to be valid. The magistrate may only issue the warrant if satisfied that there are reasonable grounds that evidence related to an offence against the Principal Act is on the premises or will be at some time before the warrant expires. The magistrate may first ask for additional information.

Warrants—application made other than in person

New section 89K allows a warrant to be issued without a written application in urgent or other special circumstances. Application may, for instance, be made by telephone, facsimile, or radio. The inspector must still make out a written application, but may apply to the magistrate before the warrant is sworn. The magistrate must then send a copy of the warrant to the inspector by facsimile. If this is not reasonably possible, the magistrate must at least tell the inspector what the terms of the warrant are and when it was issued and the inspector must record these details and the magistrate's name on the warrant form. The facsimile of the warrant or the warrant form can be used when executing the warrant. The inspector must as soon as practicable send the sworn application and the completed warrant form, if there was one, to the magistrate to be attached to the original warrant.

Courts will assume that a warrant did not authorise an inspector to exercise an inspection power if the issue arises and the warrant is not produced. Other proof may be provided.

Powers on entry to premises

New section 89L lists the actions that inspectors may carry out on the premises after entering and allows inspectors to have assistance or take things with them and obtain assistance from anyone present in carrying the actions out. The assistance or things must be relevant to the inspector's powers under the Principal Act. It is an offence to fail to provide reasonable assistance to the inspector and a penalty of 50 penalty units is provided for contravention.

Powers in relation to serious electrical accidents

New section 89M allows an inspector who has good grounds to consider that a serious electrical accident has taken place to enter the premises at any reasonable time, and take reasonable or necessary actions to investigate the accident, make the premises safe and ensure that nothing relevant to the investigation goes astray.

If the occupier was not present, then, when the inspector goes, he or she must leave a written statement in an obvious place. The statement must say who the inspector

was, when the entry occurred, the reason for entry and how to contact the inspector.

Powers in relation to unsafe articles of electrical equipment

New section 89N states that an inspector who has good grounds to consider that a person is trading in dangerous electrical equipment or intending to install it in or connect it to an electrical installation, may give written directions to the person to make the equipment safe before trading in it or installing it or connecting it, as the case requires.

It is an offence to ignore the directions and a penalty of 50 penalty units, six months' imprisonment, or both is provided for contravention.

Labelling defective electrical equipment

New section 89P states that an inspector who has good grounds to consider electrical equipment or an electrical installation to be dangerous, may label the equipment to indicate the danger or disconnect the installation.

It is then an offence to use the equipment until it has been made safe or remove or to interfere with the label and a penalty of 50 penalty units, six months' imprisonment, or both is provided for contravention of this provision.

Power to require name and address

New section 89Q allows an inspector who finds a person committing an offence against the Principal Act, or has good grounds to think the person has committed such an offence, to make the person provide the person's name and address. The inspector must tell the person why the inspector wanted the information and must then write down the reason as soon as possible.

The person does not have to comply if the inspector does not produce an identity card or if there is a reasonable ground not to comply. Otherwise refusal is an offence and a penalty of 5 penalty units is provided for contravention of this provision.

Power to seize evidence

In addition to the powers mentioned in new section 89L, **new section 89R** allows an inspector to remove things from premises as evidence.

An inspector acting under a warrant may seize evidence of a kind mentioned in the warrant. An inspector who enters with the agreement of the occupier or person in charge of the place may seize something if it is connected with an offence against the Principal Act and the seizure is consistent with the purpose that the inspector told the occupier was the reason for the proposed entry. In either case, the inspector may seize something else if the inspector considers that it is connected with an offence against the Principal Act and that seizure is necessary to prevent the thing from being hidden, lost or destroyed or from being used or reused to commit the offence.

After seizing the thing, the inspector may remove it from the premises where it was seized or leave it behind but restrict access to it.

If the thing is left behind but access is restricted, it is an offence to tamper with it without the approval of the administrative unit administering the principal Act and a penalty of 50 penalty units, imprisonment for six months or both is provided for contravention.

Receipt for things seized

New section 89S requires an inspector to make out a receipt for anything seized as soon as practicable and give it to the person from whom it was seized or else, if this is impracticable, leave it behind in an obvious place.

Access to things seized

New section 89T allows anyone who would have been entitled to something seized if it had not been seized to inspect it after seizure and, if it is a document, make a copy of part or all of it.

Return of things seized

New section 89U requires the administrative unit administering the Principal Act to return anything that has been seized or pay reasonable compensation for it if no prosecution is begun within 90 days of the seizure or if there is a prosecution and the court does not find that the offence is proved and order the thing to be forfeited.

Power to inspect electrical wiring work

New section 89V allows an inspector to enter premises at any reasonable time, take someone or something to help him or her and carry out tests or inspections on an electrical installation or electrical wiring work if the inspections or tests are required under Part 4 of the Principal Act. The inspector must leave place if the occupier or person in charge of the place asks the inspector to produce the inspector's identity card and the inspector does not do so. If a place is being used as a residence, the occupier or person in charge must agree to the entry.

Division 3—Miscellaneous

Selfincrimination etc

New section 89W states that the tendency of something provided or said to incriminate the person who provides or says it does not excuse the person from providing or saying it, but limits use of the information and anything obtained directly or indirectly as a result of that information as evidence in criminal proceedings. It may not be used as evidence except in relation to an offence under this Part of the Principal Act, an offence relating to the falsity of the information or a related offence under Part 8 ("Aiding and abetting, accessories, attempts, incitement and conspiracy") of the *Crimes Act 1900*

Legal professional privilege

Despite new section 89W, **new section 89X** allows a person who can claim legal privilege to refuse to provide or say something.

Providing false or misleading information

New section 89Y makes it an offence to provide significantly false or misleading information in response to a demand under this Part of the Principal Act and a penalty of 50 penalty units, imprisonment for six months or both is provided for contravention. The inaccuracy must intentional or reckless.

Providing false or misleading documents

New section 89Z makes it an offence to provide a significantly false or misleading document in response to a demand under this Part of the Principal Act. a penalty of 50 penalty units, imprisonment for six months or both is provided for contravention.

Obstruction of inspectors

New section 89ZA makes it an offence to obstruct an inspector who is acting under this Part of the Principal Act and a penalty of 50 penalty units, imprisonment for six months or both is provided for contravention.

Damage etc to be minimised

New section 89ZB requires an inspector acting under this part of the Principal Act, or a person who helping the inspector, to cause as little damage as possible. If an inspector does cause damage to something, the inspector must give its apparent owner notice in writing. When the damage occurs on premises and the occupier is not present, the notice must be left there in an obvious place.

Compensation

New section 89ZC gives a person who has suffered damage through the actions of an inspector or someone who helped an inspector under this Part of the Principal Act the right to compensation from the Government. The compensation may be claimed through the appropriate court specially or in the course of proceedings against the person for an offence under the Act. The court must consider that the particular circumstances justify compensation. Regulations may be made to set out details of what the court should consider relevant.

Repeal

Clause 24 omits sections 91 and 92 of the Principal Act as a consequence of the changes made to the inspection and enforcement powers.

Review of decisions

Clause 25 makes consequential changes to the review provisions of the Principal Act. Decisions under the Principal Act are no longer made by ACTEW except in its capacity as electricity distributor under section 90. The initial references to "Authority" in 94 (1) is therefore replaced by one to the administrative unit administering the Principal Act or an electricity distributor. Three of the grounds of review relate to provisions that have been omitted and are removed. In 94 (1) (o), a fresh occasion of review is introduced for decisions under new section 80.

Notification of decisions

Clause 26 makes consequential changes to the provisions of the Principal Act on notification of review rights by introducing a neutral description of the relevant decision makers.

Insertion

PART 11—TRANSITIONAL PROVISIONS

Clause 27 adds new Part 11 to the Principal Act. It contains transitional provisions related to the transfer of regulatory authority under the Act from ACTEW.

Inspectors

New section 107 provides that persons already holding inspection powers under the Principal Act are to continue to be considered to have been appointed as inspectors under the Act as amended by the Bill.

Expiry of Part 11

New section 108 limits the life of the new Part to six months.

Further amendments

Clause 28 makes further amendments to the Principal Act. The details are as set out in Schedule 1 to the Bill.

Renumbering

Clause 29 requires the next consolidated version of the Principal Act to be renumbered.

Consequential amendments of Electricity Regulations

Clause 30 makes changes to the Electricity Regulations. The details are as set out in Schedule 2 to the Bill.

Amendment of Building Act

Clause 31 amends paragraph 53A (9) (c) of the *Building Act 1972* to remove a reference to ACTEW as the regulator under the Principal Act.

SCHEDULE 1

FURTHER AMENDMENTS

Schedule 1 includes the details of the further amendments to the Principal Act made by clause 28. This includes places in the Principal Act where the transfer of regulatory powers from ACTEW involves only the replacement of "Authority" or "Chief Executive Officer" by "Chief Executive", transfers of regulatory powers that involve more than that and miscellaneous small-scale amendments.

"Authority" and "Chief Executive Officer"

Schedule 1 changes the Principal Act by replacing with "Chief Executive" instances of the word "Authority", meaning the ACTEW Authority, and the phrase "Chief Executive Officer", meaning the Chief Executive Officer of the ACTEW Authority. Where the Principal Act refers to the ACTEW Authority as regulator and phrases or pronouns need to be replaced, **Schedule 1** substitutes wording that includes "Chief Executive" or omits the original term. Subsection 75 (5) refers to the payment of compensation and the Schedule refers to the "Territory" instead the "Authority".

In the heading of Part 8, in section 90, which allows the cutting of trees on private land if they encroach on powerlines, and in section 93, which requires authority to make a connection to the electricity distribution system, the word "Authority" means ACTEW as an electricity distributor, and **Schedule 1** substitutes that term.

"Electrician's licence, Grade A"

In paragraph 34 (a) (i) of the Principal Act, the words "electrician's licence Grade A" appear without the usual comma between "licence" and "Grade". **Schedule 1** inserts the comma.

Cross reference

Subsection 43 (a) of the Principal Act refers to the requirements for experience contained in paragraph 42 (1) (b). Section 42 does not have a "paragraph 42 (1) (b)" and **Schedule 1** corrects the cross reference.

"Determination under section 6 of the Electricity and Water Act"

The standard for work on consumers' electrical installations is Australian Standard AS 3000, SAA Wiring Rules. Down to 1995 the standard was applied through ACTEW's Conditions of Supply and Service and Installation Rules. This document was subordinate legislation under the former Section 6 of the Electricity and Water Act.

The Principal Act contains provisions in paragraphs 55 (1) (b), (c) and (d) and 100 (1) (a) and (b) which refer to Australian Standard 3000 in this form or in other words that refer back to it. In section 55, **Schedule 1** replaces them with reference to Part 4 of the Principal Act, where the standard is now imposed. Paragraph 100 (1) (a) is concerned with the identification of versions of the standard. The Schedule introduces a direct reference to the standard and allows the relevant version of the Standard to be identified in relation to a date. In paragraph 101 (1) (b) "standard", meaning Australian Standard 3000, is substituted in the cross-references.

"Electricity and Water Act"

Under paragraph 55 (1) (h) of the Principal Act, a ground for disciplinary action against licensed electrical workers is failure to comply with certain sections of the *Electricity and Water Act 1988*. The Electricity and Water Act was renamed the Energy and Water Act in 1995 and **Schedule 1** updates the name.

"Subsection 2B"

In section 90, a subsection was amended at the same time as the Principal Act was renumbered in 1994. This has left incorrect cross-references in sub-sections (4) and (6) and **Schedule 1** corrects them.

"Person authorised for the purposes of section 91"

Schedule 1 replaces subsection 97 (a) as a consequence of the reworking of inspection provisions of the Principal Act.

Evidence

In subsection 101 (6) of the Principal Act regulators of articles of electrical equipment in other parts of Australia are referred to as "prescribed authorities". The subsection then refers to them as "that Authority or that authority". One of the regulatory authorities formerly had the word Authority in its title but the wording is confusing. **Schedule 1** omits the words "that Authority or".

Repeal

Schedule 1 removes sections 103 and 105 of the Principal Act. They are no longer considered necessary.

Section 103 contains transitional provisions related to the transfer in 1994 of electrical licensing powers from ACTEW to the Electrical Licensing Board.

Section 105 makes fees under the Principal Act payable to the Chief Executive Officer of ACTEW.

SCHEDULE 2

Amendments of Electricity Regulations

Schedule 2 contains the details of the minor amendments to the Electricity Regulations made by Clause 30.

"Company" as "electricity distributor"

Schedule 2 replaces references to ACTEW as "the Company" with expressions referring to electricity distributors. This is a consequence of the changes made to the Principal Act by subclause 5 (d) of the Bill.