

Version No. 042
Electricity Safety Act 1998
Act No. 25/1998

Version incorporating amendments as at 1 July 2006

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Electricity Safety Act 1998
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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to make further provision relating to the safety of electricity supply and use and the efficiency of electrical equipment.

2. Commencement

- (1) Part 1 comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation before 31 December 1999 it comes into operation on that day.

3. Definitions

In this Act—

"accepted electricity safety management scheme" means an electricity safety management scheme in respect of which an Order of the Governor in Council under Division 2 of Part 10 is in force;

S. 3 def. of
"accepted
electricity
safety
management
scheme"
amended by
No. 89/1998
s. 6(b).

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Part 1—Preliminary

s. 3

S. 3 def. of
"accepted
electricity
safety
manager"
inserted by
No. 89/1998
s. 6(a).

"accepted electricity safety manager" means a person in respect of whom an Order of the Governor in Council under Division 1 of Part 10 is in force;

"business day" means a day other than a Saturday or Sunday or a public holiday appointed under the **Public Holidays Act 1993**;

"cathodic protection system" means a prescribed system designed to use direct electric current to protect metallic structures from corrosion;

"Code" means the Code of Practice for Electric Line Clearance prescribed for the purpose of Part 8;

"company assets" means property of an electricity supplier, being the whole or part of any pole, cable, conduit, conductor, device, appliance or other thing used for or in connection with a private electric line;

"Committee" means—

- (a) in Part 4, the Equipment Advisory Committee;
- (b) in Part 8, the Electric Line Clearance Consultative Committee;
- (c) in Part 9, the Victorian Electrolysis Committee;

"connect", in relation to an electrical installation or electrical equipment, includes make capable of receiving an electric current;

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Part 1—Preliminary

s. 3

"decision" for the purposes of Part 6 includes prohibition, requirement or direction;

S. 3 def. of
"decision"
inserted by
No. 24/2002
s. 3.

"Director" means the Director of Energy Safety appointed under the **Energy Safe Victoria Act 2005**;

S. 3 def. of
"Director"
inserted by
No. 39/2005
s. 44(1).

"distribution area" means an area in which a licensee under a distribution licence under the **Electricity Industry Act 2000** is authorised to distribute electricity;

S. 3 def. of
"distribution
area"
amended by
No. 69/2000
s. 21(a).

"distribution company" has the same meaning as in the **Electricity Industry Act 2000**;

S. 3 def. of
"distribution
company"
amended by
No. 69/2000
s. 21(b).

"electric line" means—

- (a) the whole or any part of a wire, cable or other thing used or to be used for the purpose of transmitting, distributing or supplying electricity; or
- (b) any thing enclosing or supporting such a wire, cable or other thing—

but does not include a wire, cable or other thing directly used in converting electrical energy into another form of energy;

"electrical connection work" means connecting or disconnecting electrical equipment to or from a supply of electricity;

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Part 1—Preliminary

s. 3

"electrical contracting" means contracting or undertaking to carry out electrical installation work;

"electrical contractor" means a person who carries out electrical contracting;

"electrical equipment" means any appliance, wire, fitting, cable, conduit or apparatus that generates, uses, conveys or controls (or that is intended to generate, use, convey or control) electricity;

"electrical equipment work" means repair, alteration or maintenance of electrical equipment;

"electrical inspection work" means testing, inspection or certification of electrical equipment;

"electrical installation" means electrical equipment that is fixed or to be fixed in, on, under or over any land;

"electrical installation work" means installation, alteration, repair or maintenance of an electrical installation;

"electrical installation worker" means a person who carries out electrical installation work;

"electrical work" means electrical connection work, electrical equipment work, electrical inspection work or electrical installation work;

"electrical worker" means a person who carries out electrical work;

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Part 1—Preliminary

s. 3

"electricity supplier" means a person who supplies electricity to another person;

"Energy Safe Victoria" means Energy Safe Victoria established under the **Energy Safe Victoria Act 2005**;

S. 3 def. of
"Energy Safe
Victoria"
inserted by
No. 39/2005
s. 44(1).

"enforcement officer" means a person appointed as an enforcement officer under Part 11;

"fire control authority", in relation to an area of land, means—

- (a) the Metropolitan Fire and Emergency Services Board, if the area is within the metropolitan fire district within the meaning of the **Metropolitan Fire Brigades Act 1958**; or
- (b) the Secretary to the Department of Natural Resources and Environment, if the area is within a fire protected area within the meaning of the **Forests Act 1958**; or
- (c) the Country Fire Authority, if the area is within the country area of Victoria within the meaning of the **Country Fire Authority Act 1958**;

"high voltage electric line" means an electric line other than a low voltage electric line;

"install" includes lay and place;

"low voltage electric line" means an electric line which is ordinarily operated at a voltage not exceeding the voltage prescribed for the purposes of this definition;

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Part 1—Preliminary

s. 3

"maintenance", in Part 8, in relation to an electric line or a private electric line, includes the keeping of the whole or any part of a tree clear of the line;

"member", in Part 8, means a member of the Electric Line Clearance Consultative Committee and includes a chairperson, acting chairperson and acting member;

"mitigation system" means a prescribed system designed to reduce the effects on metallic structures of the leakage of stray electrical currents;

"network operator" means a person who owns or operates—

- (a) an upstream network; or
- (b) a railway or tramway system;

"occupier", in Part 8 or 11, in relation to land, means a person who is in actual occupation of the land or, if no-one is in actual occupation of the land, the owner of the land;

S. 3 def. of
"Office"
repealed by
No. 39/2005
s. 44(2).

* * * * *

S. 3
def. of
"officer"
amended by
No. 44/2001
s. 3(Sch.
item 36).

"officer", in relation to a corporation, has the same meaning as in section 9 of the Corporations Act;

"person", in Part 8, includes an unincorporated body or association and a partnership;

"point of supply"—

(a) in relation to a low voltage electric line,
means—

(i) in the case of an underground line
(unless sub-paragraph (iii)
applies), the point at which that
line crosses the boundary of the
land; and

(ii) in the case of an overhead line
(unless sub-paragraph (iii)
applies), the first point of
connection of that line on the land,
being either—

(A) if the line is carried onto the
land by one or more poles,
the first pole on the land
carrying that line;

(B) if the line is connected
directly to premises on the
land, that connection to the
premises; or

(C) if it is not possible to
determine a point of supply
in accordance with sub-sub-
paragraph (A) or (B), the
point at which the line
crosses the boundary of the
land; and

(iii) in the case of a line connected to
company assets, the point at
which the line is connected to the
company assets; and

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s. 3

S. 3 def. of
"practicable"
inserted by
No. 33/2005
s. 3(1).

- (b) in relation to a high voltage electric line, means the point agreed between the relevant distribution company or the relevant transmission company and the customer supplied by that electric line;

"practicable", in sections 111 and 119, means practicable having regard to—

- (a) the severity of the hazard or risk in question; and
- (b) the state of knowledge about the hazard or risk and any ways of removing or mitigating the hazard or risk; and
- (c) the availability and suitability of ways to remove or mitigate the hazard or risk; and
- (d) the cost of removing or mitigating the hazard or risk;

"private electric line" means any low voltage electric line used to take electricity from the point of supply, whether or not that line is vested in an electricity supplier;

"public land", in Division 4 of Part 3 and Part 8, means—

- (a) Crown land; or
- (b) land vested in a Minister of the Crown; or
- (c) land vested in a public statutory authority or municipal council; or
- (d) land (whether privately or publicly owned) used for public purposes;

"railway or tramway system" has the same meaning as in section 93(1) of the **Transport Act 1983**;

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Part 1—Preliminary

s. 3

"relevant function", in Division 1 of Part 10, means a function under section 31, 40, 55, 56, 58, 60, 61 or 62 or a regulation relating to any of those sections;

S. 3 def. of
"relevant
function"
inserted by
No. 89/1998
s. 6(a).

"responsible person", in Part 8, means a person responsible under section 84 for the maintenance of a private electric line or for the keeping of the whole or any part of a tree clear of an electric line;

"rural area", in Part 8, means an area that is not an urban area;

"serious electrical incident" means an incident involving electricity which causes or has the potential to cause—

- (a) the death of or injury to a person; or
- (b) significant damage to property; or
- (c) a serious risk to public safety;

"supply" includes supply (including re-supply) by way of sale, exchange, lease, hire or hire-purchase;

"supply network" means a network consisting of electric lines, generators, substations, circuits and any other thing required for the purposes of the generation, transmission, distribution or supply of electricity;

"tree" includes vegetation;

S. 3 def. of
"tree"
inserted by
No. 38/2000
s. 15.

"Tribunal" means the Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**;

S. 3 def. of
"Tribunal"
inserted by
No. 24/2002
s. 3.

Electricity Safety Act 1998
Act No. 25/1998

Part 1—Preliminary

s. 4

S. 3 def. of
"urban area"
amended by
No. 40/2003
s. 26.

"upstream network" means the part of a supply network that is upstream of the point of supply in relation to electric lines forming part of that supply network;

"urban area", in Part 8, means an area of land that is predominantly—

- (a) subdivided into allotments or lots each of which, in the case of land used or to be used for residential purposes, is not greater than 0.4 hectares; and
- (b) able to be used or developed under a planning scheme for residential, industrial or commercial purposes; and
- (c) provided with constructed streets and services; and
- (d) provided with street lighting installed at not less than 3 lanterns in every 500 metres—

and includes any other area for the time being specified in a notice under section 79 but does not include an area to which a fire control authority has for the time being assigned a fire hazard rating of "high" under section 80.

4. Exemptions

S. 4(1)
amended by
No. 69/2000
s. 22(1).

- (1) The Governor in Council, by Order published in the Government Gazette, may declare that the provisions of this Act, or such of the provisions of this Act as are specified in the Order—
 - (a) do not have effect in relation to specified electrical contractors or electrical workers, or a class of electrical contractors or electrical workers, or do not have effect to such extent as is specified; or

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Part 1—Preliminary

s. 4

-
- (b) do not have effect in relation to specified electrical equipment or a class of equipment or do not have effect to such extent as is specified; or
- (c) do not have effect in relation to specified electrical work or a class of electrical work or do not have effect to such extent as is specified; or
- (d) do not have effect in relation to a specified responsible person under Part 8 or a class of responsible persons under that Part or do not have effect to such extent as is specified; or
- (e) do not have effect in relation to specified electricity suppliers or a class of electricity suppliers or do not have effect to such an extent as is specified.
- S. 4(1)(d) amended by No. 38/2000 s. 16.
- S. 4(1)(e) inserted by No. 38/2000 s. 16.
- (2) An Order made under sub-section (1)—
- (a) may specify the period during which the Order is to remain in force; or
- (b) may provide that its operation is subject to such terms and conditions as are specified in the Order.
- (3) A person to whom an Order under this section applies must comply with the terms and conditions (if any) to which the operation of the Order is subject.
- Penalty: In the case of a natural person,
200 penalty units;
- In the case of a body corporate,
1000 penalty units.

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Part 1—Preliminary

s. 5

5. Act to bind the Crown

This Act binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

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Part 2—Energy Safe Victoria

s. 6

PART 2—ENERGY SAFE VICTORIA

Pt 2 (Heading and ss 6–29) amended by Nos 46/1998 s. 7(Sch. 1), 108/2004 s. 117(1) (Sch. 3 item 64), substituted as Pt 2 (Heading and ss 6–8) by No. 39/2005 s. 45.

6. Objectives of Energy Safe Victoria

S. 6 substituted by No. 39/2005 s. 45.

The objectives of Energy Safe Victoria under this Act are—

- (a) to ensure the electrical safety of electrical generation, transmission and distribution systems, electrical installations and electrical equipment;
- (b) to control the electrical safety standards of electrical work carried out by electrical workers;
- (c) to promote awareness of energy efficiency through energy efficiency labelling of electrical equipment and energy efficiency regulation of electrical equipment;
- (d) to protect underground and underwater structures from corrosion caused by stray electrical currents;
- (e) to maintain public and industry awareness of electrical safety requirements.

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Part 2—Energy Safe Victoria

s. 7

S. 7
substituted by
No. 39/2005
s. 45.

7. Functions of Energy Safe Victoria

The functions of Energy Safe Victoria under this Act are—

- (a) to determine minimum safety standards for electrical equipment, electrical installations and electrical work;
- (b) to encourage and monitor the use of electricity safety management schemes;
- (c) to inspect and test electrical equipment, electrical installations and electrical work for compliance with the specified safety standards;
- (d) to administer the prescribed minimum standards for energy efficiency of electrical equipment;
- (e) to inspect and test electrical equipment for compliance with the specified minimum standards for energy efficiency;
- (f) to investigate events or incidents which have implications for electricity safety;
- (g) to provide advisory and consultative services in relation to electricity safety and electrical equipment, electrical installations and electrical work;
- (h) to advise the electricity industry and the community in relation to electricity safety;
- (i) to monitor and enforce compliance with this Act and the regulations;
- (j) such other functions are as conferred on Energy Safe Victoria by or under this Act or the regulations under this Act.

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Part 2—Energy Safe Victoria

s. 8

8. Funding

A distribution company must pay to Energy Safe Victoria at such time or times as the Minister determines such annual amount (if any) as the Minister determines to be payable by that distribution company in respect of the reasonable costs and expenses of Energy Safe Victoria.

* * * * *

S. 8
substituted by
No. 39/2005
s. 45.

Ss 9–29
repealed by
No. 39/2005
s. 45.

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Part 3—Electrical Work

s. 30

PART 3—ELECTRICAL WORK

Division 1—Registration of electrical contractors

30. Contractors

A person must not carry on or offer to carry on or hold out that the person carries on or is willing to carry on any class of electrical contracting that, under the regulations, is a prescribed class of electrical contracting for the purposes of this Division unless the person is registered under this Division as an electrical contractor in respect of electrical contracting of that class and holds the prescribed insurance (if any).

* * * * *

Penalty: In the case of a natural person,
50 penalty units;
In the case of a body corporate,
250 penalty units.

31. Registration of electrical contractors

- (1) Energy Safe Victoria may, in accordance with the regulations, register, or renew the registration of, a person as an electrical contractor in respect of a specified class of electrical contracting.
- (2) A registration may be granted or renewed subject to any conditions that Energy Safe Victoria thinks fit.
- (3) Energy Safe Victoria must assign a registered number to each registered contractor.

S. 30
amended by
No. 89/1998
s. 7.

S. 30(a)(b)
repealed by
No. 89/1998
s. 7.

S. 31(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 31(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 31(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

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Part 3—Electrical Work

s. 32

- (4) The registration of an electrical contractor continues, unless sooner suspended, cancelled or surrendered, for a period of one year commencing on the date of registration, or renewal of registration.

32. Registered number

A registered electrical contractor must not publish or cause to be published any advertisement, notice or statement that the contractor carries on or is willing to carry on electrical contracting work unless the advertisement, notice or statement includes the registered number of the contractor.

Penalty: In the case of a natural person,
20 penalty units;

In the case of a body corporate,
100 penalty units.

33. Register of electrical contractors

- (1) Energy Safe Victoria must cause to be kept a register of electrical contractors.
- (2) The register must be in the prescribed form and contain the prescribed information.
- (3) Energy Safe Victoria must make the register available for inspection at all reasonable hours.

S. 33(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 33(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

34. Disciplinary action

- (1) There is proper cause for taking disciplinary action against a registered electrical contractor if the registered electrical contractor—
- (a) has failed to comply with this Act or the regulations; or

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Part 3—Electrical Work

s. 34

- (b) has obtained registration under this Division by fraud or misrepresentation or the concealment of facts; or
- (c) has been convicted of any offence involving fraud, dishonesty, drug trafficking or violence that was punishable by imprisonment for 6 months or more; or
- (d) has failed to hold the prescribed insurance; or
- (e) has failed to comply with any condition of registration; or
- (f) has been negligent or incompetent, or was a party to any negligence or incompetence, in connection with the carrying out of electrical installation work; or
- (g) has engaged in fraudulent conduct in the carrying out of electrical installation work.

S. 34(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (2) If, after an inquiry into the conduct of a registered electrical contractor and giving the electrical contractor the opportunity to be heard, Energy Safe Victoria is satisfied that proper cause exists for taking disciplinary action against a registered electrical contractor, Energy Safe Victoria may do one or more of the following—
 - (a) order the person to pay a fine of up to \$500;
 - (b) impose new conditions on, or vary the conditions of the registration, including a condition requiring the person to pass a specified examination or complete a specified period of training or attend a specified course of instruction;

- (c) suspend the registration, immediately or with effect from a specified later date, for a period of up to 12 months;
- (d) cancel the registration, immediately or with effect from a specified later date.

35. Employees of registered electrical contractor

- (1) A registered electrical contractor must keep a register of licensed electrical installation workers who are employed by the contractor.

Penalty: 10 penalty units.

- (2) The register under sub-section (1) must be available for inspection at all reasonable times by Energy Safe Victoria.

S. 35(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) A registered electrical contractor must not employ a person in the carrying out of any electrical installation work unless the person is—
 - (a) a licensed electrical installation worker of a particular class related to the contractor's business; or
 - (b) an apprentice within the meaning of the **Vocational Education and Training Act 1990** in a trade that involves carrying out electrical installation work of a class related to the contractor's business.

Penalty applying to this sub-section—

In the case of a natural person, 50 penalty units;

In the case of a body corporate, 250 penalty units.

36. Electrical contractors not to employ certain persons

- (1) A person ("**the contractor**") must not employ a person ("**the worker**") to carry out, in the course of a business carried on by the contractor, electrical installation work that, under the regulations, is a prescribed class of electrical installation work for the purposes of this Division, unless—
- (a) the contractor is a registered electrical contractor under this Division; and
 - (b) the worker is a licensed electrical installation worker under this Part in respect of electrical installation work of that class.

Penalty: In the case of a natural person,
50 penalty units;

In the case of a body corporate,
250 penalty units.

- (2) Sub-section (1) does not apply to the employment, in the regular course of a business carried on by a person, of a licensed electrical installation worker to carry out electrical installation work of a class in respect of which the worker is licensed only in premises owned or occupied by the employer.

37. Obligations on registered contractors

A registered electrical contractor must not permit a person to carry out on the contractor's behalf, or direct a person to carry out, any electrical installation work that does not comply with this Act or the regulations.

Penalty: In the case of a natural person,
50 penalty units;

In the case of a body corporate,
250 penalty units.

Division 2—Licensing of electrical workers

38. Electrical workers

A person must not carry out or offer to carry out or hold out that the person carries out or is willing to carry out any class of electrical work that, under the regulations, is a prescribed class of electrical work for the purposes of this Division unless the person is—

- (a) licensed under this Division as an electrical installation worker in respect of electrical installation work of that class; or
- (b) licensed under this Division as an electrical inspector in respect of electrical inspection work of that class; or
- (c) licensed under this Division as an electrical connection worker in respect of electrical connection work of that class; or
- (d) licensed under this Division as an electrical equipment worker in respect of electrical equipment work of that class; or
- (e) authorised under an accepted electricity safety management scheme in respect of electrical work of that class.

Penalty: 50 penalty units.

39. Apprentices deemed to be licensed

An apprentice within the meaning of the **Vocational Education and Training Act 1990** in a trade that involves carrying out electrical work is, during the period of the apprenticeship, deemed to be licensed as an electrical worker to carry out electrical work under supervision as prescribed.

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 40

40. Licensing of electrical workers

S. 40(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria may, in accordance with the regulations, license, or renew the licence of, a natural person as an electrical worker in respect of a specified class of electrical work.

S. 40(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (2) A licence may be issued or renewed subject to any conditions that Energy Safe Victoria thinks fit, including a condition that it applies to only one class of electrical work.

S. 40(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (3) Energy Safe Victoria may, in accordance with the regulations, vary a licence given under this section.

- (4) A licence under this section continues, unless sooner suspended, cancelled or surrendered, for a period of up to 5 years specified in the licence commencing on the date of the issue of the licence or renewal of the licence.

41. Disciplinary action

- (1) There is proper cause for taking disciplinary action against a licensed electrical worker if the licensed electrical worker—
- (a) has failed to comply with this Act or the regulations; or
 - (b) has obtained a licence under this Division by fraud or misrepresentation or the concealment of facts; or
 - (c) has been convicted of any offence involving fraud, dishonesty, drug trafficking or violence that was punishable by imprisonment for 6 months or more; or
 - (d) has failed to comply with any condition or restriction on the licence; or

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Part 3—Electrical Work

s. 41A

- (e) has been negligent or incompetent, or was a party to any negligence or incompetence, in connection with the carrying out of electrical work; or
 - (f) has engaged in fraudulent conduct in the carrying out of electrical work.
- (2) If, after an inquiry into the conduct of a licensed electrical worker and giving the electrical worker the opportunity to be heard, Energy Safe Victoria is satisfied that proper cause exists for taking disciplinary action against the licensed electrical worker, Energy Safe Victoria may do one or more of the following—
- (a) order the person to pay a fine of up to \$500;
 - (b) impose new conditions or restrictions on, or vary the conditions or restrictions on the licence, including a condition requiring the person to pass a specified examination or complete a specified period of training or attend a specified course of instruction;
 - (c) suspend the licence for a period of up to 12 months;
 - (d) cancel the licence, immediately or with effect from a specified later date.

S. 41(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Division 3—Electrical installation work

41A. Responsible person

In this Division a reference to the person who is responsible for the carrying out of electrical installation work is a reference—

- (a) to a registered electrical contractor, if the registered electrical contractor is engaged to carry out the work; or

S. 41A
inserted by
No. 89/1998
s. 8.

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 41B

- (b) to a person in a prescribed class of persons, if that person is engaged to carry out the work;
- (c) if paragraphs (a) and (b) do not apply and the work is carried out by a licensed electrical installation worker under the supervision of another licensed electrical installation worker, to the licensed electrical installation worker who supervised the work;
- (d) if paragraphs (a), (b) and (c) do not apply, to the licensed electrical installation worker who carried out the work.

S. 41B
inserted by
No. 38/2000
s. 17,
amended by
No. 69/2000
s. 23 (ILA
s. 39B(1)).

41B. Supervisor deemed to carry out certain work

- (1) If, under this Act or the regulations, a licensed electrical installation worker supervises the carrying out of electrical installation work by another person, then, for the purposes of this Division—
 - (a) the licensed electrical installation worker is deemed to be the person carrying out the work; and
 - (b) the other person is deemed not to have carried out the work.
- (2) Sub-section (1) does not apply in respect of a licensed electrical installation worker supervising the carrying out of electrical installation work pursuant to the conditions of registration applying to a registered electrical contractor.

S. 41B(2)
inserted by
No. 69/2000
s. 23.

42. Implied conditions relating to electrical installation work

It is an implied condition of each contract entered into by the electrical contractor in relation wholly or partly to any electrical installation work to be carried out by the electrical contractor that the quality of the materials, fittings and apparatus to be used in connection with the electrical installation work and the methods to be followed in carrying out the electrical installation work are in accordance with the regulations.

43. Safety of electrical installations

- (1) A person must not install any electrical equipment which the person knows or should reasonably be expected to know is unsafe or will be unsafe if connected to an electricity supply.

Penalty: 40 penalty units.

- (2) The occupier of any premises in which there is any unsafe electrical equipment must—
- (a) cause the electrical equipment to be removed from the premises or to be made safe; or
 - (b) in the case of electrical equipment forming part of an electrical installation, notify the owner of the premises of the unsafe electrical installation.

Penalty: 40 penalty units.

- (3) An owner of premises who is notified under subsection (2) must cause the electrical installation to be removed from the premises or to be made safe.

Penalty: In the case of a natural person,
40 penalty units.

In the case of a body corporate,
200 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 44

- (4) A person carrying out electrical installation work must ensure that—
- (a) all electrical circuits or electrical equipment handled in the course of that work are disconnected from the electricity supply; or
 - (b) adequate precautions are taken to prevent electric shock or other injury in the handling of electrical circuits or electrical equipment in the course of that work.

Penalty: 40 penalty units.

S. 44
amended by
No. 89/1998
s. 9(2) (ILA
s. 39B(1)).

44. Compliance and testing of electrical installation work

- (1) A licensed electrical installation worker must ensure that all electrical installation work carried out by that worker—
- (a) complies with this Act and the regulations; and
 - (b) is tested in accordance with and at the intervals required by the regulations before it is connected to the electricity supply, or if the electrical circuits or electrical equipment handled in the course of that work were not disconnected from the electricity supply, before the work is first used after it is completed.

S. 44(1)(b)
amended by
No. 89/1998
s. 9(1).

Penalty: 40 penalty units.

- (2) A licensed electrical installation worker who carries out electrical installation work must, within 4 business days after the completion of that work—
- (a) complete and sign a compliance certificate in respect of that work; and

S. 44(2)
inserted by
No. 89/1998
s. 9(2).

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Part 3—Electrical Work

s. 45

- (b) if the worker is not the person responsible for the carrying out of the work, give to the person who is responsible for the carrying out of the work a signed compliance certificate in respect of that work.

Penalty: 10 penalty units.

- (3) A licensed electrical installation worker must not sign a compliance certificate in relation to any electrical installation work carried out by that worker unless the certificate—

S. 44(3)
inserted by
No. 89/1998
s. 9(2).

- (a) describes the work; and
- (b) states that the work complies with this Act and the regulations; and
- (c) contains any other details in relation to the work required by the regulations.

Penalty: 10 penalty units.

- (4) In this section "**certificate of compliance**" means the certificate of compliance part of a certificate of electrical safety form.

S. 44(4)
inserted by
No. 89/1998
s. 9(2).

45. Inspection of electrical installation work

- (1) A person who is responsible for the carrying out of prescribed electrical installation work must ensure that that work is inspected by a licensed electrical inspector in accordance with the regulations before the electrical installation is connected to the electricity supply, or if the electrical circuits or electrical equipment handled in the course of the work were not disconnected from the electricity supply, before the work is first used after it is completed.

S. 45(1)
amended by
No. 89/1998
s. 10(1).

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

Electricity Safety Act 1998
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Part 3—Electrical Work

s. 45

S. 45(2)
amended by
No. 89/1998
s. 10(2).

- (2) Before an electricity supplier first connects an electrical installation to an electricity supply, the electricity supplier must ensure that a certificate of inspection of the prescribed electrical installation work in relation to that installation has been issued by a licensed electrical inspector in accordance with this section.

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

S. 45(3)
inserted by
No. 89/1998
s. 10(3).

- (3) A licensed electrical inspector who carries out an inspection of prescribed electrical installation work must within 4 business days after the completion of that inspection, give to the person who is responsible for the carrying out of the work a signed certificate of inspection in respect of that work.

Penalty: 10 penalty units.

S. 45(4)
inserted by
No. 89/1998
s. 10(3).

- (4) A licensed electrical inspector must not sign a certificate of inspection of any prescribed electrical installation work unless the certificate—

(a) describes the work; and

(b) states that the inspector has inspected the work; and

(c) states whether or not the work complies with this Act and the regulations; and

(d) contains any other details in relation to the work required by the regulations.

Penalty: 10 penalty units.

S. 45(5)
inserted by
No. 89/1998
s. 10(3).

- (5) In this section "**certificate of inspection**" means the certificate of inspection part of a certificate of electrical safety form.

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 45A

45A. Certificates of electrical safety

S. 45A
inserted by
No. 89/1998
s. 11.

- (1) The person who is responsible for the carrying out of electrical installation work must in accordance with this section—
 - (a) ensure that a certificate of electrical safety is completed in respect of that work; and
 - (b) within the required time—
 - (i) give the completed certificate of electrical safety in respect of that work to the person for whom the work was carried out; and
 - (ii) give a copy of that certificate to Energy Safe Victoria.

S. 45A(1)(b)(ii)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: 10 penalty units.

- (2) A certificate of electrical safety must contain—
 - (a) a certificate of compliance completed under section 44 for the installation work by the licensed electrical installation worker who carried out the work; and
 - (b) in the case of prescribed electrical installation work, a certificate of inspection of the installation work completed under section 45 by a licensed electrical inspector.
- (3) The person who is responsible for the carrying out of electrical installation work must not give a certificate of electrical safety under sub-section (1) unless the certificate form used is a certificate form supplied to that person under section 45B.

Penalty: 10 penalty units.

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Part 3—Electrical Work

s. 45B

S. 45A(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (4) A document is not a certificate of electrical safety unless the certificate form used is a form that has been supplied by Energy Safe Victoria or a person authorised by Energy Safe Victoria.
- (5) A certificate of electrical safety may be a periodic certificate covering all electrical installation work (other than prescribed electrical installation work) for which a person is responsible that is carried out within a period of 3 months.
- (6) In this section the required time—
 - (a) in the case of prescribed electrical installation work, is 4 business days after the certificate of inspection of that work is given under section 45(3); and
 - (b) in the case of electrical installation work under a periodic certificate of electrical safety, is 4 business days after the end of the period of 3 months to which the certificate relates; and
 - (c) in the case of any other electrical installation work is one month after the certificate of compliance for that work is completed under section 44(2).

S. 45B
inserted by
No. 89/1998
s. 11.

45B. Supply of certificate forms

S. 45B(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria may sell certificate of electrical safety forms to registered electrical contractors and licensed electrical installation workers and prescribed persons.

S. 45B(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (2) Energy Safe Victoria may authorise a person to sell certificate of electrical safety forms to registered electrical contractors and licensed electrical installation workers and prescribed persons.

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 45B

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- (3) In authorising a person, Energy Safe Victoria may impose any conditions on its authorisation that it thinks appropriate and may change any such condition at any time. S. 45B(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).
- (4) A person authorised by Energy Safe Victoria to sell certificate of electrical safety forms— S. 45B(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).
- (a) must not sell or give a certificate of electrical safety form to a person who is not a registered electrical contractor, a licensed electrical installation worker or prescribed person; and
- (b) must not sell a certificate of electrical safety form to a person who is a registered electrical contractor, a licensed electrical installation worker or a prescribed person at a price greater than the authorised amount; and
- (c) must comply with any condition imposed by Energy Safe Victoria in granting its authorisation. S. 45B(4)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).
- Penalty: 20 penalty units.
- (5) Energy Safe Victoria must not sell a certificate of electrical safety form to a person who is a registered electrical contractor, a licensed electrical installation worker or a prescribed person at a price greater than the authorised amount. S. 45B(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).
- (6) A registered electrical contractor, a licensed electrical installation worker or a prescribed person may authorise a person in writing to buy certificate of electrical safety forms on the contractor's or worker's or prescribed person's behalf.
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Part 3—Electrical Work

s. 45B

- (7) A registered electrical contractor, a licensed electrical installation worker or a prescribed person must ensure that only one person has such an authority at any one time.

Penalty: 5 penalty units.

- (8) A reference to a registered electrical contractor or licensed electrical installation worker or a prescribed person in sub-section (1), (2), (4) or (5) includes a reference to any person duly authorised by the registered electrical contractor or licensed electrical installation worker or prescribed person under sub-section (6).

S. 45B(9)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (9) If—

- (a) the registration of an electrical contractor is suspended or cancelled or expires without renewal under this Act; or
- (b) the licence of an electrical installation worker is suspended, cancelled or surrendered or expires without renewal under this Act—

the contractor or worker must return all unused certificate of electrical safety forms purchased under this section to Energy Safe Victoria within 14 days after that suspension, cancellation, surrender or expiry.

Penalty: 10 penalty units.

S. 45B(10)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (10) Energy Safe Victoria must refund to an electrical contractor or electrical installation worker the amount paid under this section by the contractor or worker for any forms returned under sub-section (9).

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Part 3—Electrical Work

s. 46

(11) If, on the application of a registered electrical contractor, a licensed electrical installation worker or a prescribed person, Energy Safe Victoria is satisfied that a certificate of electrical safety form supplied to the contractor, worker or person under this section is lost or damaged or destroyed, Energy Safe Victoria must provide the contractor, worker or person with a replacement form at no charge.

S. 45B(11)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(12) In this section the authorised amount is—

- (a) \$20 (or any other amount specified by the regulations) for a certificate of electrical safety form relating to prescribed electrical installation work; or
- (b) \$500 (or any other amount specified by the regulations) for a periodic certificate of electrical safety form; or
- (c) \$5 (or any other amount specified by the regulations) for any other certificate of electrical safety form.

(13) In this section "**prescribed person**" means a person in a class of persons prescribed for the purposes of section 41A(b).

Division 4—Installation of electric lines on public land

46. Regulation of installation

(1) A person must not install, or cause to be installed, an electric line on public land unless—

(a) the electric line is installed by or on behalf of—

- (i) a person who is the holder of a licence under section 19 of the **Electricity Industry Act 2000**, for the purposes of carrying out activities authorised under the licence; or

S. 46(1)(a)(i)
substituted by
No. 69/2000
s. 24(1).

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 46

S. 46(1)(a)(ii)
amended by
No. 38/2000
s. 24(b),
substituted by
No. 69/2000
s. 24(1).

- (ii) a person who is exempted under the **Electricity Industry Act 2000** from holding a licence under section 19 of that Act, for the purposes of carrying out activities authorised to be carried out under the terms of the exemption; or

S. 46(1)(a)(iii)
repealed by
No. 30/2000
s. 34.

* * * * *

- (iv) a body established under Part 2 of the **Rail Corporations Act 1996**, for the purposes of its functions or powers under that or any other Act; or
- (v) the Roads Corporation, for the purposes of its functions or powers under any Act; or
- (vi) a municipal council for the purposes of its functions or powers under any Act; or
- (vii) Energy Safe Victoria, for the purposes of its functions or powers under any Act; or

S. 46(1)(a)(vii)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) the electric line is installed for the purpose of conveying electricity supplied by a person referred to in paragraph (a)(i) or (ii) from a common metering point or distribution point to lots on a plan of subdivision under the **Subdivision Act 1988** or to parts of any premises which are separately occupied; or

Electricity Safety Act 1998
Act No. 25/1998

Part 3—Electrical Work

s. 47

- (c) the installation of the electric line is the subject of an exemption under this Division.

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

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S. 46(2)
repealed by
No. 69/2000
s. 24(2).

- (3) The owner of an electric line installed in contravention of this section must ensure that the electric line is not at any time connected to a supply network.

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

S. 46(3)
amended by
No. 89/1998
s. 12.

- (4) A person must not knowingly use an electric line installed in contravention of this section.

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

47. Exemption

- (1) The Governor in Council may, by Order published in the Government Gazette, exempt a person from compliance with section 46 in respect of an activity specified in the Order.

S. 47(1)
amended by
No. 69/2000
s. 22(2).

- (2) An exemption may be of general or specific application.

- (3) An exemption is subject to such terms and conditions as are specified in the Order including a condition requiring—

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Act No. 25/1998

Part 3—Electrical Work

s. 48

S. 47(3)(b)
amended by
No. 69/2000
s. 25.

- (a) the consent of the owner of any property that may be affected by the activities to which the exemption relates; and
 - (b) unless inconsistent with any obligation of the distribution company under a licence under the **Electricity Industry Act 2000**, the consent of the distribution company to whose supply network the electric line is to be connected.
- (4) A person to whom an Order under this section applies must comply with the terms and conditions to which the operation of the Order is subject.

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

48. Division not to affect operation of other requirements

Nothing in this Division affects the operation of any other provision of this Act or of any other Act or law applying to or in relation to the installation or use of an electric line.

49. Transitional

An Order made under the **Electric Light and Power Act 1958** or a corresponding previous enactment relating to the installation of an electric line beyond the limits of any private premises and in force immediately before the commencement of this section has effect, unless revoked under this Division, as an exemption given under this Division.

PART 4—ELECTRICAL EQUIPMENT

50. Equipment Advisory Committee

- (1) There shall be an Equipment Advisory Committee consisting of a chairperson and 6 other persons appointed by the Minister.
- (2) In making appointments to the Committee, the Minister must so far as possible ensure that expertise in each of the following is represented on the Committee—
 - (a) electricity distribution and supply;
 - (b) the manufacture of electrical equipment;
 - (c) the installation of electrical equipment;
 - (d) the testing of electrical equipment;
 - (e) consumer safety as regards electrical equipment.

51. Function of Committee

The function of the Committee is to advise Energy Safe Victoria—

- (a) on safety standards for electrical equipment or any class of electrical equipment;
- (b) on procedures for monitoring compliance with safety standards;
- (c) on any other matters relating to the safety or efficiency of electrical equipment that Energy Safe Victoria refers to the Committee for advice.

S. 51
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 51(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 52

52. Terms and conditions of appointment of members

- (1) A member of the Committee is appointed for such term, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) A member of the Committee holds office, subject to this Part, on such terms and conditions as are specified in the instrument of appointment.
- (3) A member may resign by writing delivered to the Minister.
- (4) The Minister may remove a member of the Committee from office.

53. Procedure of Committee

- (1) The chairperson may at any time convene a meeting of the Committee.
- (2) The chairperson, or in his or her absence, a member appointed by the members present at a meeting, shall preside at the meeting.
- (3) A majority of the members of the Committee constitutes a quorum of the Committee.
- (4) A question arising at a meeting of the Committee shall be determined by a majority of votes of members present and, if voting is equal, the person presiding has a casting, as well as a deliberative, vote.
- (5) Subject to this Part, the procedure of the Committee is in its discretion.

54. Standards of electrical equipment

A person must not supply or offer to supply electrical equipment unless—

- (a) the equipment complies with the minimum standards prescribed for equipment of that class; or

S. 54
amended by
No. 38/2000
s. 18(a).

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 55

- (b) a certificate of acceptance of the equipment has been issued by Energy Safe Victoria under section 56.

S. 54(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

55. Certification of compliance of electrical equipment

Energy Safe Victoria, on the application of any person and on payment of the prescribed fee—

S. 55
amended by
No. 39/2005
s. 48(Sch. 1
item 3(a)).

- (a) may determine whether, in its opinion, electrical equipment complies with the minimum standards prescribed for equipment of that class; and

S. 55(a)
amended by
Nos 38/2000
s. 24(c),
39/2005
s. 48(Sch. 1
item 3(b)).

- (b) if it determines that the equipment does so comply, may issue a certificate to this effect.

56. Acceptance of electrical equipment by Energy Safe Victoria

S. 56
(Heading)
inserted by
No. 39/2005
s. 48(Sch. 1
item 4).

- (1) Energy Safe Victoria, on the application of any person, may issue a certificate of acceptance of electrical equipment or a class of electrical equipment for the purposes of this Act.

S. 56(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (2) An application must—

- (a) be in writing; and
(b) contain or be accompanied by the prescribed information; and

Electricity Safety Act 1998
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Part 4—Electrical Equipment

s. 56

S. 56(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 56(3)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 56(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 56(4)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 56(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (c) be made in accordance with the regulations;
and
 - (d) be accompanied by the relevant prescribed
fee.
- (3) Energy Safe Victoria must notify the applicant in
writing of its decision—
- (a) to issue a certificate of acceptance of
electrical equipment or a class of electrical
equipment; or
 - (b) to issue a certificate of acceptance of
electrical equipment or a class of electrical
equipment subject to the conditions specified
by Energy Safe Victoria; or
 - (c) not to issue a certificate of acceptance of
electrical equipment or a class of electrical
equipment.
- (4) The conditions specified by Energy Safe Victoria
in respect of electrical equipment or class of
electrical equipment may include—
- (a) requirements for the testing of the electrical
equipment in accordance with the regulations
by a person or body approved by Energy
Safe Victoria; and
 - (b) requirements for modifications to be made to
the electrical equipment.
- (5) If Energy Safe Victoria decides not to issue a
certificate of acceptance of electrical equipment or
a class of electrical equipment under this section it
must notify the applicant in writing of the reasons
for the decision.

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 57

- (6) If Energy Safe Victoria issues a certificate of acceptance of electrical equipment or a class of electrical equipment subject to conditions, the certificate takes effect in respect of the electrical equipment when the conditions are complied with.

S. 56(6)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

57. Prescribed electrical equipment

- (1) Energy Safe Victoria, by notice published in the Government Gazette, may declare that any class, description or type of electrical equipment is, from a date specified in the notice, prescribed electrical equipment for the purposes of this Act.

S. 57(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (2) A person must not supply or offer to supply electrical equipment prescribed under sub-section (1) unless the equipment—

S. 57(2)
amended by
No. 38/2000
s. 18(b).

- (a) is approved by Energy Safe Victoria and is marked as prescribed; or

S. 57(2)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) is approved by a prescribed authority or, under the regulations, is deemed to be approved; or

- (c) is certified in accordance with a prescribed method or prescribed process.

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

- (3) If electrical equipment complies with the requirements of sub-section (2)(b) or (c), it is deemed for the purposes of this Act to have been approved by Energy Safe Victoria and to be marked as prescribed.

S. 57(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 58

58. Approval of equipment

S. 58(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria, on the application of any person, may approve prescribed electrical equipment.
- (2) An application must—
 - (a) be in writing; and
 - (b) contain or be accompanied by the prescribed information; and
 - (c) be made in accordance with the regulations; and
 - (d) be accompanied by the relevant prescribed fee.

S. 58(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (3) Energy Safe Victoria must notify the applicant in writing of its decision—
 - (a) to approve prescribed electrical equipment or a class of electrical equipment; or
 - (b) to approve electrical equipment subject to certain modifications being made; or
 - (c) not to approve prescribed electrical equipment.

S. 58(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (4) If Energy Safe Victoria approves prescribed electrical equipment subject to certain modifications being made, the approval has effect when the prescribed electrical equipment has been modified in accordance with the approval.

S. 59
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

59. Re-examination

Energy Safe Victoria may at any time require any prescribed electrical equipment which has been approved to be re-examined or tested by Energy Safe Victoria.

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 60

60. Modifications after approval

- (1) Energy Safe Victoria may, by notice given to a person, require modifications to be made to prescribed electrical equipment that has been approved under this Part and approve the equipment subject to those modifications being made.
- (2) A person to whom a notice is given under subsection (1) must not supply or offer to supply the prescribed electrical equipment unless it is modified in accordance with the requirement.

S. 60(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 60(2)
amended by
No. 38/2000
s. 18(c).

Penalty: In the case of a natural person,
40 penalty units;

In the case of a body corporate,
200 penalty units.

61. Approval of samples

The approval by Energy Safe Victoria of prescribed electrical equipment may be made by the approval of samples or specifications of the electrical equipment or by any other means which it considers appropriate.

S. 61
substituted by
No. 39/2005
s. 48(Sch. 1
item 5).

62. Withdrawal of approval

- (1) Energy Safe Victoria may, by notice in writing given to the person to whom the approval was given, at any time withdraw any approval given under this Part.
- (2) Energy Safe Victoria must state the reasons for the withdrawal of approval.
- (3) Energy Safe Victoria must publish a notice of the withdrawal of an approval in the Government Gazette and in a newspaper circulating generally in the State.

S. 62(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 62(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 62(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 63

63. Prohibition of supply of electrical equipment

S. 63(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria, by notice published in the Government Gazette and in a newspaper circulating generally in the State, may prohibit the supply of specified electrical equipment or electrical equipment of a specified class from the date of publication of the notice in the Government Gazette or from such later date as is specified in that notice.

S. 63(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (2) Energy Safe Victoria, by notice in writing given to a person, may prohibit that person from supplying specified electrical equipment or electrical equipment of a specified class from the date of the notice or such later date as is specified in the notice.

S. 63(3)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

- (3) Energy Safe Victoria may exercise a power of prohibition under this section only if it appears to Energy Safe Victoria that—
- (a) the specified electrical equipment is, or is likely to become, by reason of its design or construction, unsafe to use; and
 - (b) prohibition of the supply of the specified equipment or of all equipment of that specified class is warranted because of the risk of death or injury to any person or damage to any property arising out of the use of that equipment or equipment of that class.

S. 63(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (4) Energy Safe Victoria may withdraw a prohibition made under sub-section (1) by notice published in the Government Gazette and in a newspaper circulating generally in the State.

S. 63(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (5) Energy Safe Victoria may withdraw a prohibition made under sub-section (2) by notice given to the person to whom the prohibition was given.

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 64

(6) This section applies whether or not the equipment was—

- (a) prescribed electrical equipment; or
- (b) approved by Energy Safe Victoria; or

S. 63(6)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (c) certified by Energy Safe Victoria; or

S. 63(6)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (d) approved by a prescribed authority or, under the regulations, was deemed to be approved; or

- (e) was certified in accordance with a prescribed method or prescribed process.

64. Offence to disobey prohibition

A person must not, while a prohibition under section 63 remains in force, do anything prohibited by that prohibition.

Penalty: In the case of a natural person,
200 penalty units or 2 years
imprisonment or both;

In the case of a body corporate,
1000 penalty units.

65. Recall of electrical equipment

(1) Energy Safe Victoria may make a requirement under this section only if it appears to Energy Safe Victoria that—

S. 65(1)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

- (a) particular electrical equipment, or a particular class of electrical equipment, is, or is likely to become, by reason of its design or construction, unsafe to use; or

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 65

S. 65(2)
amended by
Nos 38/2000
s. 24(d),
39/2005
s. 48(Sch. 1
item 1).

S. 65(3)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 6).

- (b) specific action is necessary—
 - (i) to make the electrical equipment or equipment of that class safe to use; or
 - (ii) to render safe the use of that equipment or equipment of that class.
- (2) Energy Safe Victoria, by notice in writing served on a person whose business is or includes the supply of electrical equipment and who has supplied the electrical equipment or other equipment of the same class, may require the person to take, within the period specified in the notice, the action specified in the notice.
- (3) The action specified in the notice may consist of or include—
 - (a) sending a written request to the person to whom the electrical equipment, or equipment of the same class, was supplied to return the equipment to the place at which it was supplied;
 - (b) placing an advertisement requesting all persons to whom electrical equipment of that class was supplied to return the equipment to the place at which it was supplied;
 - (c) making the equipment or equipment of that class safe to use or rendering safe the use of that equipment in the manner specified in the notice.

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 65

(3A) An advertisement referred to in sub-section (3)(b) must be—

S. 65(3A)
inserted by
No. 39/2005
s. 48(Sch. 1
item 7).

(a) in a form approved by Energy Safe Victoria;
and

(b) placed in a newspaper or newspapers—

(i) specified by Energy Safe Victoria; and

(ii) for a period or periods specified by
Energy Safe Victoria.

(4) Energy Safe Victoria may alter or revoke a
requirement under this section by notice given to
the person of whom the requirement was made.

S. 65(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

(5) This section applies whether or not the equipment
was—

(a) prescribed electrical equipment; or

(b) approved by Energy Safe Victoria; or

S. 65(5)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(c) certified by Energy Safe Victoria; or

S. 65(5)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(d) approved by a prescribed authority or, under
the regulations, was deemed to be approved;
or

(e) was certified in accordance with a prescribed
method or prescribed process.

Electricity Safety Act 1998
Act No. 25/1998

Part 4—Electrical Equipment

s. 66

66. Offence to fail to comply with requirement

A person of whom a requirement is made under section 65 must comply with that requirement.

Penalty: In the case of a natural person,
200 penalty units or 2 years
imprisonment or both;

In the case of a body corporate,
1000 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 5—Energy Efficiency

s. 67

PART 5—ENERGY EFFICIENCY

67. Proclaimed electrical equipment

The Governor in Council, by Order published in the Government Gazette, may declare that any class, description or type of electrical equipment is, from a date specified in the Order, proclaimed electrical equipment for the purposes of this Part.

68. Proclaimed electrical equipment not to be supplied unless registered and labelled

A person must not, after the date specified in the Order, supply or offer to supply proclaimed electrical equipment unless the equipment is registered and labelled in accordance with the regulations relating to energy efficiency.

Penalty: 50 penalty units.

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S. 68
amended by
No. 38/2000
s. 18(d)(i)(ii).

S. 68(2)
repealed by
No. 38/2000
s. 18(d)(iii).

Electricity Safety Act 1998
Act No. 25/1998

Part 6—Rights of Review

s. 69

Pt 6 (Heading and ss 69–74) amended by Nos 89/1998 s. 13(1)(2), 69/2000 s. 26, substituted as Pt 6 (Heading and s. 69) by No. 24/2002 s. 4.

PART 6—RIGHTS OF REVIEW

S. 69 substituted by No. 24/2002 s. 4.

69. Applications to review

S. 69(1) amended by No. 39/2005 s. 48(Sch. 1 item 2).

- (1) A person who is aggrieved by a decision of Energy Safe Victoria set out in sub-section (2) may apply to the Tribunal for review of the decision.
- (2) An application for review may be made to the Tribunal in relation to the following—
 - (a) a decision under Part 3—
 - (i) to refuse to register or renew the registration of an electrical contractor; or
 - (ii) to take disciplinary action in respect of a registered electrical contractor; or
 - (iii) to refuse to license or renew the licence of an electrical worker; or
 - (iv) to take disciplinary action in respect of a licensed electrical worker; or
 - (v) to refuse to supply a certificate of electrical safety form to a registered electrical contractor, a licensed electrical installation worker or a prescribed person under section 45B(1);

Electricity Safety Act 1998
Act No. 25/1998

Part 6—Rights of Review

s. 69

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- (b) a decision under Part 4—
 - (i) to refuse to certify the compliance of electrical equipment; or
 - (ii) to refuse to approve prescribed electrical equipment; or
 - (iii) to withdraw an approval of prescribed electrical equipment;
 - (c) a prohibition under section 63;
 - (d) a requirement under section 65;
 - (e) a decision under the regulations under Part 5—
 - (i) to refuse to register proclaimed electrical equipment; or
 - (ii) to cancel the registration of proclaimed electrical equipment.
 - (3) A person to whom a direction is given under section 141 may apply to the Tribunal for review of the direction if compliance with it—
 - (a) would impose a significant financial burden on the person;
 - (b) would prevent the person from complying with any obligations under a licence issued under Part 2 of the **Electricity Industry Act 2000**.
 - (4) A person to whom an improvement notice is issued under Part 12 may apply to the Tribunal for review of either or both of the following—
 - (a) the decision to issue the notice;
 - (b) any requirement contained in the notice.
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Electricity Safety Act 1998
Act No. 25/1998

Part 6—Rights of Review

s. 69

- (5) An application for review under sub-section (3) or (4) must be made within 7 days after the later of—
- (a) the day on which the improvement notice or the direction (as the case requires) is received by the person making the application; or
 - (b) if, under section 45 of the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.
- (6) Any other application for review under this section must be made within 28 days after the later of—
- (a) the day on which notice of the decision is received by the person; or
 - (b) if, under section 45 of the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.
- (7) Nothing in this section permits an application to the Tribunal for review of a decision of an accepted electricity safety manager under Part 3 or Part 4.

Ss 70–74
repealed by
No. 24/2002
s. 4.

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Electricity Safety Act 1998
Act No. 25/1998

Part 7—Network Operators and Underground Electric Lines

s. 75

**PART 7—NETWORK OPERATORS AND UNDERGROUND
ELECTRIC LINES**

75. General duties of network operator

A network operator must take reasonable care to ensure that all parts of an upstream network or the supply network of a railway or tramway system that it owns or operates—

- (a) are designed, constructed, operated and maintained in accordance with the regulations; and
- (b) are safe and operated safely.

Penalty: 1500 penalty units.

76. Underground electric lines

- (1) A person who controls an underground electric line on public land (other than an electric line forming part of a railway or tramway system)—
 - (a) must maintain a record of that underground electric line; and
 - (b) before the line is connected to an electricity supply or within 2 business days after relocating the line, give sufficient information to enable every cable of the line to be located and identified to—
 - (i) a person or body specified by Energy Safe Victoria as the asset recording service for the area in which the line is located; or
 - (ii) if no such person or body is so specified, the distribution company for that area.

**S. 76(1)(b)(i)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).**

Penalty: 75 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 7—Network Operators and Underground Electric Lines

s. 77

- (2) A person who operates a railway or tramway system must keep a register containing sufficient information to enable every cable of the underground electric lines that are under the control of that person to be located and identified.
- (3) A person who operates a railway or tramway system must ensure that the register kept under sub-section (3) is available for inspection by the public during normal business hours.

77. Underground electric lines—obligations of distribution companies

- (1) A distribution company must keep a register containing sufficient information to enable every cable of the underground electric lines that are under its control within its distribution area to be located and identified.

Penalty: 75 penalty units.

- (2) A distribution company must record in a register kept under sub-section (1) any information that is given to it under section 76 within 7 days after receiving that information.

Penalty: 50 penalty units.

- (3) A distribution company must ensure that the register kept under this section is available for inspection by the public during normal business hours.

Penalty: 50 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 7—Network Operators and Underground Electric Lines

s. 78

78. Protection of underground electric lines

A person must not make any opening in the ground above an underground electric line so as to endanger the electric line unless authorised to do so by the person who controls that electric line.

Penalty: In the case of a natural person,
20 penalty units.

In the case of a body corporate,
100 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 79

PART 8—ELECTRIC LINE CLEARANCE

Division 1—General

79. Urban area

The Minister, by notice published in the Government Gazette, may specify an area as an urban area for the purposes of this Part, if the Minister has obtained the agreement of—

- (a) the fire control authority; and
- (b) any person responsible for the management of public land in the area.

80. Fire hazard rating

A fire control authority—

S. 80(a)
substituted by
No. 24/2002
s. 5.

- (a) may assign a fire hazard rating of "low" or "high" to any area of land for the purposes of this Act or the regulations; and
- (b) must give notice in writing of that rating to the Minister and every person responsible for the management of public land in any part of the area as soon as practicable after the rating is assigned.

81. Declared area in urban area

- (1) The Governor in Council, by Order published in the Government Gazette, may declare an area of land in an urban area for the purposes of this Part.
- (2) An Order under sub-section (1) must contain a description sufficient to identify the land concerned which may include a description by reference to a map held by Energy Safe Victoria.

S. 81(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 82

- (3) Energy Safe Victoria must make a copy of any map referred to in an Order under sub-section (1) available at its office during business hours for any person to inspect free of charge.

S. 81(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

82. Operation of Part

- (1) If a provision of this Part or of a regulation made for the purposes of this Part is, with respect to a particular subject-matter, inconsistent with a provision—
- (a) of this or any other Act or law or of a regulation, rule, by-law or Order made under this or any other Act; or
 - (b) of any agreement—
- the provision of this Part or of the regulation (as the case may be) prevails and that other provision is, to the extent of the inconsistency, of no force or effect.
- (2) It is declared that this Part does not impose any other duty of care upon a municipality than the duty of care which that municipality would have had at law if this Part had not been enacted.

83. Point of supply

- (1) If, in relation to a private electric line, the relevant distribution company is of the opinion that the point of supply as determined in accordance with the definition in section 3 is not appropriate, the relevant distribution company must determine the point of supply.
- (2) If, in relation to a private electric line, the responsible person is of the opinion that the point of supply as determined in accordance with section 3 is not appropriate, the responsible person may ask the relevant distribution company to determine the point of supply.

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 83

S. 83(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 83(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 83(6)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 83(7)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 83(8)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

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- (3) The relevant distribution company must notify the responsible person of a determination made under sub-section (1) or (2) within 14 days of making it.
 - (4) The responsible person may within 21 days of receiving a notification under sub-section (3) object to the determination to Energy Safe Victoria on the grounds that the determination is not reasonable.
 - (5) Energy Safe Victoria must consider the objection and may vary or revoke the determination under sub-section (1) or (2).
 - (6) If the relevant distribution company fails to make a determination under sub-section (2) within 30 days after a request is made under that sub-section, the responsible person may refer the matter to Energy Safe Victoria for determination.
 - (7) Energy Safe Victoria must consider a matter referred under sub-section (6) and must determine the point of supply.
 - (8) Energy Safe Victoria, at the request of the responsible person or the relevant distribution company, may vary or revoke a determination under sub-section (7).
 - (9) A determination made under sub-section (1) or (2) may be varied or revoked by the relevant distribution company in the same manner as a determination is made and is subject to the same procedures as for a determination.
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Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 83A

- (10) A determination made under sub-section (1), (2) or (7) takes effect from the date of the determination by the relevant distribution company or Energy Safe Victoria and any variation or revocation of the determination under sub-section (5), (8) or (9) takes effect from the date of the variation or revocation.

S. 83(10)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Division 1A—Bushfire mitigation

Pt 8 Div. 1A
(Heading and
ss 83A, 83B)
inserted by
No. 38/2000
s. 19.

83A. Bushfire mitigation plans

S. 83A
inserted by
No. 38/2000
s. 19.

- (1) An electricity supplier must, before 1 July in each year, prepare and submit to Energy Safe Victoria for approval a plan of the supplier's proposals for mitigation of bushfire danger in relation to—
- (a) the supplier's electric lines and electrical installations that are above the surface of land; and
 - (b) if the supplier has a distribution area, those private electric lines that are above the surface of land within its distribution area, other than any prescribed parts of those lines.

S. 83A(1)
amended by
No. 69/2000
s. 27(1),
substituted by
No. 13/2001
s. 11,
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: In the case of a natural person,
15 penalty units;

In the case of a body corporate,
75 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 83B

S. 83A(2)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (2) A plan under sub-section (1)—
- (a) must be in or to the effect of a form approved by Energy Safe Victoria; and

(b) must include the prescribed particulars.

S. 83A(3)
amended by
Nos 69/2000
s. 27(2),
39/2005
s. 48(Sch. 1
item 2).

- (3) An electricity supplier must cause a copy of the plan prepared and approved by Energy Safe Victoria under this section to be available for inspection at its principal office in the State during ordinary business hours during the year to which the plan relates.

Penalty: In the case of a natural person,
10 penalty units;

In the case of a body corporate,
50 penalty units.

S. 83B
inserted by
No. 38/2000
s. 19.

83B. Inspection of private overhead lines

S. 83B(1)
amended by
No. 69/2000
s. 27(3).

- (1) An electricity supplier that has a distribution area must cause an inspection to be carried out at such times as are prescribed, and in accordance with the prescribed standards (if any), of private electric lines that are above the surface of land within its distribution area, other than any prescribed parts of those lines.

Penalty: In the case of a natural person,
50 penalty units;

In the case of a body corporate,
250 penalty units.

-
- (2) An electricity supplier must give to the occupier of land above which there is a private electric line notice in the prescribed form (if any) during the prescribed period (if any) before an inspection under sub-section (1) is carried out.
 - (3) An electricity supplier may, for the purpose of an inspection under this section, enter onto land at any reasonable time for the purposes of inspecting a private electric line under this section and remain on the land for so long as is necessary to inspect the line.
 - (4) If an inspection carried out under this section reveals that maintenance is required on a private electric line above land, the electricity supplier must give the owner of the land written notice of the maintenance required.

Division 2—Responsibility for maintenance of lines

84. Requirement to maintain line

- (1) Except as provided in sub-section (2), an occupier of land above or below the surface of which there is a private electric line is responsible for maintenance of the line.
- (2) Subject to sub-sections (4), (5) and (6), an occupier of land is responsible for the keeping of the whole or any part of a tree situated on the land clear of—
 - (a) a low voltage electric line which solely services that land; and
 - (b) a private electric line which is on land which is contiguous to the land of the occupier.
- (3) For the purposes of sub-section (2), an occupier of land may enter onto the contiguous land and there perform any acts necessary to keep the tree clear of the line.

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 85

S. 84(6)
amended by
No. 12/2004
s. 155.

- (4) Subject to sub-section (5), a person responsible for the management of public land in an area declared under section 81 is responsible for the keeping of the whole or any part of a tree situated on the land clear of an electric line other than a private electric line.
- (5) Any person (other than a distribution company) that owns or operates an electric line is responsible for the keeping of the whole or any part of a tree clear of the electric line.
- (6) The Roads Corporation is responsible for the keeping of the whole or any part of a tree which is situated in a rural area on a plantation established by the Roads Corporation or any predecessor of the Roads Corporation on a freeway or arterial road within the meaning of the **Road Management Act 2004** clear of an electric line (other than a private electric line or an electric line that is owned or operated by a transmission company) above or below the surface of land.
- (7) If there is no responsible person under sub-section (2), (4), (5) or (6), the relevant distribution company is responsible for the keeping of the whole or any part of a tree clear of an electric line, except an electric line installed or used by a person pursuant to an Act of the Commonwealth.

85. Exercise of powers with respect to lines

S. 85
amended by
Nos 62/2001
s. 75, 39/2005
s. 48(Sch. 1
item 1).

Energy Safe Victoria or the relevant distribution company or the relevant transmission company may, subject to any code applying in relation to the exercise of powers under this section issued by the Essential Services Commission under the **Essential Services Commission Act 2001**, exercise the following powers in relation to electric lines—

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 86

- (a) the power to enter onto land at any reasonable time for the purposes of inspecting an electric line and to remain on the land for so long as is necessary to inspect the line; and
- (b) the power, with the agreement of Energy Safe Victoria, to order that any electric line proposed to be constructed or to be substantially reconstructed be placed underground; and
- (c) the power, upon production of a certificate in a form approved by Energy Safe Victoria and issued by the relevant distribution company or the relevant transmission company and at any reasonable time, to enter onto and remain on any land, for as long as is necessary for the carrying out of any work which is required to be carried out by Energy Safe Victoria or distribution company or transmission company to fulfil its responsibilities under section 84(5) or (7).

S. 85(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 85(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

86. Failure to maintain lines

- (1) Energy Safe Victoria or, with the approval of Energy Safe Victoria, the relevant distribution company, may by notice in writing require a person to perform acts specified in the notice for the purpose of keeping the whole or any part of a tree clear of an electric line in respect of which that person is the responsible person within a time specified in the notice being, subject to subsection (4), not less than 14 days after the date of the notice.
- (2) If—
 - (a) there is an electric line above or below the surface of land in respect of which there is in force a planning scheme; and

S. 86(1)
amended by
Nos 89/1998
s. 14(1),
39/2005
s. 48(Sch. 1
items 1, 2).

S. 86(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 86

- (b) the planning scheme requires a permit to be obtained to trim or remove trees on the land—

a person required by Energy Safe Victoria or the relevant distribution company by notice in writing under sub-section (1) to perform any act for the purpose of keeping the whole or any part of a tree clear of the line must, before taking any action to comply with the notice, obtain any necessary permit pursuant to the **Planning and Environment Act 1987** in respect of the action necessary to comply with the notice unless an officer or employee of Energy Safe Victoria or the relevant distribution company considers the line to be in such a dangerous condition that urgent compliance with the notice is necessary.

- (3) If—

S. 86(3)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) Energy Safe Victoria or the relevant distribution company has by notice pursuant to sub-section (1) required a person to perform acts for the purpose of keeping the whole or any part of a tree clear of an electric line; and

S. 86(3)(b)
amended by
No. 11/2002
s. 3(Sch. 1
item 21).

- (b) the time for compliance with the notice is greater than 14 days; and

- (c) the person is required under sub-section (2) to obtain a permit—

the person—

- (d) must apply for the permit within 14 days of the receipt of the notice; and
(e) must perform all acts specified in the notice within 21 days of obtaining the permit.

Electricity Safety Act 1998
Act No. 25/1998

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- (4) If Energy Safe Victoria or the relevant distribution company considers that urgent compliance with the notice under sub-section (1) is necessary, the notice may require the person to comply with it within 14 days of the date of the notice.

S. 86(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (5) If the responsible person in relation to a private electric line or an electric line of a relevant distribution company—

S. 86(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) is unable to comply with a notice under this section; or
- (b) is unable to perform the duties under the Code; or
- (c) would put personal safety at risk if the person performed the duties under the Code or under a notice under this section; or
- (d) refuses—
 - (i) to comply with a notice under this section; or
 - (ii) to perform the duties under the Code—

the relevant distribution company may, with the agreement of Energy Safe Victoria, and must, if Energy Safe Victoria so directs, carry out the duties and perform any work necessary to ensure that the whole or any part of a tree is kept clear of the line and, if the relevant distribution company does so, the responsible person referred to in paragraph (a), (b) or (c) (as the case may be) is not guilty of an offence for failing to perform the duties under the Code.

- (6) In order to carry out work under sub-section (5) an officer, employee or agent of the relevant distribution company may at any reasonable time and upon production of a certificate issued by Energy Safe Victoria or the relevant distribution company enter onto and remain on any land where

S. 86(6)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 86

that work is to be carried out for as long as is necessary for the carrying out of the work.

- (7) The relevant distribution company may recover the costs of carrying out any work under subsection (5) from the responsible person.
- (8) Despite the provisions of any other Act, if the relevant distribution company is the responsible person under section 84(7), the relevant distribution company is not required to obtain any permit under any other Act in respect of any action necessary to keep the whole or any part of a tree clear of an electric line if the action is carried out in accordance with the Code.
- (9) Despite the provisions of—
 - (a) section 77 of the **Forests Act 1958**; or
 - (b) section 56(2)(l) of the **Transport Act 1983**;
or
 - (c) regulations made under or having effect as if made under either of those sections—

it is not necessary for a responsible person under section 84(4), (5) or (7) to obtain the authority or permission of the Secretary to the Department of Natural Resources and Environment or the Roads Corporation in respect of any action necessary to keep the whole or any part of a tree clear of an electric line if the action is required under section 84 or under a notice under this section.

S. 86(9A)
inserted by
No. 12/2004
s. 171.

- (9A) Despite section 63 of the **Road Management Act 2004**, it is not necessary for a responsible person under section 84(4), 84(5) or 84(7) to obtain the written consent of the coordinating road authority under the **Road Management Act 2004** in respect of any action necessary to keep the whole or any part of a tree clear of an electric line if the action is required under section 84 or under a notice under this section.

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 87

- (10) The relevant distribution company, in exercising a power under this section, must comply with any code applying in relation to the exercise of that power issued by the Essential Services Commission under the **Essential Services Commission Act 2001**. S. 86(10) amended by No. 62/2001 s. 75.
- (10A) Despite anything to the contrary in this section, sub-section (1) does not empower the relevant distribution company to give a notice under that sub-section to a transmission company or to the operator of a railway or tramway system. S. 86(10A) inserted by No. 89/1998 s. 14(2).
- (11) A person must not contravene or fail to comply with this section.
- Penalty: In the case of a natural person,
200 penalty units;
- In the case of a body corporate,
1000 penalty units.

Division 3—Electric Line Clearance Consultative Committee

87. Constitution of Committee

- (1) There shall be an Electric Line Clearance Consultative Committee. S. 87(1) amended by No. 38/2000 s. 24(e).
- (2) The Committee shall be constituted by 13 members to be appointed by the Minister.
- (3) The Minister must appoint one of the members of the Committee to be the chairperson.
- (4) A member shall be appointed for such period not exceeding 3 years as is specified in the instrument of appointment and is eligible for re-appointment.

Electricity Safety Act 1998
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s. 87

- (5) The Committee is to be constituted by—
- (a) an officer or employee of the Roads Corporation, nominated by the Minister administering the **Transport Act 1983**; and
 - (b) an officer or employee of the Country Fire Authority, nominated by the Minister administering the **Country Fire Authority Act 1958**; and
 - (c) 3 persons selected by the Minister from nominations given to the Minister by the distribution companies; and
 - (d) a person selected by the Minister from nominations given to the Minister by the transmission companies; and
 - (e) an officer or employee in the Department of Sustainability and Environment, nominated by the Minister administering the **Forests Act 1958**; and
 - (f) 6 other members to be appointed from interested persons after the advertisement of the positions by the Minister including—
 - (i) a member with skills in land management and nature conservation nominated by the Minister administering the **Forests Act 1958**; and
 - (ii) 2 persons each of whom is a private land owner or a person representing the interests of private land owners nominated by the Minister administering the **Dairy Industry Act 1992**; and

S. 87(5)(e)
amended by
No. 25/2004
s. 23.

- (iii) a person representing the interests of Local Government; and
 - (iv) a person with environmental or planning expertise nominated by the Minister administering the **Planning and Environment Act 1987**.
- (6) The Minister must determine the remuneration (if any) and the travelling and other allowances of members and any other terms and conditions of appointment of members.
- (7) If the chairperson is not present at the time fixed for the commencement of a meeting of the committee, the members present must elect one of their number as acting chairperson to preside at that meeting.
- (8) The Electric Line Clearance Consultative Committee is the same body as the Powerline Clearance Consultative Committee existing under the **State Electricity Commission Act 1958** immediately before the commencement of this section despite any change in its membership.

S. 87(8)
amended by
No. 38/2000
s. 24(f).

88. Functions of the Committee

The Electric Line Clearance Consultative Committee must—

- (a) provide advice to Energy Safe Victoria with regard to the preparation and maintenance of the Code;
- (b) provide advice on any matter relating to the clearance of electric lines when requested so to do by Energy Safe Victoria or the Minister;

S. 88(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 88(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 8—Electric Line Clearance

s. 89

- (c) report before 30 September in each year to the Minister on the performance of its functions.

89. Procedure for Code

S. 89(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria must, before the Governor in Council makes regulations prescribing the Code of Practice or amending or varying the Code—

(a) refer to the Committee all matters with respect to the contents of those regulations; and

(b) make a draft of those regulations available to the public for comment for a period of 90 days; and

(c) consider any comments on the draft made to Energy Safe Victoria during that period.

S. 89(1)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(2) There shall at all times be in force regulations prescribing the Code but no such regulations shall continue in force for more than 5 years after the date of their coming into operation.

(3) The regulations must prescribe the provisions of the Code that are, for the purposes of section 90, penalty provisions.

(4) A regulation shall not be invalidated or affected by reason only of a failure to comply with subsection (1) with respect to that regulation.

S. 89(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

(5) Energy Safe Victoria must cause the Code to be published in the Government Gazette.

90. Offences against Code

A person must not contravene or fail to comply with a prescribed provision of the Code.

Penalty: In the case of a natural person,
50 penalty units;
In the case of a body corporate,
250 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 9—Cathodic Protection and Mitigation of Stray Current Corrosion

s. 91

**PART 9—CATHODIC PROTECTION AND MITIGATION OF
STRAY CURRENT CORROSION**

91. Victorian Electrolysis Committee

- (1) There is established a committee to be called the Victorian Electrolysis Committee.
- (2) The Committee shall be constituted by 7 members to be appointed by the Minister.
- (3) The Minister must appoint one of the members of the Committee to be the chairperson.
- (4) A member shall be appointed for such period not exceeding 3 years as is specified in the instrument of appointment and is eligible for re-appointment.
- (5) The Committee is to be constituted by—

S. 91(5)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) a person nominated by Energy Safe Victoria;
- (b) a person nominated by the Minister administering the **Transport Act 1983**;
- (c) a person selected by the Minister from nominations given to the Minister by the distribution companies;
- (d) a person selected by the Minister administering the **Water Industry Act 1994** from nominations given to the Minister by the water companies within the meaning of that Act;
- (e) a person nominated by the Minister administering the **Gas Safety Act 1997**;

S. 91(5)(e)
amended by
No. 32/2001
s. 29.

Electricity Safety Act 1998
Act No. 25/1998

Part 9—Cathodic Protection and Mitigation of Stray Current Corrosion

s. 92

- (f) a person selected by the Minister from nominations given to the Minister by the carriers under the Telecommunications Act 1997 of the Commonwealth;
- (g) a person nominated by the Australian Institute of Petroleum Ltd.
- (6) The Minister must determine the remuneration (if any) and the travelling and other allowances of members and any other terms and conditions of appointment of members.
- (7) If the chairperson is not present at the time fixed for the commencement of a meeting of the Committee, the members present must elect one of their number as acting chairperson to preside at that meeting.
- (8) Each member of the Committee, with the consent of the Minister, may nominate an alternate member.
- (9) An alternate member may act in place of the member for whom he or she is the alternate member if the member is unable to attend a meeting of the Committee.
- (10) An alternate member has all the functions of the member when acting in the place of that member.

92. Functions of the Committee

The Victorian Electrolysis Committee must—

- (a) establish and maintain standards for systems for cathodic protection and for the mitigation of stray current corrosion; and
- (b) provide advice to Energy Safe Victoria on any matter related to electrolysis and the regulations relating to the cathodic protection and to the mitigation of stray current corrosion, when requested to do so by Energy Safe Victoria; and

S. 92(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 9—Cathodic Protection and Mitigation of Stray Current Corrosion

s. 93

- (c) encourage the development of new methods and technology to increase the efficiency of systems for the mitigation of stray current corrosion.

93. Operation of cathodic protection systems

S. 93(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (1) A person must not operate a cathodic protection system unless the system is registered by Energy Safe Victoria in accordance with the regulations.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

- (2) A person must operate a cathodic protection system in accordance with—

- (a) the regulations; and
(b) any conditions to which the registration is subject.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

94. Railway or tramway systems

A person who is the operator of a railway or tramway system must ensure that that system is designed, installed, operated and maintained in such a manner as to minimise the risks to safety of any person and the risks of damage to property arising from the leakage of stray electrical currents from that system.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 9—Cathodic Protection and Mitigation of Stray Current Corrosion

s. 95

95. Mitigation systems

- (1) If, in the opinion of Energy Safe Victoria, a system is required to be installed to mitigate the effects of stray current corrosion, Energy Safe Victoria may, by notice in writing, direct any person whose assets are the cause of or are affected by the stray current corrosion to take action to install, operate and maintain a mitigation system in the manner specified in the direction and in accordance with the regulations.
- (2) A person to whom a notice is given under this section must comply with the directions in the notice.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

S. 95(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

96. Directions of Energy Safe Victoria

- (1) Energy Safe Victoria from time to time by notice in writing may require a person who is the operator of a cathodic protection system or mitigation system to carry out such tests of the system and such modifications to or replacement of the system as Energy Safe Victoria directs.
- (2) A person to whom a notice is given under this section must comply with the directions in the notice.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

S. 96
(Heading)
inserted by
No. 39/2005
s. 48(Sch. 1
item 8).

S. 96(1)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 9—Cathodic Protection and Mitigation of Stray Current Corrosion

s. 97

97. Costs in relation to mitigation systems

S. 97(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (1) If a person is required under this Act or the regulations to carry out any action in relation to a mitigation system, Energy Safe Victoria may require the person to contribute to the cost of that action an amount or amounts determined by Energy Safe Victoria after consultation with the Victorian Electrolysis Committee.

S. 97(2)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

- (2) Energy Safe Victoria may require a person or body whose assets are affected by any action carried out under this Act or the regulations in relation to a mitigation system to contribute to the cost of that action an amount or amounts determined by Energy Safe Victoria after consultation with the Victorian Electrolysis Committee.

S. 97(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) If a person is required under this Act or the regulations to carry out any action in relation to a mitigation system, Energy Safe Victoria, after consultation with the Victorian Electrolysis Committee, may carry out that action on behalf of that person.

S. 97(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 9(a)(b)).

- (4) Subject to sub-section (2), if Energy Safe Victoria carries out an action under sub-section (3) it may recover the costs of that action from the person who is required to carry out that action.

S. 97(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (5) Any amount determined under sub-section (1), (2) or (4) may be recovered by Energy Safe Victoria in any court of competent jurisdiction as a debt due to Energy Safe Victoria.
- (6) In this section "**action**", in relation to a mitigation system, means installation, testing, modification, maintenance or replacement.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 98

PART 10—ELECTRICITY SAFETY MANAGEMENT

Pt 10
(Heading)
amended by
No. 89/1998
s. 15.

Division 1—Electricity safety managers

Pt 10 Div. 1
(Heading and
ss 98–106)
substituted by
No. 89/1998
s. 16.

98. Application for acceptance

S. 98
substituted by
No. 89/1998
s. 16.

(1) A person may apply to Energy Safe Victoria for acceptance as an electricity safety manager for the purposes of this Act.

S. 98(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(2) An application under sub-section (1) must—

(a) be in a form approved by Energy Safe Victoria; and

S. 98(2)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(b) in accordance with the regulations, specify—

(i) the relevant functions of Energy Safe Victoria, for which acceptance is sought; and

S. 98(2)(b)(i)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(ii) the systems and procedures to be followed for the proper exercise of those functions; and

Electricity Safety Act 1998
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s. 99

(c) be accompanied by—

S. 98(2)(c)(i)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(i) any documents required by Energy Safe
Victoria; and

(ii) the relevant prescribed application fee.

S. 99
substituted by
No. 89/1998
s. 16.

99. Validation of application

S. 99(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

(1) Energy Safe Victoria may require an applicant
under section 98 to obtain an independent
validation of the application.

S. 99(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

(2) Energy Safe Victoria may require the validation to
assess—

S. 99(2)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(a) the financial viability of the applicant; and

(b) the capacity of the applicant to exercise the
relevant functions of Energy Safe Victoria
for which acceptance is sought; and

(c) any aspect of the proposed systems and
procedures set out in the application.

S. 99(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

(3) The applicant must establish to the satisfaction of
Energy Safe Victoria that each person undertaking
the validation of the application has the necessary
competence and ability and access to information
on the applicant and the application to arrive at an
independent opinion on the application.

Electricity Safety Act 1998
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s. 100

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|---|---|
| (4) If Energy Safe Victoria requires an applicant to provide an independent validation of the application, the costs of that validation must be borne by the applicant. | S. 99(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2). |
| (5) Energy Safe Victoria is not required to proceed with the consideration of an application until the independent validation is provided. | S. 99(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1). |

100. Consideration of application

S. 100
substituted by
No. 89/1998
s. 16.

- | | |
|---|---|
| (1) Energy Safe Victoria must publish a notice in a daily newspaper circulating generally in Victoria— | S. 100(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1). |
| (a) specifying that an application for acceptance as an electricity safety manager has been lodged with Energy Safe Victoria by the person specified in the notice; and | S. 100(1)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2). |
| (b) setting out the relevant functions of Energy Safe Victoria for which acceptance is sought; and | S. 100(1)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2). |
| (c) inviting interested persons to make submissions to Energy Safe Victoria in respect of the application within the period and in the manner specified in the notice. | S. 100(1)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2). |
| (2) Subject to this Division and any requirements specified in the regulations made for the purposes of this section, Energy Safe Victoria may determine the procedures that are to apply in respect of the recommendation of a person for acceptance as an electricity safety manager. | S. 100(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2). |

Electricity Safety Act 1998
Act No. 25/1998

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s. 101

S. 101
substituted by
No. 89/1998
s. 16.

101. Determination of application

S. 101(1)
amended by
Nos 39/2005
s. 48(Sch. 1
item 2),
29/2006
s. 3(Sch. 1
item 10).

- (1) Subject to this section, Energy Safe Victoria may recommend, or refuse to recommend, a person for acceptance by the Governor in Council as an electricity safety manager for any reason it considers appropriate, having regard to the objectives specified in section 6.

S. 101(2)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

- (2) Energy Safe Victoria must not recommend a person for acceptance by the Governor in Council unless Energy Safe Victoria is satisfied that—

S. 101(2)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) the applicant is financially viable; and
(b) the applicant has the capacity to exercise the relevant functions of Energy Safe Victoria for which acceptance is sought.

S. 101(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (3) Energy Safe Victoria must notify an applicant in writing of its decision to recommend, or to refuse to recommend, the application and, in the case of a decision to refuse to recommend the application, of the reasons for its decision.

S. 102
substituted by
No. 89/1998
s. 16.

102. Acceptance of electricity safety manager

S. 102(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (1) The Governor in Council, by Order published in the Government Gazette, may accept a person recommended by Energy Safe Victoria in accordance with this Division as an electricity safety manager for the purposes of this Act.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 102

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- (2) The Order must specify—
- (a) which of the relevant functions of Energy Safe Victoria are to be exercised by the accepted electricity safety manager; and
 - (b) the period of acceptance of the electricity safety manager.
- (3) Subject to the regulations and the conditions to which the acceptance is subject, on the acceptance of an electricity safety manager, the manager has and may exercise such of the relevant functions of Energy Safe Victoria as are specified in the acceptance Order.
- (4) If a relevant function under a provision of this Act or the regulations is conferred on an accepted electricity safety manager by Order under this section, a reference to Energy Safe Victoria in that provision is deemed to include a reference to the accepted electricity safety manager.
- (5) If a relevant function under section 56 is conferred on an accepted electricity safety manager, a reference to Energy Safe Victoria in section 54 is deemed to include a reference to the accepted electricity safety manager.
- (6) If a relevant function under section 58 is conferred on an accepted electricity safety manager, a reference to Energy Safe Victoria in section 57(2) or (3) is deemed to include a reference to the accepted electricity safety manager.
- (7) Nothing in this section or an Order under this section prevents Energy Safe Victoria from exercising any relevant function under this Act or the regulations.
- S. 102(2)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 102(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 102(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 102(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 102(6)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 102(7)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

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Act No. 25/1998

Part 10—Electricity Safety Management

s. 103

- (8) Despite anything to the contrary in this Act or the regulations, the fees and charges payable to an accepted electricity safety manager in respect of the exercise of a relevant function are the relevant fees and charges determined by the accepted electricity safety manager in accordance with the acceptance Order rather than the prescribed fees and charges.

S. 103
substituted by
No. 89/1998
s. 16.

103. Provisions relating to acceptance

- (1) An acceptance under this Division has effect for such term as is specified in the Order.
- (2) An acceptance is subject to such conditions as are specified in the Order and the prescribed conditions.
- (3) Without limiting the generality of sub-section (2), the conditions may include provisions—

S. 103(3)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) requiring the payment to Energy Safe Victoria of a bond in accordance with the regulations;

S. 103(3)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) requiring the accepted electricity safety manager to pay to Energy Safe Victoria—
- (i) specified fees and charges in respect of the acceptance of the electricity safety manager; and
- (ii) specified annual fees and charges which may be a percentage of the fees and charges received by the electricity safety manager in exercising the relevant functions authorised by the acceptance Order;
- (c) requiring the accepted electricity safety manager to enter into agreements on specified terms or on terms of a specified type;

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s. 104

- (d) preventing the accepted electricity safety manager from engaging in or undertaking specified business activities;
- (e) specifying methods or principles to be applied in the exercise of the relevant functions authorised by the acceptance Order;
- (f) requiring the accepted electricity safety manager to provide, in the manner and form determined by Energy Safe Victoria such information, including financial information, as Energy Safe Victoria may from time to time require;
- (g) requiring the accepted electricity safety manager to develop, issue and comply with specified standards, procedures, policies and practices relating to the exercise of the relevant functions authorised by the acceptance Order.

S. 103(3)(f)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

104. Directions of Energy Safe Victoria

S. 104
(Heading)
inserted by
No. 39/2005
s. 48(Sch. 1
item 10).

S. 104
substituted by
No. 89/1998
s. 16.

- (1) Energy Safe Victoria may give directions in writing to an accepted electricity safety manager.
- (2) Without limiting sub-section (1), Energy Safe Victoria may direct an accepted electricity safety manager to provide it in accordance with the regulations with information concerning the licences, registrations, approvals or certifications granted or given by the accepted electricity safety manager under this Act.

S. 104(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 104(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 11(a)(b)).

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 105

S. 104(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) The accepted electricity safety manager must comply with the directions of Energy Safe Victoria.

Penalty: 50 penalty units.

S. 105
substituted by
No. 89/1998
s. 16.

105. Compliance audits

S. 105(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria may require an accepted electricity safety manager—

S. 105(1)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (a) to obtain, at the intervals determined by Energy Safe Victoria, independent audits of the manager's compliance with this Act and the regulations and the conditions to which the acceptance is subject; and

S. 105(1)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) to forward a copy of each audit report to Energy Safe Victoria within a time specified by Energy Safe Victoria.

S. 105(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (2) The accepted electricity safety manager must establish to the satisfaction of Energy Safe Victoria that each person undertaking an audit under this section has the necessary competence and ability and access to information on the operations of the manager under this Act and the regulations to enable an independent audit to be carried out.

S. 105(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) If Energy Safe Victoria requires an accepted electricity safety manager to obtain an independent audit under this section, the costs of that audit must be borne by the manager.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 106

- (4) An accepted electricity safety manager must comply with a requirement of Energy Safe Victoria under this section.

Penalty: 50 penalty units.

S. 105(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

106. Revocation or ending of acceptance

S. 106
substituted by
No. 89/1998
s. 16.

- (1) If Energy Safe Victoria determines that an accepted electricity safety manager—
- (a) has failed to comply with the conditions to which the acceptance is subject; or
 - (b) is not exercising the functions of the accepted electricity safety manager in accordance with this Act or the regulations; or
 - (c) has failed to comply with a direction under section 104 or a requirement under section 105—

S. 106(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Energy Safe Victoria may recommend to the Governor in Council that the Order accepting the electricity safety manager be revoked.

- (2) On the revocation of an Order accepting an electricity safety manager or, if the period of acceptance of an electricity safety manager ends without a further Order of acceptance of that electricity safety manager having been made, on the ending of the period of acceptance of the electricity safety manager—
- (a) a person who was registered or licensed for the purposes of this Act by the electricity safety manager; and

S. 106(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 107

- (b) equipment that was approved or certified under this Act by the electricity safety manager—

is deemed to be registered, licensed, approved or certified by Energy Safe Victoria under this Act.

Pt 10 Div. 2
(Heading)
substituted by
No. 89/1998
s. 17.

Division 2—Electricity safety management schemes

107. Electricity safety management scheme

S. 107(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria—

- (a) may permit a person ("**the scheme operator**") who is an employer of electrical workers to submit an electricity safety management scheme in respect of the electrical work carried out by those workers for that person; and

S. 107(1)(b)
amended by
Nos 89/1998
s. 18(1),
38/2000
s. 20(1).

- (b) may permit a network operator ("**the scheme operator**") to submit an electricity safety management scheme in respect of the design, construction, operation and maintenance of the network operator's upstream network; and

S. 107(1)(c)
inserted by
No. 38/2000
s. 20(1).

- (c) may permit a person ("**the scheme operator**") to submit an electricity safety management scheme in respect of electrical work carried out at specified premises occupied by that person by electrical workers employed or engaged by that person.

S. 107(1A)
inserted by
No. 13/2001
s. 12,
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1A) Energy Safe Victoria may, in accordance with the regulations, permit a person ("**the scheme operator**") to submit a combined electricity safety management scheme under paragraphs (a), (b) and (c) of sub-section (1) or any combination of those paragraphs.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 108

(2) A scheme submitted under this section—

- (a) must be in writing accompanied by the relevant prescribed application fee; and
- (b) in accordance with the regulations, must specify the safety management system being followed or to be followed in respect of the safety of the electrical work to which the system applies or of the upstream network or of the electrical work at premises to which the scheme applies, as the case requires.

S. 107(2)(a)
amended by
No. 89/1998
s. 18(2).

S. 107(2)(b)
amended by
No. 38/2000
s. 20(2)(a).

108. Validation of scheme

- (1) If a scheme has been submitted to Energy Safe Victoria under this Division, Energy Safe Victoria may require the scheme operator to obtain an independent validation of that scheme or any part of that scheme.
- (2) Energy Safe Victoria may require the validation to assess—
 - (a) whether the methods of carrying out and persons proposed to carry out electrical work for the scheme operator will be fit for the purpose; or
 - (b) whether the proposals for safety management of the design, construction, operation and maintenance of the upstream network are appropriate; or
 - (c) whether the proposals for electrical work carried out at premises to which the scheme relates will be fit for the purpose—

S. 108(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 108(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 108(2)(b)
amended by
No. 38/2000
s. 20(2)(b).

S. 108(2)(c)
inserted by
No. 38/2000
s. 20(2)(b).

as the case requires.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 109

S. 108(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) The scheme operator must establish to the satisfaction of Energy Safe Victoria that each person undertaking the validation of a matter has the necessary competence and ability and access to information on the matter to arrive at an independent opinion on the matter.

S. 108(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (4) If Energy Safe Victoria requires a scheme operator to provide an independent validation of a scheme or part of a scheme, the costs of that validation must be borne by the scheme operator.

S. 108(5)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (5) Energy Safe Victoria is not required to proceed with the consideration of a scheme until the independent validation is provided.

109. Additional information

S. 109(1)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2).

- (1) Energy Safe Victoria may require a scheme operator to provide any additional information that Energy Safe Victoria thinks fit in relation to a scheme submitted by the scheme operator under this Division.

S. 109(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (2) Energy Safe Victoria is not required to proceed with the consideration of a scheme until the additional information is provided.

S. 110
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

110. Consideration of scheme

Energy Safe Victoria must consider a scheme submitted under this Division with as much expedition as the requirements of this Act and the regulations and the proper consideration of the scheme permit.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 111

111. Acceptance of scheme

- (1) Energy Safe Victoria must recommend to the Governor in Council that a scheme submitted under this Division be accepted if—

S. 111(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (a) Energy Safe Victoria is satisfied—

S. 111(1)(a)
amended by
No. 38/2000
s. 20(2)(c),
substituted by
No. 25/2004
s. 22(1),
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (i) that the scheme is appropriate for the electric work to which it applies and complies with section 107(2) and the regulations relating to electricity safety management schemes; or
- (ii) that the scheme is appropriate for the upstream network to which it applies and complies with section 107(2) and the regulations relating to electricity safety management schemes; or
- (iii) that the scheme is appropriate for the electric work carried out at the premises to which it applies and complies with section 107(2) and the regulations relating to electricity safety management schemes; and

- (ab) in the case of a scheme submitted by a network operator, Energy Safe Victoria is satisfied that the level of safety to be provided by the scheme minimises as far as practicable—

S. 111(1)(ab)
inserted by
No. 25/2004
s. 22(1),
substituted by
No. 33/2005
s. 3(2),
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (i) the hazards and risks to the safety of any person arising from the upstream network to which the scheme applies; and

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 112

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| <p>S. 111(1)(ac)
inserted by
No. 33/2005
s. 3(2),
amended by
No. 39/2005
s. 48(Sch. 1
item 2).</p> | <p>(ii) the hazards and risks of damage to the property of any person arising from the upstream network to which the scheme applies; and</p> <p>(ac) in the case of any other scheme, Energy Safe Victoria is satisfied that the level of safety to be provided by the scheme is not less than the level of safety which is required to be provided by this Act and the regulations; and</p> |
| <p>S. 111(1)(b)
amended by
No. 89/1998
s. 18(2).</p> | <p>(b) the relevant prescribed fee for acceptance of the scheme has been paid.</p> |
| <p>S. 111(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).</p> | <p>(2) The Governor in Council, by Order published in the Government Gazette, may accept a scheme recommended by Energy Safe Victoria in accordance with this Division.</p> |
| <p>S. 111(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).</p> | <p>(3) Energy Safe Victoria must notify the scheme operator in writing of its decision to recommend that a scheme be accepted.</p> |

112. Non-acceptance of scheme

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|---|--|
| <p>S. 112(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).</p> | <p>(1) If Energy Safe Victoria does not recommend to the Governor in Council that a scheme be accepted, Energy Safe Victoria—</p> <p style="margin-left: 40px;">(a) must notify the scheme operator in writing; and</p> <p style="margin-left: 40px;">(b) must give the scheme operator an opportunity to modify and re-submit the scheme.</p> |
| <p>S. 112(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).</p> | <p>(2) A modified scheme must be submitted to Energy Safe Victoria within 28 days after the notice is given under sub-section (1).</p> |
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Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 113

- (3) If, after considering any modified scheme submitted under this section, Energy Safe Victoria decides not to recommend to the Governor in Council that the scheme be accepted, Energy Safe Victoria must give notice in writing of that decision to the scheme operator.
- (4) A notice under this section must be accompanied by a statement of the reasons for the decision.

S. 112(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

113. Exemption from regulations

- (1) If a scheme submitted under this Division is approved by Order of the Governor in Council under this Division, Energy Safe Victoria may, in writing, exempt the scheme operator from compliance with any of the regulations relating to the installation and operation of electrical installations or supply networks.
- (2) If a scheme submitted under this Division is approved by Order of the Governor in Council under this Division, Energy Safe Victoria may exempt any person authorised under the scheme to carry out a class or type of electrical work from compliance with any of the regulations relating to the carrying out that class or type of electrical work or from compliance with section 44(2), 45(1), (2) or (3) or 45A.
- (2A) If a scheme submitted under section 107(1)(c) is approved by Order of the Governor in Council under this Division, Energy Safe Victoria may exempt a person carrying out a specified class or type of electrical work on the premises to which the scheme applies from compliance with any of the regulations relating to the carrying out of that class or type of work or from compliance with section 44(2), 45(1), (2) or (3) or 45A.

S. 113(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 113(2)
amended by
Nos 89/1998
s. 19, 38/2000
s. 20(3),
39/2005
s. 48(Sch. 1
item 2).

S. 113(2A)
inserted by
No. 38/2000
s. 20(4),
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

* * * * *

S. 113(3)
repealed by
No. 25/2004
s. 22(2).

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 114

114. Compliance with scheme and annual fees

- (1) A scheme operator must comply with an accepted electricity management scheme applying to that scheme operator.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

S. 114(2)
amended by
No. 89/1998
s. 18(2).

- (2) The scheme operator of an accepted electricity management scheme applying to that scheme operator must pay the relevant prescribed annual administration fee in accordance with the regulations.

S. 114A
inserted by
No. 89/1998
s. 20.

114A. Compliance audits

- (1) Energy Safe Victoria may require a scheme operator—

S. 114A(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (a) to obtain, at the intervals determined by Energy Safe Victoria, independent audits of the operator's compliance with the accepted electricity safety management scheme applying to that scheme operator; and

S. 114A(1)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) to forward a copy of each audit report to Energy Safe Victoria within a time specified by Energy Safe Victoria.

S. 114A(1)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 115

- (2) The scheme operator must establish to the satisfaction of Energy Safe Victoria that each person undertaking an audit under this section has the necessary competence and ability and access to information on the operations of the scheme operator and the accepted electricity safety management scheme to enable an independent audit to be carried out.
- (3) If Energy Safe Victoria requires a scheme operator to obtain an independent audit under this section, the costs of that audit must be borne by the scheme operator.
- (4) A scheme operator must comply with a requirement of Energy Safe Victoria under this section.

S. 114A(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 114A(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 114A(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: 50 penalty units.

115. Revision of scheme—each 5 years

- (1) A scheme operator of an accepted electricity safety management scheme must submit a revised scheme to Energy Safe Victoria at the end of each period of 5 years commencing on the later of—
 - (a) the date when the relevant scheme is first accepted; or
 - (b) the date of the most recent acceptance of a revision of the scheme submitted under this section.

S. 115(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: In the case of a natural person,
50 penalty units;

In the case of a body corporate,
250 penalty units.

- (2) This Division applies to a revised scheme under this section in the same manner as it applies to an electricity safety management scheme.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 116

S. 116
(Heading)
inserted by
No. 39/2005
s. 48(Sch. 1
item 12).

116. Energy Safe Victoria may request submission of revised scheme

S. 116(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

- (1) Energy Safe Victoria may at any time request a scheme operator of an accepted electricity safety management scheme to submit a revised scheme.
- (2) The request must—
 - (a) be in writing; and
 - (b) set out—
 - (i) the matters to be addressed by the required revision; and
 - (ii) the proposed date of effect of the revision; and
 - (iii) the grounds for the request.

117. Compliance with request

S. 117(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (1) A scheme operator must comply with a request under section 116 within the time (being not less than 60 days) specified by Energy Safe Victoria in the request.

Penalty: In the case of a natural person,
80 penalty units;
In the case of a body corporate,
400 penalty units.
- (2) This Division applies to a revised scheme under section 116 in the same manner as it applies to an electricity safety management scheme.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 118

118. Lapsing of scheme

- (1) If a scheme operator fails to comply with section 114A, 115 or 116, Energy Safe Victoria may recommend to the Governor in Council that the Order approving the electricity safety management scheme be revoked.
- (2) Energy Safe Victoria may, on application by a scheme operator, recommend to the Governor in Council that an electricity safety management scheme approved by Order under this Division applying to the scheme operator be revoked.
- (3) If an Order of the Governor in Council approving an accepted electricity safety management scheme is revoked, any exemption granted under section 113 in respect of that scheme lapses.

S. 118(1)
amended by
Nos 89/1998
s. 21, 39/2005
s. 48(Sch. 1
item 2).

S. 118(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

119. Duty of scheme operator

A scheme operator of an accepted electricity safety management scheme must manage the carrying out of electrical work by or for the scheme operator to minimise as far as practicable—

- (a) the hazards and risks to safety of any person arising from electricity; and
- (b) the hazards and risks to property arising from electricity.

Penalty: In the case of a natural person,
200 penalty units;

In the case of a body corporate,
1000 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 10—Electricity Safety Management

s. 120

120. Compliance with scheme is a defence

It is a defence to a prosecution of a person for an offence relating to a breach of a duty set out in section 119 if the person has complied with the accepted electricity management scheme in relation to that duty.

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 121

PART 11—ENFORCEMENT OFFICERS AND POWERS

Division 1—Appointment of enforcement officers

121. Enforcement officers

- | | |
|---|---|
| (1) Energy Safe Victoria may appoint the Director or an employee of Energy Safe Victoria or an agent or contractor of Energy Safe Victoria to be an enforcement officer for the purpose of this Act and the Electricity Industry Act 2000 . | S. 121(1)
amended by
Nos 36/1999
s. 20(1)(3),
69/2000
s. 28(1),
39/2005
s. 48(Sch. 1
items 1, 2, 13). |
| (2) Energy Safe Victoria must give an identity card to each person who is appointed an enforcement officer. | S. 121(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 1). |
| (3) The identity card—
<div style="margin-left: 20px;">(a) must be signed by the Director; and</div> <div style="margin-left: 20px;">(b) bear a photograph and the signature of the enforcement officer.</div> | S. 121(3)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 13). |
| (4) An enforcement officer must, in the course of performing his or her functions under this Act or the Electricity Industry Act 2000 , produce his or her identity card to any person who requests its production. | S. 121(4)
amended by
Nos 36/1999
s. 20(2),
69/2000
s. 28(1). |
| (5) Energy Safe Victoria must not appoint an agent or contractor of Energy Safe Victoria to be an enforcement officer unless satisfied that the agent or contractor—
<div style="margin-left: 20px;">(a) is competent to exercise the functions of an enforcement officer; and</div> | S. 121(5)
substituted by
No. 36/1999
s. 20(4),
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 2). |

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 122

S. 121(5)(c)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) is of good repute, having regard to character, honesty and integrity; and
- (c) agrees in writing to carry out the functions of an enforcement officer in accordance with such criteria as are established from time to time by Energy Safe Victoria.

Division 2—Powers of entry—general

122. Powers of entry—compliance

S. 122(1)(b)
amended by
No. 69/2000
s. 31.

- (1) An enforcement officer may exercise powers under this section only to the extent that is reasonably necessary to do so for the purpose of—
 - (a) investigating a serious electrical incident; or
 - (b) determining compliance with an electricity safety management scheme; or
 - (c) determining compliance with this Act or the regulations.

S. 122(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (2) An enforcement officer must obtain the prior written consent of Energy Safe Victoria before each exercise of a power under this section for the purpose of determining compliance with this Act or the regulations.
- (3) An enforcement officer may enter any residence or the land on which a residence is situated if—
 - (a) the enforcement officer gives the occupier not less than 24 hours notice, or such other notice as may be agreed with the occupier, before the enforcement officer enters the land or residence; and
 - (b) the occupier consents in writing to that entry; and

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 122

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- (c) the entry occurs only between 8 a.m. and 6 p.m, unless the occupier consents in writing to entry outside those hours.
 - (4) An enforcement officer may enter any other land or premises during normal business hours.
 - (5) In carrying out an inspection under this section, an enforcement officer must—
 - (a) cause as little harm and inconvenience or damage as possible; and
 - (b) not remain on the land or premises any longer than is reasonably necessary; and
 - (c) leave the land or premises as nearly as possible in the same condition as it was found prior to the inspection being carried out.
 - (6) An enforcement officer may not exercise any powers under this section if the enforcement officer fails to produce, on request, his or her identity card for inspection by the occupier of the land or premises.
 - (7) If an enforcement officer exercises a power of entry under this section, without the owner or occupier being present, the enforcement officer must—
 - (a) on leaving the land or premises, leave a notice setting out—
 - (i) the time of entry; and
 - (ii) the purpose of entry; and
 - (iii) a description of all things done while on the land or premises; and
 - (iv) the time of departure; and
-

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 123

S. 122(7)(a)(v)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (v) the procedure for contacting Energy Safe Victoria for further details of the entry; and

- (b) post a copy of that notice—

- (i) to the owner of the land or premises, if the identity and address of that owner are known to the enforcement officer; and
 - (ii) to the occupier of the land or premises, if the identity and address of that occupier are known to the enforcement officer.

123. Occupier to be given copy of consent

- (1) An occupier who consents in writing to entry of his or her residence or the land on which the residence is situated under section 122 must be given a copy of the signed consent immediately.
- (2) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry under section 122.

124. Emergency access

- (1) An enforcement officer may enter any land or premises at any time in an emergency if there is a threat to the safety of persons or property arising from a situation relating to electricity.
- (2) If an enforcement officer exercises a power of entry under this section, without the owner or occupier being present, the enforcement officer must—

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 125

- (a) on leaving the land or premises, leave a notice setting out—
 - (i) the time of entry; and
 - (ii) the purpose of entry; and
 - (iii) a description of all things done while on the land or premises; and
 - (iv) the time of departure; and
 - (v) the procedure for contacting Energy Safe Victoria for further details of the entry; and

S. 124(2)(a)(v)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (b) post a copy of that notice—
 - (i) to the owner of the land or premises, if the identity and address of that owner are known to the enforcement officer; and
 - (ii) to the occupier of the land or premises, if the identity and address of that occupier are known to the enforcement officer.

125. Powers on entry

- (1) On exercising a power of entry under this Division, an enforcement officer may—
 - (a) search the land or premises and anything found at the land or premises;
 - (b) inspect and take photographs (including video recordings), or make sketches, of the land or premises or anything on the land or premises;

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Part 11—Enforcement Officers and Powers

s. 126

- (c) inspect, and make copies of, or take extracts from, any document kept on the land or premises;
 - (d) seize anything on the land or premises the enforcement officer believes on reasonable grounds that it is necessary to seize in order to prevent its concealment, loss or destruction;
 - (e) examine, test and, if necessary, disconnect, seize and remove or otherwise make safe any electrical equipment, electrical installation or electrical installation work that the enforcement officer considers unsafe or does not comply with this Act or the regulations or was involved in a serious electrical incident.
- (2) If an enforcement officer is unable to ascertain the identity of the owner or custodian of anything seized, the enforcement officer must—
- (a) leave a receipt with, or post it to, the owner or occupier of the land or premises from which the thing was seized; and
 - (b) if a document is seized, leave a copy of the document, if practicable, with, or post it to, the owner or occupier of the land or premises from which the document was seized.

126. Return of things seized

- (1) If an enforcement officer seizes a thing under section 125, the enforcement officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the thing has not been returned within 14 days after it is seized, the enforcement officer must take reasonable steps to return it unless—

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 127

- (a) proceedings have commenced and those proceedings (including any appeal) have not been completed; or
- (b) a court makes an order under section 127 extending the period of 14 days.

127. Magistrates' Court may extend period

- (1) An enforcement officer may apply to the Magistrates' Court before the expiration of the period referred to in section 126 or within a period extended by the Court under this section for an extension of that period.
- (2) The Magistrates' Court may order such an extension if satisfied that retention of the thing is necessary—
 - (a) for the purposes of an investigation into whether an offence has been committed; or
 - (b) to enable evidence of an offence to be obtained for the purposes of a prosecution.
- (3) The enforcement officer must give notice of the application to the person from whom the thing was seized unless the Court otherwise directs.

128. Entry to be reported to Energy Safe Victoria

S. 128
(Heading)
substituted by
No. 39/2005
s. 48(Sch. 1
item 14).

S. 128
substituted by
No. 24/2002
s. 6.

- (1) If an enforcement officer exercises a power of entry under this Division, the enforcement officer must report the exercise of the power to Energy Safe Victoria within 3 business days after the entry.

S. 128(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 129

- (2) The report must be in writing and include all relevant details of the entry including the following—
- (a) the full name of the enforcement officer; and
 - (b) the time of the entry; and
 - (c) the address of the land or premises entered; and
 - (d) the purpose of the entry; and
 - (e) a description of all things done while on the land or premises, including photographs or video recordings taken, and details of items inspected, examined or tested, and details of items seized or removed, copies made and extracts taken; and
 - (f) the time of departure from the land or premises.
- (3) Energy Safe Victoria must keep a register containing the particulars of all matters reported to it under this section.
- (4) Energy Safe Victoria must keep, as part of that register, the register sent to it under clause 6(1)(a) of Schedule 1.

S. 128(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

S. 128(4)
amended by
No. 39/2005
s. 48(Sch. 1
item 1).

Division 3—Powers of entry—enforcement

129. Powers of entry—enforcement

- (1) If an enforcement officer has reasonable grounds for suspecting that there is on any land or premises a particular thing that may be evidence of the commission of an offence against this Act or the regulations, the enforcement officer may—

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s. 130

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- (a) enter the land or premises; and
 - (b) search for the thing.
- (2) An enforcement officer must not enter land or premises under this Division except—
- (a) with the written consent of the occupier of the land or premises; or
 - (b) under the authority of a search warrant.

130. Occupier to be given copy of consent

- (1) An occupier who consents in writing to entry of his or her residence under section 129 must be given a copy of the signed consent immediately.
- (2) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry and search.

131. Search warrant

- (1) An enforcement officer may apply to a magistrate for the issue of a search warrant in relation to particular land or premises if the enforcement officer believes on reasonable grounds that there is, or may be within the next 72 hours, on the land or premises a particular thing that may be evidence of the commission of an offence against this Act or the regulations.
- (2) A magistrate may issue a search warrant under this section if the magistrate is satisfied by evidence on oath, whether oral or by affidavit, that there are reasonable grounds for suspecting that there is, or may be within 72 hours, on land or premises a particular thing that may be evidence of the commission of an offence against this Act or the regulations.

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 131

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- (3) The search warrant may authorise an enforcement officer named in the warrant and any assistants the enforcement officer considers necessary—
- (a) to enter the land or premises, or part of the land or premises, named or described in the warrant; and
 - (b) to search for the thing named or described in the warrant.
- (4) In addition to any other requirement, a search warrant issued under this section must state—
- (a) the offence suspected; and
 - (b) the land or premises to be searched; and
 - (c) a description of the thing for which the search is to be made; and
 - (d) any conditions to which the warrant is subject; and
 - (e) whether entry is authorised to be made at any time or during stated hours; and
 - (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (5) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.
- (6) The rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.

132. Announcement before entry

- (1) Before executing a search warrant, the enforcement officer named in the warrant or a person assisting the enforcement officer named in the warrant must—
 - (a) announce that he or she is authorised by the warrant to enter the land or premises; and
 - (b) give any person at the land or premises an opportunity to allow entry to the land or premises.
- (2) The enforcement officer or a person assisting the enforcement officer need not comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the land or premises is required to ensure—
 - (a) the safety of any person; or
 - (b) that the effective execution of the warrant is not frustrated.

133. Copy of warrant to be given to occupier

If the occupier or another person who apparently represents the occupier is present at the land or premises when a search warrant is being executed, the enforcement officer must—

- (a) identify himself or herself to that person by producing his or her identity card for inspection by that person; and
- (b) give to that person a copy of the execution copy of the warrant.

Electricity Safety Act 1998
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Division 4—General

134. Power of enforcement officer to require information or documents

- (1) An enforcement officer may exercise powers under this section only to the extent that it is reasonably necessary to do so for the purpose of—
 - (a) investigating a serious electrical incident; or
 - (b) investigating an emergency where there is a threat to the safety of persons or property arising from a situation relating to electricity; or
 - (c) determining compliance with an electricity safety management scheme; or
 - (d) determining compliance with this Act or the regulations.
- (2) An enforcement officer must obtain the prior written consent of Energy Safe Victoria before each exercise of a power under this section for the purpose of determining compliance with this Act or the regulations.
- (3) An enforcement officer may require a person to give information to the enforcement officer, to produce documents to the enforcement officer and to give reasonable assistance to the enforcement officer.
- (4) A person must not refuse or fail, without reasonable excuse, to comply with a requirement made under sub-section (3).

Penalty: 200 penalty units.

S. 134(1)(c)
amended by
No. 69/2000
s. 31.

S. 134(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 135

135. Offence to give false information to enforcement officer

A person must not—

- (a) give information to an enforcement officer under this Part that the person knows to be false or misleading in a material particular; or
- (b) produce a document to an enforcement officer under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: 200 penalty units.

136. Copying of documents

If a person produces a document to an enforcement officer in accordance with a requirement under section 134, the enforcement officer may make copies of, or take extracts from, the document.

137. Protection against self-incrimination

A natural person may refuse or fail to give information, produce a document or do any other thing that the person is required to do by or under this Part if the giving of the information, the production of the document or the doing of that other thing would tend to incriminate the person.

138. Offence to obstruct enforcement officer

A person must not without reasonable excuse obstruct or hinder an enforcement officer exercising functions under this Act or the **Electricity Industry Act 2000**.

Penalty: 300 penalty units.

S. 138
amended by
Nos 36/1999
s. 20(5),
69/2000
s. 28(2).

Electricity Safety Act 1998
Act No. 25/1998

Part 11—Enforcement Officers and Powers

s. 139

S. 139
amended by
Nos 36/1999
s. 20(6),
69/2000
s. 28(2).

139. Police to assist enforcement officers

An enforcement officer may request the assistance of a member of the police force and a member of the police force may assist an enforcement officer to take any action authorised by this Part or the **Electricity Industry Act 2000**.

140. Impersonation of enforcement officer

A person must not impersonate an enforcement officer.

Penalty: 100 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 11A—Infringement Notices

s. 140A

PART 11A—INFRINGEMENT NOTICES

Pt 11A
(Heading and
ss 140A–
140J)
inserted by
No. 89/1998
s. 22.

140A. Definition

In this Part—

"prescribed offence" means an offence against section 68 or an offence against a prescribed provision of this Act or the regulations.

S. 140A
inserted by
No. 89/1998
s. 22,
amended by
No. 40/2003
s. 27.

140B. Power to serve a notice

- (1) An enforcement officer may serve an infringement notice on any person that he or she has reason to believe has committed a prescribed offence.
- (2) An offence referred to in sub-section (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 140B
inserted by
No. 89/1998
s. 22.

S. 140B(2)
substituted by
No. 32/2006
s. 94(Sch.
item 14(1)).

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S. 140C
inserted by
No. 89/1998
s. 22,
repealed by
No. 32/2006
s. 94(Sch.
item 14(2)).

140D. Infringement penalties

The infringement penalty for an offence against a provision of this Act or the regulations is one-tenth of the maximum monetary penalty fixed by that provision.

S. 140D
inserted by
No. 89/1998
s. 22.

Electricity Safety Act 1998
Act No. 25/1998

Part 11A—Infringement Notices

s. 140E

Ss 140E–140J
inserted by
No. 89/1998
s. 22,
repealed by
No. 32/2006
s. 94(Sch.
item 14(2)).

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PART 12—GENERAL

Division 1—Directions

141. Director may give directions

S. 141
(Heading)
inserted by
No. 39/2005
s. 48(Sch. 1
item 15).

(1) If the Director considers that it is necessary to do so for safety reasons, the Director may, in writing, direct a relevant person—

S. 141(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 16).

(a) to disconnect the supply of electricity to an electrical installation, or part of an electrical installation; and

(b) to keep that supply disconnected until the Director considers that it is safe to reconnect the supply.

S. 141(1)(b)
amended by
No. 39/2005
s. 48(Sch. 1
item 16).

(2) If the Director is satisfied that it is necessary to do so for safety reasons, the Director may, in writing, direct a person—

S. 141(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 16).

(a) to cease to use particular electrical equipment or a class of electrical equipment until the Director considers that it is safe to use; or

S. 141(2)(a)
amended by
No. 39/2005
s. 48(Sch. 1
item 16).

(b) to cease a particular electrical work practice or class of electrical work practice until the Director considers that it is safe; or

S. 141(2)(b)
amended by
Nos 36/1999
s. 21, 39/2005
s. 48(Sch. 1
item 16).

Electricity Safety Act 1998
Act No. 25/1998

Part 12—General

s. 141A

S. 141(2)(c)
inserted by
No. 36/1999
s. 21.

(c) to make safe an electrical installation or particular electrical equipment; or

S. 141(2)(d)
inserted by
No. 36/1999
s. 21.

(d) to do any other thing necessary to make an unsafe electrical situation safe.

S. 141(3)
amended by
No. 69/2000
s. 29.

(3) In this section, "**relevant person**" means an electricity supplier, the holder of a licence under the **Electricity Industry Act 2000** to supply or sell electricity, or any other person supplying electricity.

(4) A person must comply with a direction under this section that applies to the person.

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

S. 141A
inserted by
No. 36/1999
s. 22.

141A. Additional powers in emergencies

S. 141A(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 16).

(1) In addition to the powers under section 141, the Director may do anything or give any direction that the Director considers necessary to make an electricity emergency situation safe.

(2) A person must comply with a direction under this section that applies to the person.

Penalty: In the case of a natural person,
500 penalty units or 5 years
imprisonment or both;

In the case of a body corporate,
10 000 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 12—General

s. 141B

- (3) An offence under sub-section (2) is an indictable offence.
- (4) Energy Safe Victoria must include in its annual report for a financial year under Part 7 of the **Financial Management Act 1994**, a statement setting out details of each direction given by the Director under this section during that financial year.

S. 141A(4)
amended by
No. 39/2005
s. 48(Sch. 1
items 1, 16).

141B. Delegation by Director

The Director may, with the consent of the Minister, by instrument, delegate any function or power of the Director under section 141 or 141A to an employee of Energy Safe Victoria.

S. 141B
inserted by
No. 36/1999
s. 22,
substituted by
No. 39/2005
s. 46.

Division 2—Reporting of serious electrical incidents

142. Notification of serious electrical incidents

- (1) An electricity supplier must report to Energy Safe Victoria in accordance with the regulations any serious electrical incident which occurs in relation to its supply network.

S. 142(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: In the case of a natural person,
300 penalty units;

In the case of a body corporate,
1500 penalty units.

- (2) An electricity supplier must report to Energy Safe Victoria in accordance with the regulations any serious electrical incident of which it is aware and which occurs in relation to an electrical installation to which it supplies electricity.

S. 142(2)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: In the case of a natural person,
10 penalty units;

In the case of a body corporate,
50 penalty units.

Electricity Safety Act 1998
Act No. 25/1998

Part 12—General

s. 143

S. 142(3)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (3) A fire control authority must report to Energy Safe Victoria in accordance with the regulations—
 - (a) any serious electrical incident which it attends; and
 - (b) the results of any investigation it conducts into a fire of an electrical nature.

Division 3—Improvement notices

143. Enforcement officer may issue improvement notice

- (1) An enforcement officer may issue an improvement notice to a person if the officer is of the opinion that the person—
 - (a) is contravening any provision of Division 2 of Part 10; or
 - (b) has contravened such a provision in circumstances that make it likely that the contravention will be continued or repeated.
- (2) The improvement notice may require the person to whom it is issued to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention.
- (3) An improvement notice must—
 - (a) state that the enforcement officer is of the opinion that the person—
 - (i) is contravening a provision of Division 2 of Part 10; or
 - (ii) has contravened such a provision in circumstances that make it likely that the contravention will be continued or repeated; and
 - (b) state the reasons for that opinion; and

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- (c) specify the provision of the electricity safety management scheme in respect of which that opinion is held; and
 - (d) specify the day (being a day more than 7 days after the day on which the notice is issued) before which the person is required to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention.

144. Offence not to comply with improvement notice

- (1) A person to whom an improvement notice is issued must comply with the improvement notice.

Penalty: in the case of a natural person,
80 penalty units;
in the case of a body corporate,
400 penalty units.

- (2) Sub-section (1) does not apply during any period that the operation of the improvement notice is stayed by the Tribunal.

S. 144(2)
amended by
No. 24/2002
s. 7.

145. Notices may include directions

- (1) An enforcement officer may include in an improvement notice directions as to the measures to be taken to remedy any contravention or likely contravention, to which the notice relates.
- (2) A direction under sub-section (1) may offer the person to whom it is issued a choice of ways in which to remedy the contravention or likely contravention.

Electricity Safety Act 1998
Act No. 25/1998

Part 12—General

s. 145A

Division 4—Other matters

S. 145A
inserted by
No. 89/1998
s. 23,
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

145A. Offences under Part 8

Proceedings for an offence against Part 8 may be brought only by Energy Safe Victoria.

146. Offences by bodies corporate

- (1) If a body corporate commits an offence against this Act or the regulations, any officer of the body corporate who was in any way, by act or omission, directly or indirectly knowingly concerned in or party to the commission of the offence is also guilty of that offence and liable to the penalty for it.
- (2) A person may be proceeded against and convicted under a provision in accordance with sub-section (1) whether or not the body corporate has been proceeded against or convicted under that provision.
- (3) Nothing in this section affects any liability imposed on a body corporate for an offence committed by the body corporate against this Act or the regulations.
- (4) If in a proceeding for an offence against this Act or the regulations it is necessary to establish the intention of a body corporate, it is sufficient to show that a servant or agent of the body corporate had that intention.
- (5) In sub-section (1), "**officer**", in relation to a body corporate, means—
 - (a) a director, secretary or executive officer of the body corporate; or

- (b) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act; or
- (c) a person concerned in the management of the body corporate.

147. Offences by partnerships or unincorporated associations

If this Act or a regulation made under this Act provides that a person is guilty of an offence, that reference to a person must—

- (a) in the case of a partnership, be read as a reference to each member of the partnership; and
- (b) in the case of an unincorporated body or association, be read as a reference to each member of the committee of management of the body or association.

148. False or misleading information

- (1) A person must not give information that is false or misleading in a material particular to Energy Safe Victoria or to an employee of Energy Safe Victoria in connection with an application, notice or submission under this Act or the regulations.

S. 148(1)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Penalty: 100 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is a defence for the accused to prove that the accused believed on reasonable grounds—
 - (a) in the case of false information, that the information was true; and
 - (b) in the case of misleading information, that the information was not misleading.

PART 13—REGULATIONS

149. Supply safety

The Governor in Council may make regulations for or with respect to the safe generation, transmission, distribution and supply of electricity, including—

- (a) the protection of persons from risk and property from damage associated with the generation, transmission, distribution and supply of electricity;
- (b) the protection and maintenance of and the prevention of interference with operations, electric lines, works and structures associated with the generation, transmission, distribution and supply of electricity.

S. 149A
inserted by
No. 89/1998
s. 24.

149A. Electricity safety managers

The Governor in Council may make regulations for or with respect to—

- (a) the procedures for recommendation of persons for acceptance as electricity safety managers under Part 10;
- (b) prescribing conditions with which an accepted electricity safety manager must comply;
- (c) providing for compliance audits of accepted electricity safety managers under Part 10;
- (d) providing for the keeping of records by an accepted electricity safety manager;
- (e) providing for the payment of bonds to Energy Safe Victoria by an accepted electricity safety manager;

S. 149A(e)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

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- (f) regulating and requiring the keeping of accounts by an accepted electricity safety manager;
- (g) empowering Energy Safe Victoria to exempt an accepted electricity safety manager from all or any of the requirements of the regulations made in relation to electricity safety managers subject to conditions (if any) specified by Energy Safe Victoria.

S. 149A(g)
amended by
Nos 38/2000
s. 21(a),
39/2005
s. 48(Sch. 1
item 2).

150. Safety management schemes

The Governor in Council may make regulations for or with respect to electricity safety management schemes including regulations—

- (a) specifying the requirements and standards with which an electricity safety management scheme must comply;
- (b) specifying procedures for recommendation of electricity safety management schemes for acceptance under Part 10;
- (c) requiring an electricity safety management scheme to nominate the persons who are to carry out electrical work under the scheme;
- (d) providing for compliance audits of accepted electricity safety management schemes;
- (e) providing for the keeping of records in relation to electricity safety management schemes;
- (f) providing for the payment of bonds to Energy Safe Victoria in respect of electricity safety management schemes;

S. 150(b)
substituted by
No. 89/1998
s. 25(a).

S. 150(d)
substituted by
No. 89/1998
s. 25(b).

S. 150(f)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

Electricity Safety Act 1998
Act No. 25/1998

Part 13—Regulations

s. 151

S. 150(h)
amended by
Nos 38/2000
s. 21(b),
39/2005
s. 48(Sch. 1
item 2).

- (g) regulating and requiring the keeping of accounts by the manager of an electricity safety management scheme;
- (h) empowering Energy Safe Victoria to exempt an electricity safety management scheme from all or any of the requirements of the regulations made in relation to electricity safety management schemes subject to conditions (if any) specified by Energy Safe Victoria.

151. Electric line clearance

The Governor in Council may make regulations for or with respect to—

- (a) standards of design, construction and maintenance of private electric lines;
- (b) the manner in which a distribution company or transmission company may exercise its powers under section 85(b) and (c);
- (c) the Code of Practice for Electric Line Clearance setting out—
 - (i) the duties of responsible persons;
 - (ii) the standards and practices to be adopted and observed in tree pruning or clearing in the vicinity of electric lines;
 - (iii) management procedures to minimise danger of electric lines causing fire or electrocution;
 - (iv) any other matters for or with respect to the maintenance of electric lines;
- (d) requiring responsible persons to prepare and submit to Energy Safe Victoria for approval management plans relating to compliance with the Code and requiring compliance with an approved management plan.

S. 151(d)
inserted by
No. 89/1998
s. 26,
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

152. Installation safety

The Governor in Council may make regulations for or with respect to—

- (a) safety standards for the design, construction, operation, alteration, repair, maintenance and dismantling of electrical installations;
- (b) prohibiting or regulating the construction of electrical installations;
- (c) the methods to be followed in carrying out electrical installation work in or in relation to electrical installations;
- (d) safety standards in relation to the connection of electrical equipment or apparatus to electrical installations;
- (e) safety standards in relation to the connection of electrical installations to an electricity supply;
- (f) inspections of electrical installations;
- (g) testing of electrical installations and electrical installation work;
- (h) the certification of electrical installation work;
- (ha) the notification (including electronic notification) to be given to Energy Safe Victoria of completion of certificates of compliance under section 44 or certificates of inspection under section 45 or any classes of those certificates;
- (i) reasonable fees to be charged by Energy Safe Victoria for the inspection and testing of electrical installations and electrical installation work;
- (j) reasonable fees to be charged for the certification of electrical installation work.

S. 152(ha)
inserted by
No. 89/1998
s. 27,
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 152(i)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

S. 153(b)
amended by
Nos 89/1998
s. 28(1),
39/2005
s. 48(Sch. 1
item 2).

153. Equipment safety

The Governor in Council may make regulations for or with respect to—

- (a) standards of safety for electrical equipment;
- (b) the examination, inspection and testing of electrical equipment, including the provision of samples of equipment to Energy Safe Victoria for testing and the disposal of those samples;
- (c) the acceptance of electrical equipment, the approval of prescribed electrical equipment and the certification of compliance of electrical equipment including—
 - (i) applications for certificates of approval, acceptance or compliance and the information to accompany the applications;
 - (ii) the issuing of certificates of approval, acceptance or compliance;
 - (iii) conditions on certificates of approval, acceptance or compliance;
 - (iv) the modification of certificates of approval, acceptance or compliance;
 - (v) the refusal and withdrawal of approval or acceptance;
 - (vi) the renewal and duration of certificates of approval or acceptance;
 - (vii) the keeping of registers of certificates of approval, acceptance or compliance and certificate holders;
- (d) the marking and labelling of prescribed electrical equipment;

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- (e) reasonable fees and charges to be charged for or for the recovery of reasonable costs for—
- S. 153(e)
amended by
No. 89/1998
s. 28(2)(a).
- (i) testing and examination in connection with the approval of prescribed electrical equipment and the certification of compliance or acceptance of electrical equipment;
- S. 153(e)(i)
substituted by
No. 89/1998
s. 28(2)(b).
- (ii) preparation of reports in connection with the approval of prescribed electrical equipment and the certification of compliance or acceptance of electrical equipment;
- S. 153(e)(ii)
substituted by
No. 89/1998
s. 28(2)(b).
- (iii) applications for certificates of approval or acceptance or the renewal, modification or transfer of certificates of approval or acceptance;
- (iv) applications for certificates of compliance.

154. Equipment efficiency regulations

The Governor in Council may make regulations for or with respect to—

- (a) the standards of energy efficiency and performance required for proclaimed electrical equipment;
- (b) prohibiting or regulating the supply or offer of supply of proclaimed electrical equipment;
- (c) the registration of proclaimed electrical equipment, including—
- (i) applications for registration and the renewal, modification or transfer of registration and the information to

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accompany the applications (including details about tests);

- (ii) the granting of registration;
- (iii) conditions on registration;
- (iv) the transfer of registration;
- (v) variation of registration;
- (vi) the refusal and cancellation of registration;
- (vii) the renewal and duration of registration;
- (viii) the keeping of registers of proclaimed electrical equipment and registration holders;

S. 154(d)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

- (d) the testing, marking and labelling of proclaimed electrical equipment, including the provision of samples of equipment and labels to Energy Safe Victoria for testing and the disposal of those samples;

S. 154(e)
amended by
No. 89/1998
s. 29.

- (e) reasonable fees and charges to be charged for or for the recovery of reasonable costs for—
 - (i) the testing, examination, marking or labelling of proclaimed electrical equipment;
 - (ii) the preparation of reports about proclaimed electrical equipment;
 - (iii) the registration, renewal of registration, modification of registration or transfer of registration of proclaimed electrical equipment;
- (f) authorising or requiring the giving of public notices in relation to proclaimed electrical equipment and the recovery of costs associated with those notices.

155. Cathodic protection and stray current corrosion regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) standards and requirements for the design, installation and operation of cathodic protection systems and systems for the mitigation of stray current corrosion;
 - (b) requiring and regulating the installation, use and maintenance of cathodic protection systems and systems for the mitigation of stray current corrosion;
 - (c) the registration of cathodic protection systems and systems for the mitigation of stray current corrosion, including—
 - (i) applications for registration and the information to accompany the applications;
 - (ii) the granting of certificates of registration;
 - (iii) conditions on certificates of registration;
 - (iv) modifications to a system;
 - (v) the refusal and withdrawal of registration;
 - (d) the keeping of registers of cathodic protection systems and systems for the mitigation of stray current corrosion;
 - (e) the testing of cathodic protection systems and systems for the mitigation of stray current corrosion;

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- (f) reasonable fees (including annual fees) to be charged for the testing of, the examination of and for the preparation of reports about cathodic protection systems and systems for the mitigation of stray current corrosion;
- (g) prescribing generally the precautions to be taken to secure the working of railway and tramway systems so as to mitigate danger and damage from fusion or electrolytic action and in particular all such matters or things as are necessary or expedient to be prescribed with respect to all or any of the following matters—
 - (i) return conductors;
 - (ii) the structure and method of construction of railway and tramway systems and the method of generation, distribution and use of the electrical current;
 - (iii) the making and recording of electric tests whether by the operator of a railway or tramway system or Energy Safe Victoria.

S. 155(1)(g)(iii)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

156. Electrical contractors and electrical workers

The Governor in Council may make regulations for or with respect to—

- (a) the qualifications (including courses of training and examination, re-examination, assessment and re-assessment) required for registration of electrical contractors or any class of electrical contractors;
- (b) the registration of electrical contractors including the conditions under which registration will be granted;

S. 156(a)
substituted by
No. 69/2000
s. 30(a).

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- (c) reasonable fees to be paid—
 - (i) for the registration of electrical contractors;
 - (ii) for the renewal of registrations;
 - (d) the suspension or cancellation of the registration of any electrical contractor and the restoration of the registration of any electrical contractor whose registration has been suspended or cancelled.
 - (e) grades and standards of qualification and competence of electrical workers and their duties;
 - (f) the examination, assessment, grading and licensing of electrical workers and applications for and the issue and variation of licences, including the conditions and restrictions to which licences are subject;
 - (g) the expiry, renewal, cancellation and suspension of licences;
 - (h) prescribing forms of licences;
 - (i) prescribing periodic or other tests of the competence of electrical workers for carrying out electrical work;
 - (j) reasonable fees to be paid for applications for licences and any assessment or any theoretical or practical examination in electrical work and refunds of fees.

S. 156(f)
amended by
No. 69/2000
s. 30(b).

S. 156(j)
amended by
No. 69/2000
s. 30(c).

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157. General regulation making powers

(1) The Governor in Council may make regulations for or with respect to—

S. 157(1)(a)
amended by
Nos 38/2000
s. 21(c),
39/2005
s. 48(Sch. 1
item 2).

(a) fixing fees and charges, including maximum or minimum fees and charges, for or with respect to any function or service carried out by Energy Safe Victoria;

S. 157(1)(b)
amended by
Nos 89/1998
s. 30(1),
39/2005
s. 48(Sch. 1
item 2).

(b) empowering Energy Safe Victoria to waive or rebate the payment of a fee or charge in specified circumstances or to refund amounts paid to Energy Safe Victoria in specified circumstances;

S. 157(1)(c)
repealed by
No. 24/2002
s. 8.

* * * *

(d) forms for the purposes of this Act or the regulations;

S. 157(1)(e)
repealed by
No. 24/2002
s. 8.

* * * *

(f) the keeping of records;

(g) the conducting of tests;

(h) any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

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(2) Regulations made under this Act may be made—

(a) so as to apply—

- (i) at all times or at a specified time; or
- (ii) throughout the whole of the State or in a specified part of the State;

(aa) so as to apply generally or to be of limited application and may differ according to differences in circumstances;

S. 157(2)(aa)
inserted by
No. 89/1998
s. 30(2).

(b) so as to require a matter affected by the regulations to be—

- (i) in accordance with a specified standard or specified requirement; or
- (ii) approved by or to the satisfaction of a specified person or body;

(c) so as to incorporate, adopt or apply wholly or partially or as amended by the regulations, the provisions of any document, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether—

- (i) as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; or

- (ii) as amended from time to time;

(d) so as to confer a discretionary authority on or leave any matter to be determined by a specified person or body;

(e) so as to empower Energy Safe Victoria to exempt any person, electrical work or electrical equipment from all or any of the requirements of the regulations subject to conditions (if any) specified by Energy Safe Victoria.

S. 157(2)(e)
amended by
No. 39/2005
s. 48(Sch. 1
item 2).

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- (3) The regulations may impose a penalty not exceeding 20 penalty units for a breach of a regulation.

158. Disallowance of regulations

The regulations are subject to disallowance by a House of the Parliament.

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Part 14—Transitional Provisions and Consequential Amendments

s. 160

**PART 14—TRANSITIONAL PROVISIONS AND
CONSEQUENTIAL AMENDMENTS**

* * * * *

S. 159
repealed by
No. 39/2005
s. 47.

160. Transitional provisions—electrical contractors and mechanics

- (1) Any person who was registered as an electrical contractor under Part V of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be registered as an electrical contractor under Division 1 of Part 3 of this Act for the remainder of the registration period.
- (2) Any person who was licensed as an electrical mechanic in respect of a grade of electrical wiring work under Part V of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be licensed under Division 2 of Part 3 of this Act as an electrical worker in respect of an equivalent class of electrical work for the remainder of the licence period.

161. Transitional provision—electrical equipment

- (1) Electrical equipment in respect of which an approval was in force under section 51 of the **State Electricity Commission Act 1958** immediately before the commencement of this section is deemed on that commencement to be approved under section 58 of this Act.
- (2) An Order under section 57(1) of the **State Electricity Commission Act 1958** in force immediately before the commencement of this section and declaring any class, description or

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type of electrical appliance to be a proclaimed electrical appliance has effect as an Order under section 67 of this Act declaring any class, description or type of appliance to which the Order applies to be proclaimed electrical equipment for the purposes of Part 5 of this Act and may be amended or revoked accordingly.

162. Transitional provision—urban area

- (1) A notice under section 58(1A) of the **State Electricity Commission Act 1958** specifying an area of land as an urban area that was in force immediately before the commencement of this section has effect as a notice under section 79 of this Act and may be amended or revoked accordingly.
- (2) A declaration under section 65(3) of the **State Electricity Commission Act 1958** of an area in an urban area for the purposes of section 60(3) of that Act that was in force immediately before the commencement of this section has effect as a declaration under section 81(1) of this Act and may be amended or revoked accordingly.

S. 162A
inserted by
No. 38/2000
s. 22.

162A. Making of certain statutory rules

- (1) A notice advising of the decision to make a proposed statutory rule referred to in sub-section (2) is deemed to have been published in the Government Gazette as soon as practicable after the decision was made and to have been so published before the proposed statutory rule was made.
- (2) In sub-section (1), "**proposed statutory rule**" means any of the following proposed statutory rules that were made on 14 December 1999 as—
 - (a) the Electricity Safety (Management) Regulations 1999;

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- (b) the Electricity Safety (Network Assets) Regulations 1999;
- (c) the Electricity Safety (Electric Line Clearance) Regulations 1999.

163. Transitional provisions—abolition of the Electrical Appeals Board

Schedule 1 has effect.

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S. 163
substituted by
No. 24/2002
s. 9.

Ss 164–170
repealed by
No. 24/2002
s. 10.

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Sch. 1
amended by
Nos 46/1998
s. 7(Sch. 1),
38/2000
s. 23(a)(b),
substituted by
No. 24/2002
s. 11.

SCHEDULE 1

TRANSITIONAL PROVISIONS

1. Definitions

In this Schedule—

"Board" means Electrical Appeals Board established under the **Electricity Safety Act 1998** as in force prior to the commencement day;

"commencement day" means the day on which section 9 of the Energy Legislation (Further Miscellaneous Amendments) Act 2002 comes into operation;

"VCAT Act" means the **Victorian Civil and Administrative Tribunal Act 1998**.

2. Abolition of the Electrical Appeals Board

- (1) On the commencement day, the Electrical Appeals Board is abolished and its members go out of office.
- (2) On and from the commencement day, a reference to the Board in any Act or subordinate instrument (other than this Schedule) or in any other document, so far as it relates to any period after that day and unless the context otherwise requires, must be construed as a reference to the Tribunal.
- (3) Sub-clause (1) does not affect any other provision of this Schedule—
 - (a) dealing with proceedings before the Electrical Appeals Board; or
 - (b) providing for the Electrical Appeals Board to continue for certain purposes.
- (4) If under this Schedule the Electrical Appeals Board continues for certain purposes, the provisions of the **Electricity Safety Act 1998** as in force immediately before the commencement day relating to membership and procedure continue to apply for those purposes.

3. Pending proceedings

- (1) If, immediately before the commencement day, a proceeding was pending before the Board but the Board had not begun to hear the matter or had not been presented with any evidence on any material question of fact, the proceeding is to be heard and determined by the Tribunal and for that purpose—
- (a) the proceeding is to be taken to have been commenced in the Tribunal; and
 - (b) anything done in relation to the proceeding by the Board before the commencement day is deemed to have been done by the Tribunal; and
 - (c) the procedure that applies to the proceeding on and after the commencement day is the procedure set out in the VCAT Act and the rules made under it in relation to that class of proceedings; and
 - (d) anything done or omitted to be done in relation to the proceeding by a party or other person before the commencement day, under or in accordance with the procedure that applied before that day, must be taken, so far as possible, to have been done or omitted under or in accordance with the procedure applying on or after that day; and
 - (e) the Tribunal has only the powers, functions and duties which the Board would have had in relation to the proceeding under this Act as in force immediately before the commencement day; and
 - (f) any order made by the Tribunal may only be appealed against in accordance with Part 5 of the VCAT Act.
- (2) If, immediately before the commencement day, a proceeding was pending before the Board and the Board had begun to hear the matter or had been presented with evidence on a material question of fact—
- (a) the proceeding is to be heard and determined by the Board in accordance with the provisions of the **Electricity Safety Act 1998** as in force immediately before the commencement day; and
 - (b) the Board may make any determination or order in respect of the proceeding that it could have made immediately before the commencement day; and

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- (c) for the purpose of completing the proceeding and making a determination or order the Board will, despite clause 2(1), continue to exist; and
- (d) the procedure that applies to the proceeding on and after the commencement day is the procedure that applied immediately before the commencement day.

4. Determinations or orders made by Board

A determination or order made by the Board in a proceeding finally determined by it before the commencement day may be enforced in accordance with this Act as in force immediately before that day.

5. Power to resolve transitional difficulties

If any difficulty arises because of the operation of this Schedule in relation to a proceeding (including a proceeding pending before the Board) to which clause 3 applies, the Tribunal may make any order that it considers appropriate to resolve the difficulty.

6. Transfer of registers

- (1) The Secretary to the Department of Natural Resources and Environment must ensure that—
 - (a) the register, required to be kept by the Electrical Appeals Board under section 128(2) of the **Electricity Safety Act 1998**, as in force immediately before the commencement of section 6 of the **Energy Legislation (Further Miscellaneous Amendments) Act 2002**, is sent to the Office; and
 - (b) the Register, required to be kept by the Registrar of the Board by clause 15 of Schedule 1 to the **Electricity Safety Act 1998** as in force immediately before the commencement of section 9 of the **Energy Legislation (Further Miscellaneous Amendments) Act 2002**, and any other documents in the possession of the Board relating to proceedings before the Board, are sent to the principal registrar of the Tribunal.
- (2) Despite sub-clause (1)(b), the Secretary is not required to send to the principal registrar documents relating to a proceeding to which clause 3(2) applies until the conclusion of that proceeding.

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Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 17 March 1998

Legislative Council: 21 April 1998

The long title for the Bill for this Act was "A Bill relating to the safety of electricity supply and use and the efficiency of electrical equipment, to repeal the **Electric Light and Power Act 1958**, to amend certain other Acts and for other purposes."

The **Electricity Safety Act 1998** was assented to on 12 May 1998 and came into operation as follows:

Part 1 (sections 1–5) on 12 May 1998: section 2(1); Part 2 (sections 6–29), Part 3 Division 4 (sections 46–49), sections 121–127, 129–140, Part 12 Division 4 (sections 146–148), sections 157–159, 163(1)(a)–(c)(2), 164, 165(1)–(4)(6), 166–170 on 1 July 1998; sections 30–45, 50–69, 70(1)–(3)(5)(6), 71–74, 91–97, 128, 141, 152–156, 160, 161, 163(1)(d) and Schedule 1 on 3 May 1999: Government Gazette 29 April 1999 page 967; sections 70(4), 75–90, 98–120, 142–145, 149–151 on 31 December 1999: section 2(3).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Electricity Safety Act 1998** by Acts and subordinate instruments.

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Electricity Industry Acts (Amendment) Act 1998, No. 89/1998

Assent Date: 24.11.98
Commencement Date: Ss 5, 7–12, 13(1), 22, 27–30 on 3.5.99: Government Gazette 29.4.99 p. 967; ss 6, 13(2), 14–21, 23–26 on 31.12.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Electricity Industry Acts (Further Amendment) Act 1999, No. 36/1999

Assent Date: 8.6.99
Commencement Date: Ss 20–22 on 8.6.99: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Transport (Amendment) Act 2000, No. 30/2000

Assent Date: 30.5.00
Commencement Date: 31.5.00: s. 2
Current State: All of Act in operation

Electricity Industry Acts (Amendment) Act 2000, No. 38/2000

Assent Date: 6.6.00
Commencement Date: Ss 15–18, 20–24 on 29.6.00; s. 19 on 1.9.00: Government Gazette 29.6.00 p. 1455
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, No. 69/2000

Assent Date: 21.11.00
Commencement Date: Ss 21–31 on 1.1.01: s. 2(4)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Electricity Industry Acts (Further Amendment) Act 2001, No. 13/2001

Assent Date: 22.5.01
Commencement Date: Ss 11, 12 on 23.5.01: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

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Gas Industry Legislation (Miscellaneous Amendments) Act 2001, No. 32/2001

Assent Date: 19.6.01
Commencement Date: S. 29 on 1.9.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 36) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Essential Services Commission Act 2001, No. 62/2001

Assent Date: 23.10.01
Commencement Date: S. 75 on 1.1.02: s. 2
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Statute Law (Further Revision) Act 2002, No. 11/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. 1 item 21) on 24.4.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Energy Legislation (Further Miscellaneous Amendments) Act 2002, No. 24/2002

Assent Date: 12.6.02
Commencement Date: S. 5 on 13.6.02: s. 2(1); ss 3, 4, 6–11 on 29.7.02: Government Gazette 18.7.02 p. 1658
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Energy Legislation (Consumer Protection and Other Amendments) Act 2003, No. 40/2003

Assent Date: 11.6.03
Commencement Date: Ss 26, 27 on 12.6.03: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: S. 155 on 1.7.04: s. 2(2); s. 171 on 1.1.05: s. 2(4)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Energy Legislation (Regulatory Reform) Act 2004, No. 25/2004

Assent Date: 25.5.04
Commencement Date: Ss 22, 23 on 26.5.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

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Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 64) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Energy Legislation (Miscellaneous Amendments) Act 2005, No. 33/2005

Assent Date: 21.6.05
Commencement Date: S. 3 on 22.6.05: s. 2
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Energy Safe Victoria Act 2005, No. 39/2005

Assent Date: 27.7.05
Commencement Date: Ss 44–48, Sch. 1 on 10.8.05: Special Gazette (No. 147) 9.8.05 p. 1
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Statute Law (Further Revision) Act 2006, No. 29/2006

Assent Date: 6.6.06
Commencement Date: S. 3(Sch. 1 item 10) on 10.8.05: s. 2(2)(e)
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 14) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Electricity Safety Act 1998**

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Endnotes

3. Explanatory Details

No entries at date of publication.