

1992—No. 199

**SYDNEY ELECTRICITY ACT 1990—REGULATION**

(Sydney Electricity (Supply) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Sydney Electricity Act 1990, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER  
Minister for Energy.

**Citation**

1. This Regulation may be cited as the Sydney Electricity (Supply) Regulation 1992.

**Commencement**

2. This Regulation commences on 27th April, 1992.

**Area in which Regulation applies**

3. This Regulation applies to the Sydney Electricity District.

**Definitions**

4. In this Regulation:

“**customer**” means a person who applies for or receives supply of electricity from Sydney Electricity;

“**customer’s installation**” means all the customer’s electric wires, cables, appliances, fittings and insulated apparatus installed and used for, or for purposes incidental to, the conveyance, measurement, control or use of electricity supplied or intended to be supplied by Sydney Electricity but does not include:

(a) any electricity supply main or service line, meter or apparatus that is the property of Sydney Electricity and used solely for the conveyance, measurement or control of electricity supplied to any premises; or

(b) any movable electrical equipment;

**“General Conditions of Supply”** means the general conditions of supply in force for the time being under clause 6;

**“metering equipment”** means instruments and equipment used to measure the quantity of or the demand for electricity supplied to a customer by Sydney Electricity, and includes equipment such as time switches, relays, contactors and the like used to control that supply;

**“point of connection”** means the point at which Sydney Electricity’s street mains or works are attached to the customer’s installation;

**“service equipment”** means equipment supplied and installed as provided in clause 10;

**“service line”** means an overhead or underground cable operating at a voltage not exceeding 650 volts and located between Sydney Electricity’s street mains or works and a customer’s point of connection;

**“the Act”** means the Sydney Electricity Act 1990.

### **Entitlement to supply on application**

**5. (1)** A person who applies to Sydney Electricity is entitled to be provided with electricity supply if it is reasonably practicable for Sydney Electricity to supply the quantity required.

**(2)** A person’s entitlement under this clause to a supply of electricity is subject to any right of Sydney Electricity under the Act or this Regulation to refuse, suspend or discontinue supply to the person.

### **Formulation of General Conditions of Supply**

**6. (1)** Sydney Electricity may formulate General Conditions of Supply that make provision for or with respect to the conditions applicable to the supply of electricity by Sydney Electricity, and may amend those Conditions (by substituting, varying, revoking or adding to them) from time to time.

**(2)** The matters for which the General Conditions of Supply may make provision include the following:

(a) the charges for electricity supplied and the payment of those charges;

- (b) the payments to be made by a customer for any installation work done or to be done by Sydney Electricity on a customer's premises or incidental to the provision of a supply of electricity to the customer;
- (c) the proper care and custody of any metering or other equipment installed by Sydney Electricity;
- (d) such other matters as may be provided for, under this Regulation, in the General Conditions of Supply;
- (e) installation and servicing requirements.

(3) The General Conditions of Supply (and any amendment of them) are to be publicly notified by notification published in a newspaper circulating generally in the Sydney Electricity District and take effect on publication of the notification or on such later date as may be specified in the notification.

(4) The provisions of the General Conditions of Supply must not be inconsistent with the provisions of the Act, the Electricity Act 1945 or this Regulation.

(5) Sydney Electricity is to ensure that a copy of the General Conditions of Supply is available for inspection by any person free of charge at each office of Sydney Electricity during ordinary office hours.

### **Conditions applicable to supply of electricity**

7. (1) A person who applies for or receives supply of electricity from Sydney Electricity is to be considered to have entered into an agreement with Sydney Electricity containing the provisions of the General Conditions of Supply as in force from time to time.

(2) Subclause (1) applies to a person even if supply to the person commenced before the commencement of this Regulation.

(3) Sydney Electricity may require a person who applies for supply of electricity to enter into an agreement (an "alternative agreement") with Sydney Electricity that makes provision for or with respect to any of the matters for which the General Conditions of Supply may make provision.

(4) A person who enters into an alternative agreement with Sydney Electricity is not subject to the General Conditions of Supply except to the extent that the alternative agreement otherwise provides.

(5) Sydney Electricity is entitled to refuse, suspend or discontinue supply of electricity to a person who contravenes any provision of the General Conditions of Supply, any alternative agreement applicable to the person or any requirement imposed on the person under the General Conditions of Supply or any such alternative agreement.

**Requirement for security**

**8. (1)** Sydney Electricity may require a customer to give security for payment of all sums due to it from the customer.

**(2)** The General Conditions of Supply may make provision with respect to such security.

**Metering equipment**

**9. (1)** Sydney Electricity may require the installation of such metering equipment as it thinks necessary for ascertaining the quantity of or demand for electricity supplied to a customer.

**(2)** For that purpose Sydney Electricity may do any of the following:

(a) supply and install, or arrange for the supply and installation of, metering equipment;

(b) require the customer to supply and install metering equipment;

(c) require the customer to make provision for the supply, mounting and installation of metering equipment.

**(3)** Sydney Electricity may require the customer to pay the whole or any part of the cost of the supply and installation of metering equipment.

**(4)** The position and standards of installation of metering equipment are to be as determined by Sydney Electricity.

**Service equipment**

**10. (1)** Sydney Electricity may require the installation of such equipment (“service equipment”) as it thinks necessary for or reasonably incidental to the provision of a supply of electricity to a customer.

**(2)** For that purpose Sydney Electricity may do any of the following:

(a) supply and install, or arrange for the supply and installation of, service equipment;

(b) require the customer to supply and install service equipment;

(c) require the customer to make provision for the supply, mounting and installation of service equipment.

**(3)** Sydney Electricity may require the customer to pay the whole or any part of the cost of the supply and installation of service equipment.

**(4)** The position and standards of installation of service equipment are to be as determined by Sydney Electricity.

**Sealing of equipment**

**11.** Sydney Electricity may affix seals to a customer's installation if of the opinion it is necessary or desirable to do so.

**Failure of metering equipment to register correctly**

**12. (1)** This clause applies when Sydney Electricity finds that:

- (a) metering equipment has ceased to register or has ceased to register correctly the quantity of or demand for electricity supplied; or
- (b) electricity has been supplied without passing through metering equipment; or
- (c) metering equipment registering supply is no longer of the appropriate rating to register the quantity of or demand for electricity supplied.

**(2)** In any such case Sydney Electricity may estimate the quantity of or demand for electricity supplied but not registered for any period of up to 6 months before the finding was made.

**(3)** The customer is liable to pay for the electricity so estimated.

**(4)** Metering equipment is to be regarded as not reading correctly if (and only if) its error in registration is greater than 2%, either in excess or deficiency.

**Service lines**

**13. (1)** Sydney Electricity may require the installation of such service lines as it thinks necessary to provide a supply of electricity to a customer.

**(2)** For that purpose Sydney Electricity may do any of the following:

- (a) supply and install, or arrange for the supply and installation of, a service line;
- (b) require the customer to supply and install a service line;
- (c) require the customer to make such provision as Sydney Electricity decides is necessary for the attachment of any service line.

**(3)** Sydney Electricity may require the customer to pay the whole or any part of the cost of the supply and installation of a service line.

**(4)** The type, construction and route of a service line and the point of connection are to be as determined by Sydney Electricity.

(5) Sydney Electricity may require a customer to be provided with more than one point of connection if Sydney Electricity thinks it necessary to avoid interference with the supply of electricity to any other customer.

**Imposition of requirements as to installation and use of apparatus etc.**

**14. (1)** Sydney Electricity may:

- (a) impose such requirements as to the installation and use of electrical appliances and equipment by the customer as Sydney Electricity thinks necessary or desirable to prevent or minimise adverse effects on the supply to other customers; and
- (b) impose requirements relating to loading of and the balancing of the load over the phases of the customer's supply; and
- (c) impose requirements relating to the location and accessibility of metering and service equipment relating to supply to the customer; and
- (d) impose requirements as to the minimum rupture rating or minimum breaking capacity of the customer's main protective devices; and
- (e) require the customer to install relays, current transformers and other protective equipment having characteristics to suit Sydney Electricity's protective system.

(2) A customer must comply with any requirement imposed on the customer under this clause.

(3) The General Conditions of Supply may make provision for or with respect to any of the matters referred to in subclause (1).

**Unauthorised connections**

**15. (1)** A person must not without the permission of Sydney Electricity:

- (a) connect a customer's installation to Sydney Electricity's mains; or
- (b) connect an addition or alteration to a customer's installation so as to cause the supply of electricity to the installation or any part of it to be incorrectly metered.

(2) Sydney Electricity may (without prejudice to any other remedy available to it) discontinue the supply of electricity to a customer's installation which is connected in contravention of this clause until supply can be provided in accordance with this Regulation.

**Installation of transformers etc. on customer's premises**

**16. (1)** This clause applies when the supply of electricity required by a customer is, in the opinion of Sydney Electricity, in excess of that which can be provided by service lines from its street mains and supply can best be given by installing transformers, switchgear and other equipment on the premises to be supplied.

**(2)** In such a case, Sydney Electricity may require the customer to provide free of cost, for the use of Sydney Electricity, a place within those premises to accommodate the transformers, switchgear and other equipment that Sydney Electricity is of the opinion should be installed.

**(3)** The place provided must be a place that is considered suitable by Sydney Electricity and must be enclosed in a manner approved by Sydney Electricity.

**Recovery of costs of increasing capacity of system**

**17. (1)** In this clause:

“**capacity increase**” means increase in the capacity of Sydney Electricity's electricity supply system (whether by extension or amplification of mains or otherwise).

**(2)** Sydney Electricity may require a person who applies for supply of electricity or for an increase in supply of electricity to pay or agree to pay the whole or a specified part of the reasonable costs incurred or to be incurred by Sydney Electricity in capacity increase, being capacity increase:

- (a) that has been or will be necessary to supply electricity or to increase the supply of electricity to the customer; or
- (b) that took place in the 6 years prior to the customer's connection to supply or application for an increase in supply and would have been necessary to supply electricity or to increase the supply of electricity to the customer.

**(3)** Sydney Electricity must not require payments from 2 or more persons under this clause in respect of any particular capacity increase that in total exceed the reasonable costs incurred or to be incurred by Sydney Electricity in respect of the capacity increase.

**Interruption to supply for maintenance etc.**

**18.** Sydney Electricity is entitled to interrupt the supply of electricity to a customer at such reasonable times as Sydney Electricity may decide for the purpose of inspecting, testing or carrying out repairs or maintenance work on the electricity supply system or for such other

purpose as Sydney Electricity considers necessary for the efficient operation of that system.

#### **Liability for failure to supply**

**19.** Sydney Electricity is not liable for any loss suffered by any person as a consequence of any failure to supply electricity, or of any defect in that supply, if the failure or defect is caused by the breakdown of machinery or by causes not within Sydney Electricity's control.

#### **Customer to give 48 hours' notice of discontinuance of supply**

**20. (1)** A customer must give Sydney Electricity not less than 48 hours' notice of the customer's desire that the supply of electricity to the customer be discontinued.

**(2)** If that notice is not given, the customer remains liable for all charges (including minimum charges) in respect of the supply concerned until 48 hours after Sydney Electricity becomes aware of the customer's desire that supply be discontinued or until Sydney Electricity discontinues or transfers that supply, whichever happens first.

#### **Offences**

**21.** Unless authorised to do so by Sydney Electricity, a person must not:

- (a) wilfully destroy, damage or interfere with any metering equipment, service equipment, line, post, pillar, lamp fitting, installation or other thing that is the property of Sydney Electricity and relates to electricity supply; or
- (b) alter or attempt to alter the register of any metering equipment or in any way prevent or attempt to prevent any metering equipment from correctly registering the quantity of or demand for electricity supplied by Sydney Electricity.

Maximum penalty: 50 penalty units.

#### **Refusal etc. of supply for contravention of Regulation**

**22.** Sydney Electricity is entitled to refuse, suspend or discontinue supply of electricity to a person who contravenes any provision of this Regulation.

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**EXPLANATORY NOTE**

The object of this Regulation is to make provision for the rights and obligations of Sydney Electricity and its customers in relation to the supply of electricity.

Currently, the Sydney Electricity (Savings and Transitional) Regulation 1991 applies the provisions of Ordinance 54 under the Local Government Act 1919 to Sydney Electricity. That Ordinance contains provisions with respect to the supply of electricity by councils and county councils. Its application to Sydney Electricity is a transitional measure pending the making of this Regulation.

This Regulation deals with the same subject matter as the Ordinance and contains provision for the following:

- (a) requiring Sydney Electricity to supply electricity (where it is reasonably practicable to do so) to all persons who apply for supply within the Sydney Electricity District;
- (b) authorising Sydney Electricity to formulate general conditions of supply which will operate as the terms of an agreement with the customer unless a special agreement is entered into;
- (c) authorising security to be required from customers;
- (d) installation of metering and service equipment;
- (e) the making of account adjustments if metering equipment is found to be registering incorrectly or failing to register;

- (f) installation of the customer's service line (the line from street mains to the customer's premises);
  - (g) authorising Sydney Electricity to impose requirements regarding the installation of appliances and equipment, load balancing and protective devices;
  - (h) prohibiting unauthorised connections;
  - (i) requiring the installation of transformers and other equipment on the customer's premises if necessary to facilitate the supply required;
  - (j) authorising Sydney Electricity to recover from a customer the cost of any increase in the capacity of the supply system necessary to supply the customer;
  - (k) authorising Sydney Electricity to interrupt supply to carry out maintenance and testing;
  - (l) absolving Sydney Electricity from liability for supply abnormalities and failures caused by machinery breakdown or that are beyond Sydney Electricity's control;
  - (m) requiring a customer to give 48 hours' notice of intention to discontinue consumption;
  - (n) creating offences for protecting the supply system and preventing tampering etc. with metering equipment.
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