

1993—No. 426

## **ELECTRICITY ACT 1945—REGULATION**

(Electricity (Corrosion Protection) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

Garry West M.P.  
Minister for Energy.

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### **PART 1—PRELIMINARY**

#### **Citation**

1. This Regulation may be cited as the Electricity (Corrosion Protection) Regulation 1993.

#### **Commencement**

2. This Regulation commences on 1 September 1993.

#### **Definitions**

3. (1) In this Regulation:

“**approval**” means an approval under clause 6;

“**approved system**” means a cathodic protection system the subject of an approval;

“**AS 2832.1**” means the standard entitled “Guide to the Cathodic Protection of Metals: Part 1—Pipes Cables and Discs, numbered “**AS 2832.1**” and published by Standards Australia, as in force on 2 December 1985;

**“compact structure”** means a structure (such as a storage tank) whose greatest dimension is no greater than 5 times its smallest dimension;

**“Energy Corporation”** means the Energy Corporation of New South Wales constituted under the Energy Administration Act 1987;

**“foreign structure”**, in relation to a cathodic protection system, means any metallic structure (other than the primary structure that the system is installed to protect) that is situated in the vicinity of the system, whether in or on the ground or in or on water;

**“galvanic anode system”** means a cathodic protection system that operates by means of galvanic anodes within the meaning of AS 2832.1;

**“impressed current system”** means a cathodic protection system that operates by means of impressed current within the meaning of AS 2832.1;

**“objection”** means an objection under clause 8;

**“primary structure”**, in relation to a cathodic protection system, means the metallic structure that the cathodic protection system is installed to protect;

**“stray current”** means current that passes between a primary structure and a foreign structure;

**“the Act”** means the Electricity Act 1945.

(2) A person is taken to operate a cathodic protection system for the purposes of this Regulation if the person:

- (a) has control over a cathodic protection system that has been installed to protect a metallic structure; and
- (b) permits current to flow between the system and the structure.

### **Application of Regulation**

4. (1) This Regulation applies to cross bonds, railway drainage bonds, galvanic anode systems and impressed current systems.

(2) This Regulation does not apply to a galvanic anode system that has been installed to protect:

- (a) a compact structure, but only so long as the maximum current flowing through the system does not exceed 150 milliamperes; or
- (b) any other primary structure, but only so long as the maximum current flowing through the system does not exceed 150 milliamperes for each 500 metres of the length of the structure along its greatest dimension.

**PART 2—APPROVALS AND OBJECTIONS****Operation of cathodic protection systems requires approval**

**5. (1)** A person must not operate a cathodic protection system to which this Regulation applies otherwise than in accordance with an approval in force with respect to the system.

Maximum penalty: 20 penalty units.

**(2)** This clause does not prevent a person from operating a cathodic protection system, for the purpose only of testing it, for no more than 24 hours after completion of:

- (a) the installation or extension of the system; or
- (b) any maintenance or repairs carried out on the system.

**Approvals for cathodic protection systems**

**6. (1)** An application for an approval:

- (a) must be in the form approved by the Energy Corporation; and
- (b) must be accompanied by the fee determined by the Energy Corporation with respect to the application; and
- (c) must be accompanied by such documentation as the approved form requires; and
- (d) must be lodged at an office of the Energy Corporation.

**(2)** The fee determined by the Energy Corporation may be fixed having regard to the cost to the Energy Corporation of carrying out any inspection or test of the cathodic protection system concerned.

**(3)** The Energy Corporation:

- (a) may require an applicant to provide additional information within a specified time if it is of the opinion that the additional information would be relevant to consideration of the application; and
- (b) may delay consideration of the application until the information is provided and, if the information is not provided within the time specified, may refuse to consider the application; and
- (c) may inspect and test the cathodic protection system concerned.

**(4)** After considering an application for an approval and the results of any inspection or test of the cathodic protection system to which the application relates, the Energy Corporation is to determine the application:

- (a) by granting the approval, either unconditionally or subject to conditions; or

(b) by refusing the application.

(5) If it refuses the application, the Energy Corporation must cause notice of the refusal, and of the reasons for the refusal, to be given to the applicant.

(6) An approval is to be in the form approved by the Energy Corporation.

#### **Notice of certain occurrences**

7. (1) The owner of an approved system must cause written notice to be given to the Energy Corporation within 28 days after:

- (a) the system is sold or disposed of to any other person; or
- (b) the system ceases to operate or is dismantled or destroyed.

Maximum penalty: 5 penalty units.

(2) In the case of a system that is sold or disposed of to some other person, the notice must indicate the name and address of that other person.

(3) A person must not operate an approved system that has been modified or extended unless 14 days' written notice of intention to do so has been given to the Energy Corporation.

Maximum penalty: 5 penalty units.

(4) The notice must indicate the nature and extent of the modification or extension.

#### **Objections to continued operation of cathodic protection systems**

8. (1) Any person who believes that stray current arising from the operation of an approved system is causing corrosion to a metallic structure owned or controlled by that person may object to the continued operation of the system.

(2) An objection:

- (a) must be in the form approved by the Energy Corporation; and
- (b) must identify the approved system concerned; and
- (c) must be accompanied by the fee determined by the Energy Corporation with respect to the application; and
- (d) must be lodged at an office of the Energy Corporation.

(3) The fee determined by the Energy Corporation may be fixed having regard to the cost to the Energy Corporation of carrying out any inspection or test of the approved system concerned.

(4) The Energy Corporation must cause notice of the objection to be given to the owner of the approved system concerned.

(5) The fee payable under this clause is refundable to the objector if action is taken under clause 9 or 10 as a result of the objection.

#### **Addition, variation and revocation of conditions**

**9. (1)** The Energy Corporation may vary or revoke any condition to which an approval is subject or impose further conditions on an approval.

**(2)** Before taking action under this clause, the Energy Corporation must ensure that:

- (a) notice of the proposed action is given to the holder of the approval (and, in the case of action taken as a result of an objection, to the objector); and
- (b) the holder of the approval (and, in the case of action taken as a result of an objection, the objector) are given a reasonable opportunity to make submissions to the Energy Corporation with respect to the proposed action; and
- (c) any representations duly made by the holder of the approval (or, in the case of action taken as a result of an objection, by the objector) are taken into consideration.

#### **Suspension and cancellation of approvals**

**10. (1)** The Energy Corporation may suspend or cancel an approval for a cathodic protection system on any one or more of the following grounds:

- (a) that the system has been operated otherwise than in accordance with the approval;
- (b) that stray current arising from the operation of the system is causing corrosion to a foreign structure;
- (c) that the system has ceased to operate or has been dismantled or destroyed.

**(2)** Before taking action under this clause, the Energy Corporation must ensure that:

- (a) notice of the proposed action is given to the holder of the approval (and, in the case of action taken as a result of an objection, to the objector); and
- (b) the holder of the approval (and, in the case of action taken as a result of an objection, the objector) are given a reasonable opportunity to make submissions to the Energy Corporation with respect to the proposed action; and

(c) any representations duly made by the holder of the approval (or, in the case of action taken as a result of an objection, by the objector) are taken into consideration.

(3) Subclause (2) does not apply if the proposed action is to be taken pursuant to a notice under clause 7 to the effect that the system concerned has ceased to operate or has been dismantled or destroyed.

### **PART 3—MISCELLANEOUS**

#### **Regulation binds Crown**

**11. (1)** This Regulation binds the Crown.

(2) Nothing in this Regulation renders the Crown liable to be prosecuted for an offence against this Regulation.

#### **Register**

**12. (1)** The Energy Corporation is to keep a register containing the following particulars:

- (a) particulars of each application for an approval received by it, including its determination of the application;
- (b) particulars of each approval granted by it, including any conditions attached to the approval and any subsequent suspension or cancellation of the approval;
- (c) particulars of each objection received by it, including its determination of the objection;
- (d) particulars of each test carried out by it on a cathodic protection system, including the results of the test.

(2) The register may be inspected at the Sydney office of the Energy Corporation during its ordinary hours of business.

#### **False or misleading information**

**13.** A person must not, in or in connection with any application or objection under this Regulation, make any statement that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

#### **Repeal**

**14.** The Cathodic Protection Regulations 1973 are repealed.

**Transitional provisions**

**15. (1)** Any approval in force under the Cathodic Protection Regulations 1973 immediately before the commencement of this Regulation is taken to be an approval under this Regulation, and is taken to be subject to the same conditions as those to which it was then subject.

**(2)** Any register kept under the Cathodic Protection Regulations 1973 is taken to be a register kept under this Regulation.

**(3)** Any other act, matter or thing that had effect under the Cathodic Protection Regulations 1973 immediately before the commencement of this Regulation is taken to have effect under this Regulation.

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## PART 3—MISCELLANEOUS

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake the provisions of the Cathodic Protection Regulations 1973. The new Regulation makes provision for the following matters:

- (a) prohibiting the operation of certain kinds of cathodic protection system otherwise than in accordance with an approval granted under the Regulation (clause 5);
- (b) prescribing the procedure for the granting of approvals (clause 6);
- (c) requiring the owner of a cathodic protection system to give notice of the occurrence of certain events in connection with the system (clause 7);
- (d) prescribing the procedure for making objections to the continued operation of certain cathodic protection systems (clause 8);
- (e) providing for the addition, variation and revocation of conditions to which an approval is subject (clause 9);
- (f) prescribing the procedure for suspending and cancelling approvals (clause 10);
- (g) other matters of a minor, consequential or ancillary nature (Parts 1 and 3).

This Regulation is made under the Electricity Act 1945, including section 37 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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