



New South Wales

Electricity Safety (Corrosion Protection) Regulation 1998

under the
Electricity Safety Act 1945

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Safety Act 1945*.

BOB BEBUS, M.P.,
Minister for Energy

Explanatory note

The object of this Regulation is to repeal and remake, with modifications, the provisions of the *Electricity (Corrosion Protection) Regulation 1993*. The new Regulation makes provision for the following matters:

- (a) prohibiting the operation of certain kinds of cathodic protection systems otherwise than in accordance with an approval granted under the Regulation (clause 6).
- (b) prescribing the procedure for the granting of approvals (clause 7).
- (c) requiring the owner of a cathodic protection system to give notice of the occurrence of certain events in connection with the system (clause 8).
- (d) prescribing the procedure for making objections to the continued operation of certain cathodic protection systems (clause 9).
- (e) providing for the addition, variation and revocation of conditions to which an approval is subject (clause 10).
- (f) prescribing the procedure for suspending and cancelling approvals (clause 11).

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- (g) prescribing the procedure for the examination and testing of cathodic protection systems (clause 12),
- (h) providing for the approval by the Director-General of Departmental guidelines (clause 14).
- (i) prescribing requirements in relation to the conduct of interference tests (clause 15).
- (j) other matters of a minor, consequential or ancillary nature (clauses 1, 2, 3, 4, 5, 13, 16, 17, 18 and 19).

This Regulation adopts AS 2832.1—*Guide to the Cathodic Protection of Metals: Part 1—Pipes, Cables and Ducts*, as in force for the time being and published by Standards Australia.

This Regulation is made under the *Electricity Safety 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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Clause 1 Electricity Safety (Corrosion Protection) Regulation 1998

Part 1 Preliminary

Electricity Safety (Corrosion Protection) Regulation 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Electricity Safety (Corrosion Protection) Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Definitions

(1) In this Regulation:

approval means an approval under clause 7.

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 Ducts*, numbered AS 2832.1, as in force for the time being, and published by Standards Australia.

authorised tester means a person who is for the time being appointed as an authorised tester under clause 15.

cathodic protection system means any appliances, wires, fittings or other apparatus designed, intended, or used for the protection, by means of electrical currents, of metallic structures in contact with land, including water, from external corrosion, and includes drainage bonds, boosted drainage bonds and cross bonds.

Note. The definition of cathodic protection system is identical to the definition of cathodic protection system in the Act.

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

Department means the Department of Energy.

Departmental guidelines means guidelines for the time being approved by the Director-General under clause 14.

Director-General means the Director-General of the Department.

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.

interference test means an electrical test that indicates the risk of corrosion to a foreign structure by a cathodic protection system.

objection means an objection under clause 9.

primary structure, in relation to a cathodic protection system, means the structure that the cathodic protection system is installed to protect.

stray current means current that leaks to earth from a primary structure.

the Act means the *Electricity Safety Act 1945*.

- (2) A person is taken to operate a cathodic protection system for the purposes of this Regulation:
- (a) if the person has control over a cathodic protection system that has been installed to protect a structure, and
 - (b) if current flows between the system and the structure.

4 Notes

The explanatory note, table of contents and notes in the text of the Regulation do not form part of this Regulation.

5 Application of Regulation

- (1) This Regulation applies to the following kinds of cathodic protection systems namely cross bonds, railway drainage bonds, galvanic anode systems and impressed current systems.

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Part 1 Preliminary

- (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

6 Operation of cathodic protection systems requires approval

- (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: 200 penalty units, in the case of a body corporate, or 50 penalty units in any other case.

- (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.

7 Approvals for cathodic protection systems

- (1) An application for an approval:
- (a) must be in the form approved by the Director-General, and
 - (b) must be accompanied by the fee determined by the Director-General with respect to the application, and
 - (c) must indicate any conditions that the applicant proposes be imposed on the operation of the cathodic protection system, and
 - (d) must be accompanied by the results of interference tests that have been conducted by an authorised tester for the purpose of the application, and
 - (e) must be accompanied by such other documentation as the approved form requires, and
 - (f) must be lodged at an office of the Department.
- (2) The applicant is not required to attach the results of an interference test:
- (a) if the applicant attaches to the application a certificate from an authorised tester stating that there are no foreign structures in the vicinity of the system concerned, or

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Part 2 Approvals and objections

- (b) if the applicant attaches to the application:
 - (i) a certificate from an authorised tester identifying all foreign structures that appear to be in the vicinity of the system concerned, and
 - (ii) statements from the owners of each foreign structure identified in the certificate to the effect that they do not object to the operation of the system.
- (3) The Director-General:
 - (a) may require an applicant to provide additional information within a specified time if 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 require the applicant to examine or test the system and to provide the results of the examination or test.
- (4) After considering an application for an approval and the results of any examination and test of the system, the Director-General is to determine the application:
 - (a) by granting the approval, either unconditionally or subject to conditions determined by the Director-General, or
 - (b) by refusing the application.
- (5) If the Director-General refuses the application, the Director-General 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 Director-General and is to be subject to such conditions as are prescribed by this Regulation and to such other conditions as the Director-General may from time to time impose on the approval.

8 Notice of certain occurrences

- (1) The owner of an approved system must cause written notice to be given to the Director-General within 28 days after:

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

Maximum penalty: 25 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 at least 14 days' written notice of intention to do so has been given to the Director-General.

Maximum penalty: 25 penalty units.

- (4) The notice must indicate the nature and extent of the modification or extension, and may include conditions that the applicant proposes be imposed as a result of the modification or extension.

9 Objections to continued operation of cathodic protection systems

- (1) Any person who believes that stray current arising from the operation of an approved system is corroding a 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 Director-General, and
 - (b) is to identify, where possible, the approved system concerned, and
 - (c) must be lodged at an office of the Department.
- (3) The Director-General must cause notice of the objection to be given to the owner of the approved system concerned.

10 Addition, variation and revocation of conditions

- (1) The Director-General:
 - (a) may vary or revoke any condition to which an approval is subject or impose further conditions on an approval, and

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Part 2 Approvals and objections

- (b) may impose a condition on an approval requiring the holder of an approval to vary the mode of operation of the cathodic protection system if, in the opinion of the Director-General, the variation is necessary in order to reduce the risk of corrosion to a foreign structure.
- (2) Before taking action under this clause, the Director-General 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 Director-General with respect to the proposed action, and
 - (c) any representations duly made by the holder of the approval (and, in the case of action taken as a result of an objection, by the objector) are taken into consideration.

11 Suspension and cancellation of approvals

- (1) The Director-General 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 or otherwise than in accordance with any condition to which the approval is subject.
 - (b) in the opinion of the Director-General, stray current arising from the operation of the system is corroding a foreign structure,
 - (c) that the system has permanently ceased to operate or has been dismantled or destroyed,
 - (d) the holder of the approval:
 - (i) has failed to provide access to the system or any supporting equipment, or
 - (ii) has failed to assist in the testing of the system as reasonably required.

- (2) Before taking action under this clause, the Director-General 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 Director-General with respect to the proposed action, and
 - (c) any representations duly made by the holder of the approval (and, 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 8 to the effect that the system concerned has ceased to operate or has been dismantled or destroyed.

12 Examination and testing of cathodic protection systems

- (1) The Director-General may cause a cathodic protection system to be examined and tested.
- (2) It is a condition of an approval that the holder of the approval for a cathodic protection system:
- (a) must provide access to the system and to any supporting equipment for the purposes of enabling the system to be examined or tested under this clause, and
 - (b) must, if reasonably required to do so by a person carrying out an examination or test under this clause, assist in the carrying out of the examination or testing, and
 - (c) must cause to be installed in the system equipment that would enable an authorised tester to conduct an interference test of that system.

Maximum penalty: 200 penalty units, in the case of a body corporate, or 50 penalty units in any other case.

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Part 3 Miscellaneous

Part 3 Miscellaneous

13 Regulation binds Crown

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

14 Departmental guidelines

- (1) The Director-General may from time to time approve guidelines in relation to the following:
 - (a) the carrying out of an interference test.
 - (b) the form in which the results of an interference test are to be presented.
 - (c) the form of a certificate referred to in clause 7 (2) (a) or (b).
- (2) A copy of the Departmental guidelines is to be available for inspection by members of the public, free of charge, and for purchase, at any office of the Department during its ordinary hours of business.

15 Interference tests

- (1) The Director-General may appoint any suitably qualified person to be an authorised tester to conduct interference tests.
- (2) An interference test is to be carried out in accordance with Departmental guidelines.
- (3) The results of an interference test are to be presented in a form set out in Departmental guidelines.

16 Register

- (1) The Department is to keep a register containing the following particulars:
 - (a) particulars of each application for an approval received by the Director-General, including the determination of the application.

- (b) particulars of each approval granted by the Director-General, including any subsequent suspension or cancellation of the approval.
 - (c) the particulars of any condition imposed on an approval, including any subsequent variation or revocation of those conditions.
 - (d) particulars of each objection received by the Director-General, including the Director-General's determination of the objection.
 - (e) particulars of each examination or test carried out under clause 12 on a cathodic protection system, including the results of the examination or test.
- (2) The register may be inspected by members of the public, free of charge, at any office of the Department during its ordinary hours of business.

17 Delegation

The Director-General may delegate to any person the exercise of all or any of the Director-General's functions under this Regulation other than this power of delegation.

18 False or misleading information

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: 25 penalty units.

19 Repeal

- (1) The *Electricity (Corrosion Protection) Regulation 1993* is repealed.
- (2) Any act, matter or thing that had effect under the *Electricity (Corrosion Protection) Regulation 1993* immediately before the commencement of this Regulation is taken to have effect under this Regulation.