



Electricity Safety (Corrosion Protection) Regulation 2003

under the

Electricity Safety Act 1945

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

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

Explanatory note

The object of this Regulation is to remake, with modifications, the provisions of the *Electricity Safety (Corrosion Protection) Regulation 1998*, which is to be repealed by section 10 of the *Subordinate Legislation Act 1989* on 1 September 2003.

This Regulation provides for a new scheme of approvals for the operation of cathodic protection systems. Under the new scheme, it is the responsibility of each owner of such a system to arrange for interference tests to be made on the system and to ensure that the owners of structures in the vicinity do not object to the operation of the system. The Ministry of Energy and Utilities will not in future conduct these interference tests (as it currently does) and also will not have a direct role in resolving disputes between owners of other structures and owners of cathodic protection systems regarding the operation of those systems.

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 5),
- (b) prescribing the procedure for the granting of approvals (clause 6),
- (c) providing for the addition, variation and revocation of conditions to which an approval is subject (clause 7),
- (d) prescribing the procedure for suspending and cancelling approvals (clause 8),

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- (e) requiring the owner of a cathodic protection system to give notice of the occurrence of certain events in connection with the system (clause 9),
- (f) providing that the Director-General of the Ministry of Energy and Utilities may cause cathodic protection systems to be examined or tested or both (clause 10),
- (g) providing that the Director-General of the Ministry of Energy and Utilities may determine fees for approval and for examinations and tests of cathodic protection systems (clause 11),
- (h) providing for the approval by the Director-General of certain guidelines (clause 13),
- (i) providing for the keeping of a register containing information relating to applications and approvals of cathodic protection systems (clause 14),
- (j) other matters of a minor, consequential or ancillary nature (clauses 1–4, 12, 15 and 16).

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

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Clause 1 Electricity Safety (Corrosion Protection) Regulation 2003

Part 1 Preliminary

Electricity Safety (Corrosion Protection) Regulation 2003

under the

Electricity Safety Act 1945

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Electricity Safety (Corrosion Protection) Regulation 2003*.

2 Commencement

This Regulation commences on 1 September 2003.

Note. This Regulation replaces the *Electricity Safety (Corrosion Protection) Regulation 1998* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

approval means an approval in force under Part 2.

approved system means a cathodic protection system the subject of an approval.

cathodic protection system has the same meaning as in the Act.

compact structure means a structure (such as a storage tank) whose greatest dimension, being a dimension of height, length or breadth, is no greater than 5 times the size of the smallest of those dimensions.

Director-General means the Director-General of the Ministry.

Director-General's guidelines means the guidelines for the time being approved by the Director-General under clause 13.

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/NZS 2832.1:1998, *Cathodic Protection of Metals—Pipes and Cables*, as in force for the time being and published by Standards Australia.

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

Ministry means the Ministry of Energy and Utilities.

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

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 if:
 - (a) the person has control over a cathodic protection system that has been installed to protect a structure, and
 - (b) current flows between the system and the structure.
- (3) Notes in the text of this Regulation do not form part of this Regulation.

4 Application of Regulation

- (1) This Regulation does not apply to:
 - (a) a galvanic anode system that has been installed to protect:
 - (i) a compact structure, but only so long as the maximum current flowing through the system does not exceed 150 milliamperes, or
 - (ii) 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, or
 - (b) any cathodic protection system that has been installed to protect:
 - (i) the internal surface of a water storage tank, reservoir or other similar structure for storing water where the structure isolates the system current from the external environment, or
 - (ii) marine vessels that are not permanently moored.

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Part 1 Preliminary

(2) This Regulation applies to all other cathodic protection systems.

Part 2 Approvals

5 Operation of cathodic protection systems requires approval

- (1) A person must not operate a cathodic protection system to which this Regulation applies unless the system is the subject of an approval.

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

- (2) A person must not operate a cathodic protection system to which this Regulation applies otherwise than in accordance with the conditions of an approval to which the system is subject.

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

- (3) This clause does not apply to a person operating a cathodic protection system:

- (a) for the purpose of testing it, but only for not more than a total of 24 hours after completion of:
- (i) the installation or extension of the system, or
 - (ii) any maintenance or repairs carried out on the system, or
- (b) with the written consent of the Director-General.

6 Approvals for cathodic protection systems

- (1) An application for an approval must:
- (a) be in the form approved by the Director-General, and
 - (b) be accompanied by the fee determined by the Director-General with respect to the application, and
 - (c) indicate any conditions that the applicant proposes be imposed on the operation of the cathodic protection system, and
 - (d) be accompanied by the results of interference tests that have been conducted by a tester appointed by the owner of the cathodic protection system concerned for the purpose of the application, and
 - (e) be accompanied by a certificate from the applicant stating that there are no foreign structures in the vicinity of the system concerned, or a certificate from the applicant identifying, as far as is reasonably practicable, all foreign structures that

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Part 2 Approvals

appear to be in the vicinity of the system concerned together with:

- (i) 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, or
 - (ii) a declaration by the applicant that each owner of a foreign structure identified in the certificate was given an opportunity to object to the operation of the system and no such objection was made, and
- (f) be accompanied by such other documentation as the approved form requires, and
 - (g) be lodged at the head office of the Ministry.
- (2) 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 further examine or test the system and to provide the results of the examination or test.
- (3) 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.
- (4) An approval remains in force (unless sooner cancelled) for the period (not exceeding 7 years) specified in the approval. An approval is not in force during any period it is suspended.
- Note.** When an approval for a cathodic protection system expires, a new approval must be applied for and obtained to operate the cathodic protection system.
- (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 imposes on the approval at the time it is granted.

7 Addition, variation and revocation of conditions

- (1) The Director-General may vary or revoke any condition imposed by the Director-General on an approval or may impose further conditions on an approval.
- (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
 - (b) the holder of the approval is 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 are taken into consideration.

8 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 cathodic protection system has been operated otherwise than in accordance with the approval or any condition to which the approval is subject,
 - (b) that the system has permanently ceased to operate,
 - (c) that the Director-General is of the opinion that the system is, or has been, causing unreasonable interference to a foreign structure,
 - (d) that 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,
 - (e) that any amount due and payable under this Regulation by the holder of the approval has not been paid.

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Part 2 Approvals

- (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
 - (b) the holder of the approval is 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 are taken into consideration.
- (3) Subclause (2) does not apply to the cancellation of an approval as a result of the system concerned having ceased to operate.

9 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.

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 and the date on which it was sold or disposed of.

10 Examination and testing of cathodic protection systems

- (1) The Director-General may cause an authorised officer to undertake or arrange for the undertaking of the examination or testing, or both, of a cathodic protection system.
- (2) The examination or test may be carried out for the purpose of determining whether the cathodic protection system is operating in accordance with its approval and any conditions of its approval, whether the operation of the system is causing any unreasonable interference with any foreign structures and for any other purpose determined by the Director-General.
- (3) An authorised officer may require the holder of an approval for a cathodic protection system to carry out an examination or test on the system for the purposes of this clause or assist in the carrying out of such an examination or test.
- (4) An authorised officer may oversee the examination or testing of a cathodic protection system under this clause.

- (5) 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 comply with any requirement of an authorised officer under subclause (3) to carry out an examination or test under this clause or assist in the carrying out of such an examination or test, and
 - (c) must cause to be installed in the system equipment that would enable an interference test of that system to be conducted.
- (6) In this clause, *authorised officer* means a member of staff of the Ministry appointed by the Director-General as an authorised officer for the purposes of this Regulation. An authorisation of such a person as an authorised officer may be given generally or subject to conditions and restrictions or only for limited purposes.

11 Fees

- (1) The Director-General may determine the following fees that are payable to the Director-General:
- (a) an application fee for an approval,
 - (b) an annual fee for an approval,
 - (c) a fee for the examination or testing, or the examination and testing, of a cathodic protection system by an authorised officer in accordance with clause 10.
- (2) The fee referred to in subclause (1) (c) is payable by the holder of the approval for the cathodic protection system that is examined or tested.
- (3) The Director-General may determine different fees for different classes of systems and different fees for different examinations or tests.
- (4) The Director-General may, in any case, waive or remit the whole or part of a fee.

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Clause 12 Electricity Safety (Corrosion Protection) Regulation 2003

Part 3 Miscellaneous

Part 3 Miscellaneous

12 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.

13 Director-General's 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 6 (1) (e),
 - (d) the qualifications, training and competency of testers appointed to carry out tests for the purposes of this Regulation.
- (2) A copy of the Director-General's guidelines (if any) is to be available for inspection by members of the public, free of charge, and for purchase, at the head office of the Ministry during its ordinary hours of business.
- (3) If relevant guidelines are approved under this clause:
 - (a) any interference test carried out for the purposes of this Regulation is to be carried out in accordance with the guidelines, and
 - (b) the results of any such interference test are to be presented in a form set out in the guidelines, and
 - (c) any certificate given for the purposes of clause 6 (1) (e) is to be in the form set out in the guidelines, and
 - (d) a person is not to be appointed as a tester to carry out tests for the purposes of this Regulation unless the person has the qualifications, training and competency set out in the guidelines.

14 Register

- (1) The Ministry 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, particulars of the owner of the cathodic protection system concerned and a description of the system and its location,
 - (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.
- (2) The register may be inspected by members of the public, free of charge, at the head office of the Ministry during its ordinary hours of business.

15 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 and the determination of fees.

16 Savings

Any act, matter or thing that had effect under the *Electricity Safety (Corrosion Protection) Regulation 1998* immediately before the repeal of that Regulation is taken to have effect under this Regulation.