



New South Wales

Electricity Supply Amendment (Advanced Meters) Regulation 2016

under the

Electricity Supply Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

ANTHONY ROBERTS, MP
Minister for Industry, Resources and Energy

Explanatory note

The objects of this Regulation are:

- (a) to amend transitional provisions in the *Electricity Supply Act 1995* to make provision with respect to the safety management systems of metering providers and the obligation of a retailer to ensure that a metering provider engaged by the retailer has a complying safety management system, and
- (b) to amend the *Electricity Supply (Safety and Network Management) Regulation 2014* to clarify the bush fire risks that a network operator's safety management system is required to deal with.

This Regulation is made under the *Electricity Supply Act 1995*, including section 191 (the general regulation-making power) and clauses 1 and 74 of Schedule 6.

Electricity Supply Amendment (Advanced Meters) Regulation 2016

under the

Electricity Supply Act 1995

1 Name of Regulation

This Regulation is the *Electricity Supply Amendment (Advanced Meters) Regulation 2016*.

2 Commencement

This Regulation commences on 1 July 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Electricity Supply Act 1995 No 94

[1] Schedule 6 Savings, transitional and other provisions

Omit clause 71 (2).

[2] Schedule 6, clause 71 (4)

Insert “, clause 71A” after “this clause”.

[3] Schedule 6, clause 71A

Insert after clause 71:

71A Metering safety management system requirements

- (1) Without limiting clause 71, a metering provider who provides, installs or replaces an advanced meter during the interim period, or maintains an advanced meter installed during the interim period, must have a safety management system in place that ensures compliance with clause 71 (1) and satisfies the requirements of the Code for Safe Meter Installation.

Maximum penalty: 40 penalty units (in the case of a corporation) or 20 penalty units (in the case of an individual).

- (2) A retailer must ensure that a metering provider engaged by the retailer to install or replace an advanced meter, or maintain an advanced meter installed during the interim period, has a safety management system in place that complies with this clause.

- (3) The Secretary may, by notice in writing, direct a metering provider to amend a safety management system if, in the opinion of the Secretary, the safety management system does not comply with this clause.

- (4) A metering provider must comply with a direction given under subclause (3).
Maximum penalty: 20 penalty units.

- (5) Before providing, installing or replacing an advanced meter, or maintaining an advanced meter installed during the interim period, a metering provider must:

- (a) have previously provided documentation relating to the provider’s safety management system to the Secretary, and
(b) ensure that the safety management system is brought to the attention of, and a copy of documentation relating to the system is made readily available to, the persons engaged by the metering provider to install, replace or maintain an advanced meter.

Maximum penalty: 20 penalty units.

- (6) The Secretary may delegate the exercise of any function of the Secretary under this clause (other than this power of delegation) to any person employed in the Department of Finance, Services and Innovation.

- (7) In this clause:

Code for Safe Meter Installation means the *Code for safe installation of direct-connected whole current electricity metering in NSW—Minimum requirements for safety management systems*, published in the Gazette by the Department of Industry, Skills and Regional Development, as in force from time to time.

Secretary means the Secretary of the Department of Finance, Services and Innovation.

Schedule 2 Amendment of Electricity Supply (Safety and Network Management) Regulation 2014

[1] Clause 7 Content of safety management system

Omit clause 7 (1) (b) (iv) (as amended by the *Electricity Supply Amendment (Advanced Meters) Act 2016*). Insert instead:

- (iv) management of bush fire risk relating to electricity lines and other assets of the network operator's network that are capable of initiating bush fire,
- (v) management of bush fire risk relating to aerial consumers mains on bush fire prone land that is private land in respect of which the network operator may give directions under Division 2A of Part 5 of the Act.

[2] Clause 7 (4)

Insert after clause 7 (3):

- (4) In this clause, *aerial consumers mains*, *bush fire prone land* and *private land* have the same meaning as they have in Division 2A of Part 5 of the Act.