



# Amendments to the Electricity (General) Regulations 2012 and Gas Regulations 2012

Final Consultation Report

29 June 2023



Consultation Report: Outcomes from the Consultation for the Amendments to the *Electricity (General) Regulations 2012* and *Gas Regulations 2012*

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**Acknowledgement of Country**

The Department for Energy and Mining acknowledges Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.

Date:	Comment:
June 2023	V 1.0

## Proposal

The proposed amendment regulations consulted on sought to make changes to the *Electricity (General) Regulations 2012* and *Gas Regulations 2012* to provide for:

- The recovery of South Australia's funding contribution to the Energy Security Board (to be known as the Energy Advisory Panel from 1 July 2023) from industry fees.
- Changing the definition of "Electrical Installation" to ensure caravans and installations at public events are captured as electrical installations.
- A change to reflect the current practice with the way meters are now installed to ensure the obligations as intended apply to all meter installers.
- A new requirement to record testing results on an electronic Certificate of Compliance.
- The same requirement on licensees to issue electronic Certificates of Compliance for electrical work to certify an electrical installation prior to it being made available for energisation, whether this work is undertaken in the capacity as a worker, for a contractor, or in any other circumstance.
- Specifying the requirement for rescue and resuscitation training in regulation of at least yearly.
- Increasing the timeframe for record keeping of tests of testing instruments from 2 years to 5 years.
- Clarifying the reporting obligations of non-licensed entities with respect to their Safety, Reliability and Maintenance Technical Management Plans.
- New approach limits for 330 kilo-Volt transmission lines.
- Referencing the new liquefied petroleum gas (LPG) Standard AS 4670 Commercial Propane and Commercial Butane for Heating Purposes and removing the unused gas specification for other gases.

After the consultation period and consideration of feedback, amendment regulations were Gazetted on Thursday 29 June 2023. The amendment concerning the recovery of South Australia's funding contribution to the Energy Security Board (to be known as the Energy Advisory Panel from 1 July 2023) from industry fees will commence on 1 July 2023. All of the other amendments will commence on Monday 18 September 2023.

## Consultation Feedback on Proposed Amendments

Energy and Technical Regulation in the Department for Energy and Mining consulted broadly with retailers, industry peak bodies, metering installers, events electrical contractors, generators, network service providers and others. We also targeted the consultation to those entities that would be most affected by the proposed amendments. In total, consultation was effected by direct email to over 700 interested parties.

Written submissions were received from the following entities:

- Gas Energy Australia;
- Vector Metering;
- P4B Solar;
- ElectraNet;
- PLUS ES;
- TG Certifications;
- BHP;
- Master Electricians Australia; and
- Boltz Electrical Contractors.

At a public forum held on Wednesday 26 April 2023 the following entities were in attendance and provided direct feedback:

- Master Electricians Australia;
- National Electrical Contractors Association;
- AGL; and
- Origin Energy.

Energy and Technical Regulation also held separate meetings on request with BHP, PLUS ES and ElectraNet in relation to their submissions.

In addition, the Essential Services Commission of South Australia, while expressly not providing a submission, provided written comments on the proposed regulation amendments at officer level.

The following summarises the feedback received from these entities in relation to each of the regulation amendment proposals and how Energy and Technical Regulation responded to it.

## Consultation Feedback on Proposed Amendments

### South Australia's Funding Contribution to the Energy Security Board (Energy Advisory Panel)

The proposal to fund the South Australian contribution to the Energy Advisory Panel (EAP) from 2023-24 onwards requires an amendment to Regulation 44E of the *Electricity (General) Regulations* to provide for funding this requirement from electrical licence fees. The EAP will be formerly known as the Energy Security Board (ESB), with the name change taking effect from 1 July 2023.

The summary of the feedback was that it would be an additional cost on licensees. Energy and Technical Regulation acknowledges this feedback, but considers it outweighed by the essential work that the EAP must undertake to ensure energy security and reliability in light of the required energy transition to a low-carbon future. Accordingly, Energy and Technical Regulation proceeded with this proposed amendment.

### Caravan and Event Safety

It was proposed that installations such as caravans and similar and public event installations are clearly captured as electrical installations (rather than electrical equipment) for regulatory purposes. This would reflect how they are currently regulated by the Office of the Technical Regulator and remove any ambiguity.

The proposal consulted on was to amend Regulation 5 of the *Electricity (General) Regulations* to change the definition of "Electrical Installation" to clearly provide for caravans and public event equipment as electrical installations

Feedback from parties who made a submission in relation to this matter is supportive of the proposal. As such, Energy and Technical Regulation proceeded with this amendment.

### Connection Testing and Inspection Procedures

The proposal was to amend Regulation 54 of the *Electricity (General) Regulations* so that metering installers will be required to have their own testing and inspection procedures or otherwise metering installers will need to use one which is intended to be published by the Technical Regulator. The regulations need to reflect the changed circumstances where the distribution network operator is no longer the sole provider of metering.

This matter received the most feedback of all of the regulation proposals. As a result, Energy and Technical Regulation clarified the original proposed regulation so that it is clear it is not about individual metering installers setting their own metering 'rules'. Energy and Technical Regulation accepts that the use of the word "Rules" in Technical Installation Rules leads to a level of confusion. The amendment regulation was changed to refer to 'procedures'.

In addition, the proposed amendment to Regulation 54 is to be read in concert with the new proposed Regulation 76A. As such, the new proposed Regulation 76A has also been updated to refer to procedures as well.

Furthermore, it was questioned in submissions why each metering installer would need to publish their own procedures. Energy and Technical Regulation accepts this feedback and removed the proposed requirement to publish. The fact that each metering installer is required to develop their own procedures approved by the Technical Regulator or use the Technical Regulator's own procedures should provide the public with assurance that safety and technical regulation matters are sufficiently addressed.

## **Recording of Testing Results for Electrical Installations on Electronic Certificates of Compliance**

Regulations 55A and 56 of the *Electricity (General) Regulations* were proposed to be amended to require the recording of test results on electronic Certificates of Compliance. This will ensure confidence in the testing of equipment prior to re-energisation.

Feedback from interested parties was generally not supportive and centred around concerns about what type of testing needs to be recorded and the administrative complexity of what could be required. Energy and Technical Regulation accepts these concerns and while the proposal was proceeded with, it has been implemented in an administratively straightforward way for licensees that asks them to record the current testing requirements in a simple mandatory field in the electronic Certificate of Compliance and to continue to provide for an attachment option should more detailed testing results need to be recorded (as some licensees currently already do).

## **Issuing of Electronic Certificates of Compliance for Other Electrical Work**

The proposal was to amend Regulation 56 of the *Electricity (General) Regulations* to specify that the licensee, where they are not carrying out work as a worker or contractor, will certify an electrical installation prior to it being made available for energisation. Note that while this accounts for the small minority of electrical works, the proposal has been made to address an historical anomaly that was never intended with the original regulation, in that in every other circumstance of electrical work an electrical worker or an electrical contractor is required to issue an electronic Certificate of Compliance for electrical work prior to it being energised.

No feedback was received in relation to this proposal. Accordingly, Energy and Technical Regulation proceeded with the proposal.

## Rescue and Resuscitation Training

It was proposed to amend Regulation 68 in the Electricity (General) Regulations to specify that the timeframe for taking of rescue and resuscitation training as a yearly competency so as to provide industry with clarity over the requirements.

Currently the timeframes are listed as being in accordance with the requirements of the Technical Regulator. The Technical Regulator has specified that this is an annual requirement, but one would need to review older editions of the Technical Regulator's industry newsletter (Regulation Roundup) to ascertain the requirements.

Feedback was received about the potential for increased costs and imposts on industry. Energy and Technical Regulation acknowledges this feedback, however notes the proposal is to formalise in regulation only what is currently required by the Technical Regulator. If electrical workers are already complying with the Technical Regulator's current publicised requirement, then there should be no increased frequency for this training and therefore no additional cost to industry.

To provide some further context in relation to course prices, Energy and Technical Regulation notes that TAFE SA offers a four-hour Low Voltage Rescue and Resuscitation (LVR/CPR) course at a price of approximately \$140 in Adelaide and in regional locations including Berri, Mount Gambier, Whyalla and Victor Harbour. More broadly across the breadth of training providers, prices for nearly all are less than \$200.

Energy and Technical Regulation proceeded with the proposal.

## Testing Instrument Record Keeping

The proposal was to amend Regulation 69 of the Electricity (General) Regulations to require records to be kept in relation to tests and calibration of testing instruments for an increased period of time from a minimum of two years to a minimum of five years. This would capture the effective lifespan or testing timeframes for all testing equipment. The proposal is intended to apply prospectively, such that it does not impose the regulatory requirement on existing testing instruments.

No objection was received to the proposed timeframe extension to the keeping of testing records, but one submission raised the frequency of testing of testing equipment. The regulation is silent on the frequency of testing of testing equipment and Energy and Technical Regulation has not sought to make a proposal to mandate testing timeframes for testing equipment.

Based on the feedback, Energy and Technical Regulation proceeded with the proposal.

## Clarification of Reporting Requirements Under Safety, Reliability and Maintenance Technical Management Plans

It was proposed that the wording of Regulation 73 of the Electricity (General) Regulations is clarified in line with its original intention to require persons who have a generation, transmission or distribution licence to report under their Safety, Reliability and Maintenance Technical Management Plans as per current requirements, as well as require persons who are exempted from holding a licence to still report in some manner. The current wording of the regulation can be interpreted in a way that persons who hold a licence are not required to report, which was never the intention.

No feedback was received about this proposal. Accordingly, Energy and Technical Regulation proceeded with the proposal.

## 330 kilo-Volt Transmission Line Approach Limits

It was proposed to amend the table in Regulation 64 of the Electricity (General) Regulations to include a new line providing for wider approach limits for conductors or equipment operating at voltages up to 330 kilo-Volt (kV), which Project EnergyConnect will operate at.

No feedback was received about this proposal. Accordingly, Energy and Technical Regulation proceeded with the proposal.

## Administrative

Regulation 56(1)(d) and (e) and (f) of the Electricity (General) Regulations refers to a repealed sub-regulation 56(1)(c). It is proposed that the references to sub-regulation 56(1)(c) are removed as an administrative change to clarify the regulations with nil regulatory impact on industry.

No feedback was received about this proposal. Accordingly, Energy and Technical Regulation proceeded with the proposal.

## Gas Specifications

The proposal was to update Schedule 2 in the Gas Regulations with the reference to current industry practice Australian Standard 4670 Commercial Propane for Heating Purposes. The current reference in Schedule 2 is outdated and references lower standards than that required in AS 4670.

The feedback received about this proposal is supportive. As such, Energy and Technical Regulation proceeded with the proposal.

## Other Gases

It was proposed to remove the current specification for 'Other Gases' from Schedule 2 in the Gas Regulations.

The feedback to this proposal has not been supportive. Energy and Technical Regulation considers that there has been a misinterpretation of the meaning of the proposal to remove this provision. It has been an unused provision since its first inclusion in the 1997 iteration of the regulations, and having the provision remain there could lead to confusion to confusion.

The South Australian Government has made it very clear that it is supportive of alternative gaseous fuels, and if there are to be emerging gases they will be provided for in legislation. Parties may be interested to know that the Government is currently proceeding with a legislative package in relation to hydrogen. Similarly, Energy and Technical Regulation is supportive of other gaseous fuels and will look at any legislative amendments that are required to safely integrate them into current systems.

While Energy and Technical Regulation acknowledges that feedback has not been supportive to this proposal, it nonetheless has proceeded with the proposal in light of policy positions identified above.

## Other Matters Identified for Action

As a result of stakeholder consultation, a further minor regulatory change has been included to reflect the existing practice of ElectraNet undertaking live-line work. The proposal adopted as a result of the feedback is that approach limits are allowed to be encroached by ElectraNet (or their contractor) if they are undertaking live-line work in accordance with the relevant standard. This proposed change merely reflects existing practice with respect to electricity transmission infrastructure as well as an existing exemption that has been granted by the Technical Regulator pursuant to Regulation 89 of the *Electricity (General) Regulations*.

## Other Feedback

Feedback has also been received concerning policy matters that fell outside of the scope of the consultation. Energy and Technical Regulation will consider these matters further when a broader review of the regulations occur. Note that both the *Electricity (General) Regulations* and *Gas Regulations* will need to be re-made in their entirety in 2026.

The feedback that has been received outside of the scope of this regulation review comprises:

- Provision in legislation for innovation and development of renewable gases, particularly renewable liquefied petroleum gas. Energy and Technical Regulation

takes this submission on board and will consider it in related processes already underway.

- Providing for a strict standard for the format of electricity bills.
- The planned removal of clauses from the Electricity Distribution Code relating to capacity of solar systems, the ability to provide emergency energy during a generator trip, require certain performance during network disturbances, and interference from a solar system. Energy and Technical Regulation is aware of these matters, and those proposed to be removed are already required elsewhere in standards and connection procedures.
- Alignment of definitions in the *Electricity Act 1996* and *Electricity (General) Regulations 2012* with those in the *Plumbers, Gasfitters and Electricians Act 1995* (the PGE Act). Energy and Technical Regulation accepts these submissions and will refer these matters to Consumer and Business Services in the Attorney-General's Department for further consideration as they have the administrative carriage of the PGE Act.
- A matter was raised as to whether South Australia would implement an Authorised Service Provider scheme such as that which exists in New South Wales for metering installations.
- Matters were raised concerning transmission line regulation, specifically:
  - The ambiguity in the drafting of Regulations 64 to 67 of the Electricity (General) Regulations;
  - The conflict between the requirements of the regulations and the corresponding requirements in the applicable Australian Standards and the industry guidelines which reflect those Standards;
  - The interaction of Regulations 64(1) and (2) with regulations 65 to 67;
  - Approach Limit D in Regulation 64(3) and its interaction with Regulations 65 to 67; and
  - The approach limits in Regulation 64(3) outlined for specific work practices.
- An issue was raised as to whether the commissioning of Type B gas appliances requires the issuing of an electronic Certificate of Compliance, and also the applicability of safety and technical regulation to liquid gas burners.
- Energy and Technical Regulation accepts the concerns raised and they will be considered further.

