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**ENERGY**

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EN301\*

Electricity Act 1945

**Electricity (Licensing) Amendment Regulations  
(No. 2) 2011**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Electricity (Licensing) Amendment Regulations (No. 2) 2011*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Electricity (Licensing) Regulations 1991*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definitions of:

*Australian/New Zealand Wiring Rules*  
*legal practitioner*

- (2) In regulation 3(1) insert in alphabetical order:

*Australian/New Zealand Wiring Rules* has the meaning given in the *Electricity Regulations 1947* regulation 2(1);

*legal practitioner* means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

*main switchboard* has the meaning given in the Australian/New Zealand Wiring Rules clause 1.4.92;

- (3) In regulation 3(1) in the definition of *private generating plant* before “pressure” insert:

nominal

**5. Regulation 19 amended**

- (1) Before regulation 19(1) insert:

- (1A) In this regulation —

*flexible cord* has the meaning given in the Australian/New Zealand Wiring Rules clause 1.4.36;

*professionally qualified engineer* means a person who —

- (a) holds a power electrical engineering specialisation; and
- (b) is, or is eligible to be, a member of the body known as Engineers Australia otherwise than at the grade of student;

*servicing*, in relation to an electrical appliance, portable sub-distribution board or residual current device, means —

- (a) identifying a faulty component of the appliance, board or device and replacing it with a component having an equal or substantially similar engineering specification; or
- (b) affixing a flexible cord to the appliance, board or device.

- (2) In regulation 19(2):

- (a) in paragraph (h) delete “appliance” (second occurrence) and insert:

appliance, portable sub-distribution board or residual current device

(b) after paragraph (h) insert:

(ia) to the testing and servicing of —

(i) an electrical appliance; or

(ii) a portable sub-distribution board; or

(iii) a residual current device,

connected, or to be connected, by means of a plug and flexible cord to a plug socket outlet through which electricity is supplied or to be supplied at a nominal pressure not exceeding 1 000 volts alternating current or 1 500 volts direct current; or

(3) Delete regulation 19(4).

**6. Regulation 49 amended**

(1) Delete regulation 49(1a).

(2) In regulation 49(2) delete “Subject to subregulation (1a), if” and insert:

If

**7. Regulation 49B amended**

Delete regulation 49B(2) and insert:

(2) Subregulation (1)(a) is taken to be complied with if the electrical work has been carried out in accordance with the requirements referred to in regulation 49(1).

**8. Regulation 51 amended**

(1) In regulation 51(1) delete “preliminary notice of the proposed notifiable work” and insert:

a preliminary notice of the proposed notifiable work, in a form approved by the Director and duly completed,

(2) In regulation 51(2):

(a) in paragraphs (a) and (b) delete “carried out” and insert:

carried out, or caused to be carried out,

- (b) in paragraph (b) before “preliminary notice” insert:
- a
- (c) in paragraph (b) delete “exemption.” and insert:
- exemption; or
- (d) after paragraph (b) insert:
- (c) carried out, or caused to be carried out, on a main switchboard or on consumers mains if the work does not require —
- (i) an alteration to service apparatus or distribution works; or
  - (ii) disconnection from, or connection to, distribution works; or
  - (iii) isolation from distribution works (by means of switching or the removal of fuses or links) to allow the work to be carried out safely;
- or
- (d) that consists of the addition or removal of control or protective gear; or
- (e) that consists of the disconnection of a final sub-circuit from, or the removal of, a private generating plant with a capacity not exceeding 25 kW.
- (3) Delete regulation 51(3) and insert:
- (3) In this regulation —
- consumers mains** has the meaning given in the Australian/New Zealand Wiring Rules clause 1.4.33;
- control or protective gear** includes residual current devices, voltage surge suppression devices, indicating and recording instruments, indicating lamps, data-loggers and associated wiring;
- required time**, in relation to delivering a preliminary notice of proposed notifiable work, means —
- (a) at least 3 working days before the proposed notifiable work is begun, if the electrical contractor requires advice from the relevant network operator in relation to the proposed notifiable work before it is begun; or

- (b) at any time before the proposed notifiable work is begun, if the electrical contractor does not require such advice.

**9. Regulation 52 amended**

- (1) In regulation 52(1) delete “(2),” and insert:

(2) and (2AA),

- (2) In regulation 52(2) delete “send” and insert:

deliver

- (3) After regulation 52(2) insert:

- (2AA) Subregulation (1) does not apply to notifiable work carried out at a mine if —

- (a) the work does not involve an initial connection to distribution works or a private generating plant; and

- (b) the work does not —

- (i) require an alteration to a main switchboard; or

- (ii) require an alteration to service apparatus or distribution works; or

- (iii) consist of the installation or removal of a private generating plant; or

- (iv) alter the capacity of a private generating plant;

and

- (c) the electrical contractor who carries out the work, or causes it to be carried out, makes a record of the work in a form approved by the Director.

- (2AB) An electrical contractor who makes a record for the purposes of subregulation (2AA)(c) that the electrical contractor knows to be false or misleading commits an offence.

(2AC) The principal employer, as defined in the *Mines Safety and Inspection Act 1994* section 4(1), at a mine commits an offence if the principal employer fails to ensure that each record made for the purposes of subregulation (2AA)(c) in respect of notifiable work carried out at the mine —

- (a) contains a declaration, signed or executed by the electrical contractor making the record, that the notifiable work to which the record applies has been checked and tested and is safe and complies with these regulations; and
- (b) is kept at the mine until the mine closes or otherwise ceases to operate.

(4) In regulation 52(3) delete “sends” and insert:

delivers

(5) After regulation 52(3) insert:

(4) For the purposes of this regulation, notifiable work is taken to be completed if the electrical installation on which the work was carried out —

- (a) is in use; or
- (b) is connected to distribution works or a private generating plant or can be connected to distribution works or a private generating plant without the use of tools; or
- (c) is ready for connection to distribution works or a private generating plant.

(5) If notifiable work is carried out, or caused to be carried out, by more than one electrical contractor —

- (a) each electrical contractor must comply with subregulation (1) in respect of the portion of the work carried out, or caused to be carried out, by that electrical contractor; and
- (b) each notice of completion delivered under subregulation (1) must describe the portion of the work to which it relates; and
- (c) for the purposes of this regulation, in respect of each electrical contractor, the work is taken to be completed when the portion of the work carried out, or caused to be carried out, by that electrical contractor —

- (i) is in use; or

- (ii) is connected to distribution works or a private generating plant or can be connected to distribution works or a private generating plant without the use of tools; or
- (iii) is ready for connection to distribution works or a private generating plant.

**10. Regulation 52A amended**

- (1) In regulation 52A(1) in the definition of *preliminary notice* before “preliminary” insert:

a

- (2) In regulation 52A(2) before “preliminary” insert:

a

- (3) Delete regulation 52A(4) and insert:

- (4) If an electrical contractor delivers a notice under subregulation (2)(b), the relevant network operator is to deliver to the electrical contractor a receipt, which, without limiting the *Interpretation Act 1984* sections 75 and 76, may be delivered by a means of electronic communication approved by the Director.

- (4) In regulation 52A(5) delete “gives” and insert:

delivers a

- (5) After regulation 52A(5) insert:

- (6) An electrical contractor commits an offence if the electrical contractor delivers —
- (a) a preliminary notice for proposed notifiable work that will not be carried out, or caused to be carried out, by or under the direction of the electrical contractor; or
  - (b) a notice of completion for notifiable work that was not carried out, or caused to be carried out, by or under the direction of the electrical contractor.

**11. Regulation 52B amended**

- (1) In regulation 52B(1) delete “a certificate of compliance,” and insert:

an electrical safety certificate,

- (2) In regulation 52B(2) delete “certificate of compliance” and insert:

electrical safety certificate

- (3) Delete regulation 52B(3) and insert:

- (3) Subregulation (1) does not apply to —

- (a) maintenance work; or
- (b) in-house electrical installing work carried out under the authority of an in-house electrical installing work licence; or
- (c) electrical installing work that is carried out at a mine if the electrical contractor makes a record of the work in a form approved by the Director; or
- (d) electrical installing work that is associated with the installation of a temporary builders supply; or
- (e) electrical installing work carried out, or caused to be carried out, by an electrical contractor exempted in writing by the Director from the requirement to prepare and deliver an electrical safety certificate, subject to any conditions that are imposed in respect of the exemption.

- (4A) In subregulation (3)(d) —

***temporary builders supply*** means a self-contained switchboard that —

- (a) is mounted on a pole or stand; and
- (b) is relocatable; and
- (c) is connected to a single phase supply; and
- (d) has no sub-mains connected; and
- (e) consists of a meter, a service protective device, a residual current device and plug socket outlets for electrical appliances used for building purposes.

- (4B) An electrical contractor who makes a record for the purposes of subregulation (3)(c) that the electrical contractor knows to be false or misleading commits an offence.
- (4C) The principal employer, as defined in the *Mines Safety and Inspection Act 1994* section 4(1), at a mine commits an offence if the principal employer fails to ensure that each record made for the purposes of subregulation (3)(c) in respect of electrical installing work carried out at the mine —
- (a) contains a declaration, signed or executed by the electrical contractor making the record, that the electrical installing work to which the record applies has been checked and tested and is safe and complies with these regulations; and
  - (b) is kept at the mine until the mine closes or otherwise ceases to operate.
- (4) In regulation 52B(4):
- (a) delete “A certificate of compliance” and insert:  
  
An electrical safety certificate
  - (b) in paragraph (b) delete “certificate of compliance” and insert:  
  
electrical safety certificate
- (5) In regulation 52B(5) delete “a certificate of compliance” and insert:  
  
an electrical safety certificate
- (6) In regulation 52B(6) delete “certificate of compliance.” and insert:  
  
electrical safety certificate.
- (7) In regulation 52B(7) delete “gives a certificate of compliance” and insert:  
  
delivers an electrical safety certificate

Note: The heading to amended regulation 52B is to read:

**Electrical safety certificates**

**12. Regulation 54 amended**

In regulation 54(1) delete “sent” and insert:

delivered

By Command of the Lieutenant-Governor and Administrator,

PETER CONRAN, Clerk of the Executive Council.

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