

EN302

Electricity Act 1945

Electricity (Licensing) Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity (Licensing) Amendment Regulations 2017*.

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:

electrical installation

private generating plant

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

contact details, of a person who holds a licence or a permit, means the residential address, address of the principal place of business, postal address, telephone number and email address of the person;

electrical installation —

- (a) includes all wiring, wiring enclosures, switch gear, control and protective gear, appliances and any other components permanently connected to or associated with the wiring and that is on or in —
 - (i) premises to which electricity is or is intended to be supplied through transmission or distribution works; or
 - (ii) premises used as a generating station;
- and
- (b) where electricity is supplied from a private generating plant, includes that plant;

private generating plant has the meaning given in regulation 4AA;

Regional Power Corporation means the body established by the *Electricity Corporations Act 2005* section 4(1)(d);

transportable structure means a structure that can be moved from a site to another site and on which notifiable work may be carried out;

- (3) In regulation 3(1) in the definition of *electrical installing work* delete “removing, or,” and insert:

removing or

- (4) In regulation 3(1) in the definition of *notifiable work* delete paragraphs (b) and (c) and insert:

- (b) the addition or alteration of 1 final sub-circuit including the addition or alteration of its protective device; or
- (c) the alteration of 1 or more final sub-circuits;

5. Regulation 4A amended

Delete regulation 4A(2A) and insert:

- (1A) However electrical work does not include work on components of the propulsion system of a motor vehicle, as defined in the *Road Traffic (Administration) Act 2008* section 4, that is propelled wholly or partly by electricity.

6. Regulation 4AA inserted

At the end of Part 1 insert:

4AA. Term used: private generating plant

- (1) In these regulations —

private generating plant means generating works that are for the generation of electricity at a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current including —

- (a) generating works that are for the self-propulsion or other motivation of mobile equipment; and
- (b) subject to subregulation (2)(b), generating works constructed or operated under an exemption order made under the *Electricity Industry Act 2004* section 8(1); and
- (c) generating works forming an electrical installation of a consumer (such as fixed generating plant, a mobile or portable generator, solar panel, wind powered generator, fuel cell, inverter or an energy storage device, such as a battery or fly-wheel); and
- (d) all works, electrical equipment and wiring ancillary to such generating works.

- (2) However private generating plant does not include —

- (a) generating works owned or operated by —
 - (i) the Electricity Generation and Retail Corporation established by the *Electricity Corporations Act 2005* section 4(1)(a); or
 - (ii) the Electricity Networks Corporation established by the *Electricity Corporations Act 2005* section 4(1)(b); or

- (iii) the Regional Power Corporation;
or
- (b) generating works constructed or operated under the exemption in the *Electricity Industry Exemption Order 2005* clause 10(2).

7. Regulation 19 amended

- (1) In regulation 19(1A) in the definition of *professionally qualified engineer* delete paragraph (a) and insert:
 - (a) holds a degree in electrical engineering with a specialisation in electrical power engineering;
and
- (2) In regulation 19(2):
 - (a) delete paragraph (o)(ii) and insert:
 - (ii) the person who carries out the installation ensures that the modular wiring system is checked and tested for safety by an electrician before the system is energised for the first time after its installation;
 - or
 - (b) after paragraph (o) insert:
 - (p) to the removal of wiring or electrical equipment from premises if —
 - (i) a demolition permit, as defined in the *Building Act 2011* section 3, is in effect for demolition work on the premises;
and
 - (ii) the person who carries out the removal ensures that all supplies of electricity are removed, or permanently disconnected, from the premises.

8. Regulation 26 amended

- (1) In regulation 26(1) delete “certificate of registration” and insert:

licence

(2) After regulation 26(1) insert:

- (1A) In subregulation (1), the reference to the period specified in the licence includes the period specified in a certificate of registration of a licence that was in effect immediately before the *Electricity (Licensing) Amendment Regulations 2017* regulation 8 came into operation.

9. Regulation 27 amended

(1) In regulation 27(5) delete “certificate of registration” and insert:

licence

(2) After regulation 27(5) insert:

- (5A) In subregulation (5), the reference to the period specified in the licence includes the period specified in a certificate of registration of a licence that was in effect immediately before the *Electricity (Licensing) Amendment Regulations 2017* regulation 9 came into operation.

10. Regulation 28 replaced

Delete regulation 28 and insert:

28. Contact details

- (1) Where the contact details of a person who holds a licence or permit, or has made an application to the Board under these regulations, change from that of which the Board last had notice, the person must, not later than 28 days after the change, give to the Board notice of the person’s new contact details.
- (2) Notice under subregulation (1) may be given in writing, by facsimile transmission, by telephone or by a means of electronic communication approved by the Board.
- (3) For the purposes of these regulations, the last known contact details of a person are —
- (a) the contact details given by the person to the Board in an application made to the Board under these regulations; or

- (b) if the person has given notice of a change of contact details under subregulation (1) — the contact details in the notice.

11. Regulation 33 amended

Delete regulation 33(1) and insert:

- (1) Subject to this regulation, a person who carries on business as an electrical contractor, or advertises, or otherwise holds out or implies, that the person is carrying on business as an electrical contractor, commits an offence unless the person is authorised by an electrical contractor's licence to so carry on business.

12. Regulation 47C inserted

At the end of Part 4 insert:

47C. Nominees to be notified of cancellation or suspension of licence

If a person's electrical contractor's licence or in-house electrical installing work licence is cancelled or suspended under these regulations, the person must, as soon as is practicable after becoming aware of the cancellation or suspension, give written notice of the cancellation or suspension to each person who was, immediately before the cancellation or suspension, a nominee in respect of the licence.

13. Regulation 49 amended

Delete regulation 49(2B) and insert:

- (2B) A standard or an amendment published by Standards Australia to a standard referred to in subregulation (1)(a) or (c) does not have effect for the purposes of that subregulation until —
 - (a) a day declared by the Director by notice published in the *Gazette*; or
 - (b) if no day is declared —
 - (i) the day, if any, specified in the standard or the amendment to the standard as the day on which the standard, or the amendment, comes into effect (the *commencement day*); or

- (ii) if there is no commencement day specified in the standard or the amendment to the standard — until 6 months after the day on which the standard, or the amendment, is published by Standards Australia.

14. Regulation 51 amended

In regulation 51(1):

- (a) delete “subregulation (2),” and insert:

subregulation (2) and regulation 52BA,

- (b) after “by the electrical contractor” insert:

or a person authorised by the electrical contractor

15. Regulation 52 amended

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

(2AA) and regulation 52BA,

- (2) Delete regulation 52(2AB) and insert:

(2AB) An electrical contractor commits an offence if the electrical contractor makes a record for the purposes of subregulation (2AA)(c) that is false or misleading.

- (3) Delete regulation 52(2a) and insert:

(2B) A notice of completion is to contain a declaration, signed or executed by the electrical contractor who prepared the notice of completion —

- (a) that the notifiable work to which the notice applies has been checked and tested and is safe and complies with these regulations; or
- (b) if subregulation (2C) applies — that the whole of the electrical installation has been checked and tested and is safe and complies with these regulations.

(2C) This subregulation applies if the notifiable work to which the notice of completion applies —

- (a) is carried out to connect a transportable structure, or to make a transportable structure

- ready for connection, to a supply of electricity;
and
 - (b) is carried out after the transportable structure is moved to the site at which it is to be connected to the supply of electricity.
- (2D) The electrical contractor must, in relation to a declaration referred to in subregulation (2B) —
- (a) make a record of each test, inspection and verification carried out in accordance with the Australian/New Zealand Wiring Rules that was performed on the electrical installation and the results of the tests; and
 - (b) must keep the record for the period of 5 years after the completion of the notifiable work.

16. Regulation 52A amended

- (1) In regulation 52A(3) delete “If an electrical contractor delivers a notice under subregulation (2)(a) or (b),” and insert:

If a notice is delivered under subregulation (2)(a) or (b) by, or on behalf of, an electrical contractor,

- (2) Delete regulation 52A(4) to (6) and insert:
- (5) A person commits an offence if the person delivers a preliminary notice or a notice of completion that is false or misleading.
 - (6) An electrical contractor commits an offence if the electrical contractor delivers 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.

17. Regulation 52B amended

- (1) In regulation 52B(1) delete “and (5),” and insert:

and (5) and regulation 52BA,

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

- (2A) For the purposes of subregulations (1), (2), (4)(d) and (8), electrical installing 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 transmission or distribution works or a private generating plant or can be connected to transmission or distribution works or a private generating plant without the use of tools; or
- (c) is ready for connection to transmission or distribution works or a private generating plant.

(3) In regulation 52B(4A)(e) delete “plug”.

(4) Delete regulation 52B(4B) and insert:

- (4B) An electrical contractor commits an offence if the electrical contractor makes a record for the purposes of subregulation (3)(c) that is false or misleading.

(5) Delete regulation 52B(7) and insert:

- (7) A person commits an offence if the person delivers an electrical safety certificate that is false or misleading.
- (8) A person commits an offence if the person delivers an electrical safety certificate in respect of electrical installing work that —
 - (a) has not been completed; or
 - (b) is unsafe or does not comply with these regulations.
- (9) A person commits an offence if the person signs or executes an electrical safety certificate in respect of electrical installing work and the person is not —
 - (a) the electrical contractor who carried out the work or caused the work to be carried out; or
 - (b) a licensed electrical worker authorised under subregulation (5) to complete the electrical safety certificate on behalf of the electrical contractor.
- (10) It is a defence in proceedings for an offence against subregulation (9)(b) for a licensed electrical worker charged to prove that, at the time of signing or executing the electrical safety certificate, the licensed electrical worker believed on reasonable grounds that —
 - (a) the electrical installing work was carried out under the authority of an electrical contractor’s licence; and

- (b) the licensed electrical worker was authorised under subregulation (5) to complete the electrical safety certificate on behalf of the electrical contractor.

18. Regulation 52BA inserted

After regulation 52B insert:

52BA. Transportable structures: when compliance with regulations 51, 52 and 52B not required

- (1) Subregulation (2) applies if an electrical contractor carries out electrical installing work, or causes electrical installing work to be carried out, in respect of a transportable structure that is at a site for the purposes of its construction or for otherwise preparing it to be moved to another site at which it will be connected to a supply of electricity.
- (2) If this subregulation applies, the electrical contractor is not required to comply with regulation 51, 52 or 52B in respect of the electrical installing work.
- (3) Nothing in this regulation limits an electrical contractor's obligation to comply with these regulations in relation to electrical installing work carried out, or caused to be carried out, by the electrical contractor in respect of a transportable structure at a site at which the structure is, or is intended to be, connected to a supply of electricity.

19. Regulation 53 amended

In regulation 53(1) delete "52B" and insert:

52B, 52BA

20. Regulation 54 amended

After regulation 54(1) insert:

- (1A) It is a defence in proceedings for an offence against subregulation (1) for a licensed electrical worker charged to prove that, at the time the licensed electrical worker signed the notice of completion, the licensed electrical worker believed on reasonable grounds that —
 - (a) the electrical installing work was carried out under the authority of an electrical contractor's

licence held by the electrical contractor concerned; and

- (b) the licensed electrical worker was a nominee in respect of the licence held by the electrical contractor concerned.

- (1B) An electrical contractor whose electrical contractor's licence is cancelled or suspended under these regulations commits an offence if the electrical contractor causes or permits a person who was, immediately before the licence was suspended or cancelled, a nominee in respect of the licence to sign a notice of completion that is delivered under regulation 52 in respect of electrical installing work carried out, or caused to be carried out, by the electrical contractor.
- (1C) For the purposes of subregulation (1B), an electrical contractor is taken to have caused or permitted a person to sign a notice of completion if, at the time the person signed the notice of completion, the electrical contractor had failed to notify the person under regulation 47C of the cancellation or suspension of the electrical contractor's licence.

21. Regulation 57 amended

In regulation 57(2)(a) delete "residential address" and insert:

contact details

22. Regulation 58 amended

In regulation 58(1) delete "registration certificate" and insert:

certificate of registration, if issued to the holder of the licence,

23. Regulation 64 amended

Delete regulation 64(2).

24. Schedule 1 amended

- (1) In Schedule 1 item 1(c) delete "or copy of certificate of registration".

(2) In Schedule 1 delete item 3 and insert:

3. Further inspection —

- | | | |
|-----|--|--------|
| (a) | If relevant network operator is the Regional Power Corporation | 474.50 |
| (b) | If relevant network operator is not the Regional Power Corporation | 169 |

25. Schedule 2 amended

(1) In Schedule 2 after item 12 insert:

12A.	AS 3011.1-1992	Electrical installations — Secondary batteries installed in buildings — Vented cells
12B.	AS 3011.2-1992	Electrical installations — Secondary batteries installed in buildings — Sealed cells
12C.	AS 4086.1-1993	Secondary batteries for use with stand-alone power systems — General requirements
12D.	AS/NZS 4509.1:2009	Stand-alone power systems — Safety and installation

(2) In Schedule 2 item 16 delete “AS/NZS 5033:2005” and insert:

AS/NZS 5033:2014

26. Various references to “distribution” amended

In the provisions listed in the Table delete “distribution” (each occurrence) and insert:

transmission or distribution

Table

r. 4A(2)(a)	s. 51(2)(c)
r. 52(2AA)(a) and (b)(ii)	r. 52(4)(b) and (c)
r. 52(5)(c)(ii) and (iii)	

N. HAGLEY, Clerk of the Executive Council.