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ELECTRICITY ACT 1945

**ELECTRICITY (LICENSING)
AMENDMENT
REGULATIONS 2007**

Western Australia

Electricity (Licensing) Amendment Regulations 2007

CONTENTS

1. Citation
2. Commencement
3. The regulations amended
4. Regulation 3 amended
5. Regulation 5 amended and transitional
6. Regulation 8 amended
7. Regulation 13 amended
8. Regulation 15 inserted
 15. Protection from liability
9. Regulation 19 amended
10. Regulation 20 amended
11. Regulation 22 amended
12. Regulation 23 amended
13. Regulation 24 amended
14. Regulation 25 amended
15. Regulation 26 amended
16. Regulation 27 amended
17. Regulation 28 amended
18. Regulation 29 amended
19. Regulation 30 amended
20. Regulation 32 amended
21. Regulation 33 amended
22. Regulation 36 amended
23. Regulation 37 amended
24. Regulation 38 amended

Electricity (Licensing) Amendment Regulations 2007**Contents**

- 25. Regulation 38A inserted
 - 38A. Nominee not required to comply with certain directions
- 26. Regulation 39 amended
- 27. Regulation 40 amended
- 28. Regulation 43 amended
- 29. Regulation 44 amended
- 30. Regulation 44A inserted
 - 44A. Board may require details of policy of insurance to be given
- 31. Regulation 45 amended
- 32. Regulation 45A inserted
 - 45A. Discretionary examinations
- 33. Regulation 46 amended
- 34. Regulation 47 amended
- 35. Regulation 47A amended
- 36. Regulation 47B inserted
 - 47B. Effect of, and revocation of, suspension
- 37. Regulation 49 amended
- 38. Regulations 49A and 49B inserted
 - 49A. Designers of electrical installation to ensure design is safe etc.
 - 49B. Electrical work to be carried out to safe standard and completed to trade finish
- 39. Regulation 50 amended
- 40. Regulations 50AA and 50AB inserted
 - 50AA. Requirement to be informed of experience and competence of apprentices etc.
 - 50AB. Employer to be satisfied that former apprentice has successfully completed training
- 41. Regulation 50A amended
- 42. Regulation 51 amended
- 43. Regulation 52 amended
- 44. Regulations 52A, 52B and 52C inserted
 - 52A. Notices sent to relevant network operator
 - 52B. Certificates of compliance
 - 52C. Duties of electrical contractor in relation to electrical installing work and electrical workers
- 45. Regulation 53 amended
- 46. Regulation 55 repealed

Electricity (Licensing) Amendment Regulations 2007

Contents

-
- 47. Regulation 60 amended and Schedule 1 consequentially amended
 - 48. Regulation 61 amended
 - 49. Regulation 62 amended
 - 50. Regulation 63 replaced
 - 63. Electrical accidents to be reported
 - 51. Regulation 63A amended
 - 52. Regulation 64 amended
 - 53. Regulation 65 amended
 - 54. Regulation 65A inserted
 - 65A. Offences by members of firms
 - 55. Regulation 67 replaced
 - 67. Saving and transitional provisions
 - 56. Schedule 1 amended
 - 57. Amendments relating to “appointed day”
 - 58. Amendments relating to “nominee”
 - 59. Amendments relating to “network operator”

Electricity Act 1945

Electricity (Licensing) Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity (Licensing) Amendment Regulations 2007*.

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 that is 6 months after that day.

3. The regulations amended

The amendments in these regulations are to the *Electricity (Licensing) Regulations 1991*.

Electricity (Licensing) Amendment Regulations 2007**r. 4**

4. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) in the definition of “electrical contractor” —
 - (i) by deleting “electrical mechanic” in both places where it occurs and inserting instead —
“ electrician ”;
 - (ii) after “employee” by inserting —
“ of an electrical contractor ”;
- (b) by deleting the definition of “electrical fitter”;
- (c) in the definition of “electrical installing work” —
 - (i) by deleting “the work” and inserting instead —
“ electrical work that consists ”;
 - (ii) by deleting “enhancing, repairing”;
- (d) by deleting the definition of “electrical mechanic”;
- (e) in the definition of “electrical work” by deleting “115 volts” and inserting instead —
“ 120 volts ripple free ”;
- (f) after the definition of “electrical worker’s licence” by inserting —

“

“**electrician**” means an electrical worker who is authorised by a licence to carry out electrical installing work and electrical fitting work;

”;

- (g) in the definition of “live” by deleting “to be live” and inserting instead —
“ to be a live part ”;

Electricity (Licensing) Amendment Regulations 2007**r. 5**

- (h) by deleting the definition of “minor work” and inserting before the definition of “permit” —

“

“notifiable work” means electrical installing work other than —

- (a) maintenance work, unless that work requires the disconnection and reconnection of the supply of electricity to the electrical installation concerned or the replacement of service apparatus; or
- (b) the alteration of a final sub-circuit; or
- (c) the addition of a single final sub-circuit;

”;

- (i) after the definition of “permit” by inserting —

“

“prescribed policy of insurance” means the policy of insurance required to be held under regulation 36(1)(a)(iv) in respect of the work of an electrical contractor;

”;

- (j) in the definition of “private generating plant” by deleting “115 volts” and inserting instead —

“ 120 volts ripple free ”.

5. Regulation 5 amended and transitional

- (1) Regulation 5(2)(b)(i) is amended by deleting ““A” grade licence for electrical installing work” and inserting instead —

“ electrician’s licence ”.

- (2) Regulation 5(2)(c) is amended by deleting “restricted electrical licence holders;” and inserting instead —

“ persons who hold a restricted licence; ”.

Electricity (Licensing) Amendment Regulations 2007**r. 6**

- (3) Regulation 5(2)(d)(i) is amended by deleting ““A” grade licence for electrical installing work” and inserting instead —
- “ electrician’s licence ”.
- (4) For the purposes of the appointment of a person in accordance with the *Electricity (Licensing) Regulations 1991* regulation 5(2)(b)(i) and (d)(i), as amended by this regulation, regard may be had to any period during which the person was the holder of an “A” grade licence for electrical installing work issued under the *Electricity (Licensing) Regulations 1991*, as in force before the commencement of this regulation.

6. Regulation 8 amended

- (1) After regulation 8(2)(a) the following is inserted —
- “
- or
- (aa) the member is the subject of an order or other disciplinary action under regulation 31, 31A, 47 or 47A; or
- (ab) the member is —
- (i) a member of a firm, or otherwise concerned in the management of a firm; or
- (ii) a director of a body corporate, or otherwise concerned in the management of a body corporate,
- that is the subject of an order or other disciplinary action under regulation 47 or 47A; or
- (ac) the member, or a body corporate of which the member is a director or in the management of which the member is otherwise concerned, is

Electricity (Licensing) Amendment Regulations 2007

r. 7

convicted of an offence against the Act or these regulations; or

”

- (2) Regulation 8(3) is amended after “incompetence” by inserting —

“

or on any other grounds on which the Minister regards the member as not being a fit and proper person to hold office

”

7. Regulation 13 amended

- (1) Regulation 13(1) is amended by deleting the passage before paragraph (a) and inserting instead —

“

In carrying out its functions under these regulations the Board —

”

- (2) Regulation 13(2) is repealed and the following subregulations are inserted instead —

“

- (2) The functions of the Board are —
- (a) to monitor matters relating to the qualification and training of persons who hold, or are to be issued with, a licence or permit under these regulations and to provide advice on those matters to the Minister and the Director and, with the approval of the Minister, to any other person or body concerned with those matters; and
 - (b) to advise the Minister and the Director on matters relating to the licensing and regulation

Electricity (Licensing) Amendment Regulations 2007**r. 8**

of persons who hold, or are to be issued with, a licence or permit under these regulations; and

(c) to issue the licences and permits provided for by these regulations; and

(d) to perform licensing, disciplinary and other functions conferred on it by these regulations.

(2a) The Board has all the powers it needs to perform its functions under these regulations.

”

(3) After regulation 13(3) the following subregulations are inserted —

“

(4) The text of a direction given under subregulation (3) is to be included in the annual report submitted by the accountable authority of the department under the *Financial Management Act 2006* Part 5.

(5) In subregulation (4) —

“**department**” means the department of the Public Service principally assisting in the administration of the Act.

”

8. Regulation 15 inserted

After regulation 14 the following regulation is inserted in Part 2 —

“

15. Protection from liability

(1) An action in tort does not lie against —

(a) the Board; or

(b) a member of the Board; or

Electricity (Licensing) Amendment Regulations 2007

r. 9

- (c) a person designated or appointed by the Director under regulation 14,

for anything that the Board or person has done, in good faith, in the performance or purported performance of a function under these regulations.

- (2) The protection given by subregulation (1) applies even though the thing done as described in that subregulation may have been capable of being done whether or not these regulations had been made.
- (3) The State is also relieved of any liability it might otherwise have for another person having done anything as described in that subregulation.
- (4) In this regulation a reference to the doing of anything includes a reference to the omission to do anything.

”.

9. Regulation 19 amended

- (1) Regulation 19(2) is amended as follows:
- (a) in paragraph (a) by deleting “115 volts” and inserting instead —
“ 120 volts ripple free ”;
- (b) in paragraph (c) after “carried out” by inserting —
“ for, and as authorised by, a network operator ”;
- (c) in paragraph (h) by deleting “250 volts unless carried out by a person for gain or reward or in the course of employment;” and inserting instead —
“
1 000 volts alternating current or 1 500 volts direct current;

”;

Electricity (Licensing) Amendment Regulations 2007**r. 9**

- (d) in paragraph (i) by deleting ““A” grade” and inserting instead —
“ electrician’s ”;
- (e) in paragraph (k) by deleting “work of a specialized nature as the Director” and inserting instead —
“
electrical work as the Director after
consultation with the Board
”;
- (f) after paragraph (k) by deleting “and” and inserting instead —
“ or ”;
- (g) in paragraph (l) by deleting “115 volts” and inserting instead —
“ 120 volts ripple free ”;
- (h) at the end of paragraph (l) by deleting the full stop and inserting —
“
; or
- (m) to electrical work carried out for law enforcement purposes according to a safety management plan approved by the Director; or
- (n) to —
- (i) the detailed inspection of an electrical installation, including switchboards and equipment; or
 - (ii) the measurement of electrical parameters (such as voltage, current or energy) at any part of an electrical installation; or
 - (iii) the commissioning of, or the finding of faults in, an electrical installation

Electricity (Licensing) Amendment Regulations 2007

r. 9

(including any required disconnection or reconnection of electrical components and equipment),

carried out by a professionally qualified electrical engineer with experience relating to electrical installing work; or

- (o) to the installation of a modular wiring system to be attached to, or included in, office furniture or partitioning if —
- (i) the system has been —
 - (I) approved for installation by the Director or by a person recognised by the Director to be a competent authority for the purpose of giving that approval; or
 - (II) certified as suitable for installation by an authority constituted under the laws of another State or a Territory with functions relating to the regulation of electrical work;
- and
- (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.

”;

- (i) after each of paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) by inserting —
“ or ”.

Electricity (Licensing) Amendment Regulations 2007**r. 10**

- (2) After regulation 19(3) the following subregulation is inserted —

“

- (4) In subregulation (2)(n) —

“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 Institution of Engineers Australia otherwise than at the grade of student.

”

10. Regulation 20 amended

- (1) Regulation 20(1) and (2) are repealed and the following subregulations are inserted instead —

“

- (1) An electrical worker’s licence is to be endorsed, according to the qualifications of the person to whom the licence is to be issued, as —
 - (a) an electrician’s licence; or
 - (b) an electrician’s training licence; or
 - (c) a restricted licence.
- (2) An electrical worker’s licence is subject to such restrictions and conditions, if any, as may be specified in the licence.
- (2a) An electrical worker’s licence endorsed as an electrician’s licence authorises the holder of the licence to carry out electrical installing work and electrical fitting work.

”

Electricity (Licensing) Amendment Regulations 2007

r. 11

- (2) Regulation 20(3)(a) is amended by deleting ““A” grade” and inserting instead —
“ electrician’s ”.
- (3) Regulation 20(3)(b) is amended as follows:
- (a) by deleting “a “C” grade” and inserting instead —
“ an electrician’s training ”;
- (b) by deleting ““A” grade licence of that kind.” and inserting instead —
“ electrician’s licence. ”.
- (4) Regulation 20(4) is amended by deleting “subject to such restrictions and conditions as are specified in the licence”.

11. Regulation 22 amended

- (1) Regulation 22(1) is amended by deleting “as “A” grade (electrical mechanic, or, electrical fitter, or both)” and inserting instead —
“ as an electrician’s licence ”.
- (2) Regulation 22(1)(a) is amended as follows:
- (a) in subparagraph (i) by deleting “in electrical installing work or electrical fitting work, as the case requires;” and inserting instead —
“ approved by the Board for electricians; ”;
- (b) by deleting subparagraph (ii) and inserting the following subparagraph instead —
“
(ii) a course or skills training programme approved by the Board for electricians and accredited by the Training Accreditation Council under the *Vocational Education and Training Act 1996*,
”.

Electricity (Licensing) Amendment Regulations 2007**r. 11**

- (3) Regulation 22(1)(b) is amended by deleting “or electrical fitting work, as the case requires,”.
- (4) Regulation 22(2) is amended as follows:
- (a) by deleting “referred to in subregulation (1)(b) or (c)”;
 - (b) after “examinations” by inserting —
“ or other kinds of assessment ”;
 - (c) by deleting “each” and inserting instead —
“ the ”;
 - (d) after “examination” by inserting —
“ or assessment ”.
- (5) Regulation 22(3) is amended as follows:
- (a) by deleting “as “C” grade” and inserting instead —
“ as an electrician’s training licence ”;
 - (b) in paragraph (a) by deleting “in electrical installing work or electrical fitting work;” and inserting instead —
“ approved by the Board for electricians; ”;
 - (c) in paragraph (b) by deleting “in electrical work” and inserting instead —
“ for electricians ”.
- (6) Regulation 22(4)(c) is amended after “written examinations” by inserting —
“ or other kinds of assessment ”.
- (7) Regulation 22(5) is amended as follows:
- (a) after “examination” in the first place where it occurs by inserting —
“ or other kind of assessment ”;
 - (b) after “such examination” by inserting —
“ or assessment ”;

Electricity (Licensing) Amendment Regulations 2007

r. 12

(c) in paragraphs (a) and (b) after “examination” by inserting —

“ or other kind of assessment ”.

(8) Regulation 22(6) is amended by deleting “*Industrial Training Act 1975*” and inserting instead —

“ *Vocational Education and Training Act 1996* ”.

12. Regulation 23 amended

(1) Regulation 23(1) is amended by deleting “or the renewal of the registration of a licence holder or permit holder, as the case may be,”.

(2) After regulation 23(1) the following subregulations are inserted —

“

(1a) Despite subregulation (1), the fee for an application for a permit to be issued under regulation 24(3) is the amount determined by the Director having regard to the cost of processing the application.

(1b) An applicant under subregulation (1) is to include in or with the application any information or certificate or other document that the Board may require to be satisfied that the applicant fulfils the relevant requirements of regulation 22 and is a fit and proper person for the purposes of regulation 24(1).

”.

13. Regulation 24 amended

(1) Regulation 24(1) is amended by deleting “Board may — ” and inserting instead —

“ Board is to — ”.

(2) Regulation 24(3) is amended by deleting “, and may endorse the permit with such conditions as it deems necessary”.

Electricity (Licensing) Amendment Regulations 2007**r. 14**

- (3) After regulation 24(4) the following subregulation is inserted —

“

- (5) If the Board decides —
- (a) to refuse to issue a licence or permit; or
 - (b) to issue a licence or permit subject to any restriction or condition,

the Board is to give the decision, and the reasons for the decision, in writing to the applicant or to the licence holder or permit holder, as the case requires.

”.

14. Regulation 25 amended

- (1) Regulation 25(1) is amended as follows:
- (a) by deleting “New Zealand” in the first place where it occurs and inserting instead —
“ another country ”;
 - (b) by deleting “of New Zealand.” and inserting instead —
“ country. ”.
- (2) Regulation 25(2) is amended by deleting “applicant a corresponding licence.” and inserting instead —

“

applicant —

- (a) a corresponding licence; or
- (b) if the Board is not satisfied that the person is suitably qualified or experienced to be issued with a licence — a permit that is subject to the conditions and restrictions that the Board considers appropriate.

”.

Electricity (Licensing) Amendment Regulations 2007**r. 15****15. Regulation 26 amended**

- (1) Regulation 26(1) is amended as follows:
- (a) by deleting “a “C” grade” and inserting instead —
“ an electrician’s training ”;
 - (b) by deleting “unless” and inserting instead —
“
or its registration was last renewed for the period, not exceeding 5 years, specified in the certificate of registration unless the licence is
”.
- (2) Regulation 26(2) is repealed and the following subregulation is inserted instead —
“
- (2) Subject to these regulations, an electrician’s training licence held by a person who successfully completes the apprenticeship or course of training relevant to that licence continues to have effect until —
 - (a) the person is granted an electrician’s licence; or
 - (b) the period of 3 months expires from the time that the apprenticeship or course of training was completed,whichever occurs first.
”.
- (3) Regulation 26(3) is amended by deleting “, being not longer than one year,”.

16. Regulation 27 amended

- (1) Regulation 27(1) is amended as follows:
- (a) by deleting “a “C” grade” and inserting instead —
“ an electrician’s training ”;

Electricity (Licensing) Amendment Regulations 2007**r. 16**

- (b) by deleting “shall cause” and inserting instead —
“ is to register the licence by causing ”.
- (2) Regulation 27(2) and (3) are repealed and the following subregulations are inserted instead —
“
- (2) The Board may renew the registration of a licence on an application made not earlier than 90 days before, and not later than 30 days after, the date of the expiry of the registration.
- (3) An application is made under subregulation (2) by submitting to the executive officer, together with the appropriate fee set out in the Schedule, the form, duly completed, made available by the Director.
- (3a) If, at least 12 months before the date of the expiry of the registration of a licence, the Board gives to the licence holder written notice that the licence holder is required to complete successfully a course relating to electrical safety specified in the notice, the Board may refuse to renew the registration if the licence holder fails to comply with that requirement before that date.
- ”.
- (3) Regulation 27(4) is amended by deleting “Where the registration of a licence holder is renewed under subregulation (3),” and inserting instead —
“
- Subject to subregulation (5), if the registration of a licence is renewed under subregulation (2),
- ”.
- (4) Regulation 27(5) is amended by deleting “holder is renewed under subregulation (3)” and inserting instead —
“ is renewed under subregulation (2) ”.

Electricity (Licensing) Amendment Regulations 2007

r. 17**17. Regulation 28 amended**

- (1) Regulation 28(1) is amended by deleting “written” in both places where it occurs.
- (2) After regulation 28(1) the following subregulation is inserted —
“
 - (1a) 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.”.

18. Regulation 29 amended

- (1) Regulation 29(2) is amended after “practical” by inserting —
“ assessment, ”.
- (2) Regulation 29(3) is amended as follows:
 - (a) before “examination or test” in each place where it occurs by inserting —
“ assessment, ”;
 - (b) in paragraph (d) after “renew” by inserting —
“ the registration of ”;
 - (c) by deleting paragraph (e) and inserting the following paragraph instead —
“
 - (e) make an order suspending or cancelling,”.
 - (d) after paragraph (a) by inserting —
“ or ”.

Electricity (Licensing) Amendment Regulations 2007**r. 19**

(3) After regulation 29(3) the following subregulation is inserted —

“

(4) An order made by the Board under subregulation (3)(e) is to be in writing and a copy of the order given to the person against whom it is made.

”.

19. Regulation 30 amended

Regulation 30(3) is amended by deleting “of regulation 49” and inserting instead —

“ , to the extent relevant, of regulation 49, 49B ”.

20. Regulation 32 amended

Regulation 32(1) is amended after “expressed” by inserting —

“ by order of the Board ”.

21. Regulation 33 amended

(1) After “or” after regulation 33(2)(a) the following is inserted —

“

(aa) he or she carries out electrical work that would be authorised by an electrical worker’s licence endorsed as a restricted licence; or

”.

(2) Regulation 33(4) is amended after “subregulation (2)(a)” by inserting —

“ and (aa) ”.

Electricity (Licensing) Amendment Regulations 2007

r. 22**22. Regulation 36 amended**

(1) Regulation 36(1) is amended as follows:

(a) by deleting paragraph (a)(i) and inserting instead —

“

(i) holds an electrical worker’s licence endorsed as an electrician’s licence; and

”.

(b) after paragraph (a)(ii) by inserting —

“ and ”;

(c) by deleting paragraph (a)(iv) and inserting the following subparagraph instead —

“

(iv) holds with a reputable insurer a current policy of insurance against civil liability, in respect of the work of an electrical contractor, that complies with the requirements specified by the Board;

”.

(d) in paragraph (b) by deleting “under these regulations, the Act and the *Energy Coordination Act 1994* and the regulations made thereunder on electrical mechanics and electrical contractors.” and inserting instead —

“

on electricians and electrical contractors by the Act and these regulations and any other regulations made under the Act, and by the *Energy Operators (Powers) Act 1979* and the *Energy Coordination Act 1994* and the respective regulations made under those Acts.

”.

(2) Regulation 36(2)(b) is amended by deleting “imposed under these regulations, the Act and the *Energy Coordination*

Electricity (Licensing) Amendment Regulations 2007**r. 23**

Act 1994 and the regulations made thereunder on electrical mechanics and electrical contractors.” and inserting instead —
 “ referred to in subregulation (1)(b). ”.

- (3) Regulation 36(3)(b) is amended by deleting “imposed by these regulations, the Act and the *Energy Coordination Act 1994* and the regulations made thereunder on electrical mechanics and electrical contractors.” and inserting instead —
 “ referred to in subregulation (1)(b). ”.

23. Regulation 37 amended

Regulation 37(1) is amended as follows:

- (a) by deleting paragraph (a)(i) and inserting instead —
 “
 (i) who holds an electrical worker’s licence endorsed as an electrician’s licence; and
 ”;
- (b) in paragraph (a)(iii) by deleting “by these regulations, the Act, the *Energy Operators (Powers) Act 1979*, the *Energy Coordination Act 1994* and the respective regulations made thereunder on electrical installers and electrical contractors;” and inserting instead —
 “
 on electrical installers and electrical contractors by the Act and these regulations and any other regulations made under the Act, and by the *Energy Operators (Powers) Act 1979* and the *Energy Coordination Act 1994* and the respective regulations made under those Acts;
 ”;
- (c) in paragraph (a) after each of subparagraphs (ii) and (ia) by inserting —
 “ and ”.

Electricity (Licensing) Amendment Regulations 2007

r. 24**24. Regulation 38 amended**

After regulation 38(2) the following subregulation is inserted —

“

(2a) The holder of a licence may nominate a person —

(a) as a replacement for a nominee; or

(b) as an additional nominee,

by giving notice in writing to the Board together with the appropriate fee set out in Schedule 1.

”

25. Regulation 38A inserted

After regulation 38 the following regulation is inserted —

“

38A. Nominee not required to comply with certain directions

A nominee is not required to comply with a direction given to the nominee by his or her employer in relation to electrical work if the nominee reasonably considers that, if he or she were to comply with the direction, the work would not be carried out in accordance with these regulations.

”

26. Regulation 39 amended

Regulation 39(2) is amended after “under the licence” by inserting —

“

and, in the case of an application for the issue or renewal of registration of an electrical contractor’s licence, details, as specified in the application form, of the prescribed policy of insurance

”

Electricity (Licensing) Amendment Regulations 2007**r. 27**

27. Regulation 40 amended

Regulation 40 is amended as follows:

- (a) before “Where” by inserting the subregulation designation “(1)”;
- (b) at the end of the regulation by inserting the following subregulations —

“

- (2) On the issue of a licence, the executive officer is to register the licence by causing the name and other relevant particulars relating to the licence holder and any nominee of the licence holder, as directed by the Board, to be entered in a register.
- (3) A licence is subject to such restrictions and conditions, if any, as may be specified in the licence.
- (4) If the Board decides —
 - (a) to refuse to issue a licence; or
 - (b) to issue a licence subject to any restriction or condition,

the Board is to give the decision, and the reasons for the decision, in writing to the applicant or to the licence holder, as the case requires.

”.

28. Regulation 43 amended

After regulation 43(2) the following subregulation is inserted —

“

- (3) An electrical contractor’s licence is, by operation of this subregulation, suspended during any period for which the prescribed policy of insurance is not held in respect of the work of the electrical contractor.

”.

Electricity (Licensing) Amendment Regulations 2007

r. 29**29. Regulation 44 amended**

- (1) Regulation 44(2) is amended by deleting “Where the registration of a licence holder” and inserting instead —
- “
- Subject to subregulation (3), if the registration of a licence
- ”
- (2) After regulation 44(2) the following subregulation is inserted —
- “
- (3) If the registration of a licence is renewed under subregulation (1) on an application made within 30 days after the registration expires, the renewal has effect only for the balance of the period mentioned in the certificate of registration that remains after the registration is renewed and does not affect the illegality of anything done after the registration expired and before the renewal took effect.
- ”

30. Regulation 44A inserted

After regulation 44 the following regulation is inserted —

“

44A. Board may require details of policy of insurance to be given

- (1) The Board may, by notice in writing sent to the holder of an electrical contractor’s licence at the holder’s address last known to the Board, require details, as specified in the notice, of the prescribed policy of insurance to be given to the Board within the period specified in the notice.

Electricity (Licensing) Amendment Regulations 2007**r. 31**

- (2) The holder of an electrical contractor's licence is to comply with a notice given under subregulation (1).

”.

31. Regulation 45 amended

- (1) Regulation 45(1) is amended by deleting “appears” and inserting instead —

“ is conspicuously displayed ”.

- (2) Regulation 45(2) is amended by deleting “The” and inserting instead —

“ Subject to subregulation (2a), the ”.

- (3) After regulation 45(2) the following subregulation is inserted —

“

- (2a) Notice under subregulation (2) of a change of the principal place of business may be given in writing, by facsimile transmission, by telephone or by a means of electronic communication approved by the Board.

”.

32. Regulation 45A inserted

After regulation 45 the following regulation is inserted —

“

45A. Discretionary examinations

- (1) In this regulation —

“**relevant licence**” means the relevant electrical contractor's licence or the relevant in-house electrical installing work licence, as the case requires.

- (2) The Board may require a person —

- (a) who holds an electrical contractor's licence in accordance with regulation 36(1) or who has

Electricity (Licensing) Amendment Regulations 2007**r. 32**

applied to be issued with an electrical contractor's licence; or

- (b) who is a member of a firm that holds an electrical contractor's licence in accordance with regulation 36(2) or that has applied to be issued with an electrical contractor's licence; or
- (c) who holds an in-house electrical installing work licence or who has applied to be issued with an in-house electrical installing work licence; or
- (d) who is nominated for the purposes of regulation 36 or 37,

to undergo an examination of his or her physical fitness by a person acceptable to the Board.

- (3) Subregulation (4) applies if a person required under subregulation (2) to undergo an examination —
 - (a) fails to comply with the requirement within the time specified in the requirement; or
 - (b) fails to produce to the Board evidence considered by the Board to be satisfactory concerning the results of that examination; or
 - (c) fails in that examination to meet the standards considered by the Board to be appropriate.
- (4) If this subregulation applies, the Board may refuse to grant the relevant licence or, if an individual, firm or body corporate is already the holder of the relevant licence, the Board may —
 - (a) refuse to renew the registration of that licence; or
 - (b) make an order suspending or cancelling that licence.
- (5) An order made by the Board under subregulation (4)(b) is to be in writing and a copy of the order given to the

Electricity (Licensing) Amendment Regulations 2007**r. 33**

individual, firm or body corporate that holds the relevant licence.

”.

33. Regulation 46 amended

(1) After regulation 46(1) the following subregulation is inserted —

“

(1a) In subregulation (1) —

“**holder of a licence**” includes —

- (a) a natural person who is a member of a firm, or who is otherwise concerned in the management of a firm, that holds a licence; and
- (b) a natural person who is a director of a body corporate, or who is otherwise concerned in the management of a body corporate, that holds a licence.

”.

(2) Regulation 46(2) is amended by deleting “of regulation 49” and inserting instead —

“ , to the extent relevant, of regulation 49, 49B ”.

34. Regulation 47 amended

Before regulation 47(1) the following subregulations are inserted —

“

(1aa) In this regulation —

“**holder of a licence**” has the meaning given in regulation 46(1a).

Electricity (Licensing) Amendment Regulations 2007**r. 35**

- (1ab) In subregulation (2)(a), (b), (c), (f) and (g) —
“**person**” includes —
- (a) if the person is a member of, or otherwise concerned in the management of, a firm that holds a licence — the firm; and
 - (b) if the person is a director of, or otherwise concerned in the management of, a body corporate that holds a licence — the body corporate.

”.

35. Regulation 47A amended

After regulation 47A(1) the following subregulation is inserted —

“

- (1a) In subregulation (1)(a), (d), (g) and (h) —
“**person**” includes —
- (a) if the person is a member of, or otherwise concerned in the management of, a firm that holds a licence — the firm; and
 - (b) if the person is a director of, or otherwise concerned in the management of, a body corporate that holds a licence — the body corporate.

”.

36. Regulation 47B inserted

After regulation 47A the following regulation is inserted in Part 4 —

“

47B. Effect of, and revocation of, suspension

- (1) During any period for which an electrical contractor’s licence is suspended under these regulations, the holder

Electricity (Licensing) Amendment Regulations 2007**r. 37**

is not authorised to carry on business as an electrical contractor under the licence except that, where a suspension is expressed to be of a limited nature, the authority conferred by the licence is affected only to the extent specified.

- (2) Subject to subregulation (3), the Board may, by order in writing sent to the holder of a suspended electrical contractor's licence at the holder's last known address, revoke the suspension of the licence either wholly or to the limited extent specified in the order, and the revocation has effect according to its tenor from the date specified in the order.
- (3) The Board cannot to any extent revoke a suspension that was imposed by an order of the State Administrative Tribunal unless it has applied for, and obtained, the approval of the State Administrative Tribunal to do so.

”.

37. Regulation 49 amended

- (1) Regulation 49(1) is amended as follows:
 - (a) by deleting “An electrical worker” and inserting instead —
“ A person ”;
 - (b) by deleting “the Standards Association of Australia” and inserting instead —
“ Standards Australia ”.
- (2) After regulation 49(1) the following subregulation is inserted —
“
 - (1a) If —
 - (a) an amendment (the “**SA amendment**”) is published by Standards Australia to a standard referred to in subregulation (1); and”

Electricity (Licensing) Amendment Regulations 2007

r. 37

- (b) there is no corresponding amendment to the WA Electrical Requirements within the period of 6 months after the day on which the SA amendment is published,

the SA amendment has effect for the purposes of subregulation (1) on the expiry of that period.

”.

- (3) Regulation 49(2) is amended by deleting “Where” and inserting instead —

“ Subject to subregulation (1a), if ”.

- (4) After regulation 49(2) the following subregulation is inserted —

“

- (2a) The Director may, in relation to electrical work to be carried out on an electrical installation of a consumer —

- (a) vary the requirements referred to in subregulation (1); or
(b) specify that one or more of those requirements do not apply; or
(c) specify that one or more requirements apply in addition to those requirements,

and, for the purposes of subregulation (1), those requirements have effect accordingly.

”.

Electricity (Licensing) Amendment Regulations 2007**r. 38**

38. Regulations 49A and 49B inserted

After regulation 49 the following regulations are inserted —

“

49A. Designers of electrical installation to ensure design is safe etc.

A person who designs an electrical installation is to ensure that —

- (a) the electrical installation is designed to be safe and to comply with any relevant requirement referred to in regulation 49(1); and
- (b) if the person gives the design to another person who is to give effect to it, the design is accompanied by information about the way the electrical installation is to be installed to ensure the installation is safe.

49B. Electrical work to be carried out to safe standard and completed to trade finish

- (1) To the extent practicable and reasonable, a person is to ensure that when electrical work has been carried out by him or her —
 - (a) the thing on which the work was performed is safe to use; and
 - (b) the work has been completed to a trade finish.
- (2) Subregulation (1)(a) is taken to be complied with if the electrical work has been carried out in accordance with —
 - (a) the requirements referred to in regulation 49(1)(a) and (b); and
 - (b) the requirements of each relevant standard (if any) referred to in regulation 49(1).

”

Electricity (Licensing) Amendment Regulations 2007

r. 39**39. Regulation 50 amended**

- (1) Regulation 50(2) is amended as follows:
- (a) by deleting “licensed” and inserting instead —
“ authorised by a licence or permit ”;
 - (b) after “supervision” by inserting —
“
or if the person carrying out the electrical work is not
required under these regulations to be authorised by a
licence or permit to carry it out
”.
- (2) Regulation 50(3)(a) is amended by deleting “licensed” and
inserting instead —
“ authorised by a licence or permit ”.
- (3) After regulation 50(4) the following subregulation is inserted —
“
- (5) An electrical worker who is an apprentice or who is
undergoing a course of training may refuse to carry out
any electrical work that, having regard to the
supervision under which it is being carried out, the
electrical worker reasonably considers to be electrical
work —
 - (a) that he or she is not competent to carry out; or
 - (b) that would, or would likely, endanger him or
her or another person.
- ”.

Electricity (Licensing) Amendment Regulations 2007

r. 40

40. Regulations 50AA and 50AB inserted

After regulation 50 the following regulations are inserted —

“

50AA. Requirement to be informed of experience and competence of apprentices etc.

(1) In this regulation —

“**electrical worker in training**” means an electrical worker who is an apprentice or who is undergoing a course of training;

“**person employing an electrical worker in training**” includes a person who, by arrangement with the employer of an electrical worker in training, is making use of the services of the electrical worker, whether or not the arrangement is principally for the purpose of training the electrical worker;

“**supervising electrical worker**” has the meaning given in regulation 50(3).

(2) A person employing an electrical worker in training is to ensure that, before the electrical worker carries out any electrical work, the person and the supervising electrical worker are informed of the experience and level of competence of the electrical worker in training in carrying out electrical work.

(3) A supervising electrical worker is to ensure that, before an electrical worker in training carries out any electrical work under his or her supervision, the supervising electrical worker is informed of the experience and level of competence of the electrical worker in training in carrying out electrical work.

Electricity (Licensing) Amendment Regulations 2007

r. 41

50AB. Employer to be satisfied that former apprentice has successfully completed training

A person (the “**employer**”) is not to employ to carry out electrical work another person (the “**former apprentice**”) —

- (a) who holds an electrician’s training licence; and
- (b) who purports to have completed the apprenticeship or course of training relevant to that licence,

unless the employer has taken all reasonable steps to be satisfied that the former apprentice has successfully completed the apprenticeship or course of training and has applied for an electrician’s licence.

”

41. Regulation 50A amended

Regulation 50A is amended as follows:

- (a) before “A” by inserting the subregulation designation “(1)”;
- (b) at the end of the regulation by inserting the following subregulation —

“

- (2) It is a defence in proceedings for an offence under subregulation (1) for the person charged to prove that —
 - (a) the person did not carry out the electrical work concerned; and
 - (b) as soon as practicable after becoming aware that the wiring or equipment was in an unsafe condition the person took reasonable steps to try to have it disconnected or repaired; and

Electricity (Licensing) Amendment Regulations 2007**r. 42**

- (c) the owner or occupier of the premises where the wiring or equipment is located would not permit it to be disconnected or repaired.

”

42. Regulation 51 amended

- (1) Regulation 51(1) is repealed and the following subregulation is inserted instead —

“

- (1) Subject to subregulation (2), an electrical contractor who carries out any notifiable work, or causes any notifiable work to be carried out, commits an offence unless preliminary notice of the proposed notifiable work is prepared by the electrical contractor and delivered to the relevant network operator at the required time.

”

- (2) Regulation 51(2) is amended by deleting “electrical installing” and inserting instead —

“ notifiable ”.

- (3) Regulation 51(3) is amended as follows:

- (a) by deleting the definition of “electrical installing work”;
- (b) in the definition of “the required time”, by deleting “electrical installing” in each place where it occurs and inserting instead —

“ notifiable ”.

43. Regulation 52 amended

- (1) Regulation 52(1) is repealed and the following subregulations are inserted instead —

“

- (1) Subject to subregulation (2), an electrical contractor who carries out any notifiable work, or causes any

Electricity (Licensing) Amendment Regulations 2007**r. 43**

notifiable work to be carried out, commits an offence unless, within the period of 3 days after the completion of the notifiable work, a notice of completion, in a form approved by the Director and duly completed, is prepared by the electrical contractor in respect of the notifiable work and delivered to the relevant network operator.

- (1a) An electrical contractor who fails to keep a copy of the notice of completion for the period of 5 years after the completion of the notifiable work commits an offence. ”.
- (2) Regulation 52(2) is amended by deleting “electrical installing” and inserting instead —
“ notifiable ”.
- (3) After regulation 52(2) the following subregulation is inserted —
“
(2a) A notice of completion is to contain a declaration, signed or executed by the electrical contractor who prepared the notice of completion, that the notifiable work to which the notice applies has been checked and tested and is safe and complies with these regulations. ”.
- (4) Regulation 52(3) is amended by deleting “electrical installing” and inserting instead —
“ notifiable ”.
- (5) Regulation 52(4) is repealed.

Electricity (Licensing) Amendment Regulations 2007**r. 44**

44. Regulations 52A, 52B and 52C inserted

After regulation 52 the following regulations are inserted —

“

52A. Notices sent to relevant network operator

- (1) In this regulation —
“notice of completion” means a notice of completion under regulation 52.
“preliminary notice” means preliminary notice under regulation 51;
- (2) Without limiting the *Interpretation Act 1984* sections 75 and 76, preliminary notice or a notice of completion may be delivered to the relevant network operator —
 - (a) by facsimile transmission to a facsimile number provided by the network operator; or
 - (b) by a means of electronic communication approved by the Director.
- (3) If an electrical contractor delivers a notice under subregulation (2)(a) or (b), the notice is to be regarded as having been signed or executed by the electrical contractor if the electrical contractor's name appears in the appropriate place in the notice.
- (4) If the relevant network operator is given a notice by an electrical contractor under subregulation (2)(b), the network operator is to give to the electrical contractor a receipt, which, without limiting the *Interpretation Act 1984* sections 75 and 76, may be given by a means of electronic communication approved by the Director.
- (5) A person who gives preliminary notice or a notice of completion that the person knows to be false or misleading commits an offence.

Electricity (Licensing) Amendment Regulations 2007

r. 44**52B. Certificates of compliance**

- (1) Subject to subregulations (3) and (5), an electrical contractor who carries out any electrical installing work, or causes any electrical installing work to be carried out, commits an offence unless, within the period of 28 days after the completion of the electrical installing work, a certificate of compliance, in a form approved by the Director and duly completed, is prepared by the electrical contractor in respect of the electrical installing work and delivered to the person for whom the work was carried out.
- (2) An electrical contractor who fails to keep a copy of the certificate of compliance for the period of 5 years after the completion of the electrical installing work commits an offence.
- (3) Subregulation (1) does not apply to in-house electrical installing work carried out under the authority of an in-house electrical installing work licence.
- (4) A certificate of compliance is not duly completed unless —
 - (a) it is completed by the relevant electrical contractor or, if subregulation (5) applies, by the electrical worker; and
 - (b) it is given an identifying number that is not given to any other certificate of compliance given by or on behalf of the electrical contractor; and
 - (c) it states the number of the electrical contractor's licence and, if subregulation (5) applies, the number of the electrical worker's licence or permit; and
 - (d) it describes clearly and accurately the electrical installing work to which it applies and states the

Electricity (Licensing) Amendment Regulations 2007**r. 44**

address where that work was carried out and the date on which that work was completed; and

- (e) it certifies that the electrical installing work to which it applies has been checked and tested and is safe and complies with these regulations; and
- (f) it is signed or executed by the electrical contractor or, if subregulation (5) applies, it is signed by the electrical worker.

- (5) A licensed electrical worker who —
 - (a) is an employee of an electrical contractor; and
 - (b) is given written authority, in a form approved by the Director, by the electrical contractor,

may complete a certificate of compliance on behalf of the electrical contractor.

- (6) If requested to do so by the person for whom the electrical installing work is carried out, a person authorised under subregulation (5) is to produce his or her authority to complete the certificate of compliance.
- (7) A person who gives a certificate of compliance that the person knows to be false or misleading commits an offence.

52C. Duties of electrical contractor in relation to electrical installing work and electrical workers

- (1) An electrical contractor who carries out electrical installing work, or causes electrical installing work to be carried out, is to ensure that —
 - (a) any electrician employed or engaged by the electrical contractor to carry out any of the electrical installing work has had appropriate

Electricity (Licensing) Amendment Regulations 2007

r. 45

training, holds a current licence and is competent to carry out the work; and

- (b) to the extent practicable and reasonable —
- (i) when the electrical installing work is completed, it is checked and tested and is safe; and
 - (ii) the electrical installing work is completed to a trade finish.

- (2) This regulation does not limit the application of regulation 49B to an electrician who is employed or engaged by an electrical contractor to carry out electrical installing work.

”.

45. Regulation 53 amended

- (1) Regulation 53(1) is amended by deleting “regulations 51 and 52” and inserting instead —

“ regulations 51, 52, 52B and 52C ”.

- (2) After regulation 53(2) the following subregulations are inserted —

“

- (3) A person shall not employ, engage or instruct an electrical worker in training to carry out any electrical work unless the electrical worker holds an electrician’s training licence.

- (4) In subregulation (3) —

“**electrical worker in training**” means an electrical worker who is an apprentice or who is undergoing a course of training.

”.

Electricity (Licensing) Amendment Regulations 2007**r. 46**

46. Regulation 55 repealed

Regulation 55 is repealed.

47. Regulation 60 amended and Schedule 1 consequentially amended

- (1) Regulation 60(1) is amended by deleting “copy of” and inserting instead —
 “ replacement for ”.
- (2) Regulation 60(2) is amended by deleting “copy of” and inserting instead —
 “ replacement for ”.
- (3) Regulation 60(3) is amended as follows:
- (a) by deleting “copy” in the first place where it occurs and inserting instead —
 “ replacement for a licence or permit ”;
- (b) by deleting “of which it is a copy.” and inserting instead —
 “ for which it is a replacement. ”.
- (4) Schedule 1 is amended as follows:
- (a) by deleting item 1(c) and inserting the following subitem instead —
 “
- | | |
|---|----|
| (c) Replacement for licence or permit or copy
of certificate of registration | 10 |
| | ”; |
- (b) by deleting item 2(d) and inserting the following subitem instead —
 “
- | | |
|---|----|
| (d) Replacement for licence or copy of
certificate of registration | 30 |
| | ”. |

Electricity (Licensing) Amendment Regulations 2007

r. 48**48. Regulation 61 amended**

Regulation 61 is amended as follows:

- (a) in paragraph (a) by deleting “31(2)(c) or 47(2)(b);” and inserting instead —

“

29(3), 31(2)(c), 38(7), 43(3), 45A(4) or
47(2)(b); or

”.

- (b) in paragraph (b) by deleting “31(2)(a) or 47(2)(a);” and inserting instead —

“ 29(3), 31(2)(a), 45A(4) or 47(2)(a); ”.

49. Regulation 62 amended

Regulation 62(1) is repealed and the following subregulation is inserted instead —

“

- (1) Subject to subregulation (2), if it appears to an electrical worker carrying out electrical work on any electrical installation or electrical equipment that there is a defect in the installation or equipment that renders the installation or equipment unsafe, the electrical worker is as soon as is practicable —

- (a) to report the matter to the owner or occupier of the premises where the installation or equipment is located and inform the owner or occupier that the matter is required to be reported as provided in paragraph (b); and

- (b) to report the matter —

- (i) to the relevant network operator; or
(ii) if the electrical worker is unable to identify the relevant network operator — to the Director.

”.

Electricity (Licensing) Amendment Regulations 2007**r. 50**

50. Regulation 63 replaced

Regulation 63 is repealed and the following regulation is inserted instead —

“

63. Electrical accidents to be reported

(1) In this regulation —

“**electrical accident**” means an accident —

- (a) that results from a sudden discharge of electricity or that otherwise has, or is likely to have, an electrical origin; and
- (b) that causes, or is likely to cause, danger to life, a shock or injury to a person or loss of or damage to property;

“**employee**” includes a person engaged under a contract for services;

“**employer**” includes a person who engages another person under a contract for services.

(2) Subject to subregulations (4), (5) and (6), immediately after a person becomes aware that an electrical accident has taken place, the person is to report the accident —

- (a) to the relevant network operator; or
- (b) if the person is unable to identify the relevant network operator — to the Director.

(3) Subject to subregulation (7), immediately after a network operator becomes aware that an electrical accident has taken place (by being given a report under subregulation (2) or otherwise), the network operator is to report the accident to the Director.

(4) Immediately after an employee becomes aware that an electrical accident has taken place at the employee’s workplace, he or she is to report the accident to the

Electricity (Licensing) Amendment Regulations 2007**r. 51**

employer concerned and the employer is then to comply with subregulation (2).

- (5) It is a defence to a charge under subregulation (2) (as read with regulation 65(1)) for the person charged to prove that, at the relevant time, the person believed on reasonable grounds that the accident had already been reported to the relevant network operator or to the Director (as the case requires) by another person.
- (6) It is a defence to a charge under subregulation (4) (as read with regulation 65(1)) for the person charged to prove that, at the relevant time, the person believed on reasonable grounds that the accident had already been reported to the employer concerned by another person.
- (7) A network operator is not required to report to the Director that an electrical accident has taken place if —
 - (a) the electrical accident is a notifiable incident of which the Director is required to be given a notification under the *Electricity (Supply Standards and System Safety) Regulations 2001* regulation 35(1)(a); and
 - (b) the network operator has given the required notification to the Director.
- (8) Nothing in this regulation requires the Director to report that an electrical accident has taken place.

”.

51. Regulation 63A amended

Regulation 63A is amended after “at which an” by inserting —
“ electrical ”.

52. Regulation 64 amended

Regulation 64(2) is amended by deleting “holder”.

Electricity (Licensing) Amendment Regulations 2007**r. 53**

53. Regulation 65 amended

Regulation 65 is amended as follows:

- (a) before “A” by inserting the subregulation designation “(1)”;
- (b) by deleting the passage from, and including, “offence and is liable,” to the end of the regulation and inserting instead —
“ offence. ”;
- (c) at the end of the regulation by inserting —

“

- (2) Unless otherwise provided, a person who commits an offence under these regulations is liable to —
 - (a) for an individual, a fine of \$50 000; or
 - (b) for a body corporate, a fine of \$250 000.

”.

54. Regulation 65A inserted

After regulation 65 the following regulation is inserted —

“

65A. Offences by members of firms

- (1) If —
 - (a) a firm that holds an electrical contractor’s licence does or omits to do anything; and
 - (b) an individual who holds an electrical contractor’s licence who did or omitted to do the thing would commit an offence under these regulations,

each member of the firm is taken to have committed the offence.

Electricity (Licensing) Amendment Regulations 2007

r. 55

- (2) It is a defence to a charge of an offence referred to in subregulation (1) for a member of a firm to prove —
- (a) that the offence was committed without the member's consent or connivance; and
 - (b) that the member took all the measures to prevent the commission of the offence that he or she could reasonably be expected to have taken having regard to the member's functions and to all the circumstances.

”

55. Regulation 67 replaced

Regulation 67 is repealed and the following regulation is inserted instead —

“

67. Saving and transitional provisions

- (1) In this regulation —
- “**commencement day**” means the day on which the *Electricity (Licensing) Amendment Regulations 2007* regulation 55 comes into operation.
- (2) A person who, immediately before the commencement day, was the holder of an “A” grade licence, a “C” grade licence or a restricted licence continues, on and after the commencement day and subject to these regulations, to be authorised to carry out the electrical work that the person was authorised by that licence to carry out before that commencement.
- (3) A provision of these regulations that —
- (a) apart from this subregulation, would cease to have effect or would have a modified effect on the commencement day; and

Electricity (Licensing) Amendment Regulations 2007**r. 56**

- (b) is required to continue to have the effect it had immediately before the commencement day for the purposes of subregulation (2),

continues to have that effect for those purposes.

- (4) Subject to these regulations, on the expiry of the registration of a licence listed in column 1 of the Table to this regulation that was in force immediately before the commencement day, that registration may be renewed, and the licence then has effect, as if the licence were a licence listed in the corresponding position in column 2 of that Table.
- (5) When the registration of a licence is renewed in accordance with subregulation (4), the licence is to be subject to any restrictions or conditions that are necessary for the licence to authorise to be carried out only the electrical work that was authorised to be carried out by the licence immediately before the registration expired.

Table

Column 1	Column 2
“A” grade licence	electrician’s licence
“C” grade licence	electrician’s training licence
restricted licence	restricted licence

56. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in item 1(b) by deleting “holder”;
- (b) in item 2(b) by deleting “a contractor” and inserting instead —
 “ electrical contractor’s licence ”;

Electricity (Licensing) Amendment Regulations 2007**r. 57**

- (c) in item 2(c) after “work” by inserting —
 “ licence ”;
- (d) after item 2(c) by inserting the following subitems —
 “
- | | | |
|------|--|-----|
| (ca) | Replacing or adding nominee: electrical contractor’s licence | 340 |
| (cb) | Replacing or adding nominee: in-house electrical installing work licence | 170 |
- ”.

57. Amendments relating to “appointed day”

- (1) Regulation 3(1) is amended by deleting the definition of “appointed day”.
- (2) Regulation 3(2) is repealed.
- (3) Regulation 19(1) is amended by deleting “, on or after the appointed day,”.
- (4) Regulation 33(1) is amended by deleting “, on or after the appointed day,”.
- (5) Regulation 37(1) is amended by deleting “On and after the appointed day, a” and inserting instead —
 “ A ”.

58. Amendments relating to “nominee”

- (1) Regulation 3(1) is amended by deleting the definition of “nominated electrical worker” and inserting in the appropriate alphabetical position —
 “
- “nominee”**, in relation to a licence under Part 4, means a person for the time being nominated for the purposes of regulation 36(1), (2) or (3) or 37(1) in respect of that licence;
- ”.

Electricity (Licensing) Amendment Regulations 2007**r. 59**

- (2) The provisions listed in the Table to this subregulation are amended by deleting “nominated electrical worker” in each place where it occurs and inserting in each place instead —
- “ nominee ”.

Table

r. 31(2)(b)	r. 38(6) (in 2 places)
r. 31A(1)(d)	r. 38(7)
r. 38(3)	r. 54(1)(b) and (c)
r. 38(4) (in 2 places)	r. 54(2)(a)
r. 38(5) (in 3 places)	

59. Amendments relating to “network operator”

- (1) Regulation 3(1) is amended as follows:
- (a) by inserting in the appropriate alphabetical position —
- “
- “network operator”** means a supply authority and any other person lawfully operating transmission or distribution works;
- ”;
- (b) by deleting the definition of “the relevant supply authority” and inserting instead —
- “
- “relevant network operator”** means —
- (a) for an electrical installation that is, or is to be, supplied with electricity by a network operator — the network operator; or
- (b) for an electrical installation that is not, and is not to be, supplied with electricity by a network operator — the Director;
- ”.

Electricity (Licensing) Amendment Regulations 2007

r. 59

- (2) The provisions listed in the Table to this subregulation are amended by deleting “supply authority” in each place where it occurs and inserting in each place instead —

“ network operator ”.

Table

r. 3(1), definition of “private generating plant”	r. 52(3)
r. 19(2)(e) (in 2 places)	r. 53A(1)
r. 51(3), definition of “the required time”	r. 53A(2)

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.