
ENERGY

EN301*

Electricity Act 1945

**Electricity (Licensing) Amendment
Regulations (No. 2) 2003**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Electricity (Licensing) Amendment Regulations (No. 2) 2003*.

2. The regulations amended

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

[* Reprint 2 as at 14 March 2003.]

3. Regulation 5 amended and savings

(1) Regulation 5(1) is amended as follows:

- (a) by deleting “7 members” and inserting instead —
“ 8 members ”;
- (b) by deleting paragraphs (b), (c), (d), (e) and (f) and “and”
after paragraph (f) and inserting instead —

“

- (b) one shall be a person selected by the Minister
from a panel consisting of 3 names submitted to
the Minister by each approved body that
represents the interests of employees who are
licensed electrical workers;
- (c) one shall be a person selected by the Minister
from a panel consisting of 3 names submitted to
the Minister by each approved body that
represents the interests of electrical workers
who carry out electrical work authorised by a
restricted licence;

- (d) one shall be a person selected by the Minister from a panel consisting of 3 names submitted to the Minister by each approved body that represents the interests of electrical contractors;
- (e) one shall be a person selected by the Minister from a panel consisting of 3 names submitted to the Minister by each approved body that represents the interests of consumers that are large businesses;
- (f) one shall be a person selected by the Minister from a panel consisting of 3 names submitted to the Minister by each approved body that represents the interests of consumers that are small businesses;
- (fa) one shall be a person selected by the Minister from persons who —
 - (i) are residential consumers; and
 - (ii) have applied to be appointed to the Board;
 and

”.

(2) After regulation 5(1) the following subregulation is inserted —

“

(1a) In subregulation (1) —

“**approved**” means approved by the Minister.

”.

(3) Regulation 5(2) is amended as follows:

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

“

(a) a person shall not be appointed under subregulation (1)(a) unless he or she has, in the opinion of the Minister —

- (i) knowledge at a managerial level of the electrical industry; and
- (ii) substantial technical experience in that industry;

”;

(b) in paragraph (b)(i) by deleting “for electrical fitting work and an “A” grade licence”;

(c) in paragraph (d)(i) by deleting “for electrical fitting work and an “A” grade licence”;

- (d) by deleting paragraph (e) and inserting the following paragraph instead —

“

- (e) a person shall not be appointed under subregulation (1)(e) or (f) unless he or she has, in the opinion of the Minister —
- (i) experience in using the services of electrical contractors; or
 - (ii) experience, otherwise than as an electrical contractor, in employing licensed electrical workers.

”.

- (4) Despite the amendments made to regulation 5 of the *Electricity (Licensing) Regulations 1991* (the “**licensing regulations**”) by this regulation, a person holding office under those regulations as a member of the Electrical Licensing Board immediately before the day on which these regulations come into operation continues, subject to the licensing regulations, to hold that office on and after that day for the remainder of the period for which the person was appointed.

4. **Regulation 6 replaced**

Regulation 6 is repealed and the following regulation is inserted instead —

“

6. **Appointments from submissions by approved bodies and from applicants**

- (1) The Minister may make an appointment under paragraph (b), (c), (d), (e) or (f) of regulation 5(1) only if —
- (a) the Minister has in writing requested each body approved by the Minister for the purposes of that paragraph to submit to the Minister, within the period specified in the request, the names of 3 persons eligible and willing to be appointed under that paragraph; and
 - (b) either —
 - (i) each body has submitted those names; or
 - (ii) the period within which the submission may be made has expired.
- (2) The Minister may make an appointment under regulation 5(1)(fa) only if, at least 28 days before the appointment is made, an invitation to residential consumers to apply to be appointed to the Board has been published in a manner approved by the Minister.

- (3) If, in response to a request under subregulation (1), a body submits to the Minister the name of only one person, or the names of only 2 persons, eligible and willing to be appointed, that name or those names may be included in the panel from which the Minister may select the person to be appointed.
- (4) If, in response to a request under subregulation (1) —
- (a) each body approved by the Minister for the purposes of a paragraph of regulation 5(1) fails to submit to the Minister any names before the expiry of the period within which the submission may be made; or
 - (b) the Minister considers that none of the persons whose names have been submitted for the purposes of that paragraph is a suitable person to be appointed to the Board,

the Minister shall appoint a person who is eligible to be appointed under the relevant paragraph of regulation 5(2), and the person so appointed is taken to have been selected by the Minister from a panel of names submitted under the relevant paragraph of regulation 5(1).

- (5) If, in response to an invitation published under subregulation (2) —
- (a) no person applies; or
 - (b) the Minister considers that none of the persons who apply is a suitable person to be appointed to the Board,

the Minister shall appoint a person who is a residential consumer, and the person so appointed is taken to have been selected by the Minister in accordance with regulation 5(1)(fa).

”.

5. Regulation 10 amended

- (1) Regulation 10(2) is amended as follows:
- (a) in paragraph (a) by deleting “4 members” and inserting instead —
“ 5 members ”;
 - (b) by deleting paragraphs (c) and (d) and inserting the following paragraph instead —
“
(c) each member present, other than the person presiding at the meeting, is entitled to a deliberative vote and, where the votes cast on a question are equally divided, the person

presiding at the meeting shall exercise a casting vote.

”.

- (2) After regulation 10(2) the following subregulations are inserted —

“

- (3) The Board shall cause accurate minutes to be kept of the proceedings at each meeting.
- (4) The presence of a person at a meeting of the Board need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

”.

By Command of the Governor,

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

3. Schedule 1 amended

- (1) Schedule 1 Part 1 is amended by inserting in the appropriate alphabetical position the following entry —

“ Office of Water Regulation ”.

- (2) Schedule 1 Part 2 is amended by inserting in the appropriate alphabetical position the following entry —

“

Office of Water Regulation

The provision or sale by the Office of Water Regulation of goods, information, or publications as a part of, or incidental to, the hosting of a 4 day international conference between 29 September and 2 October 2003.

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By Command of the Governor,

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