
ENERGY

EN301

Electricity Act 1945

**Electricity (Licensing) Amendment Regulations
(No. 2) 2018**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity (Licensing) Amendment Regulations (No. 2) 2018*.

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 51 amended

In regulation 51(1) delete “regulation 52BA,” and insert:

regulations 52BA and 52BB,

5. Regulation 52 amended

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

regulations 52BA and 52BB,

- (2) In regulation 52(2AB) delete “is false or misleading.” and insert:
- the electrical contractor knows, or ought reasonably to know, is false or misleading.
- 6. Regulation 52A amended**
- In regulation 52A(5) delete “is false or misleading.” and insert:
- the person knows, or ought reasonably to know, is false or misleading.
- 7. Regulation 52B amended**
- (1) In regulation 52B(1) delete “regulation 52BA,” and insert:
- regulations 52BA and 52BB,
- (2) In regulation 52B(4B) delete “is false or misleading.” and insert:
- the electrical contractor knows, or ought reasonably to know, is false or misleading.
- (3) In regulation 52B(7) delete “is false or misleading.” and insert:
- the person knows, or ought reasonably to know, is false or misleading.
- 8. Regulations 52BB to 52BE inserted**
- After regulation 52BA insert:
- 52BB. Notifiable work: modified procedure available for certain construction projects**
- (1) In this regulation, and regulations 52BC to 52BE — *construction project* means building work that —
- (a) is expected to be carried out over the course of 12 months or more; and
 - (b) includes notifiable work that alone or together with other notifiable work —
 - (i) will result in an electrical installation with a calculated maximum demand, or

- a name plate maximum output, of at least 1 MVA or 1 MW respectively; or
- (ii) will increase the calculated maximum demand, or the name plate maximum output, of an existing electrical installation by at least 1 MVA or 1 MW respectively;

default procedure, in relation to notifiable work, means the requirements of regulations 51, 52 and 52B in relation to the notifiable work and any other electrical installing work carried out in connection with the notifiable work;

modified procedure means the modified procedure referred to in subregulation (2);

notifiable work of an electrical contractor means notifiable work that the electrical contractor carries out or causes to be carried out;

revenue meter means a meter used to measure the supply of electricity by a network operator.

- (2) An electrical contractor may use the modified procedure under subregulations (4) to (6) in relation to notifiable work of the electrical contractor if—
- (a) the work is part of a construction project; and
 - (b) the work, together with other notifiable work of the electrical contractor that is part of the construction project, would be expected to require at least 20 notices of completion but for the use of the modified procedure; and
 - (c) the electrical contractor advises the relevant network operator of their intention to use the modified procedure in relation to all of the notifiable work of the electrical contractor that is part of the construction project (the **notifiable work**), before the notifiable work is begun.
- (3) The electrical contractor need not comply with the default procedure in relation to the notifiable work while using the modified procedure in relation to the notifiable work.
- (4) The modified procedure, subject to subregulations (5) and (6), is that the electrical contractor—
- (a) must, in accordance with regulation 51, deliver to the relevant network operator a preliminary notice in respect of the notifiable work; and
 - (b) must, in accordance with regulation 52BC, keep a record of all electrical installing work carried out as part of or in connection with the notifiable work; and

- (c) for each revenue meter installed as part of the notifiable work, must, in accordance with regulation 52, deliver to the relevant network operator a notice of completion in respect of the installation of the meter; and
 - (d) must, in accordance with regulation 52, deliver to the relevant network operator a notice of completion in respect of the installation of the main switchboard, before any part of the main switchboard is connected to transmission or distribution works or a private generating plant; and
 - (e) must, in accordance with regulation 52, deliver to the relevant network operator a notice of completion in respect of the notifiable work, after the completion of the last of the notifiable work.
- (5) If the notifiable work involves the use of a temporary supply, the electrical contractor —
 - (a) must, in accordance with regulation 52, deliver to the relevant network operator a notice of completion in respect of the installation of the temporary supply, before the temporary supply is connected to transmission or distribution works or a private generating plant; and
 - (b) need not deliver the notice of completion referred to in subregulation (4)(d).
- (6) If the construction project is to be completed in stages, the electrical contractor —
 - (a) for each stage must, in accordance with regulation 51, deliver to the relevant network operator a preliminary notice in respect of all of the notifiable work of the electrical contractor that is part of the stage; and
 - (b) for each stage must, in accordance with regulation 52, deliver to the relevant network operator a notice of completion in respect of the notifiable work after the last of the notifiable work for the stage is completed; and
 - (c) need not deliver the notice referred to in subregulation (4)(a); and
 - (d) to the extent to which paragraph (b) has been complied with for all of the stages of the project, need not deliver the notice referred to in subregulation (4)(e).

- (7) Despite subregulations (4) to (6), a requirement under any of those subregulations to deliver a notice in accordance with regulation 51 or 52 in respect of notifiable work does not have effect in relation to the notifiable work if the regulation provides that the notice is not required to be delivered in respect of the notifiable work.

52BC. Modified procedure: record of electrical installing work

- (1) The record to be kept under regulation 52BB(4)(b) by the electrical contractor must include the following —
- (a) a concise description of the work carried out;
 - (b) the date on which the work was completed;
 - (c) the name and licence number of each electrical worker who carried out the work;
 - (d) certification by the electrical contractor that the work has been checked and tested and is safe and complies with the requirements of these regulations.
- (2) The record must be —
- (a) in an electronic form approved by the Director; and
 - (b) updated weekly; and
 - (c) kept on site; and
 - (d) produced on demand by an inspector; and
 - (e) retained for a period of 5 years after completion of the construction project.
- (3) Subregulation (4) applies to an electrical contractor if the Director is satisfied that —
- (a) the electrical contractor —
 - (i) has failed to comply with an obligation under regulation 52BB(4) to (6); or
 - (ii) has made a record under regulation 52BB(4)(b) that the electrical contractor knows, or ought reasonably to know, is false or misleading in a material particular;and
 - (b) in the case of a failure described in paragraph (a)(i), the failure is either not minor or has been repeated.

- (4) If this subregulation applies to an electrical contractor, the Director may, by written order, direct the electrical contractor to do one or more of the following —
 - (a) cease, on the day specified in the order, using the modified procedure in relation to the notifiable work;
 - (b) remedy any failure to comply with an obligation under regulation 52BB(4) to (6).
- (5) An electrical contractor given an order under subregulation (4) must comply with the order.

52BD. Modified procedure: notice requirements

- (1) An electrical contractor who decides to use the modified procedure in relation to notifiable work —
 - (a) may advise the relevant network operator of their intention to use the procedure in the preliminary notice of proposed notifiable work delivered under regulation 52BB(4)(a) or the first such notice delivered under regulation 52BB(6)(a) (whichever is relevant); and
 - (b) may decide to cease using the modified procedure in relation to any further notifiable work to be carried out as part of the construction project.
- (2) If an electrical contractor decides to cease using the modified procedure, the electrical contractor must give written notice to the relevant network operator of their intention to cease, on the day specified in the notice, using the modified procedure.
- (3) If an electrical contractor is required to cease using the modified procedure by order under regulation 52BC(4), the electrical contractor must give written notice to the relevant network operator of the requirement and the day specified in the order.

52BE. Modified procedure: opting in and ceasing

- (1) An electrical contractor may use the modified procedure in relation to notifiable work of the electrical contractor that is part of a construction project that has already commenced if —
 - (a) the electrical contractor could have done so at the beginning of the project; and
 - (b) the project is unlikely to be completed within the next 6 months; and
 - (c) the electrical contractor has not previously used the modified procedure in relation to the construction project.

- (2) If an electrical contractor may, under subregulation (1), use the modified procedure in relation to notifiable work and the electrical contractor and the relevant network operator have agreed to a changeover day, then on the changeover day, regulations 52BB to 52BD (with the necessary modifications) commence to apply to the electrical contractor in relation to the notifiable work.

N. HAGLEY, Clerk of the Executive Council.
