



Western Australia

Electricity (Licensing) Regulations 1991

Compare between:

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Western Australia

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Electricity Act 1945

Electricity (Licensing) Regulations 1991

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Electricity (Licensing) Regulations 1991* ¹.

2. Commencement

These regulations shall come into operation on 1 November 1991.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
- Australian/New Zealand Wiring Rules*** means AS/NZS 3000:2000 Electrical Installations (known as the Australian/New Zealand Wiring Rules), published jointly by Standards Australia and Standards New Zealand;
- Board*** means the Electrical Licensing Board established under regulation 4;
- Chairman*** means the Chairman of the Board;

electrical appliance means a device in which electrical energy is consumed or substantially changed in character by conversion into heat, sound, motion, light or otherwise;

electrical contractor means a person who carries on business as an electrician but does not include an electrician when acting in the capacity of an employee of an electrical contractor;

electrical contractor's licence means an electrical contractor's licence issued under Part 4;

electrical equipment includes any component or part of an electrical installation;

electrical fitting work means the work of making, maintaining, repairing, altering, assembling, dismantling, connecting or testing electrical machines, electrical appliances, electrical instruments or other electrical equipment, and includes electrical installing work if that work is assembling, maintaining or altering the wiring between electrical components in plant or machinery;

electrical installation 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 premises to which electricity is or is intended to be supplied through distribution works and where electricity is supplied from a private generating plant includes that plant;

electrical installing work means electrical work that consists of assembling and fixing in place, altering or adding to any electrical installation or maintaining, removing, or, connecting to fixed wiring, any electrical equipment;

electrical work means work on electrical machines or instruments, on an electrical installation or on electrical appliances or equipment to which electricity is supplied or intended to be supplied at a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current whether or not the thing on which the work is performed is part of, or is connected to or to be connected to, any distribution works or

private generating plant and, where work is performed on any appliance, whether or not electricity is supplied or may be supplied thereto through an electric plug socket or socket outlet;

electrical worker means a person who carries out electrical work;

electrical worker's licence means a licence issued under Part 3;

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

executive officer means the person holding or acting in the office of Executive Officer to the Board;

legal practitioner means a practitioner as defined in the *Legal Practice Act 2003*²;

licence means a licence under these regulations and when used in Part 3 means an electrical worker's licence and when used in Part 4 means an electrical contractor's licence or a licence to carry out electrical work that is in-house electrical installing work for the purposes of Part 4;

licensed electrical worker means the holder of an electrical worker's licence or the holder of a permit under Part 3;

live, in relation to any wire or other object, means having, under normal conditions of operation, a potential difference between that wire or other object and earth, and any metal that is deemed by the Australian/New Zealand Wiring Rules to be a live part for the purposes of that standard shall be regarded as live for the purposes of these regulations;

maintenance work means repairing defective electrical equipment or replacing electrical equipment with electrical equipment having an equal or substantially similar engineering specification;

mine has the same meaning as it has in the *Mines Safety and Inspection Act 1994*;

network operator means a supply authority and any other person lawfully operating transmission or distribution works;

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;

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;

permit means a permit under Part 3;

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;

pressure means the difference in effective electrical potential measured in volts normally existing between conductors and between conductors and the earth;

private generating plant means generating works, that are for the generation of electricity at a pressure exceeding 50 volts alternating current or 120 volts ripple free direct current including all works, electrical equipment, and wiring ancillary thereto, and includes such generating works and works, electrical equipment and wiring ancillary thereto that are for the self-propulsion or other motivation of mobile equipment but does not include generating works owned or operated by a network operator;

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;

WA Electrical Requirements means the Code known by that name as issued by the Director;

working days does not include Saturdays, Sundays or public holidays.

[(2) *deleted*]

[Regulation 3 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4410-11; 24 Mar 2000 p. 1639-40; 19 Apr 2005 p. 1296; 31 Dec 2007 p. 6492-3, 6537 and 6538-9.]

Part 2 — The Electrical Licensing Board

Division 1 — The Board

4. Establishment

For the purposes of these regulations there shall be established a board to be known as the Electrical Licensing Board.

5. The Board

- (1) Subject to these regulations, the Board shall consist of 8 members appointed by the Minister, of whom —
 - (a) one shall be a person appointed to be Chairman; and
 - (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; and
 - (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; and
 - (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; and
 - (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; and
 - (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; and

- (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
 - (g) one shall be a person who is a public service officer, within the meaning of the *Public Sector Management Act 1994*, subordinate to the Director nominated for appointment by the person holding or acting in the office of Director.
- (1a) In subregulation (1) —
approved means approved by the Minister.
- (2) The following provisions apply to and in relation to an appointment under subsection (1) —
- (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) a person shall not be appointed under subregulation (1)(b) unless he or she —
 - (i) is, or has been, the holder of an electrician's licence issued under Part 3 for not less than 5 years; and
 - (ii) is not the holder of a licence issued under Part 4;
 - (c) a person shall not be appointed under subregulation (1)(c) unless he or she has, in the opinion of the Minister, experience in the work carried out by persons who hold a restricted licence;

- (d) a person shall not be appointed under subregulation (1)(d) unless he or she —
 - (i) is, or has been, the holder of an electrician's licence issued under Part 3 for not less than 5 years; and
 - (ii) is, or has been, the holder of a licence issued under Part 4,

and for the purposes of this paragraph a partner who is, or has been, a partner in a firm that holds, or has held, a licence issued under Part 4 is deemed to hold, or have held, a licence under Part 4;

- (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.

[Regulation 5 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4411; 24 Oct 2003 p. 4495-7²; 31 Dec 2007 p. 6493-4.]

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).

[Regulation 6 inserted in Gazette 24 Oct 2003 p. 4497-8.]

7. Tenure of office

Subject to these regulations a member of the Board holds office for such period not exceeding 3 years as is specified in the instrument of his or her appointment and is eligible for re-appointment.

8. Vacation of office

- (1) A member of the Board may resign from office by notice in writing delivered to the Minister.
- (2) The Minister may remove a member of the Board from office if —
 - (a) the member becomes, in the opinion of the Minister, permanently incapable of performing the functions of his or her office; 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 convicted of an offence against the Act or these regulations; or
 - (b) the member is absent without the leave of the Minister from more than 3 consecutive meetings of the Board; or
 - (c) the member is or becomes an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy.
- (3) The Minister may remove a member of the Board from office on the grounds of neglect of duty, misbehaviour, or incompetence or on any other grounds on which the Minister regards the member as not being a fit and proper person to hold office.
- (4) Where a member of the Board dies or is removed from or resigns from office under this regulation the office becomes vacant and the person appointed to fill the vacancy shall be appointed to hold office only for the balance of the term of the member's predecessor.

[Regulation 8 amended in Gazette 31 Dec 2007 p. 6494-5.]

9. Acting members

- (1) Where —
- (a) a member of the Board, other than the Chairman, is absent or temporarily incapable of fulfilling the duties of a member; or
 - (b) the office of such a member is vacant and is not filled in accordance with these regulations,

the Minister may appoint an eligible person to act in the place of that member during that absence or incapacity, or until the vacancy is filled, as the case requires, and any person so appointed has, while the appointment subsists, all the powers,

functions and duties of the member in whose place he or she is appointed to act.

- (2) Any reference in these regulations to a member other than the Chairman shall be construed as including a reference to a person appointed by the Minister to act in the place of a member during any absence, temporary incapacity or casual vacancy.
- (3) The Minister may appoint an eligible person as deputy to act in the place of the Chairman and any such appointment has effect for such period as is specified therein and may be terminated at any time by the Minister.
- (4) A person appointed under subregulation (3) as deputy of the Chairman is, in the event of the absence from a meeting of the Board of the Chairman, entitled to attend that meeting and, when so attending, has all the functions, entitlements and protection of the Chairman.

10. Meetings

- (1) Meetings of the Board shall be held at such times and places as the Board determines, but so that there are not less than 12 meetings in each calendar year.
- (2) At a meeting of the Board —
 - (a) 5 members constitute a quorum;
 - (b) the Chairman or, where neither the Chairman nor the deputy of the Chairman is present, a person elected by the members present shall preside;
 - (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.
- (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.

[Regulation 10 amended in Gazette 24 Oct 2003 p. 4498-9.]

11. Procedures

Subject to these regulations, the Board shall determine its own procedures.

12. Remuneration and allowances

A member of the Board is entitled, if not employed in the Public Service of the State or by an instrumentality of the State, to be paid such remuneration and allowances as the Minister, after consultation with the ~~Minister to whom the administration of the Public Sector Management Act 1994 is committed~~ [Commissioner](#), from time to time determines.

*[Regulation 12 amended in Gazette 23 Dec 1994 p. 7134;
[11 Feb 2011 p. 503.](#)]*

13. Functions of the Board

- (1) In carrying out its functions under these regulations the Board —
- (a) shall act according to equity, good conscience and the substantial merits of the case; and
 - (b) shall not be bound by its previous decisions or by legal or industrial technicalities; and
 - (c) shall have regard for the interests of the community and the industry as a whole without regard for sectional interests.
- (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 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) The Director may give directions to the Board in relation to any function of the Board and the Board shall give effect to any such direction.
- (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.
- [Regulation 13 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4411; 30 Dec 2004 p. 6990; 31 Dec 2007 p. 6495-6.]*

14. Executive officer and other officers

- (1) The Director may designate or appoint a person to be executive officer to the Board and may designate or appoint other persons to assist the Board.

- (2) The Director may provide such facilities as in the opinion of the Director are necessary for assisting the Board in carrying out its functions under these regulations.
- (3) The executive officer and any person designated or appointed under subregulation (1) shall, subject to any direction given by the Director, carry out such functions as are directed by the Board.

[Regulation 14 amended in Gazette 23 Dec 1994 p. 7134.]

15. Protection from liability

- (1) An action in tort does not lie against —
 - (a) the Board; or
 - (b) a member of the Board; or
 - (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.

[Regulation 15 inserted in Gazette 31 Dec 2007 p. 6496-7.]

[Divisions 2 and 3 (r. 16-18) deleted in Gazette 30 Dec 2004 p. 6990.]

Part 3 — Licensing of electrical workers

19. Electrical work prohibited unless authorised

- (1) Subject to this regulation, a person who carries out any electrical work commits an offence unless the carrying out of that work by that person is authorised by a licence or permit.
- (2) Subregulation (1) does not apply —
 - (a) to work carried out on a communications or computer system, or a radio or television transmitter or receiver but does apply to an electricity supply circuit thereto having a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current; or
 - (b) to —
 - (i) the mechanical assembly or winding of armatures, stators, rotors, field coils or other like equipment; or
 - (ii) the manufacture or assembly, at the place of manufacture, of equipment, or parts thereof, on a repetitive basis,

except to the extent that the work involves the final testing of the equipment or the connection of the equipment to an installation; or
 - (c) to work carried out for, and as authorised by, a network operator on poles, towers and overhead lines including the final connection and testing of circuits by persons trained in electrical linework; or
 - (d) to work carried out in jointing and capping underground cables of all kinds by persons trained in electrical cable jointing work; or
 - (e) to work carried out on any network operator service apparatus by a person authorised by the relevant network operator; or

- (f) to the installation of poles, towers and overhead lines not involving the final connection or testing of circuits; or
- (g) to the underground installation of under ground cables, cable ducts, conduits and cable support systems (excluding the final connection or testing of circuits); or
- (h) to the affixing of a plug, electrical appliance plug or cord extension socket to a flexible cord used or intended to be used to connect an electrical appliance to a plug socket outlet through which electricity is supplied or to be supplied at a nominal pressure not exceeding 1 000 volts alternating current or 1 500 volts direct current; or
- (i) to work done in the course of training for a restricted licence if the work is done under the supervision of a person who holds an electrician's licence or a restricted licence that authorises the holder of the licence to carry out electrical work of the kind to be done by the person under supervision; or
- (j) to electrical work (excluding permanent installation work) performed as part of an educational or training course in a trade or technical school, college, university or other training institution, if performed by or under the supervision of a person who, in the opinion of the person at the institution responsible for the educational or training course, is competent to perform or supervise that electrical work; or
- (k) to such other kinds of electrical work as the Director after consultation with the Board declares, by order published in the *Gazette*, to be work that may be carried out by persons not holding a licence or permit; or
- (l) to the installation of electric fences for security or stock control purposes (but does apply to the installation of an electricity supply circuit, having a nominal pressure exceeding 50 volts alternating current or 120 volts ripple free direct current, to such a fence); 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 (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.

- (2a) A person who —
- (a) is not the holder of an electrical contractor's licence or an in-house electrical installing work licence; and
 - (b) carries out any electrical work referred to in subregulation (2)(f) or (g) on an electrical installation of a consumer,

shall ensure that, when the electrical work is completed, the electrical installation is checked, tested, and certified as complying with these regulations by a person who is the holder of such a licence.

- (3) The Director may, by order published in the *Gazette*, vary or revoke an order under subregulation (2)(k).

- (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.

[Regulation 19 amended in Gazette 23 Dec 1994 p. 7134 and 7135; 6 Sep 1996 p. 4412; 31 Dec 2007 p. 6497-500, 6537 and 6539.]

20. Effect of licence

- (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.

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- (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.
- (3) Where a licence of a kind referred to in subregulation (2) is endorsed as —
 - (a) an electrician's licence, the work authorised by the licence may be carried out without supervision;
 - (b) an electrician's training licence, the work authorised by the licence shall be effectively supervised in accordance with regulation 50(4) by the holder of an electrician's licence.
- (4) Subject to subregulation (5) a restricted licence authorises the holder of the licence to carry out electrical work (including testing) associated with or for the purposes of the holder's trade or calling.
- (5) A restricted licence does not authorise the holder of the licence to carry out the installation or alteration of fixed wiring.
*[Regulation 20 amended in Gazette 6 Sep 1996 p. 4413;
31 Dec 2007 p. 6500-1.]*

21. Effect of permit

- (1) A permit authorises the person to whom it is issued, subject to such restrictions and conditions, if any, as may be specified in the permit, to carry out the electrical work that would be authorised by a licence of the corresponding kind.
- (2) Without limiting the other kinds of conditions that may be imposed in a permit, a permit may be issued subject to conditions as to supervision that are more stringent than the conditions as to supervision, if any, applicable to holders of a licence of the corresponding kind.

22. Eligibility for licence

- (1) An electrical worker's licence endorsed as an electrician's licence shall not be issued to a person unless that person —
- (a) has successfully completed —
 - (i) an apprenticeship under the *Industrial Training Act 1975* approved by the Board for electricians before the repeal of that Act³; or
 - (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* before the *Training Legislation Amendment and Repeal Act 2008* Part 2 came into operation⁴; or
 - (iii) an approved VET course as defined in the *Vocational Education and Training Act 1996* section 5(1) that the Board determines is suitable for training electricians,and has had such experience or training, or both such experience and training, that the Board may require having regard to the electrical work authorised by the licence to be carried out; or
 - (b) subject to subregulation (2), has had training in electrical installing work that includes skills and practical experience that are, in the opinion of the Board, at least equal to the training and practical experience provided by an apprenticeship referred to in paragraph (a); or
 - (c) subject to subregulation (2) has the appropriate Certificate issued under the *Tradesmen's Rights Regulations Act 1946* of the Parliament of the Commonwealth⁵.
- (2) The Board shall not issue a licence to a person unless that person has passed such examinations or other kinds of assessment as are required or recognised by the Board in the kind of electrical work authorised by the licence to be carried

out or has been exempted by the Board from the requirement to pass such examination or assessment.

- (3) A licence endorsed as an electrician's training licence shall not be issued to a person unless the Board is satisfied that that person has been assessed as satisfactory in relation to safety in the manner approved by the Board and —
- (a) has entered into an apprenticeship approved by the Board for electricians; or
 - (b) has entered into a course of training for electricians approved by the Board or an authority approved by the Board.
- (4) The Board shall issue a restricted licence to a person —
- (a) who satisfies the Board that the electrical work of the kind and in the circumstances to be authorised by the licence is associated with the activity in which that person is or intends to be engaged; and
 - (b) who has had such experience or training or both as the Board may require having regard to the electrical work authorised by the licence to be carried out; and
 - (c) has passed, or been exempted by the Board from the requirement to pass, practical and written examinations or other kinds of assessment, as may be conducted by, or recognized by, the Board for the purposes of this paragraph in the kind of electrical work authorised by the licence to be carried out.
- (5) A person who is required to undertake an examination or other kind of assessment under this regulation shall pay such examination or assessment fees —
- (a) if the examination or other kind of assessment is conducted by the Board, as are determined by the Director; or

- (b) if the examination or other kind of assessment is conducted by a body approved by the Director to do so, as are determined by the body.

[Regulation 22 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4413-14; 31 Dec 2007 p. 6501-3; 1 Sep 2009 p. 3395.]

23. Application for licence or permit

- (1) An application for the issue of a licence or permit is made in accordance with this regulation by submitting to the executive officer, together with the appropriate fee set out in the Schedule, such form, duly completed, as the Director makes available for the purpose.
- (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).
- (2) An application for a licence or permit should normally specify the kind of endorsement sought in relation to a licence, but where an application is made for a particular grade or type of licence or permit that does not appear to the Board to be appropriate in the case of the applicant, or, where an applicant does not specify the particular licence, grade, type or permit to be endorsed the Board may grant a licence or permit endorsed for a grade or type that it thinks proper according to the qualifications and experience of the applicant.

[Regulation 23 amended in Gazette 23 Dec 1994 p. 7134; 31 Dec 2007 p. 6503.]

24. Issue of licence or permit

- (1) Where a person who fulfils the relevant requirements of regulation 22 makes application for the issue of a licence or permit in accordance with regulation 23 the Board is to —
 - (a) if it is satisfied that the applicant is a fit and proper person to hold a licence endorsed to the effect sought in the application, issue to the applicant a licence endorsed to that effect;
 - (b) if it is satisfied that the applicant is a fit and proper person to hold a permit of a kind that corresponds to a licence endorsed to the effect sought in the application, issue to the applicant a permit endorsed to that effect.
- (2) The fact that a licence or permit has been cancelled or suspended under these regulations does not prevent the Board from issuing to the person who holds or, as the case may be, held the licence or permit a licence or permit, whether of the same or a corresponding kind or another kind.
- (3) The Board may at its discretion, issue a permit for any class of electrical work for such period as it may decide.
- (4) Where a licence or permit is issued by the Board, it shall give to the holder a licence or permit document in such form as the Director from time to time determines.
- (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.

*[Regulation 24 amended in Gazette 23 Dec 1994 p. 7134;
31 Dec 2007 p. 6503-4.]*

25. Holders of licences issued in another State or Territory or in another country

- (1) A person who is licensed to carry out electrical work, other than as an electrical contractor only, under the law of another State or Territory or of another country and who desires to carry out electrical work in this State shall, before commencing any electrical work in this State, apply to the Board in the form of a form approved by the Board for registration as a licensed electrical worker corresponding to the kind of licence held by that person under the law of that other State or Territory or country.
- (2) On receipt of an application made under subregulation (1) the Board shall if it is satisfied with the information contained in that application issue to the 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.

[Regulation 25 amended in Gazette 31 Dec 2007 p. 6504.]

26. Duration of registration of licence or permit

- (1) Subject to these regulations, the registration of every licence other than an electrician's training licence continues to have effect on and from the day on which it was issued or its registration was last renewed for the period, not exceeding 5 years, specified in the certificate of registration unless the licence is suspended or cancelled under these regulations, or until the name of the holder of the licence is removed from the register under these regulations.
- (2) Subject to these regulations, an electrician's training licence held by a person who successfully completes the apprenticeship

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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) The registration of a permit expires after such period as is specified by the Board in the permit and has effect, subject to any suspension imposed under these regulations, until it expires or it is cancelled by the Board under subregulation (4).
- (4) The Board may cancel a permit at any time if in its opinion there are reasonable grounds for doing so.

*[Regulation 26 amended in Gazette 6 Sep 1996 p. 4414;
31 Dec 2007 p. 6505.]*

27. Renewal of registration

- (1) Upon the issue of a licence, other than an electrician's training licence, the executive officer is to register the licence by causing the name and other relevant particulars relating to the licence holder as are directed by the Board to be entered in a register containing such particulars as are directed by the Board.
- (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.

- (4) Subject to subregulation (5), if the registration of a licence is renewed under subregulation (2), the renewal has effect, unless the licence is cancelled under these regulations, from the time when, but for the renewal, the registration would have expired.
- (5) Where the registration of a licence is renewed under subregulation (2) upon 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.

*[Regulation 27 amended in Gazette 6 Sep 1996 p. 4414;
31 Dec 2007 p. 6505-6.]*

28. Address

- (1) Where the residential address of a person who holds a licence or permit, or has made an application to the Board under these regulations, changes from that of which the Board last had notice, the person shall, not later than 28 days after the change, give to the Board notice of his or her new residential address.
 - (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.
- (2) The Board may, for the purposes of these regulations, regard as the last known residential address of a person the residential address given by that person to the Board in an application made to the Board under these regulations unless the Board has been notified under subregulation (1) of a change of residential address, in which case the Board may regard his or her new residential address, as so notified, as his or her last known residential address for the purposes of these regulations.

[Regulation 28 amended in Gazette 31 Dec 2007 p. 6507.]

29. Discretionary examinations and tests

- (1) The Board may require a person who holds a licence or permit, or has applied under these regulations for a licence, to undergo an examination of his or her physical fitness by a person acceptable to the Board.
- (2) Where the Board is not satisfied as to the ability of a person who holds a licence or permit, or has applied under these regulations for a licence or permit, to carry out electrical work in a safe and satisfactory manner, the Board may require him or her to undergo such theoretical or practical assessment, examination or trade test as the Board specifies.
- (3) Where a person required under subregulation (1) or (2) to undergo an assessment, examination or test —
 - (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 assessment, examination or test; or
 - (c) fails, upon that assessment, examination or test, to meet the standards considered by the Board to be appropriate, the Board may refuse to grant a licence or permit to that person, or where that person is already the holder of a licence or permit, the Board may —
 - (d) refuse to renew the registration of; or
 - (e) make an order suspending or cancelling, his or her licence or permit.
- (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.

[Regulation 29 amended in Gazette 31 Dec 2007 p. 6507-8.]

30. Discipline

- (1) There is proper cause for disciplinary action in respect of a person who is the holder of a licence or permit if the person —
- (a) is not a fit and proper person to be the holder of a licence or permit issued under this Part; or
 - (b) obtained the licence or permit by misrepresentation as to any material fact or by other fraudulent means; or
 - (c) is or has been the subject of a disqualification or suspension imposed in another State, a Territory or New Zealand that prevents or prevented him or her from carrying out in that State or Territory or in New Zealand electrical work of the kind authorised by his or her licence or permit; or
 - (d) has carried out electrical work in a manner that —
 - (i) endangers, or is likely to endanger, any person or property; or
 - (ii) is negligent or incompetent;or
 - (e) has committed an offence against the Act or these regulations or other regulations made under the Act, or against the *Energy Operators (Powers) Act 1979* or the *Energy Coordination Act 1994* or regulations made under those Acts.
- (2) Without limiting subregulation (1)(a), there is proper cause for disciplinary action in respect of a person if the person —
- (a) is addicted to alcohol or any drug; or
 - (b) suffers from any mental or physical disorder,
- to a degree that may at any time affect his or her ability to carry out electrical work in a safe and satisfactory manner.
- (3) Without limiting subregulation (1)(d)(i), there is proper cause for disciplinary action in respect of a person if the person has

failed to comply with the requirements, to the extent relevant, of regulation 49, 49B or 50.

[Regulation 30 inserted in Gazette 30 Dec 2004 p. 6990-1; amended in Gazette 31 Dec 2007 p. 6508.]

31. Disciplinary powers

- (1) The Director may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in regulation 30(1), against the holder of a licence or permit.
- (2) If, in a proceeding commenced by an allegation under this regulation against the holder of a licence or permit, the State Administrative Tribunal is of the opinion that there is proper cause for disciplinary action, the Tribunal may do one or more of the following —
 - (a) by order cancel the licence or permit held by that person;
 - (b) if the person is a nominee — by order cancel the nomination of that person;
 - (c) by order suspend the licence or permit held by that person for a period, not exceeding 12 months, that is specified in the order;
 - (d) by order impose any restriction or condition on the authority conferred by the licence or permit held by that person or vary any restriction or condition to which the licence or permit is already subject;
 - (e) by order require that person to complete successfully a specified educational or training course of study;
 - (f) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
 - (g) censure that person;
 - (h) recommend to the Director, where an offence is disclosed, that proceedings be instituted against that person in respect of that offence.

- (3) Where any restriction or condition on the authority conferred by a licence or permit is imposed or varied under subregulation (2)(d), the Board may order the return of the licence or permit document for endorsement and may endorse the licence or permit document accordingly.

[Regulation 31 inserted in Gazette 30 Dec 2004 p. 6991-2; amended in Gazette 31 Dec 2007 p. 6538.]

31A. Alternative to bringing proceedings

- (1) Instead of making an allegation to the State Administrative Tribunal under regulation 31, if the Director —
- (a) is satisfied that the matter may be disposed of satisfactorily without cancelling or suspending the licence or permit of the person; and
 - (b) has afforded to the person concerned the opportunity of giving an explanation to the Director either in person or in writing and has not been offered an explanation or is not satisfied by any explanation offered; and
 - (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,

the Director may do one or more of the following —

- (d) if the person is a nominee — by order cancel the nomination of that person;
- (e) by order impose any restriction or condition on the authority conferred by the licence or permit held by that person or vary any restriction or condition to which the licence or permit is already subject;
- (f) by order require that person to complete successfully a specified educational or training course of study;
- (g) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;

- (h) censure that person;
 - (i) where an offence is disclosed — institute proceedings against that person in respect of that offence.
- (2) Before deciding whether a matter may be disposed of satisfactorily without cancelling or suspending the licence or permit of the person, the Director may request the Board to give the Director advice on that matter and the Board is to comply with that request.
- (3) If a person chooses to give the Director an explanation referred to in subregulation (1)(b) in person, the explanation may be given that way by —
 - (a) the person; or
 - (b) a legal practitioner or other representative of the person.
- (4) An order under subregulation (1)(e), (f) or (g) has effect according to its tenor.
- (5) Where any restriction or condition on the authority conferred by a licence or permit is imposed or varied under subregulation (1)(e), the Board may order the return of the licence or permit document for endorsement and may endorse the licence or permit document accordingly.
- (6) An order made by the Director under this regulation is to be reduced to writing signed by the Director and a copy of the order given to the person against whom it is made.

[Regulation 31A inserted in Gazette 30 Dec 2004 p. 6992-3; amended in Gazette 31 Dec 2007 p. 6538.]

32. Effect of, and revocation of, suspension

- (1) During any period for which a licence or permit is suspended under these regulations, the holder is not authorised to carry out electrical work under the licence or permit except that where a suspension is expressed by order of the Board to be of a limited

nature, the authority conferred by the licence or permit is affected only to the extent specified in the order.

- (2) Subject to subregulation (3), the Board may, where a licence or permit held by a person has been suspended under these regulations, revoke that suspension, wholly or to a specified extent, by order in writing sent to the person at his or her last known address, and the revocation has effect according to its tenor as 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.

*[Regulation 32 amended in Gazette 30 Dec 2004 p. 6993-4;
31 Dec 2007 p. 6508.]*

Part 4 — Licensing of electrical contractors and for in-house electrical installing work

33. Electrical contracting prohibited unless authorised

- (1) Subject to this regulation, a person shall not carry on business as an electrical contractor, or by any means hold himself or herself out as carrying on business as an electrical contractor, unless the person is authorised by an electrical contractor's licence to so carry on business.
- (2) A person does not carry on business as an electrical contractor if —
 - (a) he or she carries out such electrical installing work as is approved by the Board to be exempted under this paragraph; or
 - (aa) he or she carries out electrical work that would be authorised by an electrical worker's licence endorsed as a restricted licence; or
 - (b) he or she undertakes to have work done by an electrical contractor.
- (3) A person is taken to carry on business as an electrical contractor whether or not electrical installing work is only part, or is not a principal part, of the business carried on by him or her.
- (4) Subject to subregulation (2)(a) and (aa), a person is taken to carry on business as an electrical contractor if the person carries out electrical installing work otherwise than as an employee of a person who is the holder of an electrical contractor's licence or an in-house electrical installing work licence.

[Regulation 33 amended in Gazette 6 Sep 1996 p. 4414; 31 Dec 2007 p. 6508 and 6537.]

34. Dealing with unlicensed contractor prohibited

A person who enters into a contract to have electrical installing work carried out commits an offence if he or she does so knowing that the person contracting to carry out the work thereby contravenes regulation 33.

35. Falsely implying work is authorised

A person who is an employee of an electrical contractor, or, of the holder of an in-house electrical installing work licence referred to in regulation 37, who falsely represents that particular electrical work is carried out by or on behalf of his or her employer commits an offence.

36. Eligibility for electrical contractor's licence

- (1) Subject to these regulations, an electrical contractor's licence may be issued under this Part to an individual if —
 - (a) the individual, or a person in the employ of the individual nominated by him or her —
 - (i) holds an electrical worker's licence endorsed as an electrician's licence; and
 - (ii) has engaged in carrying out electrical installing work in this State, another State, a Territory or a country other than Australia in a manner that, to the satisfaction of the Board, complies with the requirements of the Act and these regulations or with any equivalent requirements applicable in that State, Territory or country, as the case may be; and
 - (iii) has, to the satisfaction of the Board, completed any training that is specified by the Board and provided by a training institution approved by the Board; and
 - (iv) holds with a reputable insurer a current policy of insurance against civil liability, in respect of the

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work of an electrical contractor, that complies with the requirements specified by the Board;

and

- (b) the Board is satisfied, after such examination as may be required by the Board, that the individual or the person nominated by the individual for the purposes of paragraph (a) understands fully the duties and obligations imposed 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) An electrical contractor's licence may be issued under this Part to a firm if —
- (a) at least one member of the firm, or a person in its employ nominated by it, meets the requirements specified in subregulation (1); and
 - (b) the Board is satisfied that at least one of the natural persons concerned in the management or conduct of the firm or of any body corporate by which the firm is constituted fully understands the duties and obligations referred to in subregulation (1)(b).
- (3) An electrical contractor's licence may be issued under this Part to a body corporate if —
- (a) a person in its employ nominated by it meets the requirements specified in subregulation (1); and
 - (b) the Board is satisfied that at least one of the natural persons concerned in the management or conduct of the body corporate understands fully the duties and obligations referred to in subregulation (1)(b).

[Regulation 36 amended in Gazette 23 Dec 1994 p. 7135; 6 Sep 1996 p. 4414-15; 31 Dec 2007 p. 6509-10.]

37. In-house electrical installing work licence

- (1) A person other than an electrical contractor who carries out any in-house electrical installing work commits an offence unless —
- (a) the person has in his or her employ at least one person nominated by him or her —
 - (i) who holds an electrical worker's licence endorsed as an electrician's licence; and
 - (ii) who has engaged in carrying out electrical installing work in this State, another State, a Territory or a country other than Australia in a manner that, to the satisfaction of the Board, complies with the requirements of the Act and these regulations or with any equivalent requirements applicable in that State, Territory or country, as the case may be; and
 - (iia) who has, to the satisfaction of the Board, completed any training that is specified by the Board and provided by a training institution approved by the Board; and
 - (iii) who after such examination as may be required by the Board satisfies the Board that he or she understands the duties and obligations imposed 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; and
 - (iv) whose terms and conditions of employment include the duties imposed by regulation 53;
 - and
 - (b) the person is the holder of an in-house electrical installing work licence.

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- (2) Subject to this regulation, a person who carries out electrical installing work for himself or herself or who employs an electrical worker, as his or her servant, to carry out electrical installing work for himself or herself or on his or her behalf is taken to carry on in-house electrical installing work, but nothing in this subregulation limits what would otherwise be taken to constitute carrying on business as an electrical contractor.
- (3) Without limiting the generality of subregulation (2) a person shall be deemed to carry out in-house electrical installing work if —
- (a) he or she engages or employs an electrical worker to carry out electrical installing work other than maintenance work in respect only of premises owned, leased, or occupied by the employer; or
 - (b) unless exempted by the Board, he or she carries out electrical installing work other than maintenance work on premises that he or she owns, leases, or occupies.

[Regulation 37 amended in Gazette 23 Dec 1994 p. 7135; 6 Sep 1996 p. 4415; 31 Dec 2007 p. 6510 and 6537.]

38. Nominee

- (1) Where a person is for the time being nominated for the purposes of regulation 36(1), (2) or (3) or 37(1), as the case may be, in respect of a licence, the nomination of that person may be cancelled at any time —
- (a) by notice in writing given by that person to the holder of the licence and the Board; or
 - (b) by notice in writing given by the holder of the licence to the Board and the person nominated.
- (2) The holder of a licence may nominate more than one person for the purposes of regulation 36(1), (2) or (3) or 37(1) and such a nomination may be made at any time, but a person shall not be so nominated unless he or she meets the requirements specified in regulation 36(1)(a) and (b) or 37(1)(a) as the case requires.

- (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.
- (3) A person is ineligible to be, or continue to be, a nominee in respect of a licence unless he or she is employed by the holder of the licence or he or she is approved by the Board for the purposes of this regulation.
- (4) Where a holder of a licence nominates as his or her nominee a person who is ineligible under subregulation (3) or permits a person who is so ineligible to continue to be his or her nominee, the holder of the licence commits an offence.
- (5) A person who is ineligible to be a nominee who —
- (a) permits himself or herself to be nominated as the nominee in respect of a licence; or
 - (b) continues to be a nominee in respect of a licence,
- commits an offence.
- (6) Where, by reason of cancellation under subregulation (1) or for any other reason, a person who was a nominee in respect of a licence ceases to be a nominee in respect of that licence, the holder of the licence shall forthwith notify the Board.
- (7) Except where the holder of a licence makes arrangements satisfactory to the Board, upon the holder of a licence ceasing to employ at least one nominee, the licence is, by operation of this subregulation, thereupon suspended except where —
- (a) in the case of a licence held by an individual, the individual; or

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- (b) in the case of a licence held by a firm or a corporation, at least one member of the firm or body corporate,

meets the requirements specified in regulation 37.

[Regulation 38 amended in Gazette 31 Dec 2007 p. 6511 and 6538.]

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.

[Regulation 38A inserted in Gazette 31 Dec 2007 p. 6511.]

39. Application for licence

- (1) An application for the issue of a licence or renewal of the registration of a licence is made in accordance with this regulation by submitting to the executive officer, together with the appropriate fee set out in the Schedule, such form, duly completed, as the Director makes available for the purpose.
- (2) Without limiting the matters that may be required to be disclosed in an application, an application shall disclose the business name and trading name (if any) and the address of the principal place from which business is to be carried on under the licence 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.
- (3) A person who is required to undertake an examination in respect of a licence under this Part shall pay such examination fees as are determined by the Director.

[Regulation 39 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4415; 31 Dec 2007 p. 6511.]

40. Issue of licence

- (1) Where a person who fulfils the relevant requirements of regulation 36 or 37, as the case requires, makes application for the issue of a licence in accordance with regulation 39, the Board shall, if it is satisfied that the applicant is a fit and proper person to hold a licence, issue to the applicant a licence.
- (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.

[Regulation 40 amended in Gazette 31 Dec 2007 p. 6512.]

41. Licence held by a firm

Subject to regulation 42, where after —

- (a) a change in the partners of a firm; or
- (b) the dissolution of a firm (the former firm) and re-constitution of the firm,

any of the partners who is the holder of the relevant licence continues to be a partner of the firm as so changed or re-constituted the licence to the firm or the former firm, as the case requires, continues in force.

42. Board to be notified

Regulation 41 applies only if the Board is notified in writing within 30 days after the change or dissolution and re-constitution referred to in regulation 41 takes effect.

43. Duration of registration

- (1) The registration of a licence expires after such period as is specified by the Board in the certificate of registration, being a period ending not more than one year after the day on which it was issued.
- (2) Subject to any suspension under these regulations, a licence has effect unless it is cancelled under these regulations or its registration expires.
- (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.

[Regulation 43 amended in Gazette 2 May 2000 p. 2115; 31 Dec 2007 p. 6512.]

44. Renewal of registration

- (1) Upon an application for renewal of the registration of a licence made in accordance with regulation 39 either not earlier than 90 days before the registration of the licence expires or not later than 30 days after the registration of the licence expires, the Board shall, if the licence has not been cancelled under these regulations and the holder of the licence intends to continue to carry on business as an electrical contractor or to carry out in-house electrical installing work, renew the registration for a further period specified by the Board in the certificate of registration, being a period ending not more than one year after the registration of the licence would have expired but for that renewal and give that person a certificate of registration accordingly.

- (2) Subject to subregulation (3), if the registration of a licence is renewed under subregulation (1), the renewal has effect, unless the licence is cancelled under these regulations, from the time when, but for the renewal, the registration would have expired.
- (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.

*[Regulation 44 amended in Gazette 2 May 2000 p. 2115;
31 Dec 2007 p. 6513.]*

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

[Regulation 44A inserted in Gazette 31 Dec 2007 p. 6513-14.]

45. Place of business

- (1) The holder of a licence shall ensure that his or her licence document and certificate of registration is conspicuously displayed at his or her principal place of business and that the number of his or her licence is conspicuously displayed in any advertisement advertising his or her electrical contracting business.

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- (2) Subject to subregulation (2a), the holder of a licence shall, not later than 28 days after changing his or her business name or trading name or principal place of business, notify the Board in writing of the change.
- (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.
- (3) Any notice or other document sent to or otherwise served on the holder of a licence at the place last notified to the Board as his or her principal place of business shall have been properly served.
- (4) The holder of a licence shall ensure that he or she or a responsible person employed by him or her is informed of any electrical work being undertaken at any time under the authority of his or her licence.

[Regulation 45 amended in Gazette 31 Dec 2007 p. 6514.]

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

[Regulation 45A inserted in Gazette 31 Dec 2007 p. 6514-16.]

46. Discipline

- (1) There is proper cause for disciplinary action in respect of a person who is the holder of a licence if the person —
 - (a) is not a fit and proper person to be the holder of a licence issued under this Part; or

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- (b) obtained the licence or enabled the licence to be obtained by misrepresentation as to any material fact or by other fraudulent means; or
 - (c) has carried out or caused or permitted to be carried out any electrical work in a manner that —
 - (i) endangers, or is likely to endanger, any person or property; or
 - (ii) is negligent or incompetent;or
 - (d) has, personally or through a person authorised by him or her, signed a notice of completion of electrical work in respect of electrical work that has not been carried out by him or her or on his or her behalf; or
 - (e) has committed an offence against the Act or these regulations or other regulations made under the Act, or against the *Energy Operators (Powers) Act 1979* or the *Energy Coordination Act 1994* or regulations made under those Acts.
- (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) Without limiting subregulation (1)(c)(i), there is proper cause for disciplinary action in respect of a person if the person has failed to comply with the requirements, to the extent relevant, of regulation 49, 49B or 50.

*[Regulation 46 inserted in Gazette 30 Dec 2004 p. 6994;
amended in Gazette 31 Dec 2007 p. 6516.]*

47. Disciplinary powers

(1aa) In this regulation —

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

(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.

(1) The Director may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in regulation 46(1), against the holder of a licence.

(2) If, in a proceeding commenced by an allegation under this regulation against the holder of a licence, the State Administrative Tribunal is of the opinion that there is proper cause for disciplinary action, the Tribunal may do one or more of the following —

(a) by order cancel the licence held by that person;

(b) by order suspend the licence held by that person for a period, not exceeding 12 months, that is specified in the order;

(c) by order impose any restriction or condition on the authority conferred by the licence held by that person or vary any restriction or condition to which the licence is already subject;

(d) by order require that person to complete successfully a specified educational or training course of study;

(e) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;

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- (f) censure that person;
 - (g) recommend to the Director, where an offence is disclosed, that proceedings be instituted against that person in respect of that offence.
- (3) Where any restriction or condition on the authority conferred by a licence is imposed or varied under subregulation (2)(c), the Board may order the return of the licence document for endorsement and may endorse the licence document accordingly.

[Regulation 47 inserted in Gazette 30 Dec 2004 p. 6995; amended in Gazette 31 Dec 2007 p. 6516-17.]

47A. Alternative to bringing proceedings

- (1) Instead of making an allegation to the State Administrative Tribunal under regulation 47, if the Director —
- (a) is satisfied that the matter may be disposed of satisfactorily without cancelling or suspending the licence of the person; and
 - (b) has afforded to the person concerned the opportunity of giving an explanation to the Director either in person or in writing and has not been offered an explanation or is not satisfied by any explanation offered; and
 - (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,

the Director may do one or more of the following —

- (d) by order impose any restriction or condition on the authority conferred by the licence held by that person or vary any restriction or condition to which the licence is already subject;
- (e) by order require that person to complete successfully a specified educational or training course of study;

- (f) by order require that person to undergo a specified theoretical or practical assessment, examination or trade test;
 - (g) censure that person;
 - (h) where an offence is disclosed — institute proceedings against that person in respect of that offence.
- (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.
- (2) Before deciding whether a matter may be disposed of satisfactorily without cancelling or suspending the licence of the person, the Director may request the Board to give the Director advice on that matter and the Board is to comply with that request.
- (3) If a person chooses to give the Director an explanation referred to in subregulation (1)(b) in person, the explanation may be given that way by —
- (a) the person; or
 - (b) a legal practitioner or other representative of the person.
- (4) An order under subregulation (1)(d), (e) or (f) has effect according to its tenor.
- (5) Where any restriction or condition on the authority conferred by a licence is imposed or varied under subregulation (1)(d), the Board may order the return of the licence document for endorsement and may endorse the licence document accordingly.

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- (6) An order made by the Director under this regulation is to be reduced to writing signed by the Director and a copy of the order given to the person against whom it is made.

[Regulation 47A inserted in Gazette 30 Dec 2004 p. 6995-6; amended in Gazette 31 Dec 2007 p. 6517.]

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 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.

[Regulation 47B inserted in Gazette 31 Dec 2007 p. 6517-18.]

Part 5 — Regulation of electrical work

[48. Deleted in Gazette 6 Sep 1996 p. 4415.]

49. Electrical work to be carried out in accordance with certain requirements

- (1) A person shall carry out electrical work in accordance with the requirements of —
 - (a) the Australian/New Zealand Wiring Rules as amended from time to time;
 - (b) the W A Electrical Requirements as amended from time to time.
- (1a) If —
 - (a) an amendment (the *SA amendment*) is published by Standards Australia to a standard referred to in subregulation (1); and
 - (b) there is no corresponding amendment to the W A 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.
- (2) Subject to subregulation (1a), if any code or standard is inconsistent with the W A Electrical Requirements referred to in subregulation (1) the latter prevails to the extent of the inconsistency.
- (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

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- (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.

- (3) A person who employs an electrical worker shall not cause or permit the electrical worker to carry out electrical work contrary to this regulation.

[Regulation 49 amended in Gazette 23 Dec 1994 p. 7135; 6 Sep 1996 p. 4415-16; 24 Mar 2000 p. 1640; 31 Dec 2007 p. 6518-19; 30 Jun 2009 p. 2623.]

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.

[Regulation 49A inserted in Gazette 31 Dec 2007 p. 6520.]

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).

[Regulation 49B inserted in Gazette 31 Dec 2007 p. 6520.]

50. Duty to effectively supervise electrical work

- (1) Subject to subregulation (2), for the purposes of preventing danger to life and property all electrical work carried out shall be effectively supervised.
- (2) Electrical work is not required to be supervised if the person carrying out the electrical work is authorised by a licence or permit to carry out the electrical work in question without supervision 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.
- (3) In order to ensure that subregulation (1) is complied with a person employing an electrical worker —
- (a) shall ensure that supervision is carried out by a person who is authorised by a licence or permit to carry out the electrical work in question without supervision (the *supervising electrical worker*); and
 - (b) shall consider the kind of electrical work being undertaken especially whether or not live wires or live electrical equipment are or is, or, are or is likely to be involved, in the electrical work or in the area in which electrical work is being carried out; and
 - (c) shall have regard to the level of competence of the persons being supervised or to be supervised; and
 - (d) if the persons being supervised are apprentices or are undergoing training and live wires or live electrical

- equipment are or is involved, or likely to be involved in the area in which the electrical work is to be, or, is being carried out, shall ensure, as far as is practicable, that the supervising electrical worker is able to be in close proximity to those persons and the electrical work being carried out so that they are in sight of, and, are able to communicate directly with, each other; and
- (e) shall ensure the number of persons being supervised by the supervising electrical worker is such that the requirements of paragraphs (c) and (d) are capable of being complied with; and
 - (f) shall have regard to the location and general circumstances in which the electrical work is being carried out; and
 - (g) shall ensure that all the persons involved in electrical work being undertaken are properly equipped in respect of safety equipment that is necessary in relation to the electrical work being carried out.
- (4) In order to ensure that subregulation (1) is complied with a supervising electrical worker —
- (a) shall consider the kind of electrical work being undertaken especially whether or not live wires or live electrical equipment are or is, or, are or is likely to be involved, in the electrical work, or, in the area in which the electrical work is being carried out;
 - (b) shall have regard to the level of competence of the persons being supervised or to be supervised;
 - (c) if the persons being supervised are apprentices or are undergoing training and live wires or live electrical equipment are or is involved, or, are or is likely to be involved in the area in which the electrical work is to be, or, is being carried out, shall ensure, as far as is practicable, that the supervising electrical worker is in close proximity to those persons and the electrical work

- being carried out so that they are in sight of, and, are able to communicate directly with, each other;
- (d) shall have regard to the location and general circumstances in which the electrical work is being carried out;
 - (e) shall ensure that all persons involved in the electrical work being undertaken are —
 - (i) properly equipped in respect of safety equipment that is necessary in relation to the electrical work being carried out; and
 - (ii) properly using the safety equipment that is necessary in relation to the electrical work being carried out.
- (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.

*[Regulation 50 amended in Gazette 6 Sep 1996 p. 4416;
31 Dec 2007 p. 6521.]*

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

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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.

[Regulation 50AA inserted in Gazette 31 Dec 2007 p. 6522.]

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.

[Regulation 50AB inserted in Gazette 31 Dec 2007 p. 6523.]

50A. Licence holder not to cause or permit unsafe wiring or equipment to be connected to electrical installation

- (1) A person who holds a licence who causes or permits any wiring or equipment that is in an unsafe condition to be connected, or to remain connected, to an electrical installation or a supply of electricity commits an offence.
- (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
 - (c) the owner or occupier of the premises where the wiring or equipment is located would not permit it to be disconnected or repaired.

[Regulation 50A inserted in Gazette 6 Sep 1996 p. 4416; amended in Gazette 31 Dec 2007 p. 6523-4.]

51. Preliminary notice

- (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) Subregulation (1) does not apply to notifiable work —
 - (a) carried out because of emergency circumstances involving danger to any person or property or the risk of supply being disrupted; or
 - (b) carried out by an electrical contractor exempted in writing by the Director from the requirement to deliver

preliminary notice, subject to any conditions that are imposed in respect of the exemption.

(3) In this regulation —

preliminary notice means preliminary notice in a form approved by the Director and duly completed;

required time, in relation to giving preliminary notice of proposed notifiable work, means —

- (a) at least 3 working days before the proposed notifiable work is begun, if the electrical contractor requires advice from the relevant network operator in relation to the proposed notifiable work before it is begun; or
- (b) at any time before the proposed notifiable work is begun, if the electrical contractor does not require such advice.

[Regulation 51 inserted in Gazette 6 Sep 1996 p. 4417; amended in Gazette 31 Dec 2007 p. 6524 and 6539.]

52. Notice of completion

- (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, 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) Subregulation (1) does not apply to notifiable work carried out, or caused to be carried out, by an electrical contractor exempted in writing by the Director from the requirement to prepare and

send a notice of completion, subject to any conditions that are imposed in respect of the exemption.

- (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.
- (3) An electrical contractor who sends a notice of completion to the relevant network operator in respect of notifiable work that has not been completed commits an offence.

[Regulation 52 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4417-18; 31 Dec 2007 p. 6524-5 and 6539.]

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.

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- (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.

[Regulation 52A inserted in Gazette 31 Dec 2007 p. 6526.]

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 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.

[Regulation 52B inserted in Gazette 31 Dec 2007 p. 6527-8.]

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 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.

[Regulation 52C inserted in Gazette 31 Dec 2007 p. 6528-9.]

53. Work other than by electrical contractors and unlicensed persons

- (1) A person referred to in regulation 33(2)(a) who carries out electrical installing work or causes a person employed by him or her to carry out any electrical installing work and any person who is a nominated person under regulation 37(1)(a) shall comply with regulations 51, 52, 52B and 52C as if he or she were an electrical contractor except to the extent that he or she is exempted in writing by the Director from the requirement to so comply and subject to such conditions as are imposed in respect of such exemption.
- (2) A person shall not employ, engage or instruct a person who is not licensed under these regulations to carry out any electrical work in relation to which a licence is required under these regulations.
- (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.

[Regulation 53 amended in Gazette 23 Dec 1994 p. 7134; 31 Dec 2007 p. 6529.]

53A. Further inspection fee

- (1) Subject to subregulation (2), where —
- (a) on receipt of a notice of completion under regulation 52; or
 - (b) a notice of completion is not received in relation to electrical work that requires a notice of completion,
- an inspector is of the opinion that —
- (c) an installation fails to conform to regulation 49; and
 - (d) by virtue of that failure an installation requires a further inspection,

the fee prescribed in item 3 of Schedule 1 is payable by the electrical contractor to the relevant network operator in relation to each further inspection related to that failure.

- (2) The network operator may waive the payment of the fee prescribed under subregulation (1) or may require payment of the fee in advance of each further inspection.

[Regulation 53A inserted in Gazette 24 Apr 1992 p. 1729; amended in Gazette 31 Dec 2007 p. 6539.]

54. Signing of notices

- (1) Where a notice of completion that is sent under regulation 52 in respect of electrical installing work is signed by a person other than —
- (a) the electrical contractor concerned; or
 - (b) a nominee in respect of the licence held by the electrical contractor concerned; or
 - (c) the nominee under regulation 37(1); or

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(d) the person carrying out the work approved by the Board under regulation 33(2)(a),

the person who signed the notice commits an offence and the notice shall be deemed not to have been duly completed.

(2) Where an exemption under regulation 53(1) is granted subject to a condition that any electrical installing work carried out by a person referred to in regulation 33(2)(a) or 37(1)(a) be recorded and the record is signed by a person other than —

(a) the nominee under regulation 37(1); or

(b) the person carrying out the work approved by the Board under regulation 33(2)(a),

the person who signed the record commits an offence and the record shall be deemed not to have been duly completed.

[Regulation 54 amended in Gazette 31 Dec 2007 p. 6538.]

Part 6 — Miscellaneous

[55. Deleted in Gazette 31 Dec 2007 p. 6530.]

56. Register

- (1) The executive officer shall open and maintain in accordance with directions given by the Board a register of persons who are holders of licences under these regulations.
- (2) Where a person fails to apply for the renewal of the registration of his or her licence within 30 days of the expiry thereof the Board may direct the executive officer to erase the name of that person from the relevant register.
- (3) The name of a person may be restored to the relevant register upon application by that person and payment of the prescribed fee.
- (4) Before restoring the name of a person to a register under subregulation (3) the Board may require the person to satisfy the Board as to the matters referred to in regulations 22 and 24 or 36 or 37, as the case requires.

57. Record of electrical workers employed

- (1) A person who employs or engages any person holding a licence under Part 3 shall maintain and keep at his or her principal place of business a record of the holder of the licence and shall keep the record for 2 years after the holder of the licence has ceased to be employed or engaged by the person.
- (2) The record required by subregulation (1) in respect of a person shall be in a form satisfactory to the Board and shall include —
 - (a) the name and residential address of the person; and
 - (b) the number, type and expiry date of the registration of the licence held by the person under Part 3; and
 - (c) particulars of the period during which the person has been employed in the business concerned.

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- (3) Upon being requested by the Board, a member of the Board, or an inspector to do so, a person who is required to keep a record under subregulation (1) shall produce the record for inspection.

[Regulation 57 amended in Gazette 6 Sep 1996 p. 4418.]

58. Notice to produce licence and current registration certificate

- (1) The Board may, by notice in writing sent to the holder of a licence at his or her address last known to the Board require the licence and current registration certificate to be produced for inspection as specified in the notice.
- (2) A person who fails to comply with a notice under subregulation (1) within the time specified in the notice commits an offence.

59. Offences related to licensing

- (1) A person who —
- (a) falsifies any matter relating to an application for the issue or renewal of a licence or registration certificate or causes any matter relating to an application for the issue or renewal of a licence registration thereof to be falsified; or
 - (b) presents, or causes to be presented, to the Board any document or other evidence relating to the qualifications or experience of an applicant under these regulations which document or other evidence he or she knows to be forged, false, or fraudulent; or
 - (c) impersonates, or wrongfully represents himself or herself or another person as being, the person referred to in a document presented to the Board, or in a licence or permit; or
 - (d) makes, or causes to be made, a false or fraudulent statement or representation upon an inquiry held, or examination conducted, under these regulations; or

- (e) gives a false testimonial to a person for the purposes of, or in connection with, an application under these regulations, commits an offence.
- (2) The application of subregulation (1) is not limited to cases where the thing done or caused to be done is for the personal advantage of the person who does that thing, or causes it to be done.

60. Replacement licence or permit document

- (1) Where the Board is satisfied that a licence or permit document has been lost, defaced, mutilated, or destroyed it may, on application in writing to the Board and payment of the appropriate fee set out in Schedule 1, issue to the holder a replacement for the licence or permit document.
- (2) The Board may decline to issue under subregulation (1) a replacement for a licence or permit document that has been defaced or mutilated until the defaced or mutilated licence or permit document is returned to the Board.
- (3) A replacement for a licence or permit issued under this regulation shall be regarded for the purposes of these regulations as if it were the original licence or permit document for which it is a replacement.

[Regulation 60 amended in Gazette 31 Dec 2007 p. 6530.]

61. Return of licence or permit document

The person to whom a licence or permit was issued shall, upon —

- (a) the suspension of the licence or permit under regulation 29(3), 31(2)(c), 38(7), 43(3), 45A(4) or 47(2)(b); or
- (b) the cancellation of the licence or permit under regulation 29(3), 31(2)(a), 45A(4) or 47(2)(a); or

- (c) an order by the Board under regulation 31(3), 31A(5), 47(3) or 47A(5) that the licence or permit document be returned to the Board,

forthwith return to the Board the licence or permit document.

[Regulation 61 amended in Gazette 30 Dec 2004 p. 6996-7; 31 Dec 2007 p. 6531.]

62. Defects to be reported

- (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.
- (2) If —
 - (a) the electrical worker is carrying out electrical work on the unsafe electrical installation or electrical equipment on behalf of his or her employer; and
 - (b) the employer holds an electrical contractor's licence or in-house electrical installing work licence,

the electrical worker shall report the matter to the employer who shall then comply with subregulation (1) as if that subregulation referred to the employer and not to the electrical worker.

[Regulation 62 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4418; 31 Dec 2007 p. 6531.]

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 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

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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.

[Regulation 63 inserted in Gazette 31 Dec 2007 p. 6532-3.]

63A. Interference with scene of accident

A person shall not do anything at the place at which an electrical accident referred to in regulation 63 occurs with the intention of hindering or obstructing an investigation of the accident by an inspector or police officer.

[Regulation 63A inserted in Gazette 6 Sep 1996 p. 4419; amended in Gazette 31 Dec 2007 p. 6533.]

63B. Delegation by Director

- (1) The Director may delegate to the Board a power of the Director under regulation 31A or 47A.
- (2) The delegation is to be in writing signed by the Director.

- (3) The Board cannot delegate a power delegated to it under this regulation.

[Regulation 63B inserted in Gazette 30 Dec 2004 p. 6997.]

64. Fees

- (1) The fees specified in items 1 and 2 of Schedule 1 shall be paid to the Director in relation to the matters specified in those items.
- (2) Where the registration of a licence is issued or renewed for a period less than one year under regulation 43(1) or 44(1), the fee payable for that issue or renewal is a portion of the relevant fee specified in item 2(b) or 2(c) of Schedule 1 corresponding to the portion of one year for which the registration is issued or renewed.

[Regulation 64 amended in Gazette 23 Dec 1994 p. 7134; 6 Sep 1996 p. 4419; 2 May 2000 p. 2115; 31 Dec 2007 p. 6533.]

65. General offence and penalty

- (1) A person who fails to do anything that person is required to do under these regulations or does anything that that person is prohibited from doing under these regulations commits an offence.
- (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.

[Regulation 65 amended in Gazette 31 Dec 2007 p. 6534.]

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

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- (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.

- (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.

[Regulation 65A inserted in Gazette 31 Dec 2007 p. 6534-5.]

[66. *Omitted under the Reprints Act 1984 s. 7(4)(e).]*

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 operation¹.
- (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

- (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

[Regulation 67 inserted in Gazette 31 Dec 2007 p. 6535-6.]

Schedule 1 — Fees

[r. 64]

[Heading inserted in Gazette 23 Jun 2009 p. 2438.]

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1. Licences and permits under Part 3 —
 - (a) Application for licence or permit 38
 - (b) Registration of licence or permit or renewal of registration (for each year) 68
 - (c) Replacement for licence or permit or copy of certificate of registration 25
 - (d) Application for restoration of name to register (failure to renew) 38
2. Licences under Part 4 —
 - (a) Application for licence 76
 - (b) Registration or renewal of registration of electrical contractor's licence 406
 - (c) Registration or renewal of registration of in-house electrical installing work licence 203
 - (d) Replacing or adding nominee: electrical contractor's licence 360
 - (e) Replacing or adding nominee: in-house electrical installing work licence 180
 - (f) Replacement for licence or copy of certificate of registration 31

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(g) Extract of register	31
(h) Copy of register (if available)	65
(i) Application for restoration of name to register (failure to renew)	38
3. Further inspection	150

[Schedule 1 inserted in Gazette 23 Jun 2009 p. 2438-9; amended in Gazette 25 Jun 2010 p. 2865.]

[Schedule 2 deleted in Gazette 6 Sep 1996 p. 4419.]

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Notes

- ¹ This ~~reprint~~ is a compilation ~~as at 1 October 2010~~ of the *Electricity (Licensing) Regulations 1991* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Electricity (Licensing) Regulations 1991</i>	14 Oct 1991 p. 5249-99 (corrigendum 1 Nov 1991 p. 5665)	1 Nov 1991 (see r. 2)
<i>Electricity (Licensing) Amendment Regulations 1992</i>	24 Apr 1992 p. 1728-9 (corrigendum 1 May 1992 p. 1863)	1 May 1992 (see r. 2)
<i>Electricity (Licensing) Amendment Regulations 1994</i>	27 May 1994 p. 2243-4	27 May 1994
<i>Electricity (Licensing) Amendment Regulations 1995</i>	23 Dec 1994 p. 7133-5	1 Jan 1995 (see r. 3 and <i>Gazette</i> 23 Dec 1994 p. 7069)
<i>Electricity (Licensing) Amendment Regulations 1996</i>	6 Sep 1996 p. 4410-19	6 Sep 1996
Reprint of the <i>Electricity (Licensing) Regulations 1991</i> as at 26 Feb 1997 (includes amendments listed above)		
<i>Electricity (Licensing) Amendment Regulations 1997</i>	24 Apr 1998 p. 2148	24 Apr 1998
<i>Electricity (Licensing) Amendment Regulations 1999</i>	28 May 1999 p. 2147	28 May 1999
<i>Electricity (Licensing) Amendment Regulations 2000</i>	24 Mar 2000 p. 1639-40	1 Jun 2000 (see r. 2)
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2000</i>	2 May 2000 p. 2114-16	2 May 2000
<i>Electricity (Licensing) Amendment Regulations 2001</i>	23 Nov 2001 p. 6030	23 Nov 2001
<i>Electricity (Licensing) Amendment Regulations 2003</i>	31 Jan 2003 p. 279	31 Jan 2003

Citation	Gazettal	Commencement
Reprint 2: The Electricity (Licensing) Regulations 1991 as at 14 Mar 2003 (includes amendments listed above)		
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2003</i> ⁶	24 Oct 2003 p. 4495-9	24 Oct 2003
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2004</i>	13 Jul 2004 p. 2821-2	13 Jul 2004
<i>Electricity (Licensing) Amendment Regulations (No. 3) 2004</i>	30 Dec 2004 p. 6990-7	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Courts and Legal Practice (Consequential Amendments) Regulations 2005</i> r. 6	19 Apr 2005 p. 1294-302	19 Apr 2005
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2005</i>	19 Aug 2005 p. 3866-7	19 Aug 2005
Reprint 3: The Electricity (Licensing) Regulations 1991 as at 2 Jun 2006 (includes amendments listed above)		
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2006</i>	27 Jun 2006 p. 2283-4	1 Jul 2006 (see r. 2)
<i>Electricity (Licensing) Amendment Regulations (No. 2) 2007</i>	15 Jun 2007 p. 2783-4	r. 1 and 2: 15 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>Electricity (Licensing) Amendment Regulations 2007</i> ⁷	31 Dec 2007 p. 6485-539	r. 1 and 2: 31 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Electricity (Licensing) Amendment Regulations 2008</i>	17 Jun 2008 p. 2564-5	r. 1 and 2: 17 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Reprint 4: The Electricity (Licensing) Regulations 1991 as at 22 Aug 2008 (includes amendments listed above)		
<i>Electricity (Licensing) Amendment Regulations (No. 4) 2009</i>	23 Jun 2009 p. 2438-9	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Electricity (Licensing) Amendment Regulations (No. 3) 2009</i>	30 Jun 2009 p. 2622-3	r. 1 and 2: 30 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Electricity (Licensing) Amendment Regulations 2009</i>	1 Sep 2009	r. 1 and 2: 1 Sep 2009 (see r. 2(a));

Citation	Gazettal	Commencement
<i>Regulations (No. 5) 2009</i>	p. 3394-5	Regulations other than r. 1 and 2: 2 Sep 2009 (see r. 2(b))
<i>Electricity (Licensing) Amendment Regulations 2010</i>	25 Jun 2010 p. 2864-5	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
Reprint 5: The Electricity (Licensing) Regulations 1991 as at 1 Oct 2010 (includes amendments listed above)		
<i>Public Sector Reform (Consequential Amendments) Regulations 2011 Pt. 2</i>	11 Feb 2011 p. 502-7	12 Feb 2011 (see r. 2(d))

- ² The *Legal Practice Act 2003* was repealed by the *Legal Profession Act 2008*.
- ³ Repealed by the *Training Legislation Amendment and Repeal Act 2008* s. 50
- ⁴ The *Training Legislation Amendment and Repeal Act 2008* Pt. 2 came into operation 10 June 2009.
- ⁵ Now called the *Tradesperson's Rights Regulation Act 1946* (Cwlth.).
- ⁶ The *Electricity (Licensing) Amendment Regulations (No. 2) 2003* r. 3(4) reads as follows:

- (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.

- ⁷ The *Electricity (Licensing) Amendment Regulations 2007* r. 5(4) reads as follows:

5. Regulation 5 amended and transitional

- (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.

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