



Western Australia

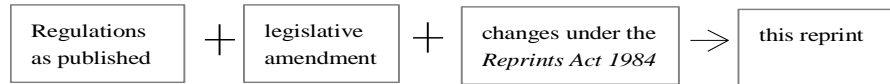
Electricity Act 1945

Electricity (Licensing) Regulations 1991

Reprint 2: The Regulations as at 14 March 2003

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Electricity (Licensing) Regulations 1991

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 14 March 2003

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. Interpretation

- (1) In these regulations, unless the contrary intention appears —
“**appointed day**” means the day fixed by the Minister under subregulation (2);

“**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;

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“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 electrical mechanic but does not include an electrical mechanic when acting in the capacity of an employee;

“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 fitter” means an electrical worker who is authorised under these regulations to carry out electrical fitting work;

“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 the work of assembling and fixing in place, altering or adding to any electrical installation or maintaining, enhancing, repairing, removing, or, connecting to fixed wiring, any electrical equipment;

“electrical mechanic” means an electrical worker who is authorised under these regulations to carry out electrical installing work;

“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 115 volts 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;

“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 Practitioners Act 1893*;

“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 live 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*;

“minor work” means electrical installing work that does not require alterations to the service equipment, main switchboard, the consumer’s mains or the main earthing conductors and does not involve the installation of private generating plant or additions and alterations to an existing installation operating at a pressure in excess of 650 volts;

“nominated electrical worker”, 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;

“permit” means a permit under Part 3;

“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 115 volts 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 supply authority;

“the relevant supply authority” means —

- (a) in relation to an electrical installation of a consumer, the supply authority supplying electricity in the area within which the electrical installation is situated and to the distribution works of which the electrical installation is or is to be connected; or

(b) in relation to an electrical installation other than an electrical installation of a consumer, the Director;

“W A 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) The Minister shall, by notice published in the *Gazette*, fix a day to be the appointed day for the purposes of the provisions of these regulations that refer to the appointed day.

*[Regulation 3 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4410-11; 24 Mar 2000 p. 1639-40.]*

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 7 members appointed by the Minister, of whom —
 - (a) one shall be a person appointed to be Chairman;
 - (b) one shall be a person who is nominated for appointment from a panel of 3 names submitted to the Minister by the body known as the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Workers Union of Western Australia, Engineering and Electrical Division, WA Branch;
 - (c) one shall be a person who in the opinion of the Minister has a sound knowledge of electrical work carried out by persons who hold restricted licences;
 - (d) one shall be a person who is nominated for appointment from 2 panels of 2 names — one panel submitted by the body known as the Electrical Contractors Association (Inc.) and one panel submitted by the body known as the Federation of Electrical Contractors (Inc.);
 - (e) one shall be a person who is nominated for appointment from 2 panels of 2 names one submitted by the body known as the Chamber of Commerce and Industry of Western Australia (Inc.) and one submitted by the body known as the Chamber of Mines and Energy;
 - (f) one shall be a person who is nominated for appointment by the chief executive officer of the department established under the *Public Sector Management*

Act 1994 and through which the *Industrial Training Act 1975* is administered; 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.

(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) or (g) unless he or she is a professional electrical engineer;
- (b) a person shall not be appointed under subregulation (1)(b) unless he or she —
 - (i) is, or has been, the holder of an “A” grade licence for electrical fitting work and an “A” grade licence for electrical installing work 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 restricted electrical licence holders;
- (d) a person shall not be appointed under subregulation (1)(d) unless he or she —
 - (i) is, or has been, the holder of an “A” grade licence for electrical fitting work and an “A” grade licence for electrical installing work 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) unless he or she has, in the opinion of the Minister, experience in electrical work in industry.

*[Regulation 5 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4411.]*

6. Nominations for appointment

- (1) The Minister shall not make an appointment under regulation 5(1)(b), (c), (d) or (e) until the Minister has requested the relevant body to submit to the Minister, within the time specified in the request, the name or the panel of names, as the case requires, of the person or persons, as the case may be, who is or are eligible and willing to be appointed and either the relevant body has submitted a name or a panel of names as requested or the time within which a panel may be so submitted has expired.
- (2) Where a body requested in accordance with subregulation (1) to submit a name or a panel of names fails to comply with the request within the time specified in the request and, by reason of regulation 5(1), the person to be appointed is required to have been nominated for appointment the Minister may appoint a person notwithstanding that he or she has not been so nominated and the person appointed shall be deemed to have been so nominated.

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;
 - (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.
- (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.

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) 4 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 is entitled to a deliberative vote and where the votes cast on any question are equally divided, the question shall remain unresolved until a subsequent meeting;
 - (d) where the votes cast on a question at a previous meeting were equally divided and the votes cast on that question at a subsequent meeting are again equally divided, the person presiding at the meeting shall exercise a casting vote.

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, from time to time determines.

[Regulation 12 amended in Gazette 23 Dec 1994 p. 7134.]

13. Functions of the Board

- (1) Without derogating from anything in subregulation (2), the primary function of the Board under this regulation is the determination of competence of applicants for, and holders of, licences and permits issued under these regulations and in carrying out its functions under this regulation the Board —
 - (a) shall act according to equity, good conscience and the substantial merits of the case;
 - (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) In addition to the other functions conferred on the Board by these regulations it is the function of the Board —
 - (a) to make enquiries relating to licensing of persons for electrical work and electrical contracting;
 - (b) to keep under review, and to advise the Minister and the Director on matters relating to the safety of electrical workers and other persons;

- (c) to keep under review matters relating to the qualifications of, and the licensing or other regulation of, electrical workers and electrical contractors;
 - (d) to conduct or arrange for the conduct of examinations for the purposes of determining and assessing the competence and proficiency of persons holding licences or permits or applying for the grant of licences or permits;
 - (e) to make enquiries for the purposes of determining and assessing the competence, suitability and proficiency of persons applying for the grant of licences or permits and determining the competence, suitability and proficiency of persons holding licences or permits, to continue to hold licences or permits;
 - (f) to maintain standards of conduct by persons holding licences or permits, through disciplinary action in accordance with these regulations;
 - (g) to advise the Minister and the Director on any matter upon which advice is requested or on any other matter connected with the administration of these regulations; and
 - (h) to carry out any other functions conferred on it by 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.

*[Regulation 13 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4411.]*

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.]

Division 2 — Proceedings

15. Proceedings

- (1) Where, under regulation 30 or 46, the Board has required a person to appear in proceedings before it the Board shall afford the person the opportunity to be heard, either in person or, subject to subregulation (2), by a legal practitioner or other representative acting on his or her behalf, and to examine witnesses, but where the person fails to appear at the time and place required, the Board may conduct the proceedings in his or her absence.
- (2) A legal practitioner or other representative shall not be heard on behalf of a person required to appear in proceedings before the Board as mentioned in subregulation (1) unless the Board has been given at least 7 days' notice in writing of the intention that the legal practitioner or other representative be so heard, and of the name of the legal practitioner or other representative, or the Board dispenses with the requirement that such notice be given.
- (3) Where, under regulation 30 or 46, the Board requires a person to appear in proceedings before the Board, it may —
 - (a) by order signed on behalf of the Board by the executive officer require —
 - (i) the attendance before the Board of any person;
 - (ii) the production before the Board of any document;

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Division 2 Proceedings

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- (b) inspect any document or other exhibit produced before it, and retain it for such reasonable period as it thinks fit, and make copies of any document so produced or any of its contents; and
- (c) require any person attending before the Board, whether voluntarily or in answer to an order —
 - (i) to swear that he or she will truly answer all questions relating to a matter relevant to the proceedings (and for that purpose a member of the Board or a person who is a public service officer within the meaning of the *Public Sector Management Act 1994*, and is assisting the Board in the discharge of its functions may administer any oath or affirmation); and
 - (ii) to answer any relevant question put to him or her by a member of the Board or by any other person appearing before the Board.
- (4) In any proceedings before it, the Board shall act according to equity, good conscience, and the substantial merits of the case without regard to technicalities and legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
- (4a) In any proceedings before it, the Board may be assisted by a legal practitioner appointed by the Board for that purpose.
- (5) A person who attends for the purpose of giving evidence in proceedings before the Board is entitled to receive such fees and allowances as the Board determines in accordance with the scale of allowances applicable to proceedings in the Supreme Court.

*[Regulation 15 amended in Gazette 23 Dec 1994 p. 7135;
6 Sep 1996 p. 4411-12.]*

16. Offences relating to proceedings

A person who —

- (a) having been served with an order to attend before the Board, fails without reasonable excuse (proof of which lies upon him or her) to attend in obedience to the order;
- (b) having been served with an order to produce before the Board any document, fails without reasonable excuse (proof of which lies upon him or her) to comply with the order;
- (c) misbehaves himself or herself before the Board, wilfully insults the Board or a member of the Board, or interrupts the proceedings of the Board; or
- (d) fails without reasonable excuse (proof of which lies upon him or her) to answer any question, when required by the Board to do so,

commits an offence.

17. Outcome of proceedings

- (1) Where, under regulation 30 or 46, the Board has required a person to appear in proceedings before it the Board may make an order —
 - (a) cancelling the licence or permit held by that person;
 - (b) if the person is a nominated electrical worker, direct that the nomination of that person be cancelled;
 - (c) in the case of a licence or permit under Part 3, suspending the licence or permit held by that person for a period or, where the licence or permit is already suspended under regulation 30(4), a further period, not exceeding 12 months, that is specified in the order;
 - (d) imposing any limitation, restriction, or condition on the authority conferred by the licence or permit held by that person or varying any limitation, restriction, or condition to which the licence or permit is already subject;

- (e) censuring that person; or
- (f) recommending to the Director, where an offence is disclosed, that proceedings be instituted against that person in respect of that offence,

and an order under paragraph (a), (b), (c) or (d) has effect according to its tenor.

- (2) Where any limitation, restriction, or condition on the authority conferred by a licence or permit is imposed or varied under subregulation (1)(d) the Board may order the return of the licence or permit document for endorsement and may endorse the licence or permit document accordingly.
- (3) An order made by the Board under this regulation shall be reduced to writing signed on behalf of the Board by the executive officer and a copy of the order given to the person against whom it is made.

[Regulation 17 amended in Gazette 23 Dec 1994 p. 7134.]

Division 3 — Appeals

18. Appeals

- (1) A person aggrieved by an order of the Board made under regulation 17 may —
 - (a) where no question of law is involved, appeal to the Minister; and
 - (b) in any other case, appeal to a Local Court.
- (2) An appeal under subregulation (1) shall be lodged within 28 days —
 - (a) in the case of an appeal under subregulation (1)(a) by notice in writing setting out the grounds of appeal given to the executive officer; and
 - (b) in the case of an appeal under subregulation (1)(b) by notice in writing specifying the grounds of appeal filed in the Local Court.

- (3) A copy of a notice under subregulation (2)(b) shall be served on the executive officer not less than 2 days after the filing of the notice.
- (4) Where the Minister receives a notice of an appeal under regulation (1)(a), the Minister shall hear and determine the appeal.
- (5) The Minister shall fix the time and place at which an appeal under subregulation (1)(a) shall be heard and shall give notice thereof to the appellant, the Board, and any other person to whom the Minister thinks that notice should be given.
- (6) Regulations 15 and 16 apply, with the necessary modifications, in relation to the conduct of an appeal under this regulation as if it were the conduct of proceedings referred to in regulation 15 but for the purpose of so applying those regulations a reference to the Board or a member of the Board shall be read as a reference to the Minister.
- (7) An appeal under subregulation (1)(a) may, at the discretion of the Minister, be by submission in writing or by a hearing or both.
- (8) The Minister may affirm, vary, or set aside the order appealed against and may, in substitution for, or in addition to, that order, make any order that the Minister thinks should have been made in the first instance and, an order made under this subregulation shall have effect according to its tenor.
- (9) The Minister hearing an appeal under this regulation shall reduce his or her decision and the reasons for his or her decision to writing and cause a copy thereof to be sent to the Board and to any other party to the appeal.
- (10) Where an appeal is made to a Local Court the appellant shall give notice in writing of that fact to the Board and set out in the notice the grounds on which the appeal is made.

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Division 3 Appeals

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- (11) A Local Court hearing an appeal under subregulation (1)(b) may —
- (a) affirm the decision appealed against; or
 - (b) set aside the decision appealed against and remit the matter the subject of the appeal to the Board.
- (12) A Local Court to which an appeal is made under subregulation (1)(b) may, on the application of the appellant, make an order postponing the effect of the decision appealed against until the appeal is determined by it or until such other time as may be fixed by the court and the order shall have effect according to its tenor.

Part 3 — Licensing of electrical workers

19. Electrical work prohibited unless authorised

- (1) Subject to this regulation, a person who, on or after the appointed day, 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 115 volts direct current;
 - (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;
 - (c) to work carried out on poles, towers and overhead lines including the final connection and testing of circuits by persons trained in electrical linework;
 - (d) to work carried out in jointing and capping underground cables of all kinds by persons trained in electrical cable jointing work;
 - (e) to work carried out on any supply authority service apparatus by a person authorised by the relevant supply authority;

- (f) to the installation of poles, towers and overhead lines not involving the final connection or testing of circuits;
- (g) to the underground installation of under ground cables, cable ducts, conduits and cable support systems (excluding the final connection or testing of circuits);
- (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 250 volts unless carried out by a person for gain or reward or in the course of employment;
- (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 "A" grade 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;
- (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;
- (k) to such other kinds of work of a specialized nature as the Director declares, by order published in the *Gazette*, to be work that may be carried out by persons not holding a licence or permit; and
- (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 115 volts direct current, to such a fence).

- (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).

[Regulation 19 amended in Gazette 23 Dec 1994 p. 7134 and 7135; 6 Sep 1996 p. 4412.]

20. Effect of licence

- (1) An electrical worker's licence shall be endorsed as an "A" grade licence (electrical mechanic, or, electrical fitter, or both), a "C" grade licence or a restricted licence according to the qualifications of the person in question.
- (2) An electrical worker's licence endorsed as an electrical mechanic's licence authorises the holder of the licence to carry out electrical installing work and an electrical worker's licence endorsed as an electrical fitter's licence authorises the holder of the licence to carry out electrical fitting work.
- (3) Where a licence of a kind referred to in subregulation (2) is endorsed as —
 - (a) an "A" grade licence, the work authorised by the licence may be carried out without supervision;
 - (b) a "C" grade licence, the work authorised by the licence shall be effectively supervised in accordance with regulation 50(4) by the holder of an "A" grade licence of that kind.

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- (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 subject to such restrictions and conditions as are specified in the licence.
- (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.]

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 "A" grade (electrical mechanic, or, electrical fitter, or both) shall not be issued to a person unless that person —
 - (a) has successfully completed service under —
 - (i) an apprenticeship under the *Industrial Training Act 1975* in electrical installing work or electrical fitting work, as the case requires; or
 - (ii) a skills formation program recognized by the Department of Training as being of a standard appropriate to the training of a tradesperson engaged in electrical installing work or electrical fitting work, as the case requires,

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;

- (b) subject to subregulation (2), has had training in electrical installing work or electrical fitting work, as the case requires, 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 *Tradesmans Rights Regulations Act 1946* of the Parliament of the Commonwealth.
- (2) The Board shall not issue a licence to a person referred to in subregulation (1)(b) or (c) unless that person has passed such examinations as are required or recognized by the Board in each 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.
- (3) A licence endorsed as “C” grade 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 in electrical installing work or electrical fitting work; or
 - (b) has entered into a course of training in electrical work 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

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- (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, 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 under this regulation shall pay such examination fees —
- (a) if the examination is conducted by the Board, as are determined by the Director; or
 - (b) if the examination is conducted by a body approved by the Director to do so, as are determined by the body.
- (6) In subregulation (1)(a)(ii) —
- “Department of Training”** means the department of the Public Service principally assisting the Minister to whom the administration of the *Industrial Training Act 1975* is for the time being committed by the Governor in the administration of that Act.

*[Regulation 22 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4413-14.]*

23. Application for licence or permit

- (1) An application for the issue of a licence or permit or the renewal of the registration of a licence holder or permit holder, as the case may be, 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) 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.]

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 may —
 - (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, and may endorse the permit with such conditions as it deems necessary.
- (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.

[Regulation 24 amended in Gazette 23 Dec 1994 p. 7134.]

25. Holders of licences issued in another State or Territory or in New Zealand

- (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 New Zealand 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 of New Zealand.
- (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 corresponding licence.

26. Duration of registration of licence or permit

- (1) Subject to these regulations, the registration of every licence other than a “C” grade licence continues to have effect on and from the day on which it was issued unless 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) Where the holder of a “C” grade licence has entered training as an electrical mechanic or electrical fitter, his or her licence ceases to have effect while he or she is not employed as such.
- (3) The registration of a permit expires after such period as is specified by the Board in the permit, being not longer than one year, 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.]

27. Renewal of registration

- (1) Upon the issue of a licence, other than a “C” grade licence, the executive officer shall cause 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 registration of a licence expires after such period not exceeding 5 years as is specified in the certificate of registration and has effect for that period unless it is suspended or cancelled under these regulations.
- (3) A licence holder shall not earlier than 90 days before, and, not later than 30 days after, the date of the expiry of his or her registration as a licence holder forward to the Board the registration fee prescribed in the Schedule.
- (4) Where the registration of a licence holder is renewed under subregulation (3), 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 holder is renewed under subregulation (3) 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.]

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 written notice, the person shall, not later than 28 days after the change, give to the Board written notice of his or her new residential address.

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- (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.

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 examination or trade test as the Board specifies.
- (3) Where a person required under subregulation (1) or (2) to undergo an examination or test —
- (a) fails to comply with the requirement within the time specified in the requirement;
 - (b) fails to produce to the Board evidence considered by the Board to be satisfactory concerning the results of that examination or test; or
 - (c) fails, upon that 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; or

- (e) suspend or cancel,
his or her licence or permit.

30. Discipline

- (1) Where it appears to the Board that a person who is the holder of a licence or permit —
 - (a) is not a fit and proper person to hold the licence or permit;
 - (b) obtained the licence or permit by misrepresentation as to any material fact or by other fraudulent means;
 - (c) is or has been the subject of a disqualification or suspension imposed in another State, Territory or New Zealand that prevents or prevented him or her from carrying out in that State, Territory or New Zealand electrical work of the kind authorised by his or her licence or permit;
 - (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, these regulations, or the *Energy Operators (Powers) Act 1979*² or the *Energy Coordination Act 1994* or the regulations made thereunder,

the Board may, by notice in writing sent to his or her last known address giving particulars of the grounds on which it is given, require that person to appear in proceedings before the Board, at a time and place specified by the Board.

- (2) Without limiting the grounds on which the Board may regard a person as not being a fit and proper person to hold a licence or permit, the Board may so regard a person if that person —
 - (a) is addicted to alcohol or any drug; or

- (b) suffers from any mental or physical disorder, to a degree that, in the opinion of the Board, may at any time affect his or her ability to carry out electrical work in a safe and satisfactory manner.
- (3) Without limiting the grounds upon which the Board may regard electrical work as having been carried out in a manner that endangers, or is likely to endanger, any person or property the Board may consider whether the requirements of regulations 49 and 50 have been complied with.
- (4) Where, under subregulation (1), the Board requires a person to appear in proceedings before the Board, it may, by order in writing sent to the person at his or her last known address, suspend the licence or permit held by that person for a period, not exceeding 14 days, that is specified in the order.
- (5) The time specified in a notice under subregulation (1) shall be not less than 8 days after the day on which the notice is sent.

*[Regulation 30 amended in Gazette 23 Dec 1994 p. 7135;
6 Sep 1996 p. 4414.]*

31. Summary procedure

- (1) Where the Board may, under regulation 30, require a person to appear in proceedings before the Board but, without having conducted such proceedings, the Board is satisfied that the matter may be satisfactorily disposed of without cancelling or suspending the licence of the person, the Board may, if the person consents in writing to the matter being dealt with under this regulation, determine the matter summarily having regard to such submissions as the person may wish to make in person or in writing to the Board.
- (2) In determining a matter summarily under this regulation the Board may make any order referred to in regulation 17 other than an order for the cancellation or suspension of the licence.

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 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) 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.

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, on or after the appointed day, 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
 - (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), 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.]

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 —
 - (I) an electrical worker's licence endorsed as "A" grade (electrical mechanic, or both electrical mechanic and electrical fitter); or
 - (II) a licence issued in another State or a Territory equivalent to an electrical contractor's licence;
 - (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;
 - (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) has a current policy of insurance with a reputable insurer that provides a public liability indemnity,

in respect of the work of an electrical contractor,
of at least \$1 000 000.

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 under these regulations, the Act and the *Energy Coordination Act 1994* and the regulations made thereunder on electrical mechanics and electrical contractors.
- (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 imposed under these regulations, the Act and the *Energy Coordination Act 1994* and the regulations made thereunder on electrical mechanics and electrical contractors.
- (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 imposed by these regulations, the Act and the *Energy Coordination Act 1994* and the regulations

made thereunder on electrical mechanics and electrical contractors.

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

37. In-house electrical installing work licence

- (1) On and after the appointed day, 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 —
 - (I) an electrical worker's licence endorsed as "A" grade (electrical mechanic, or both electrical mechanic and electrical fitter); or
 - (II) a licence issued in another State or a Territory equivalent to an electrical contractor's licence;
 - (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;
 - (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;
 - (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

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by these regulations, the Act, the *Energy Operators (Powers) Act 1979*², the *Energy Coordination Act 1994* and the respective regulations made thereunder on electrical installers and electrical contractors; 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.

(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.]

38. Nominated electrical worker

(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.
- (3) A person is ineligible to be, or continue to be, a nominated electrical worker 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 nominated electrical worker a person who is ineligible under subregulation (3) or permits a person who is so ineligible to continue to be his or her nominated electrical worker, the holder of the licence commits an offence.
- (5) A person who is ineligible to be a nominated electrical worker who —
 - (a) permits himself or herself to be nominated as the nominated electrical worker in respect of a licence; or
 - (b) continues to be a nominated electrical worker 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 nominated electrical worker in respect of a licence ceases to be a nominated electrical worker in respect of that licence, the holder of the licence shall forthwith notify the Board.

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- (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 nominated electrical worker, 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
 - (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.

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.
- (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.]

40. Issue of licence

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.

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.

[Regulation 43 amended in Gazette 2 May 2000 p. 2115.]

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

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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) Where the registration of a licence holder 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.

[Regulation 44 amended in Gazette 2 May 2000 p. 2115.]

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 appears in any advertisement advertising his or her electrical contracting business.
- (2) 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.
- (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.

46. Discipline

- (1) If the Board is satisfied that a person who is the holder of a licence or any person who is nominated for the purposes of regulation 36 or 37(1) —
- (a) is not a fit and proper person to be the holder of a licence issued under this Part;

- (b) obtained the licence or enabled the licence to be obtained by misrepresentation as to any material fact or by other fraudulent means;
- (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;
- (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 these regulations, the Act or the *Energy Operators (Powers) Act 1979*² or the *Energy Coordination Act 1994* or regulations made thereunder,

the Board may, by notice in writing sent to his or her principal place of business giving particulars of the grounds on which the notice is given, require the holder of the licence to appear in proceedings before the Board, at a time and place specified by the Board, and may make an order under regulation 17.

- (2) Without limiting the grounds upon which the Board may regard electrical work as having been carried out in a manner that endangers, or is likely to endanger, any person or property the Board shall consider whether the requirements of regulations 49 and 50 have been complied with.
- (3) The time specified in a notice under subregulation (1) shall not be less than 8 days after the day on which the notice is sent.
- (4) Where, under subregulation (1), the Board requires a person to appear in proceedings before the Board, it may, by order in writing sent to the person at his or her last known address, suspend the licence held by that person for a period, not exceeding 14 days, that is specified in the order.

[Regulation 46 amended in Gazette 23 Dec 1994 p. 7135.]

47. Summary procedure

- (1) Where the Board may, under regulation 46, require a person to appear in proceedings before the Board but, without having conducted such proceedings, the Board is satisfied that the matter may be satisfactorily disposed of without cancelling or suspending the licence of the person, the Board may, if the person consents in writing to the matter being dealt with under this regulation, determine the matter summarily having regard to such submissions as the person may wish to make in person or in writing to the Board.
- (2) In determining a matter summarily under this regulation the Board may make any order referred to in regulation 17 other than an order for the cancellation or suspension of the licence.

Part 5 — Regulation of electrical work

[48. *Repealed in Gazette 6 Sep 1996 p. 4415.*]

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

- (1) An electrical worker 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,

and the following standards, as published by the Standards Association of Australia³ and amended from time to time, where those standards are relevant to the electrical work being carried out, namely —

AS 2067: “Switchgear Assemblies and Ancillary Equipment for A/C Voltages above 1Kv”;

AS 2381: “Electrical equipment for explosive atmospheres — Selection, installation and maintenance”;

AS 2430: “Classification of hazardous areas”;

AS 3001 (sections 1 and 2 only): “Electrical installations — Movable premises (including caravans) and their site installations”;

AS 3002: “Electrical installations — Shows and carnivals”;

AS 3004 (sections 1 and 2 only): “Electrical installations — Marinas and pleasure craft at low voltage”;

AS 3005 (sections 1 and 2 only): “Electrical installations of tents and similar temporary structures for domestic purposes”;

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AS 3008: “Electrical installations — Selection of cables”;

AS 3010 (Part 1): “Electrical Installations — Supply by Generating Set”.

- (2) Where 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.
- (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.]

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 licensed to carry out the electrical work in question without supervision.
- (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 licensed to carry out the electrical work in question without supervision (the “**supervising electrical worker**”);
 - (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;
 - (c) shall have regard to the level of competence of the persons being supervised or to be supervised;

- (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;
 - (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;
 - (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

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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.

[Regulation 50 amended in Gazette 6 Sep 1996 p. 4416.]

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

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.

[Regulation 50A inserted in Gazette 6 Sep 1996 p. 4416.]

51. Preliminary notice

- (1) Subject to subregulation (2), an electrical contractor who carries out any electrical installing work or causes any electrical installing work to be carried out commits an offence if preliminary notice of the proposed electrical installing work has not been delivered to the relevant supply authority at the required time.

- (2) Subregulation (1) does not apply to electrical installing 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 —
- “electrical installing work”** means electrical installing work other than minor work or maintenance work;
- “preliminary notice”** means preliminary notice in a form approved by the Director and duly completed;
- “the required time”**, in relation to giving preliminary notice of proposed electrical installing work, means —
- (a) at least 3 working days before the proposed electrical installing work is begun, if the electrical contractor requires advice from the relevant supply authority in relation to the proposed electrical installing work before it is begun; or
 - (b) at any time before the proposed electrical installing work is begun, if the electrical contractor does not require such advice.

[Regulation 51 inserted in Gazette 6 Sep 1996 p. 4417.]

52. Notice of completion

- (1) Subject to subregulation (2), an electrical contractor who carries out any electrical installing work, including minor work but excluding maintenance work, or causes any electrical installing work, including minor work but excluding maintenance work, to be carried out, commits an offence if upon completion of the electrical installing work a notice of completion, in a form

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approved by the Director and duly completed, is not prepared in respect of the work and sent to the relevant supply authority —

- (a) in the case of electrical work, other than minor work, within 3 working days;
 - (b) in the case of minor work, within 28 days.
- (2) Subregulation (1) does not apply to electrical installing 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.
- (3) An electrical contractor who sends a notice of completion to the relevant supply authority in respect of electrical installing work that has not been completed commits an offence.
- (4) In subregulation (1) —
- “**minor work**” does not include minor work carried out at a mine.

*[Regulation 52 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4417-18.]*

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 and 52 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.

[Regulation 53 amended in Gazette 23 Dec 1994 p. 7134.]

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 supply authority in relation to each further inspection related to that failure.

- (2) The supply authority 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.]

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;
 - (b) a nominated electrical worker in respect of the licence held by the electrical contractor concerned;

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- (c) the nominated electrical worker under regulation 37(1);
or
- (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 nominated electrical worker 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.

Part 6 — Miscellaneous

55. Powers of entry and inspection

The Board, or any member thereof with the consent of the Board, may for the purposes of —

- (a) carrying out any inspection under these regulations; or
- (b) requesting any electrical worker to produce his or her electrical licence or permit,

enter any place or premises at all reasonable times without having any consent or warrant other than these regulations.

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.

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- (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;
 - (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.
- (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;
 - (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;

- (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;
 - (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. Duplicate of 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 copy of the licence or permit document.
- (2) The Board may decline to issue under subregulation (1) a copy of 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 copy issued under this regulation shall be regarded for the purposes of these regulations as if it were the original licence or permit document of which it is a copy.

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 17, 30(4) or 46(4);

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- (b) the cancellation of the licence or permit under regulation 17; or
 - (c) a request from the Board under regulation 17 that the licence or permit document be returned to the Board,
- forthwith return to the Board the licence or permit document.

62. Defects to be reported

- (1) Subject to subregulation (2), where it appears to an electrical worker that there is a defect in any electrical installation or electrical equipment that renders the electrical installation or electrical equipment unsafe, the electrical worker shall immediately report the matter to the owner or operator of the installation, to the relevant supply authority and 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.]

63. Accidents to be reported

- (1) Where an accident that has caused or is likely to cause danger to life or property has occurred any person who is aware of the accident or danger shall immediately report the fact to the Director and the relevant supply authority but if the person is an electrical worker in the course of his or her employment it is sufficient for the purposes of this regulation if the report is made to the employer of that person.

- (2) Any report made to an employer under subregulation (1) shall be reported to the relevant supply authority and Director.
- (3) In subregulation (1) —
“**accident**” means an accident that results from a sudden discharge of electricity or that otherwise has, or may have, electrical origins.

*[Regulation 63 amended in Gazette 23 Dec 1994 p. 7134;
6 Sep 1996 p. 4419.]*

63A. Interference with scene of accident

A person shall not do anything at the place at which an 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.]

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 holder 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.]*

65. General penalty

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 and is liable, where no other penalty is prescribed, to a fine —

- (a) in the case of an individual, of \$5 000;
- (b) in the case of a corporation, of \$20 000.

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

67. Savings and transitional

- (1) Notwithstanding anything in these regulations, a licence or permit issued under the repealed regulations and in force immediately before the commencement day shall, subject to this regulation, continue in force after that day and the registration of the licence holder may be renewed, suspended or cancelled under these regulations as though it were a licence issued under these regulations and the holder of such a licence is subject to the provisions of these regulations accordingly.
- (2) Notwithstanding anything in these regulations, a person who immediately before the commencement day held a licence or permit of the kind specified in column 1 of the Table to this regulation under the repealed regulations shall after that day be deemed to hold a licence of the kind specified opposite and corresponding to that kind of licence in column 2 of that Table, but subject to the conditions and stipulations specified in the licence held by him or her under the repealed regulations.
- (3) Subject to these regulations, on the expiry of a licence issued under the repealed regulations the holder of the licence shall be issued with a licence or permit of the kind he or she is deemed to hold under subregulation (2) but subject to such conditions and stipulations as are specified in the licence issued under the repealed regulations or as determined by the Board in accordance with these regulations.
- (4) Where a licence or permit issued under the repealed regulations is not one of the kinds of licence or permit referred to in the Table to this regulation the Board shall, not later than 30 days before the appointed day fixed in relation to regulation 19(1),

issue to the holder of the licence a licence of a grade determined by the Board.

- (5) A person who is aggrieved by a decision of the Board under subregulation (4) may, within 14 days of that decision, appeal to a Local Court and the Court may order the Board to issue to that person such licence as the Court thinks proper.
- (6) In this regulation —
“commencement day” means the day that these regulations come into operation;
“the repealed regulations” means the regulations repealed under regulation 66.

Table

Column 1	Column 2
1947 Licence	1991 Licence — Deemed Equivalent
Electrical Worker’s Licence A Grade	A Grade All Electrical Work
Electrical Worker’s Licence endorsed for an Electrical Fitter B Grade	A Grade Electrical Fitter
Electrical Worker’s Licence endorsed for an Electrical Mechanic B Grade	A Grade Electrical Mechanic
Electrical Worker’s Licence endorsed for Electrical Fitter Electrical Mechanic B Grade	A Grade Electrical Fitter Electrical Mechanic
Special Electrical Worker’s Permit Electrical Fitter	A Grade Electrical Fitter

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Column 1	Column 2
Special Electrical Worker's Permit Electrical Mechanic	A Grade Electrical Mechanic
Special Electrical Worker's Permit Electrical Fitter Electrical Mechanic	A Grade Electrical Fitter Electrical Mechanic
Electrical Worker's Licence endorsed for Fitter Employee B Grade	B Grade Electrical Fitter
Electrical Worker's Licence endorsed for Mechanic Employee (Installer) B Grade	B Grade Electrical Mechanic
Electrical Worker's Licence C Grade	C Grade
Restricted R	Restricted
Restricted (Limited L)	Limited
Electrical Worker's Permit Determined according to the condition as stated	Permit Subject to same limitations and expiry date
Electrical Contractor's Licence	Electrical Contractor's Licence

*[Regulation 67 corrigendum in Gazette 1 Nov 1991 p. 5665;
amended in Gazette 6 Sep 1996 p. 4419.]*

Schedule 1

[Reg. 64]

Fees

	\$
1. Licences and permits under Part 3 —	
(a) Application for licence or permit	30
(b) Registration of licence holder or permit or renewal of registration (for each year)	50
(c) Copy of licence, permit or certificate of registration	7
(d) Application for restoration of name to register (failure to renew)	25
2. Licences under Part 4 —	
(a) Application for licence	60
(b) Registration or renewal of registration of a contractor	320
(c) Registration or renewal of registration of in-house electrical installing work	160
(d) Copy of licence or certificate of registration	24
(e) Extract of register	24
(f) Copy of register (if available)	50
(g) Application for restoration of name to register (failure to renew)	25
3. Further inspection	70

[Schedule 1 inserted in Gazette 27 May 1994 p. 2243-4; amended in Gazette 24 Apr 1998 p. 2148; 28 May 1999 p. 2147; 2 May 2000 p. 2115-16; 23 Nov 2001 p. 6030; 31 Jan 2003 p. 279.]

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

Notes

- ¹ This reprint is a compilation as at 14 March 2003 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
Reprint 2: The <i>Electricity (Licensing) Regulations 1991</i> as at 14 Mar 2003 (includes amendments listed above)		

- ² Formerly the *Energy Corporations (Powers) Act 1979* the short title of which was changed to the *Energy Operators (Powers) Act 1979* by the *Gas Corporation (Business Disposal) Act 1999* s. 78. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ³ The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.