

ELECTRICITY

EG301

ELECTRICITY ACT 1945

ELECTRICITY (LICENSING) AMENDMENT REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Electricity (Licensing) Amendment Regulations 1996*.

Principal regulations

2. In these regulations the *Electricity (Licensing) Regulations 1991** are referred to as the principal regulations.

[* Published in Gazette 14 October 1991, pp. 5249-99.
For amendments to 27 June 1996 see 1995 Index to Legislation of
Western Australia, Table 4, p. 67.]

Regulation 3 amended

3. Regulation 3 (1) of the principal regulations is amended —

- (a) in the definition of “electrical fitting work” by inserting after “electrical equipment” the following —

“
 , and includes electrical installing work if that work
 is assembling, maintaining or altering the wiring
 between electrical components in plant or machinery
 ”;

- (b) by deleting the definition of “instrument electrical fitter”;

- (c) by inserting in the appropriate alphabetical position each of the following definitions —

“
 “**legal practitioner**” means a “practitioner” as
 defined in the *Legal Practitioners Act 1893*;
 ”;

“
 “**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;
 ”;

“
 “**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;

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

- (d) by deleting the definition of “SAA Wiring Rules” and substituting the following definition —

“**“SAA Wiring Rules”** means Australian Standard 3000: “Electrical Installations — Buildings, structures and premises”, published by the Standards Association of Australia and known as the SAA Wiring Rules;

and

- (e) by deleting the full stop at the end of the definition of “W A Electrical Requirements” and substituting a semicolon.

Regulation 5 amended

4. Regulation 5 (1) of the principal regulations is amended —

- (a) by deleting paragraph (b) and substituting the following paragraph —

“ (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;

and

- (b) in paragraph (e), by deleting “The Confederation of Western Australian Industry (Incorporated)” and substituting the following —

“ the Chamber of Commerce and Industry of Western Australia (Inc.) ”.

Regulation 13 amended

5. Regulation 13 (2) (a) and (e) of the principal regulations are amended by deleting “enquires” and substituting the following —

“ enquiries ”.

Regulation 15 amended

6. Regulation 15 (2) of the principal regulations is amended —

- (a) by inserting after “be so heard” the following —

“ , and of the name of the legal practitioner or other representative,

and

- (b) by inserting after subregulation (4) the following subregulation —

“

(4a) In any proceedings before it, the Board may be assisted by a legal practitioner appointed by the Board for that purpose.

”.

Regulation 19 amended

7. (1) Regulation 19 (2) of the principal regulations is amended —

- (a) in paragraph (i) —

- (i) by deleting “limited or”; and
 (ii) by deleting “the relevant licence,” and substituting the following —

“

an “A” grade licence or a restricted licence that authorizes the holder of the licence to carry out electrical work of the kind to be done by the person under supervision;

”;

- (b) in paragraph (j), by deleting “institution; and” and substituting the following —

“

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;

”;

- (c) by deleting the full stop after paragraph (k) and substituting the following —

“ ; and ”; and

- (d) by inserting after paragraph (k) the following paragraph —

“

- (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).

”.

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

“

- (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.

”.

Regulation 20 amended**8. Regulation 20 of the principal regulations is amended —**

- (a) in subregulation (1), by deleting “, a restricted licence or a limited” and substituting the following —
 “ or a restricted ”;
- (b) in subregulation (4), by deleting “, if any,”; and
- (c) by repealing subregulation (6).

Regulation 22 amended**9. (1) Regulation 22 (1) of the principal regulations is amended —**

- (a) by deleting paragraph (a) (i) and (ii) and substituting the following —

- “
- (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 authorized by the licence to be carried out;

”;

and

- (b) in paragraph (b), by deleting “as an electrical mechanic, electrical fitter or instrument electrical fitter,” and substituting the following —

“ in electrical installing work or electrical fitting work,

”.

(2) Regulation 22 (3) (a) is amended by deleting “as an electrical mechanic, electrical fitter or instrument electrical fitter,” and substituting the following —

“ in electrical installing work or electrical fitting work; ”.

(3) Regulation 22 (4) is amended by deleting “or limited licence”.

(4) Regulation 22 (5) is amended by deleting “fees as is determined by the Director.” and substituting the following —

“ 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.

”.

(5) After regulation 22 (5) the following subregulation is inserted —

“

(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 26 amended

10. Regulation 26 (2) of the principal regulations is amended by deleting “, electrical fitter or instrument” and substituting the following —

“ or ”.

Regulation 27 amended

11. Regulation 27 (2) of the principal regulations is amended —

(a) by deleting “is valid for” and substituting the following —

“ expires after ”; and

(b) by inserting after “of registration” the following —

“

and has effect for that period unless it is suspended or cancelled under these regulations

”

Regulation 30 amended

12. Regulation 30 (3) of the principal regulations is amended by deleting “as likely” and substituting the following —

“ is likely ”.

Regulation 33 amended

13. (1) After regulation 33 (3) of the principal regulations the following subregulation is inserted —

“

(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 36 amended

14. Regulation 36 (1) (a) (i) and (ii) of the principal regulations are deleted and the following subparagraphs are substituted —

“

(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.

”.

Regulation 37 amended

15. (1) Regulation 37 (1) (a) (i) and (ii) of the principal regulations are deleted and the following subparagraphs are substituted —

“

- (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;
- (ia) 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;

”.

(2) Regulation 37 (1) (b) is amended by inserting after “electrical” the following —

“ installing ”.

Regulation 39 amended

16. Regulation 39 (1) of the principal regulations is amended —

- (a) by inserting after “issue” the following —
“ of a licence ”; and
- (b) by deleting “holder”.

Regulation 48 repealed

17. Regulation 48 of the principal regulations is repealed.

Regulation 49 amended

18. (1) Regulation 49 (1) of the principal regulations is amended —
- (a) in paragraph (a), by deleting “and modified in Schedule 2”;

- (b) by deleting “published by the Australian Standards Association” and substituting the following —

“
 , as published by the Standards Association of Australia
 and amended from time to time,
 ”;

and

- (c) by deleting the portion of the subregulation that follows “namely —” and substituting the following —

“
 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”;
 AS 3008: “Electrical installations — Selection of
 cables”;
 AS 3010 (Part 1): “Electrical Installations — Supply
 by Generating Set”.
 ”.

- (2) Regulation 49 (2) of the principal regulations is amended by deleting “SECWA” and substituting the following —

“ W A Electrical ”.

Regulation 50 amended

19. Regulation 50 (3) of the principal regulations is amended by inserting after paragraph (f) the following —

“ and ”.

Regulation 50A inserted

20. After regulation 50 of the principal regulations the following regulation is inserted —

“
**Licence holder not to cause or permit unsafe wiring or
 equipment to be connected to electrical installation**

50A. 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 51 repealed and a regulation substituted

21. Regulation 51 of the principal regulations is repealed and the following regulation is substituted —

“

Preliminary notice

51. (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 52 amended

22. Regulation 52 of the principal regulations is amended —

- (a) by inserting after the regulation designation “52.” the subregulation designation “(1)”;
- (b) by deleting “An” and substituting the following —
“ Subject to subregulation (2), an ”; and
- (c) by inserting the following subregulations —

“

(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 57 amended

23. (1) Regulation 57 (1) of the principal regulations is amended by deleting “those persons.” and substituting the following —

“

the holder of the licence and shall keep the record for 2 years after the holder of the licence has ceased to be employed or engaged by the person.

”

(2) Regulation 57 (3) is amended by deleting “the holder of a licence shall produce the record kept by him or her under subregulation (1) for inspection.” and substituting the following —

“

a person who is required to keep a record under subregulation (1) shall produce the record for inspection.

”

Regulation 62 amended

24. Regulation 62 of the principal regulations is amended —

(a) by inserting after the regulation designation “62.” the subregulation designation “(1)”;

(b) by deleting “Where” and substituting the following —

“ Subject to subregulation (2), where ”;

(c) by deleting “Supply Authority” and substituting the following —

“ supply authority ”; and

(d) by inserting the following subregulation —

“

(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 63 amended

25. Regulation 63 of the principal regulations is amended —

- (a) in subregulations (1) and (2), by deleting “Supply Authority” and substituting the following —

“ supply authority ”; and

- (b) by inserting after subregulation (2) the following subregulation —

“

- (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 63A inserted

26. After regulation 63 of the principal regulations the following regulation is inserted —

“

Interference with scene of accident

63A. 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 64 amended

27. Regulation 64 of the principal regulations is amended —

- (a) by deleting “the Schedule” and substituting the following —

“ items 1 and 2 of Schedule ”; and

- (b) by deleting “that Schedule.” and substituting the following —

“ those items. ”.

Regulation 67 amended

28. The Table to regulation 67 of the principal regulations is amended in column 2 by deleting “Electrical Contractor Licence” and substituting the following —

“ Electrical Contractor’s Licence ”.

Schedule 2 repealed

29. Schedule 2 to the principal regulations is repealed.

By His Excellency’s Command,

J. PRITCHARD, Clerk of the Council.