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**ENERGY**

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EN301

Electricity Act 1945

**Energy Regulations Amendment (Electricity  
Licensing) Regulations 2022**

SL 2022/36

Made by the Governor in Executive Council.

**Part 1 — Preliminary****1. Citation**

These regulations are the *Energy Regulations Amendment (Electricity Licensing) Regulations 2022*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

## Part 2 — *Electricity (Licensing) Regulations 1991* amended

### 3. Regulations amended

This Part amends the *Electricity (Licensing) Regulations 1991*.

### 4. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of *Chairman*.
- (2) In regulation 3(1) insert in alphabetical order:

*apprentice* has the meaning given in the *Vocational Education and Training Act 1996* section 60A;

*chairperson* means the person appointed under regulation 5(1)(a) to be chairperson of the Board;

*department* means the department of the Public Service principally assisting in the administration of the Act;

- (3) In regulation 3(1) in the definition of *prescribed policy of insurance* delete “36(1)(a)(iv) in respect of the work of an electrical contractor;” and insert:

36(1)(c), (2)(c) and (3)(c);

### 5. Regulation 5 amended

- (1) In regulation 5(1)(a) delete “Chairman; and” and insert:

chairperson; and

- (2) In regulation 5(2):

- (a) delete paragraph (a);
- (b) delete paragraph (d) and insert:

- (d) a person shall not be appointed under subregulation (1)(d) unless that person —

- (i) is, or has been, the holder of an electrician’s licence issued under Part 3 for not less than 5 years; and
- (ii) is, or has been, the holder of a licence issued under Part 4;

(3) After regulation 5(2) insert:

(3) For the purposes of subregulation (2)(d)(ii) —

- (a) a person is taken to be the holder of a licence issued under Part 4 if the person is a partner in a firm, or an officer of a body corporate, that holds a licence issued under Part 4; and
- (b) a person is taken to have been the holder of a licence issued under Part 4 if the person was a partner in a firm, or an officer of a body corporate, at a time when the firm or body corporate held a licence under Part 4.

**6. Regulation 7 amended**

(1) In regulation 7:

(a) delete “Subject” and insert:

(1) Subject

(b) delete “his or her” and insert:

their

(c) delete “re-appointment.” and insert:

reappointment.

(2) At the end of regulation 7 insert:

(2) If the term of office of a member of the Board expires by effluxion of time without a person having been appointed to fill the vacancy, the member continues in office until the earlier of the following —

- (a) the end of the period of 6 months immediately following the expiry of the term of office;
- (b) the vacancy being filled (whether by the reappointment of the member or the appointment of a new member);
- (c) an acting member being appointed by the Minister under regulation 9(1)(b)(i);
- (d) the member resigning under regulation 8(1);
- (e) the member being removed from office under regulation 8(2) or (3);
- (f) the member dying.

**7. Regulation 8 amended**

In regulation 8(4):

- (a) after “vacant” insert:

(a *casual vacancy*)

- (b) delete “shall” and insert:

must

**8. Regulation 9 amended**

- (1) Delete regulation 9(1) and insert:

- (1) The Minister may appoint an eligible person to act in the place of a member of the Board (other than the chairperson) if —

- (a) the member is absent or temporarily incapable of fulfilling the duties of the member; or
- (b) the office of the member is vacant due to —
- (i) the expiry of the member’s term of office by effluxion of time; or
- (ii) a casual vacancy (as defined in regulation 8(4)).

- (1A) A person appointed under subregulation (1) to act in the place of a member of the Board is appointed to act during the member’s absence or incapacity, or until the vacancy in the office of the member is filled, as the case requires.

- (1B) A person appointed under subregulation (1) to act in the place of a member of the Board has all the powers, functions and duties of the member.

- (2) In regulation 9(2):

- (a) delete “Chairman shall” and insert:

chairperson is to

- (b) delete “casual”.

- (3) In regulation 9(3) delete “Chairman” and insert:

chairperson

- (4) In regulation 9(4):
- (a) delete “Chairman” and insert:  
  
chairperson
  - (b) delete “Chairman,” and insert:  
  
chairperson,
  - (c) delete “Chairman.” and insert:  
  
chairperson.

**9. Regulation 10 amended**

In regulation 10(2)(b) delete “Chairman” (each occurrence) and insert:

chairperson

**10. Regulation 13 amended**

- (1) Delete regulation 13(2)(a) and insert:
- (a) to monitor matters relating to the qualification and training of persons who hold, or are to be issued with, a licence or permit under these regulations; and
  - (aa) to advise any person, including the Minister and the Director, on the matters referred to in paragraph (a); and

- (2) Delete regulation 13(5).

Note: The heading to amended regulation 13 is to read:

**Functions of Board**

**11. Regulation 19 amended**

- (1) In regulation 19(1A) insert in alphabetical order:

*relevant training contract*, in relation to an apprentice, means a training contract, as defined in the *Vocational Education and Training Act 1996* section 60A —

- (a) that is registered under section 60F of that Act; and

- (b) the completion of which by the apprentice would fulfil the requirements of regulation 22(1);
- (2) In regulation 19(2):
  - (a) delete paragraph (e) and insert:
    - (e) to work carried out by a person authorised by the relevant network operator on —
      - (i) any service apparatus the property of a major network operator; or
      - (ii) any service apparatus the property of a consumer and connected to the network of a major network operator;
  - or
  - (b) in paragraph (p)(ii) delete “premises.” and insert:

premises;
  - (c) after paragraph (p) insert:

or

    - (q) to electrical work performed by an apprentice who is under a relevant training contract if —
      - (i) the electrical work being performed by the apprentice is being supervised by a person who holds an electrician’s licence that authorises the supervisor to carry out the electrical work unsupervised; and
      - (ii) the Board has not issued an electrician’s training licence to the apprentice; and
      - (iii) the Board has not notified the apprentice that their application for an electrician’s training licence has been refused; and
      - (iv) less than 60 days has passed since the relevant training contract was registered under the *Vocational Education and Training Act 1996* section 60F.

## 12. Regulation 25 deleted

Delete regulation 25.

**13. Regulation 36 amended****(1) In regulation 36(1):**

- (a) in paragraph (a)(iii) delete “Board; and” and insert:

Board;

- (b) delete paragraph (a)(iv);

- (c) in paragraph (b) delete “Acts.” and insert:

Acts; and

- (d) after paragraph (b) insert:

- (c) the individual holds a current policy of insurance against civil liability, in respect of the individual’s work as an electrical contractor, that complies with the requirements specified by the Board.

**(2) In regulation 36(2):**

- (a) in paragraph (a) delete “subregulation (1); and” and insert:

subregulation (1)(a) and (b); and

- (b) in paragraph (b) delete “subregulation (1)(b).” and insert:

subregulation (1)(b); and

- (c) after paragraph (b) insert:

- (c) the firm holds a current policy of insurance against civil liability, in respect of the firm’s work as an electrical contractor, that complies with the requirements specified by the Board.

**(3) In regulation 36(3):**

- (a) in paragraph (a) delete “subregulation (1); and” and insert:

subregulation (1)(a) and (b); and

- (b) in paragraph (b) delete “subregulation (1)(b).” and insert:

subregulation (1)(b); and

- (c) after paragraph (b) insert:

- (c) the body corporate holds a current policy of insurance against civil liability, in respect of the body corporate’s work as an electrical contractor, that complies with the requirements specified by the Board.

**14. Regulation 49 amended**

In regulation 49(1):

- (a) in paragraph (a) delete “Rules as amended from time to time; and” and insert:

Rules; and

- (b) in paragraph (b) delete “193; and” and insert:

193, as amended by the additional requirements specified by the Director and published in the *Government Gazette* on 23 August 2019 at page 3103; and

- (c) in paragraph (c) delete “Schedule 2 as amended from time to time; and” and insert:

Schedule 2; and

Note: The heading to amended regulation 49 is to read:

**Requirements for electrical work**

**15. Regulation 53 amended**

Delete regulation 53(3) and (4).



**16. Regulation 63C inserted**

After regulation 63B insert:

**63C. Delegation by Board**

- (1) The Board may delegate any power or duty of the Board under these regulations other than —
  - (a) this power of delegation; and
  - (b) a power delegated to it under regulation 63B.
- (2) A delegation under subregulation (1) may be made to —
  - (a) a member of the Board; or
  - (b) an officer of the department; or
  - (c) with the approval of the Director, any other person.
- (3) The delegation must be in writing executed by the Board.
- (4) A person to whom a power or duty is delegated under this regulation cannot delegate that power or duty.
- (5) A person exercising or performing a power or duty delegated to them under this regulation is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (6) Nothing in this regulation limits the ability of the Board to perform a function through an officer or agent.

**17. Regulation 64A inserted**

After regulation 64 insert:

**64A. Refund of registration fee**

- (1) This regulation applies if —
  - (a) the Board refuses, or a person withdraws, an application made by the person under regulation 23(1), 27(2) or 39(1) for the issue of a licence or permit or the renewal of the registration of a licence; and
  - (b) the person has paid a registration fee in respect of the application.
- (2) The Director must refund the registration fee to the person.

**Part 3 — *Electricity Regulations 1947* amended****18. Regulations amended**

This Part amends the *Electricity Regulations 1947*.

**19. Schedule 1 amended**

In Schedule 1 in Table 3 delete the row relating to regulation 53(3) and 65.

V.MOLAN, Clerk of the Executive Council.