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Electricity Act 1945

Electricity (Licensing) Amendment Regulations (No. 3) 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity (Licensing) Amendment Regulations (No. 3) 2018*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1, 2 and 10 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations, other than regulation 10, amend the *Electricity (Licensing) Regulations 1991*.

4. Regulation 3 amended

In regulation 3(1) in the definition of ***electrical installation*** paragraph (a) delete "installation; or" and insert:

installation (as defined in the *Electricity Act 1945* section 5(1)); or

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5. Regulation 49 amended

In regulation 49(1):

(a) in paragraph (c) delete "time." and insert:

time; and

(b) after paragraph (c) insert:

(d) the Code of Practice for Persons Working on or Near Energised Electrical Installations issued by the Director in November 2017 and published in the *Gazette* on 1 December 2017 at pages 5801 to 5812, as corrected in the *Gazette* of 6 April 2018 at page 1217.

6. Regulations 49C and 49D inserted

After regulation 49B insert:

49C. Supervision of electrical work: interpretation

(1) In regulations 49D, 50 and 50AA —

supervising electrical worker has the meaning given in regulation 50(3).

(2) For the purposes of regulations 49D and 50, a person carries out electrical work near a part of an electrical installation if, in carrying out the work, the person may make contact, directly or indirectly (including with a thing used or controlled by the person), with a part of the electrical installation.

(3) For the purposes of regulations 49D and 50, if an electrical installation is connected to a supply of electricity, each part of the installation is taken to be energised unless it is de-energised.

49D. Supervision of electrical work: levels of supervision

(1) For the purposes of regulation 50, there are 3 levels of supervision —

(a) broad supervision; and

(b) general supervision; and

(c) direct supervision.

(2) A supervising electrical worker provides broad supervision of the electrical work of a supervised worker if the supervising electrical worker —

(a) visits the supervised worker at the place where the electrical work is being carried out, at least once per day; and

(b) before the electrical work commences, provides instruction and direction, as required, regarding the electrical work; and

(c) while the electrical work is being carried out —

(i) is readily available or contactable to provide advice and guidance; and

(ii) checks, as required, that the work complies with these regulations and is carried out to a trade finish;

and

(d) when the electrical work is complete, checks and tests the work to ensure that the work is safe, complies with these regulations and is carried out to a trade finish.

(3) A supervising electrical worker provides general supervision of the electrical work of a supervised worker if the supervising electrical worker —

(a) is present at the place where the electrical work is being carried out, at all times while the work is being carried out; and

(b) while the electrical work is being carried out —

(i) provides instruction and direction, as required; and

(ii) is readily available to provide advice and guidance; and

(iii) periodically monitors the work; and

(iv) checks, as required, that the work complies with these regulations and is carried out to a trade finish;

and

(c) when the electrical work is complete, checks and tests the work to ensure that the work is safe, complies with these regulations and is carried out to a trade finish.

(4) A supervising electrical worker provides direct supervision of the electrical work of a supervised worker if the supervising electrical worker —

(a) is, as far as is practicable, present in the immediate work area at all times while the electrical work is being carried out such that the supervised worker and their work can be observed by the supervising electrical worker, and both workers are able to communicate directly; and

(b) for electrical work carried out on or near an energised part of an electrical installation, is in close proximity to the supervised worker at all times while the work is being carried out; and

(c) while the electrical work is being carried out —

(i) provides instruction and demonstrates the correct procedures for carrying out the work; and

(ii) monitors the work; and

(iii) provides guidance and checks, as required; and

(iv) checks, as required, that the work complies with these regulations and is carried out to a trade finish;

and

(d) when the electrical work is complete, checks and tests the work to ensure that the work is safe, complies with these regulations and is carried out to a trade finish.

7. Regulation 50 amended

(1) Delete regulation 50(3) and (4) and insert:

(3) For the purposes of subregulation (1), a person employing an electrical worker must —

(a) ensure, as far as is practicable, that the electrical work of the worker is supervised by a person (the ***supervising electrical worker***) who —

(i) is authorised by a licence or permit to carry out the work without supervision; and

(ii) has appropriate technical knowledge of and experience in carrying out the work;

and

(b) have regard to the type of electrical work to be carried out by the supervised worker, especially whether the work will be carried out on or near a part of an electrical installation that is connected to a supply of electricity; and

(c) have regard to the location and general circumstances in which the electrical work is to be carried out; and

(d) have regard to the level of competence of the supervised worker; and

(e) have regard to the ability of the person who is to provide the supervision to provide appropriate supervision; and

(f) ensure, as far as is practicable, that the supervising electrical worker determines, on an ongoing basis, the appropriate level of supervision for the electrical work of the supervised worker; and

(g) subject to subregulation (6), ensure, as far as is practicable, that if the supervised worker is an apprentice the supervised worker does not carry out electrical work on or near an energised part of an electrical installation; and

(h) ensure, as far as is practicable, that the supervising electrical worker —

(i) does not supervise the electrical work of more than 2 electrical workers whose electrical work requires supervision if the electrical work of at least 1 of them requires direct supervision; and

(ii) does not, in any case, supervise the electrical work of more than 4 electrical workers whose electrical work requires supervision;

and

(i) ensure, as far as is practicable, that —

(i) the supervising electrical worker understands their responsibilities under subregulation (4); and

(ii) the supervised worker knows who their supervising electrical worker is.

(4) For the purposes of subregulation (1), a supervising electrical worker who is supervising the electrical work of an electrical worker must —

(a) have regard to the type of electrical work to be carried out by the supervised worker, especially whether the work will be carried out on or near a part of an electrical installation that is connected to a supply of electricity; and

(b) have regard to the location and general circumstances in which the electrical work is being carried out; and

(c) have regard to the level of competence of the supervised worker; and

(d) determine the appropriate level of supervision for the various tasks that make up the electrical work of the supervised worker; and

(e) provide supervision of the electrical work of the supervised worker of at least the level determined under paragraph (d); and

(f) subject to subregulation (6), ensure that if the supervised worker is an apprentice the supervised worker does not carry out electrical work on or near an energised part of an electrical installation; and

(g) ensure, as far as is practicable, that the supervised worker —

(i) knows who their supervising electrical worker is; and

(ii) knows which level of supervision applies to their electrical work; and

(iii) understands that, in relation to carrying out electrical work, they are not to take instructions from anyone other than their supervising electrical worker.

(2) After regulation 50(5) insert:

(6) For the purposes of subregulations (3)(g) and (4)(f), a supervised worker who is an apprentice may carry out electrical work on or near an energised part of an electrical installation in the final year of their apprenticeship if —

(a) the work is limited to fault finding or testing; and

(b) the supervising electrical worker is satisfied that the supervised worker is sufficiently competent to carry out the work safely; and

(c) the supervising electrical worker provides direct supervision of the electrical work of the supervised worker.

(7) In subregulation (3), the reference to a person employing an electrical worker includes a reference to a person employing an electrical worker in training (as defined in regulation 50AA(1)).

Note: The heading to amended regulation 50 is to read:
Supervision of electrical work: requirements

8. Regulation 50AA amended

(1) In regulation 50AA(1) delete the definition of ***supervising electrical worker***.

(2) In regulation 50AA(1) insert in alphabetical order:

agent has the meaning given in the *Occupational Safety and Health Act 1984* section 23F;

employer of an electrical worker in training includes an agent who, under a labour hire arrangement, makes the services of the worker available;

labour hire arrangement has the same meaning as in the *Occupational Safety and Health Act 1984* section 23F;

(3) In regulation 50AA(1) in the definition of ***person employing an electrical worker in training*** delete "worker;" and insert:

worker.

Note: The heading to amended regulation 50AA is to read:
Supervision of electrical work: informing employer and supervisor of experience of apprentice or trainee

9. Regulation 54A amended

Delete regulation 54A(3)(a) and insert:

(a) if an electrical installation is connected to a supply of electricity, each part of the installation is taken to be energised unless it is de-energised; and

10. *Electricity (Licensing) Amendment Regulations 2018* repealed

The *Electricity (Licensing) Amendment Regulations 2018* are repealed.

R. KENNEDY, Clerk of the Executive Council.