

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.