

South Australia

Electricity (General) Variation Regulations 2016

under the *Electricity Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 January 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electricity (General) Regulations 2012*

4—Insertion of Part 10 Division A1

Before Part 10 Division 1 insert:

Division A1—Preliminary

44F—Preliminary

In this Part—

contractor, in relation to an employed worker, means a licensed electrical contractor or licensed building work contractor (as the case requires) by whom the employed worker is employed or engaged to carry out the work or examinations and tests related to the issue of an electronic certificate of compliance;

contractor's duly authorised agent means a person acting as the contractor's duly authorised agent who has or had a supervisory role in relation to the employed worker;

designated employer means an employer designated by the Technical Regulator for the purposes of this Part;

designated registered electrical worker means a registered electrical worker employed or engaged by a designated employer;

electronic certificate of compliance means a certificate of compliance issued under this Part in electronic form in accordance with any requirements of the Technical Regulator under regulation 57;

employed worker, in relation to an electronic certificate of compliance issued in relation to an electrical installation, means a registered electrical worker employed or engaged to carry out work or examinations and tests related to the issue of the certificate (whether or not together with other work or examinations and tests on the installation) by a contractor.

5—Variation of regulation 55—General requirements for electrical installation

Regulation 55(2) and (3)—delete subregulations (2) and (3)

6—Insertion of regulation 55A

After regulation 55 insert:

55A—Electronic certificates of compliance

- (1) For the purposes of section 60(2) of the Act, an electronic certificate of compliance may only be relied on if it—
 - (a) certifies that the electrical installation to which the electronic certificate of compliance relates complies with any applicable requirements set out in AS/NZS 3000 and any Australian Standard or Australian/New Zealand Standard called up by AS/NZS 3000; and
 - (b) is issued by a registered electrical worker.
- (2) Subject to subregulations (3) and (4), the following requirements apply to an electronic certificate of compliance issued under this regulation:
 - (a) in the case of an electronic certificate of compliance issued by a registered electrical worker who is an employed worker—
 - (i) the registered electrical worker must, before the electrical installation is made available for energisation, complete the electronic certificate of compliance to the extent required by the Technical Regulator under regulation 57 and issue the certificate to—
 - (A) the contractor; or
 - (B) the contractor's duly authorised agent; and
 - (ii) the contractor or the contractor's duly authorised agent (as the case may be), if satisfied that the work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1), must—
 - (A) complete the electronic certificate of compliance; and
 - (B) within 30 days after the electrical installation was made available for energisation, provide the electronic certificate of compliance to the Technical Regulator and the owner or operator of the installation;
 - (b) in any other case—the registered electrical worker must, within 30 days after the electrical installation was made available for energisation, issue the electronic certificate of compliance and provide it to—
 - (i) the Technical Regulator; and

- (ii) the owner or operator of the installation.
- (3) Despite subregulations (1) and (2), for the purposes of this regulation, a designated registered electrical worker must issue to the designated employer a hard copy certificate of compliance approved by the Technical Regulator that certifies that work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1).
- (4) Despite subregulation (2)(a)(i), a registered electrical worker—
 - (a) is not required to complete and issue an electronic certificate of compliance before an electrical installation is made available for energisation if it is not reasonably practicable to do so (for example, because the worker's electronic device cannot connect to a telecommunications network in the relevant location); but
 - (b) must instead complete and issue the electronic certificate of compliance as soon as is reasonably practicable after the electrical installation is made available for energisation.

7—Variation of regulation 56—Certain electrical installation work and electronic certificates of compliance

- (1) Regulation 56(1)(b) and (c)—delete paragraphs (b) and (c) and substitute:
 - (b) subject to subregulation (1a)—
 - (i) if an electronic certificate of compliance is issued by a registered electrical worker who is an employed worker—
 - (A) the registered electrical worker must, before the electrical installation is made available for energisation, complete the electronic certificate of compliance to the extent required by the Technical Regulator under regulation 57 and issue the certificate to—
 - the contractor; or
 - the contractor's duly authorised agent; and
 - (B) the contractor or the contractor's duly authorised agent (as the case may be), if satisfied that the work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1), must—
 - complete the electronic certificate of compliance; and
 - within 30 days after the electrical installation was made available for energisation, provide the electronic certificate of compliance to the Technical Regulator and the owner or operator of the installation; or

- (ii) if an electronic certificate of compliance is issued by a registered electrical worker other than under subparagraph (i), the registered electrical worker must, within 30 days after the electrical installation was made available for energisation, complete and issue the electronic certificate of compliance to—
 - (A) the Technical Regulator; and
 - (B) the owner or operator of the installation;
- (2) Regulation 56(1)(d)—delete "a copy of the certificate (completed and signed" and substitute:
 - the electronic certificate of compliance (completed
- (3) Regulation 56(1)(e)—delete "a copy of the certificate (completed and signed" and substitute:
 - the electronic certificate of compliance (completed
- (4) Regulation 56(1)(f)—delete "a copy of the certificate (completed and signed" and substitute:
 - the electronic certificate of compliance (completed
- (5) Regulation 56(1)(f)—delete "kept" and substitute:
 - stored
- (6) Regulation 56—after subregulation (1) insert:
 - (1a) Despite subregulations (1) and (2), a designated registered electrical worker must issue a hard copy certificate of compliance approved by the Technical Regulator that certifies that work or examinations and tests have been carried out in accordance with the standards and requirements referred to in subregulation (1) for the purposes of this regulation in accordance with any requirements of the Technical Regulator under regulation 57.
 - (1b) Despite subregulation (1)(b)(i)(A), a registered electrical worker—
 - (a) is not required to complete and issue an electronic certificate of compliance before an electrical installation is made available for energisation if it is not reasonably practicable to do so (for example, because the worker's electronic device cannot connect to a telecommunications network in the relevant location); but
 - (b) must instead complete and issue the electronic certificate of compliance as soon as is reasonably practicable after the electrical installation is made available for energisation.
- (7) Regulation 56(2)—delete "A" and substitute:
 - An electronic

8—Substitution of regulation 57

Regulation 57—delete the regulation and substitute:

57—Electronic certificates of compliance—Technical Regulator may publish requirements etc

- (1) The Technical Regulator may prepare and publish requirements relating to electronic certificates of compliance under this Part.
- (2) Requirements prepared and published under subregulation (1) may include—
 - (a) requirements as to the use of the official format for electronic certificates of compliance determined by the Technical Regulator; and
 - (b) requirements as to the issuing, providing and certifying of electronic certificates of compliance, including as to the electronic provision of certificates; and
 - (c) other requirements determined by the Technical Regulator.
- (3) In addition, the Technical Regulator may prepare and publish requirements relating to the hard copy certificates of compliance under this Part.
- (4) The Technical Regulator may exempt a person, or persons of a specified class, from a requirement under this regulation on conditions determined by the Technical Regulator.
- (5) For the purposes of the definition of *designated employer* in regulation 44F, the Technical Regulator may designate an employer as a designated employer for the purposes of this Part.
- (6) The Technical Regulator must maintain an up to date list of designated employers on a website determined by the Technical Regulator.

Schedule 1—Transitional provisions

1—Transitional provisions

- (1) Until the prescribed day, despite regulation 55A(1) and (2) of the *Electricity (General) Regulations 2012* (as inserted by these regulations), a hard copy certificate of compliance may be issued in accordance with those subregulations (as in force immediately after the commencement of these regulations) using an official form in accordance with regulation 57 of the *Electricity (General) Regulations 2012* as in force immediately before the commencement of these regulations.

- (2) If a hard copy certificate of compliance is issued in accordance with subclause (1), regulations 44F and 55A(2) of the *Electricity (General) Regulations 2012* (as inserted by these regulations) apply to the certificate of compliance with the following variations:
- (a) a reference in regulation 44F or 55A(2) to an electronic certificate of compliance will be taken to be a reference to the hard copy certificate of compliance;
 - (b) the hard copy certificate of compliance is not required to be provided to the Technical Regulator under regulation 55A(2).
- (3) Until the prescribed day, despite the variations to regulation 56 of the *Electricity (General) Regulations 2012* by regulation 7 of these regulations, a hard copy certificate of compliance may be issued in accordance with that regulation (as in force immediately after the commencement of these regulations) using an official form in accordance with regulation 57 of the *Electricity (General) Regulations 2012* as in force immediately before the commencement of these regulations.
- (4) If a hard copy certificate of compliance is issued in accordance with subclause (3), regulation 56 of the *Electricity (General) Regulations 2012* (as varied by these regulations) applies to the certificate of compliance with the following variations:
- (a) a reference to an electronic certificate of compliance will be taken to be a reference to a hard copy certificate of compliance;
 - (b) the hard copy certificate of compliance is not to be provided to the Technical Regulator under regulation 56(1)(b).
- (5) In this clause—
- prescribed day*** means 30 June 2018.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 8 December 2016

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