




ELB

Electrical Licensing Board

T a s m a n i a

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**Electrical
Licensing Board
Tasmania
Annual Report**

2001-02

***Our Vision: A safe electrical industry for
workers, contractors and the public in Tasmania.***

BOARD MEMBERS 2001-2002



Back (L to R) Mac Russell, Kevin Harkins, Wim de Puit (Chairman), Brian Aherne, John Hammersley
Front (L to R) Robert Steedman (Secretary), Allan Kenny, Sonia Weidenbach, Kim Backhouse, Bill Eldridge

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1 Introduction

I am pleased to present the Board's seventh report of its activities, covering the period from July 2001 to June 2002. Once again it has been an interesting year, with never a shortage of items to fill our agendas.

It was particularly pleasing to see a successful resolution of the public liability insurance matter which has been causing so many issues in the industry, particularly in relation to the larger contracting firms. The legislation changes were effected in good time, and the outcome has been positive with no unexpected problems. A good result.

This time last year I bravely commented that we would shortly see the introduction of reticulated gas in Tasmania, an event which would certainly herald changes to the energy regulation framework in our State and thus probably impact on the Board. While that did not quite eventuate, the possibility remains very real, and is always in the background of the Board's thinking. We look forward to being involved in developing the technical and safety regulatory framework for occupational licensing and safety in the gas arena in whatever way may be deemed helpful.

The new notifications regulations remain outstanding, and appear to have made little progress since my last report. These regulations are designed to overhaul the way contractors interact with inspection staff, customers and regulators, and will streamline the process significantly. The drafting and consultation stages of the work are now substantially complete – I trust that we will be able to report completion next year.

I must put on record again my gratitude to the members of the Board for their continued support. Work on the ELB is not something which earns great kudos, and it is therefore a pleasure to see the level of commitment to, and involvement in, the task. In particular I would like to thank John Hammersley and his team for the work they continue to perform on our behalf.

I remain confident that we have the right mix of skills and attributes to continue making a positive contribution to the electrical safety of Tasmanians in the year ahead.

Wim de Puit
Chairman
November 2002

2 The Electrical Licensing Board

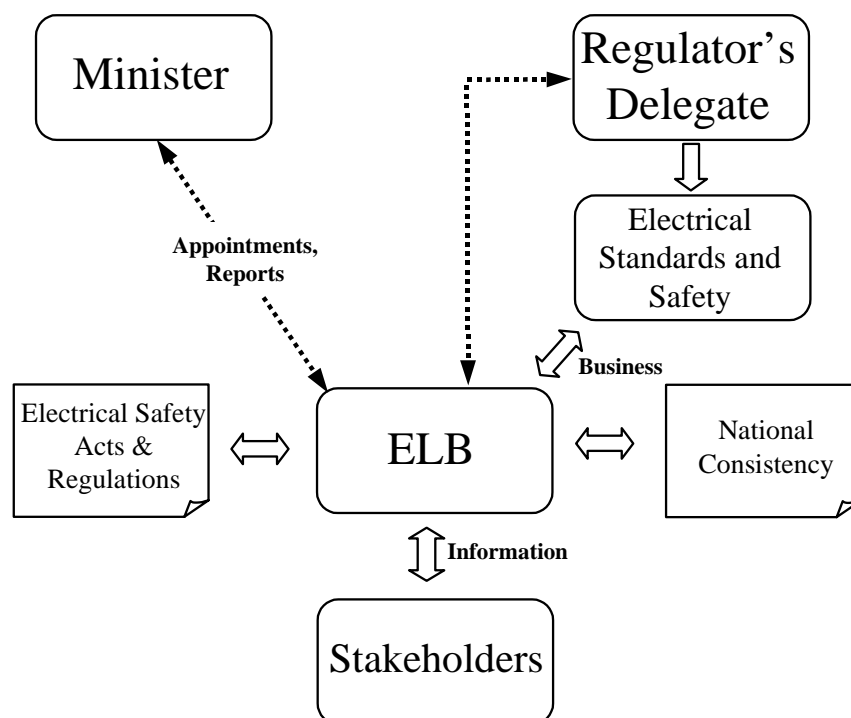
The Electrical Licensing Board has now been in existence for ten years, providing advice on matters relating to electrical licensing. The Board initially was restricted to an advisory role, the only powers available to it being through the HEC representatives, by way of the *Licensing of Electrical Contractors and Mechanics Regulations 1934*.

During 1997/98 the Board was constituted as a legal body, established with the objective of assisting the Regulator in the administration of the vocational licensing system. Since then it has also operated as a source of advice to the Electricity Standards and Safety group, which administers the electrical licensing system on behalf of the Energy Regulator. The Board has also been an effective conduit between the licensees and the licensers on matters such as notifications of electrical work, training and competency requirements.

2.1 Context

The following diagram shows the Board's context and the environment in which it operates:

Electrical Licensing Board Context



2.2 Vision and Mission

The Board developed its Vision and Mission during the previous year, and scheduled a review for late in 2001. The review was performed, and modifications were agreed upon as shown below in italics.

A further review will be performed annually, or whenever a significant change to the Board's circumstances occurs.

Vision:

A safe electrical industry for workers, contractors *and the public* in Tasmania.

Mission:

To assist the Regulator in the safe delivery of electrical energy by:

- *Promoting best practice;*
- Ensuring that work is carried out by persons who are appropriately trained and competent to perform the work;
- Ensuring that workers and contractors working in Tasmania are properly licensed;
- Developing a licensing system that is nationally recognised;
- monitoring the safety performance of the industry;
- Promoting the development of efficient and effective legislation; and
- *Raising the profile of the electrical industry in government, business and the community.*

2.3 Membership

Two additional members were appointed to the Board during the year: Mr Kevin Harkins and Ms Sonia Weidenbach. Kevin joins us from a background in the union movement. He is a licensed electrician with fifteen years experience in the industry. Sonia rejoined the Board after a few years absence from the work force.

Since the legislation only allowed for one extra member, Mr Hammersley agreed to stand down from membership. Mr Hammersley became a member of the board in July 1998, the time the board became a legal body. Mr Hammersley provided a valuable contribution. He now joins the meetings as a vital observer and representative of the Regulator. Mr Steedman has continued to provide sterling service as the Board's secretariat, for which we are most grateful.

3 Record of Meetings

The Board met eleven times in the period 1 July 2001 to 30 June 2002. The following table shows the Board members, their background, and the number of meetings attended. Mr Hammersley ceased to be a member of the Board after the December meeting (the 93rd). Mr Harkins and Mrs Weidenbach joined the Board in February 2002.

Table 1 - Meetings

Name	Background	Meetings Attended
Brian Aherne	Insurance industry	9 (11)
Kim Backhouse	Customer advocacy, social justice	10 (11)
Wim de Puit	Electricity supply, regulations, safety	11 (11)
Bill Eldridge	Electrical contracting, business	11 (11)
John Hammersley	Electricity regulation, safety	5 (7)
Proxy		2
Kevin Harkins	Industry Advocate – Communications, Electrical & Plumbing Union	3 (5)
Allan Kenny	Industrial relations, training	11 (11)
Mac Russell	Electrical contracting, business, employment	8 (11)
Sonia Weidenbach	Consumer Affairs and Fair Trading	5 (5)

Secretary Robert Steedman Tina Eyre	Electricity Standards and Safety	9 (11) 2
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() represents possible number of meetings that each Member could have attended.

Mr Steedman provides the Board's administrative support on behalf of Electricity Standards *and* Safety, in his absence Ms Eyre of the same office has performed these duties.

Since Board members have been formally appointed under the *Electricity Industry Safety and Administration Act 1997*, sitting fees, appropriate travel costs and allowances are payable to eligible members. Board costs for the year totalled \$9380. Mrs Weidenbach chose not to receive remuneration for her services.

4 Licensing and Regulatory Activities

4.1 Statistics

Table 2 below shows the number of new licences and renewals issued during the year and table 3 provides an overview comparison with previous years of all licences on the register.

Table 2 - Licences & Permits Issued

Month	Electrical Technician		Electrical Contractor		Restricted & Provisional	
	New	Renewal	New	Renewal	New	Renewal
July 01	15	48	3	37	9	1
August 01	5	84	3	96	8	1
September 01	5	34	2	62	4	0
October 01	14	99	4	36	8	1
November 01	13	96	4	55	8	1
December 01	8	65	0	42	2	0
January 02	11	21	1	24	3	1
February 02	17	51	3	56	10	0
March 02	16	120	5	32	2	5
April 02	7	45	0	53	5	0
May 02	15	82	2	33	15	2
June 02	5	51	1	81	2	1
Total	131	796	28	607	76	13

Table 3 - Licences on Register

Type	30 June 2002	30 June 2001	30 June 2000	30 June 1999
Electrical Technicians	2807	3731	4741	6159
Electrical Contractors	635	678	687	1174
Miscellaneous Licences	126	165	158	292

Table 3 shows that the number of Technician's licences continued to decline at the end of the first three-year renewal cycle. The number of Contractor's licences has stabilised around the 650 mark.

Total income from licensing fees for the year was \$284,316.

Table 4 - Receipts

Receipts for Licensing	30 June 2002	30 June 2001
	\$284,316	\$274,662

4.2 Licence Fees

During the year the fee unit, the building block for all government fees and charges, increased in line with inflation as required by the *Fee Units Act 1997*.

The following table summarises the revised fees as at 1 July 2001. All of these fees are exempt from GST.

Table 5 - Fees

Category	Fee \$ to :			
	30/6/02	30/6/01	30/6/00	30/6/99
Technician's Licence (3 yrs)	94.50	91.80	90.50	90
Contractor's Licence pa	210	204	202	200
Provisional Licence pa	31.50	30.60	30	30
Licence Application	31.50	30.60	30	30
Late Application (Contractor)	105	102	101	100

Table 5 - Fees Cont...

Late Application (Technician)	52.50	51	50.50	50
Duplicate Licence	15.75	15.30	15.10	15
Register Extract	5.25	5.10	5	5
Register Inspection	10.50	10.20	10.10	10
Appeal	250	250	250	250

4.3 National Restricted Electrical Licence (REL)

The review of the assessment process reported last year was completed, and re-assessment has been offered to those who feel they may have been treated inequitably.

The REL system is to be the subject of a comprehensive national review shortly to ensure consistency across jurisdictions within the limits of legislative requirements. The Board is awaiting the outcome of this review that is long overdue.

4.4 Contractor Insurance

The requirement that an electrical contractor must hold public liability insurance cover for the period of the contractor's licence has been amended, as was planned. Contractors are now required to produce evidence of suitable current insurance on demand, in much the same manner as registers of licensed electrical workers. There have been no reported difficulties with this change.

4.5 Notification of Electrical Work

The working group drawn from Electricity Standards *and* Safety and Aurora Energy continues to labour with this task, which is taking much longer than was anticipated.

The aims of the regulations will be:

- to streamline and modernise the notification and inspection process;
- to allocate greater responsibility to those who perform the work; and
- to provide more information on the process to end-users.

The Board hopes that these regulations will take effect in 2002/3.

4.6 Code of Practice for Electrical Installations on Construction Sites

The need for an increased level of electrical safety on construction and demolition sites comes to the notice of the Board from time to time. Although there is an Australian Standard (AS3012) covering these situations, it is an advisory standard only in Tasmania – unlike Victoria, where it has the force of law. In an effort to improve the local level of safety, the Board has initiated the drafting of a Code of Practice to cover construction sites.

Bringing the Code to the notice of the trade and involving them in its production is hoped to increase the awareness of the additional risks on these sites, and thus improve the level of safety. Bringing AS3012 into legislation is a long-term aim.

4.7 Colour Confusion

Colour confusion has long been one of those issues that the Board has not been keen to address – it's fraught with difficulties and an almost uniform lack of interest at a national level. Although there is no direct evidence that it causes problems in the industry, we considered that we must address it as a matter of priority this year and clarify the matter.

We have sought advice from the Anti-Discrimination Commissioner in order to ensure that we do not transgress in that area. We are hopeful that, with the aid of the training and accreditation organisations, we can find a path forward.

4.8 Register of Electrical Workers

Last year we noted that there had been numbers of unlicensed workers picked up through inspection of these registers, which contractors are required to keep. It is pleasing to report that there has now been a marked improvement, and contractors are now more vigilant, especially when hiring electricians.

4.9 Miscellaneous Activities

Other regulatory work has included the following:

- consideration of exemptions for power station and substation operators, meter technicians and Tasrail workers;
- delineation of allowed work by qualified refrigeration mechanics;
- discussions on gas regulations and administration with staff of the Department of Infrastructure Energy and Resources; and
- review of the disciplinary panel/show cause process.

5 Installation Safety

5.1 Inspections and Defects

One of the measures of the success of the Board's work is the level of defective work performed. The data in table 6 has been received from Aurora Energy inspection staff, in accordance with the *Memorandum of Alliance*, and compares the performance for the last two financial years.

Table 6 - Installation Inspection Statistics

Month	Installation Notices Received		Full Inspections Performed		Defect Notices Issued	
	00/01	01/02	00/01	01/02	00/01	01/02
July	1793	1947	364	616	19	93
August	1773	2143	409	659	34	84
September	1633	1598	455	507	42	76
October	1589	1609	258	574	22	81
November	1457	1644	301	552	30	58
December	1231	1283	264	348	16	44
January	1217	1759	355	481	14	51
February	1178	1517	216	410	10	22
March	1653	1613	380	509	23	40
April	1716	1961	236	472	12	49
March	2271	2760	461	884	48	90
June	2142	1978	559	534	46	61
Total	19653	21812	4258	6546	316	749

The table shows an 11 percent increase in installation notices. Possible reasons are a greater level of compliance in notifications for notifiable work, and a possible increase in commercial activities – due for example to the first home buyers' grant. There has also been a 54 percent increase in full inspections.

The rather alarming 137 percent increase in defects is thought to be entirely due to a change in operating procedure by Aurora inspection staff – previously Aurora had been contacting contractors by phone for minor faults rather than officially advising them.

While this practice was appreciated by the industry, it gave a false impression of the level of safe work performed.

5.2 Aurora and ESS Alliance Agreement

The *Memorandum of Alliance* and associated *Service Level Agreement* has been a useful mechanism between Electricity Standards and Safety and Aurora Energy in promoting and assisting electrical safety through the licensing and inspection regimes to minimise public risk.

The alliance has developed a set of competency standards for inspectors and requirements have been developed for auditors.

Audits on electrical contractor businesses are expected to take place in early 2003. Electrical contractors will be duly notified prior to the auditing process commencing.

6 Industry Training

Nothing in the national training scene stays unchanged for long, it is important the Board keep in touch with national developments. We are therefore very pleased with our continuing close links with the Tasmanian Electro-technology and Utilities Industry Training Board (ITB), and in particular with John Karsznia, ITB Executive Officer. It has been particularly disturbing for the Board to hear that the ITB's funding has been withdrawn, the result of a national change in direction. We will continue to maintain close links with the ITB while they continue to operate, and we wish them well as they seek to find their new place in the shifting training environment.

The Board has worked closely with ITB during the year. Below is a list of focal areas.

6.1 Profiling

Profiling continues to be used by Registered Training Organisations (RTO) as a tool to assist in determining student competence. Commencing with the course Certificate III in Electrotechnology- Systems Electrician, profiling has now been extended to other trade areas such as Refrigeration and Air-conditioning. The ITB has a key role in the capturing of this evidence of on-the-job exposure in an electronic form, providing feedback to both the student and the RTO.

With the first generation of electrical apprentices due to complete profiling in 2003, the Board will review the process and captured evidence to determine whether there is still a need for all existing points of proof currently required to accompany an application for an electrician's licence.

Since the introduction of a pilot programme in March 2000, operating experience has led to recent changes to simplify and streamline the paperwork required for the process. An example of these progressive systemic reviews has been the move from daily lodgement of student scan-cards to weekly, providing less of an impost on students and employers.

6.2 Incorporation of essential capabilities within the trade course

The modules within Certificate III in Electrotechnology - Systems Electrician have now been modified to incorporate the 66 essential capabilities recommended by the Electrical Regulatory Authorities Council (ERAC) and endorsed by the Board.

Commencing in 2003, Registered Training Organisations will undertake assessments for this qualification as part of their process for determining competence.

Electrical Systems Safety (NUE 505A) is the module incorporating this assessment and students shall demonstrate their overall competence in theoretical and practical situations. Particular emphasis will be placed on 32 “critical” essential capabilities identified by ERAC as the minimum requirement for the assessment.

6.3 Other areas of activity have included:

- review of REL framework;
- discussions on issues associated with timing of apprenticeship ceasing and licence application;
- possible development of a suitable quality assurance course; and
- clarification of the responsibilities of group training companies in providing a safe place of work for apprentices.

Electricity Standards *and* Safety group continues to provide support for this work, and has continued its involvement in the delivery of presentations to the electrical contractor’s course, third-year electrical and refrigeration apprentices.

7 *Disciplinary Panel*

This is the fourth report on the operation of the Electrical Licensing Disciplinary Panel since establishment under the *Electricity Industry Safety and Administration Act 1997* (the Act).

The Disciplinary Panel determines matters concerning individual licence holders pursuant to section 43 of the Act. After consideration by the Panel, a recommendation is then referred to the Regulator as to whether disciplinary action should be taken and, if so, what that action should be. Any recommendations must be based on the powers given to the Regulator under the Act to take disciplinary action. The Regulator is required to consider the Panel's recommendation and make a determination.

The members of the current Disciplinary Panel include:

Chair: Kim Backhouse

Members: Wim de Puit Bill Eldridge Allan Kenny
Arnold Sierink Brian Aherne Greg Luck

7.1 *Record of Hearings*

The Disciplinary Panel met on two occasions in the period 1 July 2001 to 30 June 2002.

Following each hearing the Panel responsible considered the matters before it and formulated specific recommendations for disciplinary action. These were then forwarded to the Regulator.

Case 1

The Disciplinary Panel's recommendation to suspend an electrical technician's licence for twenty eight days was accepted by the Delegate of the Regulator. The electrician was also required to work under supervision and could not sign EINs until the electrician returned to TAFE and successfully completed two skill improvement courses.

These penalties were imposed after the electrical technician was found to have:

- failed to ensure his electrical work was in accordance with AS/NZS 3000:2000; and
- been responsible for defective electrical work.

The Panel's recommendation also included that the electrician, in his capacity as a licensed electrical contractor, engage someone else until he has successfully completed three quarters of the electrical contractor's course at TAFE. If this condition was not complied with his contractor's licence would be cancelled.

Case 2

After receiving the Disciplinary Panel's recommendation, the Delegate of the Regulator cancelled the electrical technician's licence and disqualified the individual from holding an electrical technician's licence for 45 days as it was found that he was responsible for defective electrical work.

This defective work represented a clear threat to the life of the occupants of a household and visitors who may have come into contact with a live wire close to a clothesline where wet clothes could have enhanced the risk of death by electrocution.

7.2 Magistrates Court (Administrative Appeals Division)

(Consequential Amendments) Act 2001

There were some legislative changes regarding the Appeal process under the Act and as a result any Appeals are now processed through the Administrative Appeals Division at the Magistrates Court. Therefore, Section 77 of the Act establishing an Electrical Appeals Board has been repealed.

Kim Backhouse (Chair) would like to thank all members of the covered Disciplinary Panels for their efforts over the past 12 months.

8 Future Issues

The following issues remain on the Board's forward agenda at present:

- electrical worker safety;
- infrastructure worker safety;
- customer electrical installation safety;
- guidelines for the discharge of a nominated manager's responsibilities;
- skills maintenance for electrical workers;
- the provision of financial support for profiling and the like;
- portability of licences;
- a national licensing database;
- vocational education and training across the spectrum of electrical work;
- a licence to work on infrastructure;
- awards for excellence in training;
- supervision of apprentices;
- colour confusion; and
- development of photo licences.

Some of these issues have been around for a long time, and will not progress until there is a national impetus for change. Others are simply waiting their turn in the government's legislative priorities.

