



ELB

Electrical Licensing Board

T a s m a n i a

A vertical decorative bar on the left side of the page, composed of six stacked teal rectangular segments of varying heights.

Annual Report

1999-2000

Contents

	Page
1 INTRODUCTION.....	3
2 THE ELECTRICAL LICENSING BOARD.....	4
3 RECORD OF MEETINGS.....	5
4 LICENSING AND REGULATORY ACTIVITIES.....	6
5 INSTALLATION SAFETY.....	9
6 INDUSTRY TRAINING.....	10
7 FUTURE ISSUES.....	11
8 DISCIPLINARY PANELS.....	12

1 Introduction

This has been a year of consolidation for the Electrical Licensing Board, with no major changes to regulations and no new regulations introduced. However that does not indicate that the year has been uneventful – the emergence of the National Uniform Electrical Licensing Advisory Council, the proposed notifications changes, and the contractor insurance saga have all contributed to lively debates in Board meetings.

In December 1999 the responsibility for licensing changed. Until then the Electricity Regulator had delegated licensing functions to the Office of Energy Planning and Conservation, under Bob Rutherford. That responsibility now rests with Steve Hyam, at Workplace Standards. Steve has already been active, hosting a consultation session with electrical contractors to help resolve insurance issues. We look forward to working with Steve and the Electricity Standards and Safety team.

The new licensing regulations and associated fees have now been well bedded in, and only a few unexpected issues have arisen out of the implementation. These have generally been able to be accommodated in the administration of the licences, and can be tolerated until the time for a review arrives. Considering the magnitude of the changes, this is a good outcome.

There has been little apparent activity in the areas of regulations for electrical worker safety, customer installation safety (other than the introduction of the new Wiring Rules), and notifications of electrical work. These have been referred to for some time, but it would be useful to see a programme to deliver them.

I believe the Board is now at an important stage in its existence. It has functioned well for the past eight years, and has been instrumental in the implementation of many changes in the regulatory framework for the electrical contracting industry. But there is a danger that it could lose its way and simply react to the business which at times threatens to swamp its agenda. It should take time out, reassess its purpose, and define its aims for the next few years.

Some of this has already started, and we hope to continue in the new financial year. I know that the Board members are well equipped to meet the needs of the Regulator and the industry into the future.

I am pleased to present this report of the Board's activities for the period from July 1999 to June 2000. I thank the Board members for their continued support, and I look forward to the continuing challenges that the new year is bound to present.

Wim de Puit
Chairman
August 2000.

2 *The Electrical Licensing Board*

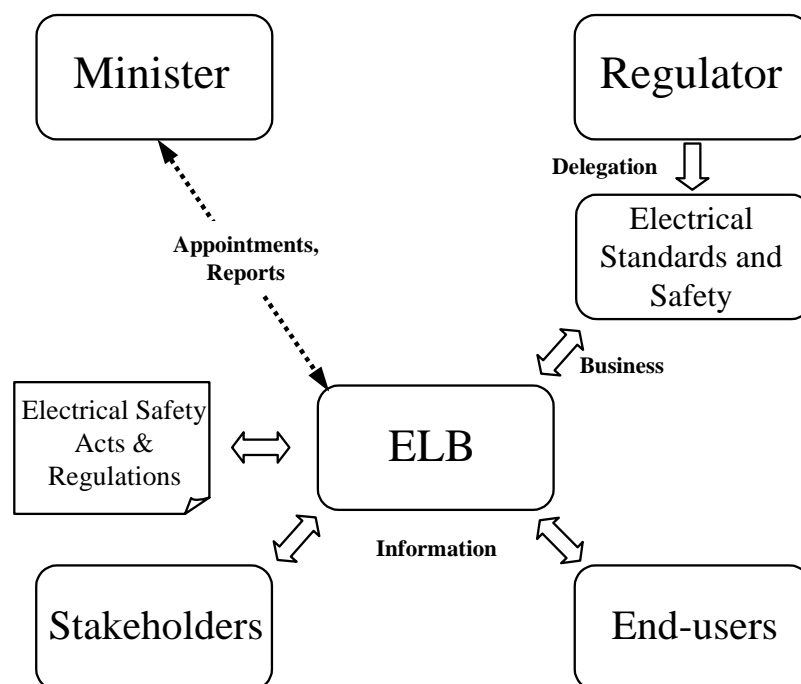
The Electrical Licensing Board (ELB) has now been in existence for eight years, providing advice on matters relating to electrical licensing. The Board initially had an advisory role only, and the only powers available to it were via the HEC representatives, by way of the 1934 Licensing Regulations.

During 1997/98 the Board was constituted as a legal body, and the ELB proper was established with the objective of assisting the Regulator in the administration of the vocational licensing system. Since then it has operated as a source of advice to the Electricity Standards and Safety Group, which administers the electrical licensing system on behalf of the 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 insurance requirements.

During the year we lost the services of Sonia Weidenbach, of the Office of Consumer Affairs and Fair Trading, for the best possible reasons. We thank Sonia for her years of service to the Board and wish her well with her growing family. She has been replaced by Kim Backhouse, who has the challenge of performing a role which has been most ably discharged for some years.

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

Electrical Licensing Board Context



3 Record of Meetings

The Board met 10 times in the period from 1 July 1999 to 30 June 2000. The following table shows the Board members, their affiliation, and the number of meetings attended.

Table 1 - Meetings

Name	Background	Meetings
Brian Aherne	Insurance Council of Australia	8
Wim de Puit	Aurora Energy	10
Bill Eldridge	Electrical Contracting Industry Association	8
John Hammersley	Office of Electricity Standards and Safety	7
Allan Kenny	Communications, Electrical & Plumbing Union	10
Mac Russell	National Electrical Contractors Association	7
Sonia Weidenbach	Office of Consumer Affairs and Fair Trading	9
Kim Backhouse	Office of the Ombudsman	-
<i>Secretary, Robert Steedman</i>	Office of Electricity Standards and Safety	8

Mr Steedman provides the Board's administrative support on behalf of the Regulator. Ms Backhouse was appointed to the Board in June 2000, subsequent to the last meeting for the period under report.

Since Board members have now been formally appointed under the EISA Act 1997, sitting fees and appropriate travel costs are payable to eligible members. Fees paid for the year total \$5300.

4 Licensing and Regulatory Activities

4.1 Statistics

Table 2 below show 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 1999	13	55	3	8	6	0
August 1999	13	119	3	24	7	0
September 1999	6	44	2	70	2	1
October 1999	9	130	3	32	3	3
November 1999	14	113	5	62	1	2
December 1999	3	46	2	42	1	0
January 2000	13	89	4	36	4	0
February 2000	6	149	3	100	8	1
March 2000	11	94	5	32	2	0
April 2000	9	103	4	69	4	1
May 2000	8	121	3	67	2	4
June 2000	8	73	2	80	9	1
Total	113	1136	39	622	49	13

Table 3 - Licences on Register

Type	30 June 2000	30 June 1999	30 June 1998
Electrical Technicians	4741	6159	6029
Electrical Contractors	687	1174	1200
Miscellaneous Licences	158	292	59

4.2 Regulations

Table 3 clearly shows the reduction in licences on the register which has accompanied the increase in the fees during 1999. It is expected that this will continue as more of the Contractors and Technicians licences come up for renewal. Total income from licensing fees for the year was \$282,402.

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. This had the side effect of introducing cents into many of the fees, an unfortunate rather than significant outcome.

The following table summarises the revised fees as at 1 July 1999. All of these fees will be exempt from GST.

Table 4 - Fees

Category	Fees \$
Technician's Licence	90.50 (for three years)
Contractor's Licence	202 pa
Provisional Licence	30
Licence Application	30
Late Application (Contractor)	101
Late Application (Technician)	50.50
Duplicate Licence	15.10
Register Extract	5 ¹
Register Inspection	10.10 ¹
Appeal	250

4.3 National Restricted Electrical Licence

Activity in this area has reduced as the level of effort and rigour required to get a licence are more fully appreciated by the applicants and their employers. Tasmania appears to be the only jurisdiction which is applying the NREL system as it was originally intended and agreed, with some significant departures in other states. A major review of the system is expected to be initiated in 2001, and it is hoped that this will lead to a more nationally consistent licensing outcome.

¹ The Regulator may waive or reduce this fee.

4.4 Contractor Insurance

The *Electricity Industry Safety and Administration Regulations 1999* require an applicant for an Electrical Contractor's licence to satisfy the Regulator that the applicant has public liability insurance cover *for the term for which the licence is to be renewed*. The requirement to cover the entire term has caused problems for those (generally large) Contractors who arrange their total insurance cover as a package to align with their financial year. These Contractors are likely to hold more than the required level of insurance anyway, due to their involvement in large contracts that commonly specify insurance requirements.

A meeting arranged by Workplace Standards was held to work through the issues in relation to insurance, and an agreed way forward was established. In the meantime a level of administrative discretion is being exercised to minimise the problems for Contractors.

4.5 Notification of Electrical Work

At present the law requires that all electrical work must be notified in order that it may be scheduled for an audit inspection. The trend is towards a more intelligent use of resources, with an inspection system based on performance and the sampling of work.

The next stage is to shift more of the responsibility on to the electrical worker by removing the requirement to notify certain categories of electrical work. The Board spent some time developing the high-level principles for a new set of notifications regulations, and presenting the outcomes to industry and Aurora inspection staff. Feedback from these sessions was incorporated into the Board's position, which was then communicated to Electricity Standards and Safety in August 1999.

4.6 Miscellaneous Activities

Other licensing work has included the following:

- Dealing with anomalies in the requirement for Contractor insurance;
- Beginning to frame the Board's Vision and Mission to guide our future activities; and
- Grappling with the proposals of the newly-formed National Uniform Electrical Licensing Advisory Council, which is developing strategies for a nationally uniform electrical licensing system.

5 *Installation Safety*

One of the measures of the success of the Board's activities is the level of defective work performed. The following data has been received from Aurora Energy inspection staff, and relates to the 1999/2000 financial year. This will be used to benchmark the performance in future years, and may be compared with similar data from other states.

Table 5 – Installation Defects

Month	Installation Notices Received	Full Inspections Performed	Defect Notices Issued
July 1999	1799	704	82
August 1999	1533	505	45
September 1999	1411	471	46
October 1999	1252	443	37
November 1999	1350	367	44
December 1999	1173	264	27
January 2000	1184	333	26
February 2000	1315	332	40
March 2000	1720	281	57
April 2000	1388	239	32
May 2000	2325	418	24
June 2000	2249	885	20
Total	18699	5242	480

6 Industry Training

Industry training continues to be an important aspect of the Board's work, and we are pleased with our continuing close links with the Tasmanian Electro-technology and Utilities Industry Training Board (ITB).

This year we have worked with the ITB in the following areas:

6.1 Profiling

A great deal of activity is going on in the national scene to provide some assurance to licensing administrators on the practical competence of licence applicants. At present a certificate indicating that an applicant has acquired a certain amount of experience relating to AS 3000 is sufficient, however this is recognised as being an inadequate measure of competence.

Profiling shows promise in replacing this certification. A profiling system has been developed and is presently being implemented. It will record the areas of work an apprentice has been involved with each day, and will over the apprenticeship period show a clear profile of the practical work satisfactorily completed. The Board has been supportive of this development over the past year and looks to it as a means of improving the training provided to apprentices, as well as upgrading the integrity of the licensing system.

Profiling will be a useful tool to assist RTOs with their assessment of the required units of competence.

6.2 Review of capstone assessments at the end of apprenticeships

Much disquiet has been expressed around the country on the ability of the present assessment processes to ensure that graduates from training courses are competent. There is significant support for a "capstone" assessment at the end of the course to provide a greater level of certainty, and the Board has much sympathy with that view. In fact it aligns with our previous attempts to re-introduce a Wiring Rules examination at the end of the TAFE course. The way such an assessment is funded and integrated into the off-the-job training remains to be fully explored, and will no doubt be addressed in the year ahead.

6.3 Electrical Contractors Course

The modules for the Electrical Course have been reviewed at a national level, which has required some changes to the local course. A revised structure has been agreed to, and is expected to commence in 2001.

Other areas of activity have included:

- Review of the NREL assessment process;

- Endorsement of the Electrical Pre-employment Course; and
- Endorsement of the AS/NZS 3000-2000 wiring rules course delivered by TAFE.

Electricity Standards and Safety Group provides solid support for this work, being involved in the delivery of presentations to third-year apprentices and participating in the Electrical Contractors course.

7 Future Issues

The future shows no sign of introducing a slower rate of change in the deregulation, re-regulation and re-organisation of the electrical industry. To add to the uncertainty, the likely entry of natural gas to the State will add a further level of complexity and a whole new layer of regulation to construction work. It will also create a whole new world of opportunities for electrical workers to cross-skill and leverage from their existing client and overhead bases. In any event it will require some refresher training for electrical workers who are not accustomed to seeing gas pipes as a normal part of an installation.

The Board sees the following as additional priority issues for the near future:

- electrical worker safety;
- infrastructure worker safety;
- customer electrical installation safety; and
- notifications and inspections.

The matter of skills maintenance for electrical workers is one we will need to face in the medium term. It promises to provide a source of lively debate.

Other issues on our agenda include the provision of financial support for profiling and the like, portability of licences, a national licensing database, license to work on infrastructure, and awards for excellence in training.

8 *Disciplinary Panels*

This is the second annual report on the operation of the Electrical Licensing Disciplinary Panels since they were first established under the *Electricity Industry Safety and Administration Act 1997* (the Act). While there is no statutory requirement for the Disciplinary Panels to prepare an annual report it is of value to record their establishment and subsequent operation.

The first Panel was appointed in March 1998 and re-appointed for a three-year term on 30th June 1999. The second Panel was appointed on 30 June 2000 for a three-year term.

The Disciplinary Panels determine matters concerning individual licence holders. 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 first panel are:

Chair: Sonia Weidenbach (March 1998 – June 2000)
Kim Backhouse (from June 2000)

Members: Wim de Puit
Bill Eldridge
Allan Kenny

A second Disciplinary Panel was appointed to hear matters regarding individuals who had already appeared before the first Panel and to widen the pool of available members should there be an apprehension of bias. These appointments are intended to avoid a claim of prejudice against the initial Panel in such circumstances.

The Panels receive support from officers of the Office of Electricity Standards *and* Safety.

The members of the second Disciplinary Panel are:

Chair: Merrin MacKay

Members: Brian Aherne
Greg Luck
Arnold Sierink

8.1 Record of Hearings

The Disciplinary Panel met on three occasions in the period to 30 June 2000, and considered four issues referred to it by the Regulator.

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. In all cases the recommendations were accepted by the Regulator, with only minor amendments to include details that were not necessary to the Panel's considerations.

The following provides an outline of the issues that were considered by the Panel.

Case 1

Improper conduct in performance of electrical work as an electrician and as an electrical contractor.

Recommendations

- Reprimand and caution;
- Required to undergo further specified training to be completed within 18 months;
- All electrical work to be overseen and signed for by a supervising contractor for a period of 12 months;
- Suspension of licence for a period of one month from the date of determination.

Case 2 – Issue 1

Improper conduct in being responsible for defective electrical work.

Not being a fit and proper person to hold the licence of an electrical contractor.

Recommendations

- Cancel the electrician's licence for a period of 60 days;
- Required to undergo a formal assessment of ability to meet the requirements of an electrician's licence, and to undertake appropriate training where deficiencies have been identified;
- Required to successfully complete the electrical contractors training course before reapplying as a nominated manager.

Case 2 - Issue 2

Improper conduct in carrying on an electrical contractor's business, when the electrical work carried out in the course of its business was subject to the management and supervision of a nominated manager.

Improper conduct in being responsible for defective work.

Failing to ensure, or not being in a position to ensure, that the work carried out under the licence was properly managed or supervised.

Not being a fit and proper person to hold the licence of an electrical contractor.

Recommendations

- Suspend the electrical contractor's licence for a period of 60 days;
- Required to engage a competent nominated manager before resuming business as an electrical contractor;
- Cautioned contractor that the current nominated manager is not considered competent until after the completion and passing of the electrical contractors' course.

Case 3

Improper conduct in contravention to the Act in capacity of electrical contractor and as electrician.

Recommendation

- Formal reprimand and caution to the holder of the contractor's licence and the electrician involved. Should similar issues be raised again, more serious action will be considered, which may include suspension or cancellation of the contractor's licence.

9 Conclusion

Last years report indicated that the activity required by the panels would lessen as industry players familiarised themselves with the new legislation. This year saw a decrease in activity but an increase in the seriousness of the matters for consideration and also saw the involvement of a solicitor representing a licence holder in proceedings.

In the time the Panels have been in operation a number of similar breaches of the Act have been raised on more than one occasion. This should serve as an early warning sign to contractors and technicians in the industry to resist complacency and to keep up to date with information and the necessary skills or requirements in these areas. Areas of particular concern were:

- Allowing business pressures and client's demands to compromise safety. In some of the cases, the incident could have involved a fatality if events had taken a slightly different direction.
- Allowing skills and knowledge to become out of date. Ignorance is no excuse, especially where the consequences may be serious. It is the individual's responsibility to keep up to date with the regulatory requirements of their industry, especially where information about those requirements is readily available, and to ensure that their skills are current. There are very few industries these days where retraining or refresher training is not required on a regular basis.
- Contractors and their nominated managers not being aware of their responsibilities in managing the business. They should particularly be aware of the nature of the work for which they are accepting responsibility when signing installation notices. Employers need to take responsibility for their own work and that of their employees.

The Panels are part of a system aimed at promoting best practice and safety in the electricity industry. While the Panels cannot act outside their legislative functions, it is hoped that any observations developed from their activities may assist the industry in achieving these aims.