

CONSOLIDATED VERSION AS AT 10 FEBRUARY 2013

G17_1999 as amended by Orders in Council published in the Government Gazette on:
16 December 1999 (G50), 27 January 2000 (G4), 7 September 2000 (G36), 24 October 2002 (G43), 16 December 2004 (G51); 19 October 2006 (G42); 13 August 2009 (G33) and 6 February 2013 (S34).

Electricity Safety Act 1998
DECLARATION UNDER SECTION 4
Order In Council

The Governor in Council under section 4 of the **Electricity Safety Act 1998** declares that such of the provisions of this Act specified in this Order do not have effect to such extent as is specified -

Part 1
Section 4(1)(a) of the Electricity Safety Act 1998
Electrical contractors and electrical workers

1. Sections 30 and 36 of the Act do not have effect in relation to an **electrical contractor** engaged in contracts relating to –
 - (a) design, building, construction, renovation or maintenance in the building and construction industry; or
 - (b) the supply of electrical equipmentwhere as part of the contract the contractor sub-lets the contract to a registered electrical contractor.
2. Sections 30 and 36 of the Act do not have effect in relation to an **electrical contractor** if he or she contracts or undertakes to carry out the following electrical installation work -
 - (a) work carried out by a licensed electrician from time to time for no financial profit and on gratuitous basis on condition that prior to the commencement of the work the contractor advises the person for whom the work will be carried out that he or she is not a registered electrical contractor and does not hold the prescribed insurance;
 - (b) work at premises which the contractor occupies for residential purposes carried out by the contractor under the conditions of his or her licence under section 38(a) of the Act to carry out the electrical installation work at those premises;
 - (c) work permitted under a disconnect/reconnect worker's licence under regulation **[305]** of the Electricity Safety (Installations) Regulations 1999;
 - (d) work that involves the repair or maintenance of an electrical installation following disconnection under a disconnect/reconnect worker's licence under regulations **[305]** of the Electricity Safety (Installations) Regulations 1999;
 - (e) work that involves the installation or alteration of a cold-cathode illumination system from or commencing at the control panel or terminals of the equipment or at the transformer at which the final subcircuit which supplies the equipment

terminates but does not include any part of the wiring of the final subcircuit which supplies the relevant equipment or transformer.

3. Sections 36 and 38(a) of the Act do not have effect in relation to an **electrical installation worker** if he or she carries out the following electrical installation work –
 - (a) work under the effective supervision of a licensed electrician within the period of 3 months from completion of an apprenticeship in that class of electrical work under section 39 of the Act;
 - (b) work under the effective supervision of a licensed electrician during the course of a contract of training, an examination or assessment but other than permanent electrical installation work;
 - (c) work on low voltage fixed electrical equipment, except cold-cathode illumination systems and wiring of final subcircuits, that involves the repair or maintenance of the electrical equipment or a component of that electrical equipment following disconnection of the equipment on condition that disconnection and reconnection of the equipment is carried out by a person holding a disconnect/reconnect worker's licence for that electrical equipment under regulation **[305]** of the Electricity Safety (Installations) Regulations 1999.
4. (a) Sections 36 and 38(a) of the Act do not have effect in relation to an **electrical installation worker** if he or she carries out the following electrical installation work and is certified in accordance with paragraph (b) –
 - (i) work carried out by a person who has satisfactorily completed a course or practical assessment in cold-cathode illumination systems that involves the installation of a cold-cathode illumination system from or commencing at the control panel or terminals of the equipment or at the transformer at which the final subcircuit which supplies the equipment terminates in accordance with Australian/New Zealand Standard, 'Electrical installations- Cold-cathode illumination systems', AS/NZS 3832:1998, but does not include any part of the wiring of the final subcircuit which supplies relevant equipment or transformer; or
 - (ii) work carried out by a person who has satisfactorily completed a course or practical assessment in cold-cathode illumination systems that involves the alteration, repair or maintenance of a cold-cathode illumination system in accordance with Australian/New Zealand Standard, 'Electrical installations- Cold-cathode illumination systems', AS/NZS 3832:1998, following disconnection of the system on condition that disconnection and reconnection of the system is carried out by a person holding a disconnect/reconnect worker's licence for that electrical equipment under regulation **[305]** of the Electricity Safety (Installations) Regulations 1999 but does not include any part of the wiring of the final subcircuit.
- (b) An employer of a person referred to in paragraph (a) may certify that the person is competent to perform the relevant work, if the employer is satisfied that the person –
 - (i) possesses the qualifications, proficiency and experience to enable that person to perform that work; and

- (ii) has been properly trained in the safety aspects and limitations in relation to that work.
5. (a) Sections 36 and 38(a) of the Act do not have effect in relation to an **electrical installation worker** if he or she carries out the following electrical installation work and is certified in accordance with paragraph (b) –
- (i) work on electrical equipment that is used as part of a railway or tramway system within the meaning of section 93(1) of the **Transport Act 1983** or for signaling purposes within such a system;
 - (ii) work carried out under the effective supervision of a licensed electrician by a person who has completed a contract of training as an electric lineworker that involves –
 - A. the repair or replacement, for the purpose of restoring electricity supply to a consumer, of apparatus installed at the junction between an electricity supplier's conductors and a consumer's conductors or on a panel provided solely for an electricity supplier's metering and control equipment; or
 - B. electrical installation work on outdoor lighting that has been installed for the safety of the general public on land controlled by a government department, municipal council or body established for a public purpose by an Act of Parliament of Victoria or the Commonwealth; or
 - C. electrical installation work on high voltage aerial and underground electric lines in an electrical installation and associated substations and equipment; or
 - D. electrical installation work on low voltage aerial electric lines in an electrical installation and associated equipment installed for the control or protection of those lines; or
 - E. electrical installation work comprising the jointing of underground wiring; or
 - (iii) work carried out under the effective supervision of a licensed electrician by a person who has completed a contract of training as an electrical fitter at a substation in an electrical installation; or
 - (iv) work on wiring supports and enclosures under the effective supervision of a licensed electrician; or
 - (v) telecommunications work by a telecommunications worker.
- (b) An employer of a person referred to in paragraph (a) or a licensed electrician may certify that the employee or person is competent to perform the relevant work, if the employer or electrician is satisfied that the person –
- (i) possesses the qualifications, proficiency and experience to enable that person to perform that work;
 - (ii) has been properly trained in the safety aspects and limitations in relation to that work.

6. Section 38(b) of the Act does not have effect in relation to an **electrical inspector** if he or she carries out electrical inspection work under the effective supervision of a licensed electrician or licensed electrical inspector during the course of a contract of training, an examination or assessment but other than inspection work for the purposes of section 45 of the Act.
7. Section 38(b) of the Act does not have effect in relation to an **electrical inspector** if he or she carries out testing or inspection of electrical equipment that is not related to the carrying out or completion installation work.
8. (a) Sections 30 and 36 of the Act do not have effect in relation to an electrical contractor if he or she contracts or undertakes to carry out the following electrical installation work and complies with the requirements in (b)-
 - (i) installation of a specific item of electrical equipment from or commencing at the control panel or terminals of such electrical equipment, or at the transformer at which the final subcircuit which supplies such equipment terminates, for the initial commissioning and testing of the electrical equipment which is connected or to be connected to a high voltage electricity supply; or
 - (ii) maintenance, repair or alteration of a specific item of electrical equipment from or commencing at the control panel or terminals of such electrical equipment, or at the transformer at which the final subcircuit which supplies such equipment terminates, after completion of initial commissioning and testing of the electrical equipment which is connected to a high voltage electricity supply.
- (b) The electrical contractor must-
 - (i) make application to the chief electrical inspector in writing with details of the name, position, business address and telephone number of the person who has management or control of the high voltage electrical installation and must advise the Office of any change in that person's contact details within 14 days after the electrical contractor becomes aware of the change; and
 - (ii) identify the specific item of electrical equipment; and
 - (iii) identify the specific location as to where that electrical equipment is to be installed, maintained, altered and/or repaired; and
 - (iv) be nominated by the owner/occupier of the high voltage electrical installation and by the manufacturer, repairer or supplier of the specific item of electrical equipment as being an electrical expert in its installation, maintenance, alteration or repair; and
 - (v) in relation to such work, produce to the chief electrical inspector written evidence of having the qualifications, competency and experience to enable the electrical work to be performed safely or where insufficient evidence is submitted, pass a test or examination to prove such competency; and
 - (vi) be authorised by the person's employer to perform the electrical work; and

- (vii) have been properly trained in the safety aspects and limitations in relation to the electrical work; and
- (viii) be aware of the relevant procedure to ensure the electrical work can be performed safely; and
- (ix) be supervised by a licensed electrician; and
- (x) following completion of the electrical work, certify that work as complying with the **Electricity Safety Act 1998** and the Electricity Safety (Installations) Regulations 1999, ensure that the supervising electrician gives a certificate of electrical safety and, in the case of prescribed electrical installation work under regulation 406(1) of the Electricity Safety (Installations) Regulations 1999, arrange for the work to be inspected by a licensed electrical inspector in accordance with the Act and the Regulations;

but the person is not required to comply with the requirements in (v), (vi), (vii), (viii), (ix) and (x), if the electrical contractor has engaged or employed another person to carry out the electrical installation work and clause 9 applies to the other person in relation to that work.

- (c) Terms and conditions of the exemption.

The operation of this clause:

- (i) does not permit a person to work on any part of the wiring of the final subcircuit which supplies the relevant equipment or transformer and applies only to work in relation to that particular item of electrical equipment for which application is made, unless otherwise indicated in the notice provided to the applicant acknowledging the exemption;
- (ii) will be limited to a time period as specified in the notice provided to the applicant acknowledging the exemption.

- 9. (a) Sections 36 and 38(a) of the Act do not have an effect in relation to an electrical installation worker if he or she carries out the following electrical installation work and complies with the requirements in (b) –

- (i) installation of a specific item of electrical equipment from or commencing at the control panel or terminals of such electrical equipment, or at the transformer at which the final subcircuit which supplies such equipment terminates, for the initial commissioning and testing of the electrical equipment which is connected or to be connected to a high voltage electricity supply; or
- (ii) maintenance, repair or alteration of a specific item of electrical equipment from or commencing at the control panel or terminals of such electrical equipment, or at the transformer at which the final subcircuit which supplies such equipment terminates, after completion of initial commissioning and testing of the electrical equipment which is connected to a high voltage electricity supply.

- (b) An electrical installation worker must-

- (i) make application to the chief electrical inspector in writing with details of the name, position, business address and telephone number of the person who has management or control of the high voltage electrical installation and must advise the Office of any change in that person's contact details within 14 days after the electrical installation worker becomes aware of the change; and
 - (ii) identify the specific item of electrical equipment; and
 - (iii) identify the specific location as to where that electrical equipment is to be installed, maintained, altered and/or repaired; and
 - (iv) be nominated by the owner/occupier of the high voltage electrical installation and by the manufacturer, repairer or supplier of the specific item of electrical equipment as being an electrical expert in its installation, maintenance, alteration or repair; and
 - (v) in relation to such work, produce to the chief electrical inspector written evidence of having the qualifications, competency and experience to enable the electrical work to be performed safely or where insufficient evidence is submitted, pass a test or examination to prove such competency; and
 - (vi) be authorised by the person's employer to perform the electrical work; and
 - (vii) have been properly trained in the safety aspects and limitations in relation to the electrical work; and
 - (viii) be aware of the relevant procedure to ensure the electrical work can be performed safely; and
 - (ix) be supervised by a licensed electrician; and
 - (x) following completion of the electrical work, certify that work as complying with the **Electricity Safety Act 1998** and the Electricity Safety (Installations) Regulations 1999, ensure that the supervising electrician gives a certificate of electrical safety and, in the case of prescribed electrical installation work under regulation 406(1) of the Electricity Safety (Installations) Regulations 1999, arrange for the work to be inspected by a licensed electrical inspector in accordance with the Act and the Regulations.
- (c) Terms and conditions of the exemption.

The operation of this clause:

- (i) does not permit a person to work on any part of the wiring of the final subcircuit which supplies the relevant equipment or transformer and applies only to work in relation to that particular item of electrical equipment for which application is made, unless otherwise indicated in the notice provided to the applicant acknowledging the exemption;
- (ii) will be limited to a time period as specified in the notice provided to the applicant acknowledging the exemption.

Part 2
Section 4(1)(b) of the Electricity Safety Act 1998
Electrical equipment

1. Divisions 1, 2 (with the exception of section 39 but only for the purpose of clause 1(c) of this Order) and 3 (with the exception of section 43) of Part 3 of the Act do not have effect in relation to the following **electrical installations** –'

Electrical installations -

- (a) upstream of the point of supply except electrical installations used for the consumption of electricity by the electricity supplier;
 - (b) comprising of connections to consumers terminals for the purpose of providing electricity supply;
 - (c) used for metering or the control or protection of metering circuits, and equipment connected or to be connected to metering owned by a distribution company on the condition that only limited and ancillary electrical installation work that is necessary as part of the metering work is carried out. To maintain the integrity and safety of the customer's electrical installation the work must be carried out by a person who –
 - (i) possesses the qualifications, proficiency, competency and experience to at least Certificate III level or equivalent as a lineworker, meter technician or electrician to enable that work to be performed; and
 - (ii) has been properly trained in the safety aspects and limitations in relation to that work; and
 - (iii) has satisfactorily completed a course and practical assessment in accordance with the Certificate III ESI Distribution (Power Line) Metering Installations Unit or demonstrated equivalent competency; and
 - (iv) undertakes testing in accordance with the requirements of the Victorian Electricity Supply Industry (VESI): Installation Supply Connection Tests & Procedures manual to ensure integrity of supply to the customers main or occupancy switchboard or equipment to be supplied and the correct operation of metering equipment; and
 - (v) prior to enabling the electrical installation to be used by the customer verifies as far as practicable that the installation is safe to energise; or
 - (vi) is working under supervision as allowed under section 39 of the **Electricity Safety Act 1998** and such supervision is provided by a person who satisfies sub-paragraphs (i) through to (v) of this paragraph (c).
 - (d) comprising of fixed electrical equipment designed to be easily transportable connected to the electricity supply by the insertion of a plug into a socket designed for such a plug;
 - (e) used in a cathodic protection system or a mitigation system.
2. Sections 54 and 57(1) of the Act do not have effect in relation to the supply of second hand **electrical equipment** on condition that –

- (a) the electrical equipment is not subject to a withdrawal of approval or a prohibition of supply or a recall of electrical equipment by the Office or by a prescribed authority under Part 4 of the Act or subject to a direction under section 141 of the Act; and
 - (b) the person supplying the second hand equipment in the course of business ensures that -
 - (i) the equipment on inspection and testing complies with Australian/New Zealand Standard, 'In-service safety inspection and testing of electrical equipment', AS/NZS 3760:1996, and is labelled to show compliance; or
 - (ii) the equipment is clearly marked "**DANGER - DO NOT USE OR CONNECT TO SUPPLY - THIS ELECTRICAL EQUIPMENT MAY BE FAULTY AND SHOULD BE INSPECTED AND TESTED BY A COMPETENT PERSON IN ACCORDANCE WITH AS 3760**"; and
 - (iii) a label is attached to the equipment stating that the equipment is second hand.
3. Sections 54 and 57(1) of the Act do not have effect in relation to the supply of second hand **electrical equipment** on condition that the person supplying the second hand equipment –
- (a) is not supplying the equipment in the course of business; and
 - (b) ensures that a label is attached to the equipment stating that the equipment is second hand.
4. Section 68(1) of the Act does not have effect in relation to the supply of the following proclaimed **electrical equipment** manufactured or imported prior to 30 September 1999 for the period from 1 October 1999 to 30 September 2000 –
- (a) refrigerating appliances registered or deemed to be registered under the Electricity Safety (Equipment Efficiency) Regulations 1999 until 30 September 1999 which do not comply with with the minimum energy performance standards set out in clause 3.5 of Australian/New Zealand Standard, "Performance of household electrical appliances – Refrigerating appliances - Part 2: Energy labelling and minimum energy performance standard requirements, AS/NZS 4474.2:1997, on condition that the appliances are labelled in accordance with that expired registration; and
 - (b) storage water heaters - unvented without an attached feed tank which do not comply with the minimum energy requirements set out in clause 2.4 of Australian Standard, 'Storage water heaters - Part 1: General Requirements', AS 1056.1:1991.

Part 3
Section 4(1)(c) of the Electricity Safety Act 1998
Electrical work

Divisions 1, 2 and 3 (with the exception of section 43) of Part 3 of the Act do not have effect in relation to the following electrical installation work –

Electrical installation work –

- (a) on any electrical installation in the process of manufacture at a place other than the land where it is to be fixed;
- (b) on any electrical installation in the course of repair or maintenance at a place other than the land where it is to be fixed;
- (c) involving the insertion or removal of –
 - (i) a plug into or from a socket designed for such a plug; or
 - (ii) a light globe, fluorescent tube or starter for a fluorescent tube, where access to live parts is not required; or
 - (iii) a fuse element.
- (d) involving the installation, maintenance or removal of surveillance devices or enhancement equipment within the meaning of the **Surveillance Devices Act 1999** carried out by a serving member of the Victoria Police who has satisfactorily completed a training course approved by Energy Safe Victoria and in conjunction with a warrant granted under the **Surveillance Devices Act 1999**;
- (e) involving the installation, maintenance or removal of surveillance devices or enhancement equipment within the meaning of the **Surveillance Devices Act 1999** where that installation, maintenance or removal is carried out –
 - (i) by a person who –
 - (A) is authorised in writing by the Commissioner within the meaning of section 3 of the **Independent Broad-based Anti-corruption Commission Act 2011**; and
 - (B) has satisfactorily completed a training course approved by Energy Safe Victoria; and
 - (ii) in conjunction with a warrant granted under the **Surveillance Devices Act 1999**.

Except where expressions are defined in the Act, expressions used in this Order have the same meaning as they have in the **Electricity Safety (Installations) Regulations 1999**.

This Order is effective from 3 May 1999.

Dated 28 April 1999.