

Occupational Licensing (Electrical Safety Inspection Service Exemption) Order 2013

Occupational Licensing Act 2005

RD013, 15 May 2013

I, Kerrie Davidia Crowder, Administrator of Occupational Licensing, hereby make the following Order under section 99 of the *Occupational Licensing Act 2005*.

1. Short title

This Order may be cited as the *Occupational Licensing (Electrical Safety Inspection Service Exemption) Order 2013*.

2. Commencement

This Order takes effect on 15 May 2013.

3. Interpretation

In this Order, unless the context otherwise requires –

“**Act**” means the *Occupational Licensing Act 2005*;

“**Administrator**” means the person appointed as the Administrator of Occupational Licensing under section 10 of the Act;

“**authorised officer**” has the meaning given it by section 3 of the Act;

“**contractor**” means the holder of a contractor’s licence;

“**contractor’s licence**” means a contractor’s licence granted under the Act;

“**electrical safety inspection service**” means the contract entered into between the Department of Justice and TechSafe that came into effect on 1 March 2013 in accordance with the *Electricity Supply Industry Act 1995*;

“**electrician’s licence**” has the meaning in the *Occupational Licensing (Electrical Work) Determination 2009*;

“**electrical work**” has the meaning given it by regulation 4 (1) of the *Occupational Licensing (Electrical Work) Regulations 2008*;

“**practitioner**” has the meaning given it by the Act;

“**TechSafe**” means the Australian proprietary company TechSafe Australia Pty. Ltd. , ACN 37 097 315 34.

4. Purpose

Whereas TechSafe and the Department of Justice have entered into a contract whereby the former performs, for reward, for the latter, certain services involving the inspection of electrical work in Tasmania that entails the performance of electrical work in Tasmania and:

- (a) by virtue of that contract, the Act requires TechSafe to be the holder of a contractor's licence;
- (b) TechSafe will not be entering into any other contract to perform electrical work in Tasmania;
- (c) it could be viewed as a conflict of interest for TechSafe to be the holder of a contractor's licence and thereby be potentially in competition with all such other contractors; and
- (d) it is seen as appropriate for TechSafe to be exempt from the obligation to be the holder of a contractor's licence in respect of electrical work performed in Tasmania for the duration of the existence of the contract.

5. Application of Acts Interpretation Act 1931

The *Acts Interpretation Act 1931* applies to this Order.

6. Exemption to hold a contractor's licence.

TechSafe is exempt from the requirement of the Act to hold a contractor's licence in respect of the performance of electrical work:

- (a) during the existence of the electrical safety inspection service contract; and
- (b) subject to the conditions of Clause 7.

7. Conditions relevant to the exemption to hold a contractor's licence relevant to Clause 6 above.

- (1) TechSafe must ensure a person performing electrical work under its management or control pursuant to the electrical safety inspection service:
 - (a) is a practitioner who is the holder of an electrician's licence without conditions;
 - (b) is appointed as an authorised officer under section 16 of the Act;
 - (c) exercises or performs the powers and functions of an authorised officer under this Act in accordance with any limitations stated in the instrument of his or her appointment;
 - (d) is subject to, and carries out the work under the management and control of TechSafe;
 - (e) carries out the electrical work, as directed by TechSafe, in accordance with any documented work procedures, practices and instructions, and
 - (f) must be able to produce, on request, a document that identifies that he or she has been authorised to perform the work function being undertaken.
- (2) TechSafe must:
 - (a) in the performance of the electrical safety inspection service, not place itself in a position where a conflict of interest exists, and, if a conflict of interest does arise, it must notify the Administrator in writing immediately;
 - (b) create and maintain a record of the:
 - (i) name of each person performing, in Tasmania, electrical work under its management or control;
 - (ii) dates of training and competency assessments of each such person;
 - (iii) work functions of each such person authorised to perform electrical work, in Tasmania, under its management or control; and
 - (c) produce, on request by the Administrator, a document that identifies all persons that have been authorised by TechSafe to perform electrical work under its management or control.

Kerrie Crowder
Administrator of Occupational Licensing
7 May 2013

RD013

