



# Code of Practice for Inspectors (Electricity) in Western Australia



## **Code of Practice for Inspectors (Electricity) in Western Australia**

This document aims to assist people designated or applying to be designated as an Inspector (Electricity).

It provides information on the categories of designation, the powers and limitations of an Inspector (Electricity) under the *Energy Coordination Act 1994*, and the standard of conduct that an Inspector (Electricity) is expected to maintain when carrying out their duties.

The Code of Practice (CoP) is subject to periodic review. Any suggestions for improvement are welcome.

All enquiries or comments in relation to the content of the CoP or concerns about compliance with the CoP should be directed to:

Director Electricity Compliance  
EnergySafety  
Department of Commerce  
303 Sevenoaks Street  
Cannington WA 6107

Telephone: (08) 6251 1900  
Facsimile: (08) 6251 1901  
Email: [energysafety@commerce.wa.gov.au](mailto:energysafety@commerce.wa.gov.au)



Ken Bowron  
**Director of Energy Safety**

# Contents

	Page
<b>1. Introduction.....</b>	<b>2</b>
1.1 Purpose.....	2
1.2 Application.....	2
1.3 Applicable legislation.....	2
<b>2. Categories of inspectors.....</b>	<b>3</b>
2.1 Categories.....	3
2.2 Role of each category.....	3
2.3 Competencies.....	4
<b>3. Powers of inspectors.....</b>	<b>5</b>
3.1 Powers available to be conferred on inspectors.....	5
3.2 Powers and limitations of each category of inspector.....	5
<b>4. Code of conduct.....</b>	<b>6</b>
4.1 General requirements.....	6
4.2 Inspectors are public officers.....	7
4.3 Specific conduct requirements for each category of inspector.....	8
<b>5. Review &amp; audit.....</b>	<b>9</b>
<b>6. Application for designation and renewal.....</b>	<b>10</b>
<b>7. Change of status of designated inspector.....</b>	<b>10</b>
<b>8. Issuing an Inspector's Order.....</b>	<b>10</b>

# 1 Introduction

## 1.1 Purpose

The purpose of the CoP is to provide information for people designated or planning to be designated as an Inspector (Electricity) on:

- the designation of an Inspector (Electricity) by the Director of Energy Safety (the Director);
- the categories of designation, and the associated powers and limitations of an Inspector (Electricity); and
- the conduct that an Inspector (Electricity) must follow when carrying out their duties.

The CoP does not state everything that an inspector must, or must not, do to discharge their obligations.

## 1.2 Application

The Director has statutory authority under the provisions of the *Energy Coordination Act 1994* to designate a person to be an Inspector (Electricity) in Western Australia.

The CoP applies to all Inspectors (Electricity) designated by the Director.

## 1.3 Applicable legislation

The legislation relevant to electrical inspection functions is:

- *Energy Coordination Act 1994*
- Energy Coordination (General) Regulations 1995
- *Electricity Act 1945*
- Electricity Regulations 1947
- Electricity (Licensing) Regulations 1991
- Electricity (Supply Standards and System Safety) Regulations 2001<sup>1</sup>.

If any part of this CoP is found to be in conflict with the above legislation, the legislation takes precedence and the Director should be notified in writing.

*Every care has been taken to ensure references to legislation, Australian Standards and other documents in the CoP are accurate at the time of publication.*

*However, amendments are made to legislation periodically and the reader should always check to ensure applicable legislation is current.*

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<sup>1</sup> It is intended to replace these regulations with the new Electricity (Network Safety) Regulations 2015 with effect from the date of announcement of publication in the Government Gazette.

## 2 Categories of inspectors

### 2.1 Categories

As part of the designation process, the Director can limit or restrict the powers of an Inspector (Electricity). This is done deliberately to create specific categories of inspectors.

The most common categories are:

- Electrical Installation Inspector (Network Operator);
- Electrical Licence Inspector (Electrical Trade Union); and
- Electrical Inspector (EnergySafety).

The formal designation document (referred to as a Certificate of Designation) details the powers of inspection that may be exercised and any limitations or restrictions that are applicable to the respective category.

### 2.2 Role of each category

**Electrical Installation Inspectors (Network Operator):** Inspecting consumers' electrical installations for a network operator, issuing Orders to correct unsafe or defective installations and conducting investigations.

Generally most Inspectors (Electricity) designated by the Director are Electrical Installation Inspectors (Network Operator). They are employed to carry out inspections of consumers' electrical installations, on behalf of the relevant network operator prior to connecting a new or modified installation to the network. This function meets the network operator's obligations under Regulations 253 and 254 of the Electricity Regulations 1947.

Electrical Installation Inspectors (Network Operator) are usually employees of the network operator. Subject to approval, there may also be self-employed persons or employees of another organisation operating under a contract to carry out the inspection work for the specific network operator.

The designation of Electrical Installation Inspectors (Network Operator) typically has effect only while employed or contracted by the specific network operator.

**Electrical Licence Inspectors (Electrical Trade Union):** Examining electrical contractors' and workers' licences for compliance with regulations.

Electrical Licence Inspectors (Electrical Trade Union) are authorised to inspect electrical licences for the purpose of assessing compliance with electrical licensing requirements under the *Electricity Act 1945*. Any breach of the Electricity (Licensing) Regulations 1991 in respect of a licence examined or a person found without a licence (where a licence is required) must be reported to the Chief Electrical Inspector (Utilisation) at EnergySafety without delay.

These inspectors must be full-time, paid employees of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) in Western Australia.

The site entry powers of Electrical Licence Inspectors (Electrical Trade Union) are limited to the licence inspection function only. They must not carry out inspections of electrical installing work or electrical installations, issue Orders or disconnect the supply of electricity. However, if the inspector identifies a possible breach of electrical safety regulations, they must report the matter to the relevant network operator or to EnergySafety.

**Electrical Inspectors (EnergySafety):** Conducting inspections and investigations in a variety of circumstances, including electrical installations in private premises, workplaces and network operators' transmission and distribution facilities.

The designation of Electrical Inspectors (EnergySafety) has effect only while the Inspector is an employee of EnergySafety, Department of Commerce.

### 2.3 Competencies of an inspector

To be designated as an inspector, a person must have the necessary qualifications and experience to carry out the duties specified in the Certificate of Designation, as detailed in Regulation 6 of the Energy Coordination (General) Regulations 1995.

Inspectors (Electricity) must be either an electrician with a valid WA unrestricted licence or an electrical engineer with a power specialisation.

Applicants for designation as an Electrical Installation Inspector (Network Operator) and Electrical Inspector (EnergySafety) must have proven experience in a range of electrical work and the practical application of the current AS/NZS 3000 'Electrical Installations (Wiring Rules)', WA Electrical Requirements and related technical standards.

The person must also have a sound understanding of the key legislative requirements relevant to the role ie the *Energy Coordination Act 1994*, Electricity (Licensing) Regulations 1991 and the Electricity Regulations 1947.



## 3 Powers of inspectors

### 3.1 Powers available to be conferred on inspectors

The following summarises the range of powers available under each section of the *Energy Coordination Act 1994*:

- The right of entry to any land, premises or thing to conduct an inspection of any plant, works, installation, component or activity and request information related to a suspected breach of Regulations, or an Order that has been issued, or an electrical incident (section 14).
- Authority to issue Orders for the purposes of:
  - prohibiting the use of anything that is unsafe or does not meet the Regulations and to disconnect it from the electricity supply (section 18);
  - requiring the removal or modification, within a specified time of anything related to electricity that is, or may become, dangerous (section 18A);
  - prohibiting or modifying any unsafe work practice (section 18B); and
  - requiring the rectification of any unsafe or non-complying component of a network operator's transmission and distribution system (section 18C).

### 3.2 Powers and limitations of each category of inspector

The powers and limitations are detailed on the inspector's Certificate of Designation.



## 4 Code of conduct

### 4.1 General requirements

All inspectors must:

- Where intending to inspect a site or thing:
  - fully inform himself or herself about all occupational safety and health requirements applying to the site or thing (such as mandatory site induction training) and observe these conditions at all times;
  - make all reasonable attempts to contact<sup>2</sup> the person who has control of the site or thing, to state what the inspection will entail and the reason for the inspection. This is required even though the inspector has the power to enter onto private land without notice. This power also must be used with discretion to avoid any concerns on the part of the occupier, particularly if there are any ethnic or cultural observances required;
  - always identify himself or herself to the owner or person in control of the site or thing;
  - produce his or her Certificate of Designation whenever requested to do so by any person having charge of any land, premises or thing in respect of which the inspector has exercised or is about to exercise any power; and
  - comply with the reasonable requests of the owner or person in control of the site or thing, in accordance with section 17 of the *Energy Coordination Act 1994*.
- Not:
  - hold an electrical contractor's licence; or
  - be a nominee for an electrical contractor's licence<sup>3</sup>.
- Have a personal copy of the Electricity (Licensing) Regulations 1991, the WA Electrical Requirements and the Wiring Rules, as well as have ready access to the other documents listed in regulation 49 of the Electricity (Licensing) Regulations 1991.
- At all times, have ready access to a current copy of the *Energy Coordination Act 1994* and *Electricity Act 1945* and clearly understand the requirements specified in these Acts that relate to his or her designation.
- Carry out their inspection duties strictly within the powers and limitations defined on their Certificate of Designation.

All inspectors are expected to:

- interact with people in a timely and efficient manner;
- remain professional and consistent in all of their dealings; and
- explain all decisions to affected parties.

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<sup>2</sup> This is not required where the inspection or investigation may be compromised if prior notice of an inspection is provided.

<sup>3</sup> However the person may be the nominee for an electrical contractor's licence where it can be demonstrated to the satisfaction of the Director that the work undertaken is not related to the inspection function.



## 4.2 Inspectors are public officers

Inspectors should also be aware that they are defined as public officers<sup>4</sup> under the *Criminal Code* because they exercise authority under a written law, regardless of whether or not they are employed under the *Public Sector Management Act 1994*.

Inspectors are to comply with the *Code of Ethics*<sup>5</sup> and *Conduct Guide*<sup>6</sup> established by the WA Public Sector Commissioner under the *Public Sector Management Act 1994*, even though they may have to fulfill various conditions as part of their particular contract of employment.

In particular, the following key areas of the *Conduct Guide* are directly relevant to an inspector's role:

### (1) Personal behavior

- Act honestly and with integrity in the performance of duties.
- Treat members of the public and colleagues with respect, courtesy and fairness, having proper regard for their interests, rights, safety and welfare.
- Conduct activities without favouritism or discrimination.
- Maintain and contribute to a safe and productive work environment.
- Accept the consequences of misconduct and actions, which may be taken if he or she fails to comply with this CoP.

### (2) Communication and official information

- Non-disclosure of official information or documents acquired in the course of employment, other than as required by law or where proper authorisation is given.
- Not to misuse official information for personal gain or commercial gain for self or others.

### (3) Fraudulent or corrupt behavior

- Do not engage in any dishonest activity that causes actual or financial loss to any person or business entity.
- Do not use, or attempt to use, position and power for personal advantage.

### (4) Record keeping and use of information

- Record actions and decisions to ensure transparency.
- Ensure the secure storage of sensitive or confidential information.
- Understand and control how and when information may be released.

### (5) Conflicts of interest and gifts and benefits

- Identify, declare and manage any conflicts between the performance of public duty and private or personal interests. This may involve personal, financial or political interests and may be perceived, potential or actual.

### (6) Reporting suspected breaches of the CoP

- Suspected breaches of this CoP must be reported to the Director Electricity Compliance, Energy Safety.

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<sup>4</sup> As defined in the Criminal Code section 1(1), the term 'public officer' means, inter alia: "(ad) a person exercising authority under a written law"

<sup>5</sup> [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

<sup>6</sup> [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

The Director General of the Department of Commerce, as the head of the WA state government department of which EnergySafety is a division, has a legal duty under the *Corruption and Crime Commission Act 2003* to notify the Corruption and Crime Commission of any reasonably suspected misconduct by a public officer, when the department becomes aware of such misconduct in the course of conducting its official business.

#### **4.3 Specific conduct requirements for each category of inspector**

**Electrical Installation Inspectors (Network Operator)** shall, in addition to complying with the general conduct requirements:

- act in accordance with the network operator's approved Inspection System Plan and Policy Statement; and
- carry out inspections or investigations in accordance with the network operator's inspection procedures.

**Electrical Licence Inspectors (Trade Union)** shall, in addition to complying with the general conduct requirements:

- not use his/her powers of inspection to gain entry to premises or access to facilities for purposes other than those to which his or her powers relate; and
- refrain from using his/her inspection powers in any way that may be perceived as supporting or participating in any industrial issue. If a site is subject to an industrial dispute and there is a valid need for a licence inspection, then it is to be referred to the Chief Electrical Inspector (Utilisation) at EnergySafety who will arrange for the licence inspection to be carried out.

**Electrical Inspectors (EnergySafety)** shall, in addition to complying with the general conduct requirements:

- carry out inspections and investigation in accordance with EnergySafety's policies and procedures.

## 5 Review and audit

All inspectors are subject to regular review and audit by the Director or his/her delegate(s) for compliance with this CoP and, where applicable, with their particular network operator's Inspection System Plan and Policy Statement. Such audits may involve interviewing an inspector about his or her function and knowledge of the work undertaken. It may also involve a review of specific inspection outcomes (eg Inspector's Orders issued) in relation to work performed.

Should an inspector fail to perform the inspection functions adequately, the Director is authorised by the Energy Coordination (General) Regulations 1995 to vary or cancel a Certificate of Designation.

This action may result where an inspector is found to have:

- failed to act on breaches of legislation other than trivial non-compliances;
- deliberately misused or abused the powers of the designated inspector category; or
- failed to reasonably comply with this CoP.

Should the Director believe that a review of an inspector's performance may be warranted, the particular allegation of misconduct will first be put to the inspector for his/her response. The response will be considered by the Director before a final determination is made.

If an inspector is found to have incorrectly and inappropriately exercised his/her functions, the Director will take one or more of the following actions, depending on the nature of the misconduct:

- issue a warning letter;
- restrict the designation;
- suspend the designation; or
- cancel the designation.

If the installation in question is defective, as a result of an omission or error by the inspector, an inspector from EnergySafety may also issue an Order to ensure remedial work is undertaken by the electrical contractor.

## 6 Application for designation and renewal

Refer to the EnergySafety document *Application and Renewal - Designated Inspectors (Electricity) in Western Australia*, available on EnergySafety's website at [www.energysafety.wa.gov.au](http://www.energysafety.wa.gov.au).

This document details the processes for the application and renewal for the designation of Inspectors (Electricity) in Western Australia. All applications for new designations or renewals must be endorsed in writing by the applicant's employer.

Each inspector is responsible for applying to EnergySafety for renewal of designation no later than three calendar months in advance of the expiry date on his/her current Certificate of Designation to ensure continuity for the subsequent period.

## 7 Change of status of designated inspector

Where there is any change in employment status or the person ceases having a role requiring use of the designated powers of an inspector, the Director must be informed in writing, by the person or the employer, of the details of the change including date of effect and the specific Certificate of Designation must be returned to the Director within 20 working days.

## 8 Issuing an Inspector's Order

A designated Inspector (Electricity) has the power to issue an Inspector's Order. When issuing an Order, the inspector must:

- clearly explain in writing the specific reason(s) for forming the opinion that the subject of the inspection does not comply with the requirements of a relevant Act, regulation or technical standard, or is considered to be otherwise unsafe; and
- provide the inspector's full contact details to the recipient of the Order.

A person aggrieved by an Inspector's Order may appeal to the Director who is authorised to confirm, cancel, or vary the Order.

The recommended appeal process is described in EnergySafety's publication *Procedure for appealing against an Inspector's Order (Electricity)*. This document provides an explanation of an individual's rights for appeal, a recommended process to follow and includes the 'Notice of Appeal' form, which can be found on EnergySafety's website at [www.energysafety.wa.gov.au](http://www.energysafety.wa.gov.au)

Where requested by the recipient of the Order, the inspector should provide:

- further information or explanation about the reason(s) for issuing the Order (Step 1 in the appeal process); and
- contact details of the inspector's supervisor (Step 2 in the appeal process).

When an Order (or elements of an Order) are formally appealed:

1. the Order, or particular elements of the Order, are on hold pending review by the Director; and
2. where requested by the Director or his delegate, the inspector shall provide further detailed information such as photographs to assist in the review.

## **Department of Commerce**

### **EnergySafety Division**

Level 1, 303 Sevenoaks Street (entrance Grose Ave) Cannington WA 6107

Telephone: .....(08) 6251 1900

Facsimile: .....(08) 6251 1901

National Relay Service: ..... 13 36 77

Mailing address: Locked Bag 14, Cloisters Square WA 6850

Website: [www.energysafety.wa.gov.au](http://www.energysafety.wa.gov.au)

Email: [energysafety@commerce.wa.gov.au](mailto:energysafety@commerce.wa.gov.au)

Energy incident notification (24 hours): ..... 1800 678 198

If you require the services of an interpreter, contact the Translating and Interpreting Services (TIS) on 131 450, or if you have a hearing or speech impairment, contact National Relay Service 13 36 77 and ask for connection to EnergySafety on 6251 1900.

This publication is available on request in other formats to assist people with special needs.

### **Regional offices**

#### **Goldfields/Esperance**

Suite 4/37 Brookman Street  
Kalgoorlie Western Australia 6430  
PO Box 10154 Kalgoorlie Western Australia 6433  
Administration +61 8 9026 3250  
Facsimile +61 8 9021 8648

#### **Great Southern**

Unit 2/129 Aberdeen Street  
Albany Western Australia 6330  
PO Box 832 Albany Western Australia 6331  
Administration +61 8 9842 8366  
Facsimile +61 8 9842 8377

#### **Kimberley**

Woody's Arcade Office 7/15 Dampier Terrace  
Broome Western Australia 6725  
PO Box 1449 Broome Western Australia 6725  
Administration +61 8 9191 8400  
Facsimile +61 8 9191 8410

#### **Mid West**

Post Office Plaza 50-52 Durlacher Street  
Geraldton Western Australia 6530  
PO Box 1447 Geraldton Western Australia 6531  
Administration +61 8 9920 9800  
Facsimile +61 8 9964 5678

#### **North West**

12 Hedland Place  
Karratha Western Australia 6714  
PO Box 5 Karratha Western Australia 6714  
Administration +61 8 9185 0900  
Facsimile +61 8 9185 1234

#### **South West**

8th Floor 61 Victoria Street  
Bunbury Western Australia 6230  
PO Box 1747 Bunbury Western Australia 6231  
Administration: +61 8 9722 2888  
Facsimile: +61 8 9791 2263