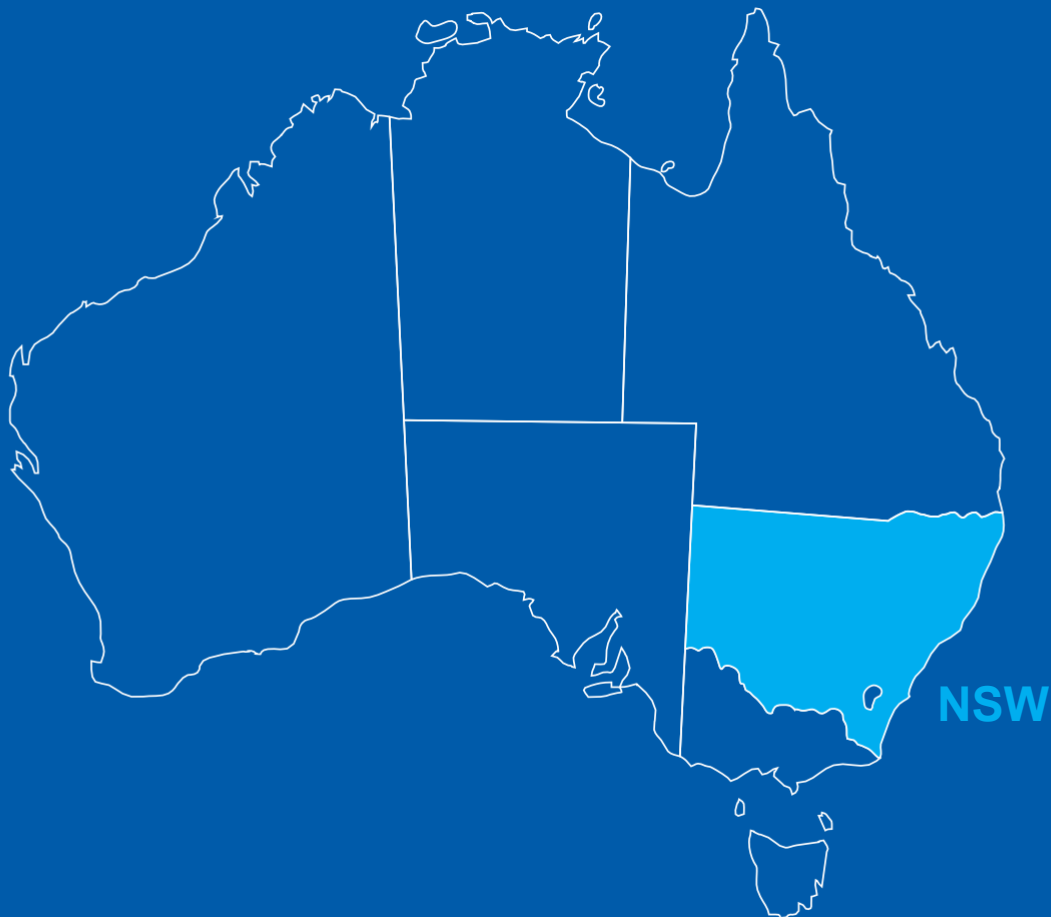


Submission

NSW Electrical and Gas Safety Review
Feb 2026



INTRODUCTION

The National Electrical and Communications Association (NECA) is the peak body for Australia's electrical and communications sector, which employs 359,211 workers and turns over more than \$91bn annually.

NECA represents over 6,500 businesses performing works including the design, installation, and maintenance of electrical and electronic equipment in the construction, mining, air conditioning, refrigeration, manufacturing, communications, and renewable energy sectors.

Our staff and members participate on several boards, advisory groups, and standards committees with direct involvement in addressing issues arising from new technologies and the energy transition currently underway.

NECA provides this submission in response to the published materials about the review and in keeping with our ongoing advocacy for better regulation of the electrical sector.

NECA has advocated on behalf of the electrotechnology industry for over 100 years and helps its members and its industry to operate in an efficient, safe, and regulatorily compliant manner. NECA represents the interests of electrical and communication businesses to all levels of government and in regulatory, legislative and industry development forums. It is also a foundation member of the Australian Chamber of Commerce and Industry (ACCI).

Initial comments

NECA have engaged actively with the NSW regulators in recent years in attempts to improve the nature and effectiveness of regulation of the electrotechnology sector in the interests of electrical contractors, safety of workers in the trade, consumer and public and outcomes.

Many of the concerns and recommendations articulated below have been presented and discussed with regulators and ministers and have been included in previous formal consultations.

This submission is provided to assist the NOUS and DCCEEW in examining the effectiveness of the current electrical regulatory framework in New South Wales, particularly as it relates to consumer safety, worker safety, and public confidence in electrical work and electricity supply.

The submission identifies systemic regulatory gaps, unclear accountabilities, and enforcement failures across multiple agencies. These issues collectively contribute to unsafe electrical work practices, inadequate responses to serious electrical incidents, and erosion of competency standards within the electrical industries.

The content of this submission is based on practical regulatory experience and the issues mapped across NSW Government agencies, regulators, and electricity supply authorities.

Problems with the electrical regulatory frameworks & regulators in NSW

The observations NECA and its members of the regulatory environment for electrical work and associated consumer protection in NSW is that it lacks coordination and the informed purposeful leadership that it requires be effective or adapt to change.

1. Fragmentation of Electrical Safety Regulation in NSW

Electrical policy and regulation in NSW is administered across multiple agencies with overlapping but incomplete responsibilities, including:

- NSW Building Commission (Fair Trading)
- SafeWork NSW
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- IPART
- Training Services NSW

- Distribution Network Service Providers (DNSP's / ESA's)

The primary agencies are effectively siloed to administer specific aspects of electrical regulation and the coordination required to secure meaningful and reasonable oversight of industry participants, or enforcement when appropriate, is absent.

For example, the regulation and administration electrical licenses is performed by elements in the NSW Building Commission under the general processes of the Home Building Act and the Licensing and Registration (Uniform Procedures) Act. However, those processes are particularly poor in addressing serious offences by electrical contractors and/or workers under the WHS Regulation, the Gas & Electricity (Consumer Safety) Act, or even the Electricity Supply Act.

2. Non-Competent Persons Obtaining Electrical Licences and operating businesses

The NSW Building Commission relies almost entirely on Training Services NSW and the Certificate of Proficiency (CoP) process to ensure competence for licensing.

2.1. Apprenticeship pathway

Apprentices that complete an apprenticeship and 'capstone' test are issued a CoP in addition to their qualification enabling access to a NSW license (as required by the gazetted requirements).

A significant problem exists however in that the 'capstone' test is not administered by an assessor or authority independent of the RTO's interest in seeing the student complete the qualification.

The result is that significant quantities of apprentices are 'assessed' as competent by their RTO, but lack the knowledge and skill to genuinely produce compliant work, work safely, or supervise others in those aspects.

Further, apprentices that have been supervised by poorly skilled tradespeople acquire unsafe work practices, perpetuating these systemic failures into the next generation of tradespeople and business owners.

2.2. Non-Apprenticeship pathway

Training Services NSW receives many applications for a CoP from applicants with a qualification based all/mostly on recognition of prior learning (RPL), often without adequate practical experience. Issue of the CoP on this basis is constrained by the Vocational Training Review Panel (VTRP) process under the Apprenticeship and Traineeship Act (NSW) which required unanimous agreement of union and employer bodies for each individual that applies outside of the apprenticeship process.

Multiple RTOs are issuing Certificate III electrotechnology qualifications without traditional apprenticeships or sufficient workplace evidence, utilising Recognition of Prior Learning 'RPL' processes and undermining

the integrity of the trade pathway.

ASQA has been largely ineffective in addressing those poor performing RTO's.

2.3. Proposed Remedies

- Establish the requirement in NSW to undertake independent entry assessment – similar to the Victorian Licensed Electrician Assessment (LEA) - prior to the initial issue of an Electrical License.
- Implement Continuous Professional Development (CPD) requirements for renewal of licenses.

3. Unsafe electrical work practices are not effectively investigated or referred for license sanctions

Worker electrical shock and arc-flash incidents reported to SafeWork NSW are commonly triaged out by non-electrically qualified staff unless a fatality or serious injury occurs.

Typical outcomes include:

- No inspector attendance
- No verification of licence details
- No requirement to confirm supervision of work by license holder
- No requirement for a detailed explanation from the PCBU

Even if a SafeworkNSW inspector is allocated to make further enquiries, they are typically not electrical qualified, cannot appreciate the equipment they observe or terminology associated with it, and don't understand the interaction of the incident with

- Improper conduct under the HBA
- Licensing under the HBA
- the relevant parts of the WSH Reg
- the Electricity Supply Act / ASP scheme

as such, referrals for associated offences are rare and typically ineffective in addressing those associated matters.

4. Ineffective response mechanisms available for 'Serious Electrical Accidents'¹

Per the Gas and Electricity (Consumer Safety) Act, the secretary/fair trading commissioner is the default

¹ <https://legislation.nsw.gov.au/view/html/inforce/current/act-2017-015#sec.39>

authority responsible for the investigation of 'Serious Electrical Accidents' not relating exclusively to the assets of the supply authorities².

Until 2017, for serious electrical incidents on 'electrical installations', the electricity supply authorities (ESA's) in NSW typically participated in investigations at the relevant premises by supplying suitably trained and qualified personnel (emergency service officers, installation inspectors) to examine, test and report on the state of the installation for the benefit of other agencies (eg police, coroner, SafeworkNSW).

Since 2017 the ESA's safety management systems are no longer required to consider the safety of the customers installation (s7(1)(b)(2))³, and the supply authorities now will now typically refuse to engage with such incidents beyond isolating the premises and testing the condition of the service line and equipment. Prior to 2017, the ESA's were also required to provide a 'report' to Fair Trading, providing information about serious electrical incidents that had been attended by their officers. (see Appendix A for the format of that report). However, it is our understanding that this process no longer happens.

In the absence of the ESA resources, no other credible mechanism has been established to properly examine and provide factual information on the condition of an electrical installation which may or may not have contributed to a fatality or serious electrical incident.

Specifically, neither the BCNSW or SafeworkNSW have resources that are qualified, additionally trained, and supported by the necessary processes and WHS protocols necessary to appropriately examine an incident following a 'serious electrical accident'.

Where such an accident (particularly a fatality or hospitalization) occurs at a workplace or while work is being conducted, then the notification and investigation is typically passed to SafeworkNSW by emergency services responders (even it hasn't been notified immediately by the PCBU). SafeworkNSW will send inspectors, but those inspectors are often not electrically qualified and are reliant on accessing other resources for advice and assistance. Importantly, opportunities to make critical observations of the site, take decisions about site preservation, and when/if additional testing is required to establish the mechanism of the accident prior to release of the site are missed.

Where an accident occurs at a residence the requirement is that the 'occupier' notify the secretary within 7 days⁴. Occupiers typically don't have any knowledge of this requirement and responding agencies may or may not have contacts within the NSWBC to make them aware of a 'serious accident'. The result being that

² <https://legislation.nsw.gov.au/view/html/inforce/current/act-2017-015#pt.6>

³ <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0524#sec.7>

⁴ <https://legislation.nsw.gov.au/view/html/inforce/current/act-2017-015#sec.40>

the NSWBC/secretary is rarely advised in a timely matter of such incidents and does not get the opportunity preserve the site to investigate.

IPART hold the default responsibility for investigating ‘Serious Electricity Works Accidents’⁵ (accidents on or involving supply authority assets). However, IPART has a MoU with SafeworkNSW to accept notification for such incidents and undertake such investigations.

5. Disciplinary Action Against Licence Holders

The disciplinary action unit (DAU) investigates and determines disciplinary action against electrical license holders under the Home Building Act. In doing so, they are bound to the grounds for taking disciplinary against license holders and associated definitions.

5.1. For WHS matters

WHS matters can only indirectly be grounds for disciplinary action against an electrical license holder, as it effectively must be shown that either

- a licensed supervisor is guilty of ‘improper conduct’⁶ if it can be shown ‘in the course of doing any work that the licence or certificate authorises the holder to do, fails to comply with the requirements applicable to the work made by or under this or any other Act (WHS Act) in respect of the work, or
- a PCBU (contractor license holder) is guilty of ‘improper conduct’ if it has aided or abetted, ‘or is knowingly concerned in any way in, the doing of any thing by another person in connection with residential building work or **specialist work** if the thing done— constitutes improper conduct on the part of the person who did it’⁷

such a framework fails to acknowledge the extremely close relationship between competent practice in electrical work and the observation of mandatory WHS requirements to secure the safe conduct of that work - including but not limited to,

WHS Reg Part 4.7 Div 4 ⁸	<ul style="list-style-type: none"> - 154 Electrical work on energised electrical equipment—prohibited - 155 Duty to determine whether equipment is energised - 156 De-energised equipment must not be inadvertently re-energised - 158 Preliminary steps - 159 Unauthorised access to equipment being worked on - 160 Contact with equipment being worked on - 161 How the work is to be carried out
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⁵ <https://legislation.nsw.gov.au/view/html/inforce/current/act-1995-094#dict>

⁶ <https://legislation.nsw.gov.au/view/html/inforce/current/act-1989-147#sec.51>

⁷ <https://legislation.nsw.gov.au/view/html/inforce/current/act-1989-147#sec.52>

⁸ <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2025-0440#ch.4-pt.4.7-div.4>

WHS Reg Part 4.7 Div 5 ⁹	-	163 Duty of person conducting business or undertaking (Electrical installations on Construction or demolition sites)
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These clause specify strict duties and controls (mandatory conduct – not ‘so far as reasonably practicable’) on PCBU’s that conduct electrical work, to manage and control the risks associated with work on or near energised electrical equipment. PCBU’s (corporate or individual) risk prosecution or steep on the spot fines for non-compliance with this section (\$4500 body corp / \$900 individual).

The physical implementation of the associated procedures and controls for this work is reliant on the diligent application by the holder of an electrical supervisors license.

However, the licensed worker cannot be fined or sanctioned under the NSW WHS legislative framework for such serious malpractice or incompetence unless charged and found guilty of at least a s33(category 3) /s28 (duty of worker) offence. This never happens.

In the absence of the ability for SafeworkNSW to fine a licensed electrician for a failure of a general (s28 WHS Act) or specific (s154 or 155 WHS Reg) duty, then the DAU at the NSWBC is effectively unable to establish improper conduct (WHS breach) on behalf of the license holder for the purposes of disciplinary action without conducting a separate investigation (which they are not qualified to do).

5.2. For electrical installation compliance and other matters

The DAU is reliant on the reports and evidence provided by BCNSW inspectors to establish that the licence holder is guilty of improper conduct in failing to comply with the requirements of the Gas & Electricity (Consumer Safety) legislation.

Other items that appear to attract disciplinary action include failure to comply with rectification notices and providing false and misleading information.

5.3. The Disciplinary Data

NECA collected 3 years of information (to Dec 2025) disciplinary action applied (for all matters) for the trades of electrician, air-conditioning mechanic, and refrigeration mechanic via informal GIPA requests.

In total, there appears to approximately 12 investigations leading to approximately 19 disciplinary outcomes. This includes outcomes such as reprimands, fines, suspensions, cancellations, and license conditions. Only about four of the investigations relate to WHS non-compliance. With respect to the WHS initiated matters, the time taken between the incident and application of a license sanction appears to range between 9 months to 2 +years.

⁹ <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2025-0440#ch.4-pt.4.7-div.5>

This is not a credible rate of detection or enforcement for the population of electrical license holders in NSW in these categories. Also, significant time taken for the DAU to investigate and apply disciplinary outcomes is excessive when addressing matters of electrical installation safety and worker safety.

By comparison, similar information obtained from the Queensland regulator over a 16 month period indicates approximately 100 instances of disciplinary action against electrical license holders of which,

- 6 were associated with a Serious electrical incidents
- 60 were associated with a Person receiving an electric shock
- 9 were associated with Disconnection required because of serious defects or immediate electrical risk to persons or property
- 2 were associated with Significant property damage
- 11 were associated with Matters involving young workers and electrical apprentices
- 5 were associated with Repeat offenders (in relation to the above or equally culpable matters)

The inspectors in the Queensland ESO also have the ability to immediately suspend electrical license holders for serious matters¹⁰ where the license holder has

- performed the work in a way that is not electrically safe; or
- performed the work in a way that negligent or incompetent; or
- performed work resulting in a person or property not being electrically safe;
- etc¹¹

5.4. Conclusion

The Queensland regulator and regulatory framework is vastly superior in detecting and addressing errant conduct of electrical license holders in a timely manner and in the interests of consumers and worker safety.

6. Unauthorised ASP Electrical Work

The 'framework' for ASP's is established by the Electricity Supply Act¹², which requires that a person cannot perform 'contestable work' unless accredited to do so as provided for in the regulation¹³.

¹⁰ <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2002-042#pt.9-div.4>

¹¹ <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2002-042#pt.9-div.1>

¹² <https://legislation.nsw.gov.au/view/html/inforce/current/act-1995-094#sec.31A>

¹³ <https://legislation.nsw.gov.au/view/html/inforce/current/si-2014-0524#pt.3>

The ASP scheme rules themselves are administered by DCCEEW, however this department effectively has no investigative or enforcement powers other than monitoring administrative compliance of those that are accredited and potentially suspending or cancelling those that cease to comply.

ASP workers may have an electrical license (for specific categories eg ASP2D) or may not (for other categories jointer, linesman). Regardless, they are not typically subject to the BCNSW as most/all of their work is subject to authorisation, inspection, by the ESA's.

ASP's are able to perform 'energised electrical work' subject to the authorisation(s) of the local ESA, the ESA's Electricity Network Safety Management System, the exemption provided in the WHS Regulation¹⁴.

Several problems are apparent in the NSW framework around this type of electrical work

- There is practically no enforcement of s31A of the Electricity Supply Act
The only enforcement mechanism available is via court proceedings¹⁵ initiated by the ESA. The ESA's typically don't initiate legal proceedings as they are expensive, resources intensive, and do not produce judgements that would deter others. ESA field staff are also not typically trained to utilise legal powers to acquire and structure evidence to make court submissions robust. This situation holds for other similar and highly relevant offences under the Electricity Supply Act such as s65(Interference with electricity works), and 65A (Entering, climbing or being on electricity works).
- SafeworkNSW could also apply enforcement action against a non-accredited person performing ASP work, though several penalty notice offences relating to 'work on energised electrical equipment' though see work on distributors equipment as an Electricity Supply Act problem and/or a licensing problem to be dealt with by the NSWBC.

This lack of definition and coordination means that an electrician who illegally performs work on the service lines, connection arrangement of an installation is extremely unlikely to receive an appropriate penalty or sanction, even if detected. (See Appendix B for a specific example)

This could easily be remedied by creating penalty notices under the Electricity Supply (General) Regulation for the applicable offences and authorising officers from a suitable agency to receive the relevant information (from ESA's or others) and issue fines for apparent offences.

¹⁴ <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2025-0440#sec.152>

¹⁵ <https://legislation.nsw.gov.au/view/html/inforce/current/act-1995-094#sec.185>

8. Treatment of the Service Protection Device (SPD) and ‘service equipment’

The service protection device at an electrical installation is (by definition) the *‘first protection device which complies with clause 4.7, located on the installation side, or forming part of, the connection point.’* (from the service and installation rules)

It is required by the ESA’s consistent with their ability to require the installation of **‘service equipment’** providing for the ‘safe and efficient supply’.

The SPD itself is the property of the customer (as is everything on the load side of the ‘connection point’). However the SPD is also used by (or rather accessible to) the ESA to make effective disconnections / isolations within their authority to do so. On this basis, the SPD is not legally part of the ‘electrical installation’ per¹⁶ –

electrical installation means any fixed appliances, wires, fittings, meters, apparatus or other electrical equipment used for (or for purposes incidental to) the conveyance, measuring, control and use of electricity in a particular place, **but does not include any of the following—**

- (a) subject to any regulation made under subsection (4)—**any electrical equipment** (other than a meter) used, or intended for use, in the generation, transmission or distribution of electricity that is—
 - (i) owned or **used by an electricity supply authority**, or ...

Legal advice and expert opinion developed by DPIE during a ministerially directed project to consider the feasibility of ‘live isolation’ recommendations from the 2018 IPART Report¹⁷, identified that the nature of the rules and authorisations specific to ASP’s meant that ‘live work’ they had traditionally be authorised to do by the networks no longer complied with the WHS exemption for such work. Replacement of a burnt out / damaged SPD couldn’t be performed by a metering provider (or an ASP engage by one) as it couldn’t be considered ‘contestable work’.

The NSWBC arbitrarily (and incorrectly) decided that an SPD had no place on a customers switchboard and could no longer also perform the function of a Metering Protection Device (MPD) (combined SPD/MPD).

There is significant additional technical detail with respect to this equipment and the interactions between the customer, metering providers, network obligations, retailers. The details also vary based on the type of installation (single residential up to multi-occupancy)

However the basic outcomes of this are,

- Customer
 - Convenience & expense

¹⁶ <https://legislation.nsw.gov.au/view/html/inforce/current/act-2017-015#sec.4>

¹⁷ <https://www.ipart.nsw.gov.au/sites/default/files/documents/final-report-retailers-metering-practices-in-nsw-17-december-2018.pdf>

Under the NSWBC position the MPD has to be a separate and distinct device to the SPD. Requiring extra space within and/or larger switchboard and installation of two devices where one could service both needs (and traditionally has for single dwellings)

Apartment dwellers face the prospect of multiple interruptions to electricity supply as they transfer individually or in small groups to new retailers.

All of this adds expense to customers.

- Safety

Traditionally, ASP2D's have been authorised by the networks to replace defective or obsolete SPD's as/when they find them. However, now the ASP is constrained by the WHS Reg.

This means that obvious and potentially urgent defects at a customer's board are delayed by the inability of the regulators to co-ordinate a solution.

- Worker Safety

- The effect of stopping ASP2D's from replacing SPD's under live conditions at a switchboard is the potential addition of additional risks. (eg work at heights, plant and equipment, powerline hazards, traffic control)

- Efficiency

The roll-out of 'smart meters' is severely impacted by the inability to resolve relatively straightforward issues on site.

9. Conclusion

The problems outlined in this submission are not isolated failures but systemic weaknesses arising from fragmented (siloe) and uncoordinated regulation, lack of technical capability or sophistication within regulators, and absence of suitable enforcement or investigative capabilities in several areas.

Specifically,

- the administration of disciplinary processes for unsafe and/or incompetent performance of electrical work is ineffective to the point of being absent.
- the siloe nature of the regulators, applicable regulations, and policy is detrimental and counter-productive.



Fair Trading

ELECTRICAL ACCIDENT REPORT

Form EAA-9/2014

OBJECTIVE To provide statistics to guide the development of accident prevention programs

ACCIDENTS TO BE REPORTED Notify the **NSW Fair Trading** of all **FATAL** and **NON FATAL ACCIDENTS** which involve electric shock, flash or burns or which are falls from elevated positions associated with work on electrical apparatus. Please advise the Department within 10 working days by fax, e-mail or phone. Posting of a form sent by FAX or e-mail is not necessary.

Also contact the **NSW Resources and Energy** if **NETWORK ASSETS** or **EMPLOYEES** are involved. If you are in doubt contact both departments.

GENERAL INSTRUCTIONS Unless otherwise indicated, tick the relevant box. Please print clearly. Where space is insufficient or there is more than one victim, please attach separate sheets.

DETAILS OF ACCIDENT

DATE OF ACCIDENT	_____		
ADDRESS OF ACCIDENT	_____		Postcode _____
NAME OF NETWORK OPERATOR	_____		
NAME OF VICTIM	_____		
AGE	SEX	OCCUPATION	
_____	_____	_____	
VICTIM'S ADDRESS	_____		
WAS VICTIM	<input type="checkbox"/> NETWORK OPERATOR	<input type="checkbox"/> EMERGENCY SERVICES	<input type="checkbox"/> OTHER ELECTRICAL PERSONNEL <input type="checkbox"/> OTHER / GENERAL PUBLIC
CATEGORY	<input type="checkbox"/> FATAL	<input type="checkbox"/> NON - FATAL	
TYPE	<input type="checkbox"/> ELECTRICAL BURNS	<input type="checkbox"/> FLASH BURNS	<input type="checkbox"/> ELECTRIC SHOCK
	<input type="checkbox"/> RESULTING FROM FALL	<input type="checkbox"/> OTHER SPECIFY _____	
TREATMENT	MEDICAL TREATMENT	Yes / No	Ambulance
	RESUSCITATION	Yes / No	NUMBER OF DAYS IN HOSPITAL _____
	DID ACCIDENT OCCUR IN THE COURSE OF WORK?	YES / NO	
DESCRIPTION OF ACCIDENT	Briefly describe what the victim was doing at the time of the accident, how was the injury received and the cause of the accident (e.g. victim had moved the back of a washing machine and received a shock when he touched live parts, victim did not disconnect the power).		
SYSTEM VOLTAGE	<input type="checkbox"/> LESS than 650 VOLTS	<input type="checkbox"/> 650 to 33 000 VOLTS	<input type="checkbox"/> GREATER than 33 000 VOLTS

HEAD OFFICE: The Barrington, 10-14 Smith St, Parramatta NSW 2150
Tel (02) 9895 0722 Fax (02) 9895 0735 DX 28437 Parramatta

66 Gallipoli St Lidcombe

- Ausgrid attended to assist with reports of electric shocks experienced at this address in 2022.
- Found cause to be major defect (reverse polarity) caused by an electrical contractor who did the work for cash months previously.
- The nature of the defect could easily have killed an occupant of the building, or workers attending to burnt connectors on braided gas hoses, or caused a fire or gas explosion due to its interaction with the gas appliance (stainless steel stove) .
- The son of the occupant was able to provide the business card of the offender to Ausgrid officers who passed on the details to Fair Trading and subsequently SafeworkNSW.
Neither regulator exercised their investigative powers to confirm the evidence or pursue the matter.
- The responsible business / individual has no record of disciplinary action applied to their license despite the serious nature of the offence.
- The initial call to Ausgrid for this site was logged by son of owner due to a gas oven fire a couple of days prior, and customer receiving tingles from the rangehood.
- Findings onsite were reverse polarity at the Point of Attachment, this had recently been altered and relocated to above the front porch awning (inaccessible). The old VIR single phase consumers main had also been extended to the new Point of Attachment. The Service fuse & service Neutral link were the old metal clad type and had not been upgraded or replaced.
- Discussions with the son revealed this was a “cash” job completed some time ago and no CCEW or invoice was provided, though the business card of contractor that allegedly attended was provided.

To further input on this submission please contact:

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