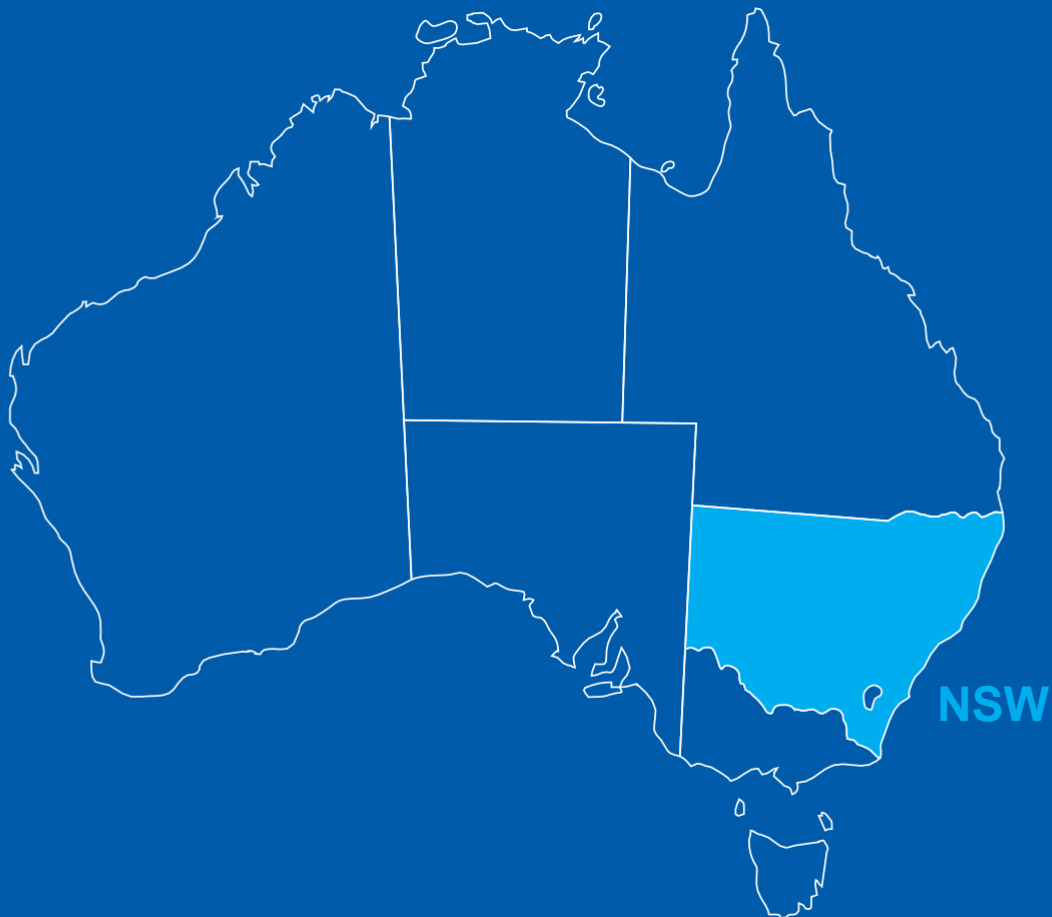


NSW Electrical and Gas Safety Review - Response to the NOUS Options Paper June 2026





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

The National Electrical and Communications Association (NECA) welcomes the opportunity to respond to the Options Paper prepared by Nous Group as part of the NSW Electrical and Gas Safety Review.

NECA considers the review an important opportunity to address long-standing structural deficiencies in the electrical safety regulatory framework. The issues identified in the Options Paper closely align with those raised by NECA through prior submissions and ongoing engagement with regulators and government.

Alignment on Systemic Issues

NECA broadly supports the diagnosis presented in the Options Paper. The current framework is characterised by fragmented responsibilities across multiple agencies, limited coordination, and the absence of clear system-level accountability. This has led to regulatory gaps, inconsistent enforcement, and uncertainty for both industry participants and consumers.

The complexity of the legislative framework, with safety obligations dispersed across numerous Acts and subordinate instruments, further undermines compliance and enforcement outcomes. In practice, this fragmentation makes it difficult to apply obligations consistently or respond to emerging risks.

NECA strongly agrees with the Options Paper's findings regarding regulatory practice. Limitations in inspector capability, resource constraints, and inconsistent use of enforcement tools have materially weakened the system's ability to detect unsafe work, investigate incidents, and apply appropriate sanctions. These are systemic issues that cannot be resolved through incremental improvements alone.

Energy Supply Safety Act (ESSA)

NECA strongly supports the establishment of an **Energy Supply Safety Act (ESSA)** as the central legislative mechanism for reform.

A single, integrated safety statute is essential to resolving the fragmentation and inconsistency of the current framework. Consolidation will provide clarity, reduce duplication, and create a coherent legislative foundation for electrical and gas safety. It will also enable more efficient reform by removing the need for coordinated amendments across multiple Acts.

The ESSA should incorporate core safety provisions currently contained in the Gas and Electricity (Consumer Safety) Act, Electricity Supply Act, Gas Supply Act, Pipelines Act, and relevant elements of the Home Building Act. It is also critical that the ESSA incorporates key provisions of the **NSW Work Health and Safety Regulation 2017, specifically those in Part 4.7 Division 4.**

These WHS provisions establish mandatory and technically prescriptive duties governing electrical work, particularly in relation to work on or near energised electrical equipment. They impose strict duties for de-energisation, isolation, verification, and control of risk, and represent some of the most important statutory safeguards for preventing serious injury or fatality.

Despite this, there is a clear disconnect between these duties and the electrical licensing and disciplinary framework. Breaches of these provisions are strong indicators of unsafe or incompetent practice but rarely result in action against licence holders, as evidenced by the record of disciplinary actions held by the NSWBC. This undermines accountability and weakens the intent of both the WHS framework and the licensing system.

Integrating these duties into the ESSA will ensure that breaches of mandatory electrical safety obligations directly inform enforcement and licensing outcomes, establishing a clear link between how electrical work is performed and the entitlement to hold a licence.

Electrical Licensing

Electrical licensing should be incorporated into the ESSA as a core element of the safety framework.

Licensing is not merely an administrative function. It underpins the competency of those performing electrical work and directly influences both safety outcomes and installation quality. Poor-quality work frequently introduces latent defects that may not present immediate hazards but create significant long-term safety risks and costs for consumers.

Bringing licensing into the ESSA will align competency, installation quality, safety performance, and enforcement within a single framework. This will ensure that regulatory action can respond effectively to both unsafe practices and substandard workmanship, reinforcing that safety and quality are inseparable.

Consolidated Energy Safety Regulator

NECA supports the establishment of a **single, consolidated energy safety regulator (EnergySafe NSW or equivalent)** as the most effective and practical response to the identified issues. The current model of dispersed responsibility has resulted in significant capability limitations.

The NSW Building Commission operates with a relatively narrow enforcement remit in electrical safety and is not structured to address systemic issues. The NSW Building Commissioner responded with this comment when asked about the comparable rates of NSW disciplinary action with Qld, "...I put it down to the number of inspectors that they have and the **broader remit** that they have in both Queensland and Victoria. They have a broader remit electrically. My numbers might not be precisely correct here, but I believe they have around 49 or 50 inspectors and they inspect right across all *electrical infrastructure—commercial, residential, civic infrastructure*. We at the Building Commission have around nine inspectors, **but we just do the residential.**"¹ This comment comes as somewhat of a surprise to NECA, as the Gas & Electricity (Consumer Safety) Regulation is clearly not limited to just residential.

The issue of electrical safety (consumer and worker) requires a wider remit for electrical licensing and associated enforcement framework than just residential and/or construction sites. Similarly, disciplinary action for unsafe electrical work practices should not be relegated to proving 'improper conduct' via non-compliance with other regulations, but rather reflected as primary duties of license holders.

SafeWork NSW does not consistently demonstrate the specialised technical capability required to investigate electrical incidents or enforce electrical safety duties, particularly where incidents do not involve serious injury or fatality. In the absence of genuine knowledge of electrical safety and supervision requirements, or the associated HBA provisions, most SafeworkNSW inspectors do not consider or participate in referrals for HBA license breaches (eg. supervision of apprentices) or serious electrical malpractice, as evidenced by the low referral rates recorded in SafeworkNSW register.

¹Pge 33 of transcript of hearing held on 22nd June 2026, NSW Parliament.
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3164#tab-hearingsandtranscripts>

Neither agency is equipped or has jurisdiction to handle incidents and offences under the Electricity Supply Act to support electricity supply authorities and/or protect consumers from false ASP's,

The critical gap across the system is the lack of connection between serious electrical malpractice and disciplinary action against licence holders. This disconnect undermines accountability and weakens deterrence.

These issues demonstrate that the problem is not one of coordination between agencies, but of fragmented capability and accountability. Simply improving coordination between existing regulators will not address these shortcomings. A structural solution is required.

A consolidated regulator would provide system-wide accountability, consistent and technically competent enforcement, and clear linkage between investigation outcomes and licensing consequences. It would also support the development of a specialist inspectorate, capable of addressing the full range of electrical quality and safety issues and provide a clear point of contact for consumers and industry.

NECA also considers it essential that the regulator maintains structured and ongoing engagement with industry. Valuable opportunities to educate license holders and ensure minimal standards of currency in the trade are missed in NSW due to the inability of the current agencies to mandate CPD for license renewals. Effective regulation depends on an understanding of evolving practices, technologies, and risks. As such, CPD programs based on more than the narrow remit of the NSWBC is required.

To support this, NECA recommends the establishment of a formal industry advisory council to advise the regulator, comprising appropriately qualified and representative stakeholders. This would provide a reliable and transparent mechanism for incorporating genuine technical expertise into policy and regulatory decision-making.

Investigation and Enforcement Capability

Improving investigation and enforcement capability must be a central objective of reform.

The current framework does not support an environment that ensures electrical incidents are appropriately triaged and investigated by personnel with the technical expertise required to identify root causes and determine appropriate responses. As a result, unsafe practices frequently go unaddressed and opportunities to prevent recurrence are lost.

This is a particularly acute problem when it comes to the management and supervision of electrical apprentices, as the current framework misses almost every opportunity to demonstrate to apprentices that there are consequences for their employer and/or supervisors if they expose them to hazardous electrical practices or permit unsupervised work. In the worst examples, employers of electrical apprentices should be referred by the appropriate regulator for a prohibition on employing or hosting apprentices under the Apprenticeship & Traineeship Act.

A reformed system must ensure that incidents are consistently triaged and investigated, that investigations are technically competent, and that findings are directly linked to enforcement action and licensing outcomes where appropriate. Ensuring accountability for unsafe work is critical to restoring confidence in the system.

Embedding this capability within a consolidated regulator is the most effective way to achieve consistent, high-quality investigations and meaningful enforcement outcomes.

Policy Development and Industry Engagement

NECA also notes systemic issues in policy development processes.

Engagement with government departments has, at times, been difficult due to a lack of technical expertise within decision-making roles. Policy processes are often led by individuals without sufficient technical background, resulting in reliance on internal advice that may not always be appropriate or aligned with industry realities.

The current review of the NSW Accredited Service Provider (ASP) scheme provides an example of this challenge. While led with good intent, it is largely focused on coordinating stakeholder feedback without a sufficiently strong understanding of the statutory and technical regulatory framework to critically assess competing views or deliver coherent reform outcomes.

Similarly, the development of the digital Certificate of Compliance for Electrical Work (CCEW) by the NSW Building Commission and the enabling modifications to the Gas & Electricity (Consumer Safety) Reg failed to produce outcomes that improved either customer protections, regulatory data acquisition or industry needs. Instead of an intelligent and practical response to the regulatory intent, it appears to have imposed further dysfunction.

This reinforces the need for a regulatory model that embeds technical expertise within decision-making structures, rather than relying on fragmented consultation processes.

Conclusion

NECA supports the key reform directions outlined in the Options Paper and considers them consistent with industry experience.

The establishment of an Energy Supply Safety Act, incorporating licensing and key WHS electrical safety provisions, together with the creation of a consolidated energy safety regulator, represents the most effective pathway to addressing systemic deficiencies in the current framework.

Importantly, NECA strongly supports the consolidation of regulatory, licensing and enforcement activity across the electrical supply chain into an appropriately resourced regulator.

The inclusion of legislation covering gas networks and trades licensing into the combined Act and common regulator is likewise supported, however not central to the position of NECA.

These reforms will improve safety outcomes, strengthen installation quality, restore accountability, and deliver a more coherent, capable, and future-ready regulatory system for New South Wales.

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