

Queensland



ELECTRICITY AMENDMENT ACT 1993

Act No. 29 of 1993

Queensland



ELECTRICITY AMENDMENT ACT 1993

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Queensland



Electricity Amendment Act 1993

Act No. 29 of 1993

An Act to amend the *Electricity Act 1976*, and for other purposes

[Assented to 2 June 1993]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Electricity Amendment Act 1993*.

Commencement

2.(1) Sections 15, 18, 19, 22 to 30, 52 to 55, 75, 97, 106(2), 108 to 112 and 114 are taken to have commenced on 1 July 1992.

(2) Sections 5(2), 76, 80, 81, 82(2), 84 to 89, 105 and 107(9) commence on a day to be fixed by proclamation.

Amended Act

3. The *Electricity Act 1976* is amended as set out in this Act.

Omission of ss.4 and 5

4. Sections 4 and 5—

omit.

Amendment of s.6 (Interpretation)

5.(1) Section 6 (definitions “**the Commissioner**”, “**the Deputy Commissioner**”, “**document**”, “**electrical installation**”, “**electrical worker**”, “**external authorization**”, “**improver**”, “**industrial inspector**”, “**Local Authority**” and “**voltage**”)—

omit.

- (2) Section 6 (definition “**electrical linesman**”)—

omit.

- (3) Section 6—

insert—

“**Commissioner**” means the Electricity Commissioner;

“**Deputy Commissioner**” means the Deputy Electricity Commissioner;

“**electrical installation**” has the meaning given by section 6A;

“**electrical linesperson**” means a person who supervises or performs—

- (a) electrical work in the construction or maintenance of—
 - (i) overhead electric lines; or
 - (ii) street lighting connected to overhead or underground circuits; or
- (b) tests to ensure that overhead electric lines are correctly connected;

“**electrical worker**” means—

- (a) an electrical fitter; or
- (b) an electrical jointer; or
- (c) an electrical linesperson; or
- (d) an electrical mechanic; or
- (e) an engineering tradesperson (electrical); or
- (f) another person performing electrical work under this Act that is performed by a person mentioned in paragraph (a) to (e);

“**engineering tradesperson (electrical)**” means a person who supervises or performs electrical work of an electrical fitter or electrical mechanic;

“**external authorisation**” means a current licence, permit, certificate or other authority—

- (a) issued under a law of the Commonwealth, another State, a Territory or New Zealand; and
- (b) that authorises the holder to perform electrical work that an electrical fitter, electrical jointer, electrical linesperson, electrical mechanic or engineering tradesperson (electrical) is authorised to perform;

“**Financial Management Practice Manual**” means the Financial Management Practice Manual issued by the Commission under the *Financial Administration and Audit Act 1977*;

“**high voltage**” means a voltage of more than 1 000 volts;

“**industrial inspector**” has the meaning given by section 2.1(1) of the *Industrial Relations Act 1990*;

“**low voltage**” means a voltage of not more than 1 000 volts;

“**roads authority executive**” means the chief executive of the department that deals with matters arising under the *Transport Infrastructure (Roads) Act 1991*;

“**Standards Australia**” means the organisation that operates formally as the Standards Association of Australia;

“**training department**” means the department that deals with matters in relation to employment, vocational education and training;

“**voltage**” has the meaning given by section 6B;.

Insertion of new ss.6A and 6B

6. After section 6—

insert—

‘Meaning of electrical installation

‘**6A.(1)** An “**electrical installation**” is an electric line or electrical article that—

- (a) is installed in, on or over premises; and
- (b) is used, or intended to be used, for a purpose related to the conveyance, control or use of electricity supplied, or intended to be supplied, by—
 - (i) an Electricity Authority; or
 - (ii) the holder of a licence under this Act to supply electricity; or
 - (iii) an owner or occupier of a private plant.

‘**(2)** Subsection (1) applies to the electric line or electrical article whether or not the electricity is supplied, or intended to be supplied, by the person contracting or undertaking to install the line or article.

‘**(3)** An “**electrical installation**” includes an addition or alteration to the electric line or electric article.

‘(4) An “electrical installation” does not include—

- (a) an electric line of—
 - (i) an Electricity Authority; or
 - (ii) the holder of a licence to supply electricity; or
- (b) works of—
 - (i) an Electricity Authority; or
 - (ii) the holder of a licence to supply electricity;

that are used for the generation, transmission and distribution of electricity; or

- (c) electric lines and works constructed and used by Queensland Railways as part of a system of electric traction or for signalling purposes on a railway.

‘Meaning of voltage

‘6B.(1) “**Voltage**” is the difference in electrical potential measured in volts.

‘(2) In the case of alternating current systems, the “**voltage**” is taken to be the root mean square (R.M.S.) value of the difference.

‘(3) Unless otherwise provided, a reference to “**voltage**” is a reference to the nominal voltage between phases of a symmetrical 3 phase system.

‘(4) If electricity is provided from a single wire earth return system originating from a symmetrical 3 phase system, “**voltage**” is the nominal voltage between phase and earth.’.

Replacement of s.7 (Crown bound in certain respects)

7. Section 7—

omit, insert—

‘Extent to which Crown is bound

‘7.(1) This Act binds the Crown in right of the State and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities only—

- (a) to the extent that the Crown is a consumer; and
- (b) in relation to matters relating to safety; and
- (c) in relation to another matter—if a provision of this Act expressly provides that the Crown is to be bound.

‘(2) Queensland Railways is not bound by this Act in relation to any matter relating to electric lines and works mentioned in section 6A(4)(c).’

Amendment of s.9 (The Commission)

8. Section 9(3) to (6)—

omit.

Insertion of new ss.9A–9D

9. After section 9—

insert—

‘Commission represents the Crown

‘**9A.** The Commission represents the Crown and has all the powers, privileges, rights and remedies of the Crown.

‘Commission land is rateable land

‘**9B.** Despite section 9A, land that is vested in, or under the management of, the Commission is rateable land for the purposes of the *Local Government Act 1936* and *City of Brisbane Act 1924*.

‘Contracts entered into by the Commission

‘**9C.(1)** The Commission may enter into a contract only in accordance with this section.

‘(2) If the contract is a contract that, if made between private persons, would by law be required to be in writing and under seal, the contract must be in writing and under the seal of the Commission.

‘(3) If the contract is a contract that, if made between private persons,

would by law be required to be in writing and signed by the parties, the contract must be in writing and signed by the Commissioner.

‘(4) If the contract is a contract that, if made between private persons, would by law be valid if made orally, the contract may be made orally by the Commissioner.

‘(5) A contract entered into in accordance with this section may be varied or discharged in the way that it is authorised to be made.

‘Courts to take judicial notice

‘9D.(1) Judicial notice must be taken of—

- (a) the appointment and signature of the Commissioner; and
- (b) the appointment and signature of the Deputy Commissioner; and
- (c) the appointment and signature of the secretary to the Commission; and
- (d) the seal of the Commission affixed to a document.

‘(2) The signature of a person mentioned in subsection (1) on a document, or the seal affixed to a document, is taken to have been properly made, or affixed, in the absence of evidence to the contrary.’.

Omission of s.12 (Continuance in office of certain persons)

10. Section 12—

omit.

Amendment of s.13 (Appointment of Commissioner)

11.(1) Section 13(1)—

omit, insert—

‘13.(1) There is to be an Electricity Commissioner.

‘(1A) The Electricity Commissioner is to be appointed by the Governor in Council.’.

(2) Section 13(3)—

omit.

Amendment of s.14 (Appointment of Deputy Commissioner)

12.(1) Section 14(1)—

omit, insert—

‘14.(1) There is to be a Deputy Electricity Commissioner.

‘(2) The Deputy Electricity Commissioner is to be appointed by the Governor in Council.’.

(2) Section 14(3A)—

omit.

Amendment of s.15 (Appointment of secretary)

13. Section 15(1)—

omit, insert—

‘15.(1) The Governor in Council may appoint a person to be secretary to the Commission.’.

Replacement of s.17 (Public Service Act not applicable to Commissioner, etc.)

14. Section 17—

omit, insert—

‘Application of Public Service Management and Employment Act to officers and employees

‘17. The *Public Service Management and Employment Act 1988* does not apply to—

- (a) the Commissioner; or
- (b) the Deputy Commissioner; or

- (c) the secretary to the Commission; or
- (d) an officer or employee of the Commission.’.

Amendment of s.18 (Vacation of office)

15. Section 18(2)—

omit ‘into the Electricity Fund’ (twice occurring),
insert ‘to the Commission’.

Replacement of ss.19 and 20

16. Sections 19 and 20—

omit, insert—

‘Delegations

‘19. The Commissioner may delegate the Commissioner’s powers under this Act to—

- (a) the Deputy Commissioner; or
- (b) the secretary to the Commission; or
- (c) an officer or employee of the Commission.

‘Appointment of Commission’s employees

‘20.(1) In this section—

“employee” includes an electrical inspector appointed under section 21, but does not include the Commissioner, Deputy Commissioner or secretary to the Commission.

‘(2) The Commission may appoint the number of employees of the Commission that are necessary for the efficient administration of this Act.

‘(3) An employee is to be paid—

- (a) the remuneration to which the employee is entitled under the relevant industrial award or industrial agreement; or
- (b) if there is no relevant industrial award or industrial

agreement—the remuneration determined by the Commission and approved by the Governor in Council.

‘(4) The Governor in Council may—

- (a) approve conditions relating to the employment of employees; and
- (b) authorise the Commission to enter into a contractual arrangement with an employee or class of employees that is necessary or desirable to give effect to the conditions.

‘(5) A condition—

- (a) may apply to an employee or a class of employees; and
- (b) must not be inconsistent with a relevant industrial award or industrial agreement.’.

Amendment of s.21 (Electrical inspectors)

17.(1) Section 21(1)—

omit.

(2) Section 21(6)—

omit ‘conclusive’.

Replacement of Division heading

18. Part 2, Division 2 (heading)—

omit, insert—

‘Division 2—Funds, departmental accounts and financial statements’.

Replacement of ss.28–32

19. Sections 28 to 32—

omit, insert—

‘Funds administered by the Commission

‘**28.** The Commission is to administer any fund that—

- (a) is a fund of the Trust and Special Funds established under the

Financial Administration and Audit Act 1977; and

- (b) the Commission is directed by the Treasurer to administer.

‘Departmental accounts

‘29. The Commission must keep the departmental accounts that it is required to keep under the *Financial Administration and Audit Act 1977*.

‘Financial statements

‘30.(1) The statements the Commission must give to the Auditor-General under section 40 of the *Financial Administration and Audit Act 1977* must include the consolidated general purpose financial statements for the Queensland electricity supply industry.

‘(2) For the purposes of subsection (1), the Queensland electricity supply industry comprises—

- (a) the Commission; and
(b) each Electricity Board constituted under this Act.’.

Amendment of s.36F (Commission an Electricity Authority in certain circumstances)

20.(1) Section 36F(1)(a)(v)—

omit ‘uniform practice manual compiled and published pursuant to paragraphs (a) and (b)(i) of subsection (1) of section 444’, *insert* ‘approved uniform practice manual prepared under section 444(1)(a) or (b)(i)’.

(2) Section 36F(1)(b)(vi)—

omit ‘uniform practice manual compiled and published pursuant to paragraph (b)(ii) of subsection (1) of section 444’,

insert ‘approved uniform practice manual prepared under section 444(1)(b)(ii)’.

(3) Section 36F(1)(c)(ii)(C)—

omit ‘uniform practice manual compiled and published pursuant to this Act’,

insert ‘approved uniform practice manual prepared under section 444’.

Replacement of s.39 (Payment of commission, fees)

21. Section 39—

omit, insert—

‘Payment of commission and fees

‘39.(1) The Commission may, with the approval of the Treasurer, pay an amount by way of commission or fees in relation to the making of financial arrangements authorised by the Governor in Council.

‘(2) The approval may be given on terms, and subject to conditions, that the Treasurer considers appropriate.’.

Amendment of s.41F (Authorization of Electricity Boards to enter into financial arrangements)

22.(1) Section 41F(4)—

omit ‘appropriated from any fund’,

insert ‘expended from an account belonging to the Electricity Board’.

(2) Section 41F(4)—

omit ‘into the fund’, *insert* ‘into the account’.

Amendment of s.42 (Provision of moneys by the Commission)

23. Section 42(2)—

omit, insert—

‘(2) The Commission may—

- (a) provide moneys to be used by an Electricity Authority for expenditure of a capital nature only with the approval of the Treasurer; or
- (b) provide moneys for another purpose only with the approval of the

Governor in Council.

‘(3) Subsection (2) does not apply to the provision of moneys that the Commission is required or authorised by law to provide.’.

Amendment of s.43 (Reimbursement to the Commission of interest and instalments towards the repayment of principal)

24.(1) Section 43(1)(c) and (e)—

omit.

(2) Section 43(1)(f)—

omit ‘another fund’, *insert* ‘a fund’.

(3) Section 43(2), (3) and (6)—

omit.

Amendment of s.44 (Expenses of raising loans)

25. Section 44(2)—

omit ‘by the Electricity Fund and any other fund’, *insert* ‘by any fund’.

Amendment of s.45 (Expenses of loan management)

26. Section 45(2)—

omit ‘by the Electricity Fund and any other fund’, *insert* ‘by any fund’.

Amendment of s.45A (Investment powers of the Commission)

27. Section 45A(1)(b)—

omit, insert—

‘(b) moneys standing to the credit of a departmental bank account kept by the Commission;’.

Omission of Part 2, Division 6 (Loan Sinking Funds)

28. Part 2, Division 6—

omit.

Replacement of s.71 (Commission to ensure adequacy of price)

29. Section 71—

omit, insert—

‘Determination of price of electricity supplied to Electricity Authority

‘71.(1) The Commission may determine the price to be charged for electricity supplied in bulk to an Electricity Authority.

‘(2) The Commission must ensure, as far as possible, that the price is sufficient—

- (a) to meet the expenses of the Commission—
 - (i) in the operation, maintenance and management of its generation and transmission undertaking; and
 - (ii) in the exercise and performance of the Commission’s powers and functions; and
- (b) to enable the Commission to make provision for capital works in an amount determined by the Commission; and
- (c) to enable the Commission to make a contribution to a reserve authorised by this Act.

‘(3) In determining the price, the Commission must—

- (a) take into account all of its revenue; and
- (b) for the purpose of complying with subsection (2)—have regard to a period of not more than 3 years.

‘Determination of price of electricity supplied by Electricity Authorities

‘71A.(1) The Commission may determine the price to be charged for electricity supplied to consumers (including electricity supplied for lighting on a road) by an Electricity Authority.

‘(2) The Commission must ensure, as far as possible, that the price is sufficient—

- (a) to meet the expenses of the Electricity Authority in the exercise and performance of the Authority’s powers and functions; and
- (b) to meet the provisions and monetary contributions of the Electricity Authority under this Division; and
- (c) to enable the Electricity Authority to make a contribution to a reserve authorised by this Act; and
- (d) to meet any other expense that the Electricity Authority is authorised to incur.

‘(3) In determining the price, the Commission must—

- (a) take into account all of the revenue of the Electricity Authority; and
- (b) for the purpose of complying with subsection (2)—have regard to a period of not more than 3 years.’.

Replacement of ss.73 and 74

30. Sections 73 and 74—

omit, insert—

‘Provision for capital works

‘**73.(1)** The Commission may require an Electricity Authority to provide in a financial year an amount fixed by the Commission for any of the following purposes—

- (a) capital works;
- (b) reserve for capital works;
- (c) repayment of a loan (whether in whole or part);
- (d) payment to another Electricity Authority for spending on capital works.

‘(2) The Commission may require an Electricity Authority to apply an amount provided for under subsection (1)(d).

‘(3) The amount is to be applied on any conditions determined by the

Governor in Council.

‘(4) If—

- (a) a condition requires an Electricity Authority to repay an amount to another Electricity Authority (whether or not with interest) by instalments; and
- (b) the Electricity Authority defaults in the payment of an instalment;

the amount applied may be recovered by the other Authority as a debt due to it by the first Authority.

‘Electricity tariffs to be similar

‘74. The Minister may fix amounts to be provided—

- (a) by the Commission to an Electricity Board; or
- (b) by an Electricity Board to the Commission or another Electricity Board;

to be applied to ensure that all Electricity Boards are able to charge the same or substantially the same tariffs.’.

Amendment of s.103 (First Electricity Boards)

31. Section 103(3)—

omit.

Replacement of s.105 (Membership of Electricity Boards)

32. Section 105—

omit, insert—

‘Membership of Electricity Boards

‘105.(1) An Electricity Board consists of—

- (a) the Commissioner; and
- (b) 2 members selected from a panel of 5 persons nominated by the local authorities whose areas, or part of whose areas, are in the area of the Electricity Board; and

(c) 2 other members.

‘(2) A member mentioned in subsection (1)(b) or (c)—

(a) must reside in the area of the Electricity Board; and

(b) is to be appointed by the Governor in Council.

‘(3) A person may not be appointed as a member of an Electricity Board if the person is an employee of—

(a) the Commission; or

(b) an Electricity Board.

‘(4) An appointed member’s appointment is for the term (not longer than 3 years and 6 months) specified in the member’s instrument of appointment.’.

Amendment of s.110 (Chairman and deputy chairman)

33.(1) Section 110(3) and (4)—

omit.

(2) Section 110(8)—

omit ‘thereat’.

(3) Section 110(9)—

omit ‘therefrom’.

Replacement of ss.119–121

34. Sections 119 to 121—

omit, insert—

‘Removal of members of Electricity Board

‘**119.(1)** The Governor in Council may remove all the appointed members of an Electricity Board at any time for reasonable cause.

‘**(2)** On removal—

(a) the appointed members of the Board go out of office; and

(b) the Commissioner—

- (i) may exercise the powers and perform the functions of the Board; and
- (ii) is taken to constitute the Board and to be the chairperson of the Board;

until new members of the Board are appointed under section 105.

‘(3) An appointed member of the Board who is removed under subsection (1) is not eligible for reappointment unless the Governor in Council determines otherwise.

‘Disclosure of interests by member of Electricity Board

‘**120.(1)** If a member of an Electricity Board has a direct or indirect interest in a matter being considered, or about to be considered, by the Board, the member must disclose the nature of the interest to a meeting of the Board as soon as practicable after the relevant facts come to the member’s knowledge.

Maximum penalty—8 penalty units.

‘(2) The disclosure must be recorded in the Board’s minutes.

‘Voting by interested member of Electricity Board

‘**120A.(1)** A member of an Electricity Board who has a material personal interest in a matter that is being considered by the Board must not—

- (a) vote on the matter; or
- (b) vote on a proposed resolution (a “**related resolution**”) under subsection (2) in relation to the matter (whether in relation to the member or another member); or
- (c) be present while the matter, or a related resolution, is being considered by the Board; or
- (d) otherwise take part in any decision of the Board in relation to the matter or a related resolution.

Maximum penalty—8 penalty units.

‘(2) Subsection (1) does not apply to the matter if the Board has at any

time passed a resolution that—

- (a) specifies the member, the interest and the matter; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.

‘Insurance of members of an Electricity Board

‘121.(1) An Electricity Board may effect, on behalf of a member of the Board, insurance for—

- (a) the member; or
- (b) in the event of the member being fatally injured—the member’s dependants.

‘(2) The insurance must relate to an injury arising out of, or in the course of, the performance by the member of the member’s functions.

‘(3) The cost of providing the insurance is an authorised expense for the purposes of this Act.

‘(4) Without limiting subsection (2), an injury may arise out of, or in the course of, the performance by the member of the member’s functions if the injury happens when the member—

- (a) is attending at a place the member is authorised or required to attend; or
- (b) is travelling directly to a place—
 - (i) to obtain a medical certificate in relation to the insurance; or
 - (ii) to receive medical, surgical or hospital treatment for an injury to which the insurance relates; or
 - (iii) to receive a payment under the insurance; or
- (c) is travelling directly from a place mentioned in paragraph (b) to the member’s place of abode.

‘(5) In this section—

“dependants” has the meaning in relation to a member that dependants has in relation to an employee under the *Workers’ Compensation*

Act 1990;

“**injury**” has the meaning in relation to a member that injury has in relation to an employee under the *Workers’ Compensation Act 1990*;

“**place of abode**” has the meaning in relation to a member that place of abode has in relation to an employee under the *Workers’ Compensation Act 1990*.’.

Amendment of s.123 (Appointment of General Manager)

35.(1) Section 123(1)—

omit, insert—

‘**123.(1)** There is to be a General Manager for each Electricity Board.

‘**(1A)** The General Manager of an Electricity Board is to be appointed by the Governor in Council on the nomination of the Board.’.

(2) Section 123(7)—

omit, insert—

‘**(7)** A nomination of an Electricity Board under subsection (1)—

- (a) must be given to the Minister; and
- (b) may be given whether or not a written request for the nomination is received by the Board from the Minister.

‘**(8)** If a request is made, the nomination must be given—

- (a) within 21 days after the Board receives the request; or
- (b) within any longer period determined by the Minister.

‘**(9)** If the nomination is not received by the Minister within the required time—

- (a) the Governor in Council may appoint a General Manager having regard to the requirements of subsection (3); and
- (b) the person appointed is taken to have been nominated by the Board.’.

Amendment of s.128 (Appointment of other staff)

36. Section 128(2)—

omit, insert—

‘**(2)** The General Manager must submit to the Board a budget relating to staffing matters (the “**staffing budget**”).

‘**(2A)** The staffing budget must be submitted at the meeting at which the Board first considers the annual budgets that are required to be prepared and adopted under this Act.

‘**(2B)** The staffing budget is a budget for an additional purpose under section 238(2).’.

Amendment of s.129 (Powers, functions and duties of an Electricity Board)

37.(1) Section 129(c)—

omit, insert—

‘(c) subject to subsection (2), must exercise any additional powers and perform any additional functions in relation to the supply of electricity that are prescribed by regulation; and’.

(2) Section 129(n)—

omit, insert—

‘(n) subject to subsection (3), may subscribe amounts or provide services for any national, benevolent, public, general or useful object or purpose; and’.

(3) Section 129(t)—

omit ‘Companies Act 1961–1975 or that is a “recognised company” within the meaning of that Act’,

insert ‘Corporations Law or that is a recognised company within the meaning of that Law’.

(4) Section 129 (at the end)—

insert—

‘**(2)** An additional power or function mentioned in subsection (1)(c)—

- (a) must not be inconsistent with a power or function of the Commission; and
- (b) may only be exercised or performed for a period of not more than 6 months.

‘(3) If an amount is to be subscribed under subsection (1)(n)—

- (a) a separate budget provision must be made for the amount; and
- (b) despite any provision of this Act providing for authorisation of expenditure above the amount provided in the adopted budget, the Board may incur expenditure above the budget provision for expenditure under subsection (1)(n) only with the approval of the Minister.’.

Replacement of s.130 (Delegation by Electricity Board)

38. Section 130—

omit, insert—

‘Delegation by Electricity Board

‘**130.(1)** Subject to subsections (2) and (3), an Electricity Board may, by resolution, delegate the Board’s powers under this Act to—

- (a) a committee consisting of at least 2 members of the Board; or
- (b) the General Manager; or
- (c) an employee of the Board.

‘(2) An Electricity Board may make a delegation to an employee of the Board only on the recommendation of the General Manager.

‘(3) An Electricity Board must not delegate—

- (a) the Board’s power to borrow or vote amounts; or
- (b) the Board’s powers under section 128.’.

Amendment of s.134 (Determination by Governor in Council on failure of Authorities to agree)

39. Section 134—

omit ‘Order in Council’, *insert* ‘regulation’.

Amendment of s.137A (Registration entries with respect to land vested)

40. Section 137A(2)—

omit ‘, Registrar of Dealings’ (wherever occurring).

Amendment of s.137B (Transfer of part of undertaking to or from Commission)

41.(1) Section 137B(1) and (2)—

omit, insert—

‘137B.(1) If the Governor in Council determines that it is expedient—

- (a) that part of the undertaking of an Electricity Authority be divested from the Authority and vest in the Commission; or
- (b) that part of the generation and transmission undertaking or other asset of the Commission be divested from the Commission and vest in an Electricity Authority;

the Governor in Council may provide for the divesting and vesting on a prescribed day.

‘(2) The provision for the divesting and vesting—

- (a) is to be made by regulation; and
- (b) may be made subject to conditions.’.

(2) Section 137B(4)(b)—

omit ‘, Registrar of Dealings’ (wherever occurring).

Amendment of s.170 (Consumer's generating plant for emergency supply)

42. Section 170(1)(c)—

omit 'the Standards Association of Australia',

insert 'Standards Australia'.

Amendment of s.173 (Substations on consumers' premises)

43. Section 173(1)—

omit 'the Standards Association of Australia',

insert 'Standards Australia'.

Amendment of s.174 (Lighting on a road)

44. Section 174(2) and (3)—

omit 'the Commissioner of Main Roads',

insert 'the roads authority executive'.

Amendment of s.216 (Placing, altering or removing electric lines on roads)

45.(1) Section 216(1)—

omit 'the Commissioner of Main Roads in the case of a declared road within the meaning of the *Main Roads Act 1920–1975*',

insert 'the roads authority executive in the case of a declared road within the meaning of the *Transport Infrastructure (Roads) Act 1991*'.

(2) Section 216(4), (5), (6) and (7)—

omit 'Commissioner of Main Roads', *insert* 'roads authority executive'.

(3) Section 216(6)—

omit 'on the part of the Commissioner',

insert 'on the part of the roads authority executive'.

(4) Section 216(7)—

omit ‘such Commissioner’, *insert* ‘the roads authority executive’.

(5) Section 216(8)—

omit ‘the Commissioner of Main Roads under the *Main Roads Act* 1920–1975’,

insert ‘the roads authority executive under the *Transport Infrastructure (Roads) Act 1991*’.

Amendment of s.217 (Restricted roads)

46.(1) Section 217(1) and (3)—

omit ‘Commissioner of Main Roads’, *insert* ‘roads authority executive’.

(2) Section 217(1) and (3)—

omit ‘Order in Council’, *insert* ‘regulation’.

(3) Section 217(2)—

omit ‘by the issue of the Order in Council’,

insert ‘by the making of the regulation’.

Amendment of s.218 (Going upon roads for purposes of repairs and maintenance)

47.(1) Section 218(1) and (2)—

omit ‘Commissioner of Main Roads’, *insert* ‘roads authority executive’.

(2) Section 218(2)—

omit ‘as he or it’,

insert ‘as the roads authority executive, Authority or other body’.

Amendment of s.219 (Duty of Electricity Authority upon breaking up, etc., of road)

48. Section 219(1), (2), (4), (5) and (6)—

omit ‘Commissioner of Main Roads’ (wherever occurring),

insert ‘roads authority executive’.

Amendment of s.222 (Matters affecting Government railways)

49.(1) Section 222(1)—

omit ‘(as defined by the *Railways Act 1914–1972*)’,

insert ‘(within the meaning of the *Transport Infrastructure (Railways) Act 1991*)’.

(2) Section 222(1), (2), (4) and (6)—

omit ‘the Commissioner for Railways’ (wherever occurring),

insert ‘Queensland Railways’.

(3) Section 222(3)—

omit, insert—

‘**(3)** If Queensland Railways proposes to construct or relocate a signalling or communication line near an existing electric line that is outside land in which Queensland Railways has an interest, Queensland Railways must—

- (a) if construction is involved—ensure that the signalling or communication line is constructed in a way that it is not injuriously affected by the electric line; or
- (b) if relocation is involved—request the Electricity Authority that is responsible for the electric line to relocate or modify the electric line, at the cost of Queensland Railways, in order to protect adequately the signalling or communication line.’.

(4) Section 222(8)—

omit.

Amendment of s.223 (Breaking up other railways or tramways)

50. Section 223(1)—

omit, insert—

‘**223.(1)** Section 222(1), (2) and (3) applies to a railway or tramway (other than a railway vested in Queensland Railways) as if a reference in the subsections to Queensland Railways were a reference to the operator of the railway or tramway.’.

Amendment of s.225 (Disputes with other Authorities)

51. Section 225(6)—

omit.

Replacement of Part 6, Divisions 1 and 2

52. Part 6, Divisions 1 and 2—

omit, insert—

Division 1—Trust and bank accounts

‘Trust account

‘227.(1) An Electricity Board must maintain a trust account.

‘(2) The following amounts are to be paid into the trust account—

- (a) amounts held on deposit or in trust under this or another Act;
- (b) amounts that are unclaimed.

‘(3) An amount may be paid from the trust account—

- (a) to a person entitled to the amount; and
- (b) in relation to unclaimed amounts—in a way authorised by law.

‘Bank accounts

‘228.(1) An Electricity Board must keep—

- (a) a separate bank account to record transactions in the trust account;
and
- (b) a general bank account to record all other transactions.

‘(2) A payment that relates to the trust account may be made from the general bank account only if the amount is reimbursed from the separate bank account.

‘Division 2—Accounts and financial statements**‘Accounts**

‘229.(1) An Electricity Board must keep the accounts that it is required to keep under this Act, the *Financial Administration and Audit Act 1977* and the Financial Management Practice Manual.

‘(2) The General Manager must—

- (a) at the first ordinary meeting of the Electricity Board after the end of each accounting period—give to the Board statements of the accounts in relation to the budget; and
- (b) at the first meeting of the Electricity Board held in a calendar year—give to the Board an estimate of the anticipated position at the end of the current financial year in relation to the budget.

‘(3) The statements must provide—

- (a) a comparison of budget estimates against actual revenue and expenses; and
- (b) an explanation that gives a true indication of the progressive nature of the budget provisions.

‘(4) In this section—

“accounting period” means—

- (a) 1 month; or
- (b) another period of not more than 5 weeks determined by the Electricity Board.

‘Financial statements

‘230.(1) At the first or second meeting in each financial year, the General Manager must give to the Electricity Board annual statements of accounts and other financial and relevant information (the **“financial statements”**) prescribed under the *Financial Administration and Audit Act 1977* and set out in the Financial Management Practice Manual.

‘(2) The financial statements must be certified in the way that financial statements provided under the *Financial Administration and Audit Act 1977*

are certified.

‘(3) Until the financial statements are audited and submitted to Parliament according to law, they must not be sold or made available to any person other than—

- (a) the Minister, Auditor-General or Commission; or
- (b) an officer authorised by the Minister, Auditor-General or Commission; or
- (c) a member or employee of the Electricity Board.’.

Amendment of s.238 (Annual budget to be prepared and submitted to the Commission)

53. Section 238(1)—

omit, insert—

‘**238.(1)** Each year the General Manager of an Electricity Board must prepare budgets in the way prescribed under the Financial Management Practice Manual.’.

Replacement of ss.243 and 244

54. Sections 243 and 244—

omit, insert—

‘Budgets to be observed

‘**243.(1)** An Electricity Board must, so far as possible, observe the budgets.

‘(2) The ordinary spending of an Electricity Board in a year before budgets are adopted for the year is authorised and must be included in the budgets for the year.

‘(3) An Electricity Board may depart from its budget if the Board determines that the departure is desirable for the purpose of conducting its business to best advantage under this Act.

‘(4) If—

- (a) before the adoption of a budget, spending that is not ordinary

spending is proposed; or

- (b) after the adoption of a budget, proposed spending requires a departure from the budget;

the proposed spending may be authorised under subsection (5) or (6).

‘(5) If the proposed spending is spending that, had provision been made for it in the budget, could have been authorised by the General Manager or an employee of the Electricity Board under a delegation, the General Manager may authorise the proposed spending.

‘(6) If the proposed spending is spending that, had provision been made for it in the budget, would have required the approval of the Electricity Board, the Electricity Board may authorise the proposed spending.

‘(7) An authorisation given by the General Manager under subsection (5) must be reported by the General Manager to the next meeting of the Electricity Board.

‘(8) The Electricity Board must advise the Commission of any spending authorised under subsection (5) or (6) within 7 days after the meeting at which the authorisation was reported to, or given by, the Board.

‘(9) Sections 240 and 241 apply, with all necessary modifications, to spending authorised under this section as they apply to the budget.

‘Liability of members of Electricity Boards for unauthorised spending

‘244.(1) If an Electricity Board spends an amount (other than an amount authorised under section 243)—

- (a) that has not been provided for in the budget; or
- (b) that is otherwise illegal;

each member of the Electricity Board who voted for the spending in the knowledge that the spending was not provided for or was otherwise illegal is jointly and severally liable to repay to the Electricity Board the amount spent.

‘(2) The Electricity Board may recover the amount as a debt due by the member to it.’

Replacement of Part 6, Division 5 (Reserve Funds)

55. Part 6, Division 5—

omit, insert—

‘Division 5—Reserves**‘Reserves of Electricity Boards**

‘248.(1) An Electricity Board may, with the Commission’s approval, set aside reserves that comprise—

- (a) 1 general reserve; and
- (b) 1 or more reserves for specified purposes.

‘(2) An Electricity Board must not set aside as a contribution to the general reserve an amount that is more than 5% of the total revenue of the Board for the previous financial year.

‘(3) Unless the Governor in Council approves a higher amount, the amount standing to the credit of the general reserve of an Electricity Board must not be more than 12.5% of the original cost of works of the Electricity Board that were in service at the end of the previous financial year.

‘(4) The Commission may give an approval to a Board—

- (a) to discontinue a reserve; or
- (b) to apply the amount in a reserve for another purpose.

‘Common reserves of Commission and Electricity Boards

‘249.(1) If an approval is given by the Governor in Council—

- (a) the Commission and an Electricity Board or Boards; or
- (b) 2 or more Electricity Boards;

may agree to contribute to a reserve established to meet specified contingent liabilities.

‘(2) The agreement for the reserve must provide for—

- (a) the way of calculating the amount to be contributed by each contributor to the reserve; and

- (b) the way of dealing with claims made against the reserve by a contributor; and
- (c) the way of dealing with liabilities of contributors that are proper charges against the reserve; and
- (d) the administration of the reserve; and
- (e) the way of dealing with funds held in the reserve if the reserve is discontinued.

‘(3) An amount standing to the credit of a reserve administered by the Commission that is not immediately required for the purposes for which the reserve was established may be invested by the Commission under section 45A.’.

Amendment of s.251 (Contracts)

56. Section 251(9)(a) and (b)—

omit ‘(or such other amount as the Governor in Council may from time to time fix by Order in Council, he being hereby authorized to do so)’,

insert ‘(or another amount that is prescribed by regulation)’.

Amendment of s.252 (Approval of the Governor in Council for some contracts)

57. Section 252(2)—

omit ‘from time to time by Order in Council’, *insert* ‘by regulation’.

Replacement of s.262 (Electrical articles may be prescribed)

58. Section 262—

omit, insert—

‘Prescribed electrical articles

‘**262.(1)** The Governor in Council may, by regulation, determine that an electrical article is a prescribed electrical article for the purposes of this Part.

‘**(2)** A prescribed electrical article may be sold or hired, or offered, exposed or advertised for sale or hire, only if—

- (a) the article—
 - (i) is registered by the Commission; or
 - (ii) has been approved in the required way and the approval (whether given before or after the commencement of this subsection) is in force; and
- (b) the article is marked, stamped or labelled as prescribed by regulation; and
- (c) the article complies with all specifications relevant to the article that are prescribed by regulation.

‘(3) For the purposes of subsection (2)(a)(ii), a prescribed electrical article is approved in the required way if—

- (a) it is approved by the Commission; or
- (b) it is approved or registered by the Statutory Approvals Authority of another State or a Territory; or
- (c) a TypeTest mark or StandardsMark has been issued in relation to the article by Quality Assurance Services Pty Ltd (a subsidiary of Standards Australia).’.

Amendment of s.268C (Keeping of registers)

59.(1) Section 268C(1)(a)—

omit ‘Orders in Council’, *insert* ‘statutory rules’.

(2) Section 268C(3) to (6)—

omit.

Amendment of s.277 (Commission may adopt standards)

60.(1) Section 277(1) and (2)—

omit ‘the Standards Association of Australia’,
insert ‘Standards Australia’.

(2) Section 277(3)—

omit ‘Order in Council’, *insert* ‘regulation’.

Replacement of s.278 (Terms relevant to reciprocity within Australia)

61. Section 278—

omit, insert—

‘Terms relevant to reciprocity within Australia

‘278.(1) In this Part—

“Statutory Approvals Authority”, in relation to another State, a Territory or New Zealand, means the authority that, under a law of the State, Territory or New Zealand has powers similar to the Commission to approve or register prescribed electrical articles.

‘(2) For the purposes of this Part, a reference to a prescribed electrical article approved by the Statutory Approvals Authority is a reference to a prescribed electrical article—

- (a) in relation to which a certificate of approval by the Authority is in force; and
- (b) that may be lawfully offered for sale—
 - (i) in another State or a Territory; or
 - (ii) if the Authority is the New Zealand Authority—in New Zealand; and
- (c) that is marked, stamped or labelled by the Authority in the way prescribed under the law governing the Authority.

‘(3) For the purposes of this Part, a reference to a prescribed electrical article registered by the Statutory Approvals Authority is a reference to a prescribed electrical article—

- (a) in relation to which the registration by the Authority of a declaration of compliance is in force; and
- (b) that may be lawfully offered for sale—
 - (i) in another State or a Territory; or
 - (ii) if the Authority is the New Zealand Authority—in New Zealand; and
- (c) that is marked, stamped or labelled by the Authority in the way prescribed under the law governing the Authority.’.

Amendment of s.284E (Testing of domestic appliances)

62.(1) After section 284E(1)—

insert—

‘**(2)** If the Commission gives a direction, the holder of the label must, on or before the day specified by the Commission, pay the amount estimated by it to cover the actual cost of testing the appliance.’.

(2) After section 284E(2)(c)—

insert—

‘(d) specify the amount and the day mentioned in subsection (2).’.

(3) Section 284E(2)—

renumber as subsection (3).

Insertion of new ss.284EA and 284EB

63. After section 284E—

insert—

‘What happens if test shows label is incorrect

‘284EA.(1) If, because of a test conducted under section 284E, the Commission is satisfied that—

- (a) the energy consumption rate of the appliance is higher than the energy consumption rate specified on the efficiency label; or
- (b) the energy efficiency rating of the appliance is less than the energy efficiency rating specified on the efficiency label;

the holder of the label must pay to the Commission the difference between—

- (c) the actual cost of testing the appliance; and
- (d) the amount paid under section 284E(2) for the testing of the appliance.

‘(2) The Commission may recover an amount unpaid under subsection (1) as a debt due by the holder to it.

‘(3) This section does not affect section 284D.

‘What happens if test shows label is correct

‘284EB.(1) If, because of a test conducted under section 284E, the Commission is satisfied that the appliance has the energy consumption rate and energy efficiency rating specified on the efficiency label, the Commission must refund to the holder of the label the amount paid under section 284E(2) for the testing of the appliance.

‘(2) The holder may recover an amount due to the holder under subsection (1) as a debt due by the Commission to the holder.’.

Amendment of s.284F (Labelling of domestic appliances)

64. Section 284F(1)—

omit ‘or hire’ (wherever occurring).

Amendment of s.295 (Exceptions)

65. Section 295(1)(a) and (b)—

omit, insert—

‘(a) an electric line or work constructed by Queensland Railways and forming part of a railway; or’.

Amendment of s.299 (Governor in Council may declare private plant subject to Act)

66.(1) Section 299(1)—

omit ‘section 295(c)’, *insert* ‘section 295(1)(c)’.

(2) Section 299(1) and (2)(a)—

omit ‘Order in Council’, *insert* ‘regulation’.

(3) Section 299(2) (all words before paragraph (a))—

omit, insert—

‘(2) While the regulation is in force—’.

Amendment of s.300 (The Board)

67. Section 300(3)—

omit, insert—

‘(3) The Board consists of the chairperson and 5 other members.

‘(4) The members of the Board are to be appointed by the Governor in Council.’.

Amendment of s.301 (Members of Board)

68.(1) Section 301(1)(a) to (f)—

omit ‘who shall be the holder of a certificate of competency under this Part (not being a restricted certificate) as an electrical fitter or an electrical mechanic’.

(2) Section 301(1)(b)—

omit ‘Director-General, Department of Employment, Vocational Education and Training’,

insert ‘the chief executive of the training department’.

(3) After section 301(1)—

insert—

‘**(1A)** A person is eligible to be nominated under subsection (1) only if the person is the holder of a certificate of competency under this Part (other than a restricted certificate) as—

- (a) an electrical fitter; or
- (b) an electrical mechanic; or
- (c) an engineering tradesperson (electrical).’.

Replacement of s.304 (Acting chairman)

69. Section 304—

omit, insert—

‘Acting chairperson

‘304. The Governor in Council may appoint a person who is qualified to be appointed as chairperson to act as chairperson—

- (a) during a vacancy in the office of the chairperson; or
- (b) during any period, or all periods, when the chairperson is absent from duty or is, for another reason, unable to perform the functions of the office.

‘Presiding at meetings

‘304A.(1) The chairperson is to preside at all meetings at which the chairperson is present.

‘(2) If the chairperson is not present at a meeting, the member chosen by the members present is to preside.’.

Amendment of s.310 (Functions of Board)

70. Section 310(a) and (c)—

omit ‘the Department of Employment, Vocational Education and Training’,

insert ‘the training department’.

Omission of s.311 (Powers of investigation, inquiry, etc.)

71. Section 311—

omit.

Amendment of s.313 (Employees for purposes of the Board)

72. Section 313(1) and (2)—

omit, insert—

‘313.(1) The Commission must appoint a secretary to the Board.

‘(2) The secretary is to be an employee of the Commission.’.

Replacement of ss.314 and 315

73. Sections 314 and 315—

omit, insert—

‘Duties of secretary to the Board

‘314. The secretary to the Board must—

- (a) keep minutes of all Board meetings; and
- (b) issue notices of Board meetings; and
- (c) maintain the Register of Licensed Electrical Contractors, Queensland; and
- (d) maintain a record of examinations conducted for the purposes of this Part; and
- (e) attend to any other duties—
 - (i) prescribed by regulation for the purposes of this section; or
 - (ii) determined by the Board.’.

Replacement of s.316 (Delegation by Board)

74. Section 316—

omit, insert—

‘Delegation by Board

‘316.(1) The Board may, by resolution, delegate the Board’s powers under this Act to—

- (a) a committee consisting of at least 2 members of the Board; or
- (b) the chairperson; or
- (c) the secretary to the Board; or
- (d) an employee of the Commission.

‘(2) The Board may make a delegation to a person mentioned in subsection (1)(c) or (d) only on the recommendation of the chairperson.’.

Replacement of ss.317 and 318

75. Sections 317 and 318—

omit, insert—

‘Revenue of the Board

‘317. All amounts received by the Board under this Act are to be accounted for and form part of the departmental accounts of the Commission.

‘Costs of administration of the Board

‘318. The following costs are payable out of the departmental accounts of the Commission—

- (a) the costs of the Board in the exercise of its powers and the performance of its functions;
- (b) the fees and allowances of members of the Board;
- (c) the salaries of employees of the Commission appointed for the purposes of the Board.’.

Replacement of ss.319–322

76. Sections 319 to 322—

omit, insert—

‘Classes of certificates of competency

‘319. The Board may grant the following certificates of competency—

- (a) electrical fitter;
- (b) electrical jointer;
- (c) electrical linesperson;
- (d) electrical mechanic;
- (e) engineering tradesperson (electrical).

‘Restricted certificate of competency

‘320.(1) The Board may grant a restricted certificate of competency that allows the holder of the certificate—

- (a) to perform electrical work of the kind specified in the certificate; or
- (b) to perform electrical work of the kind specified in the certificate for a specified employer; or
- (c) to perform electrical work of the kind specified in the certificate in a specified locality.

‘(2) A restricted certificate may be granted in relation to electrical work that is incidental or special to a trade or calling.

‘(3) A restricted certificate—

- (a) does not entitle the holder to a certificate of competency under this Part; and
- (b) is not to be taken into account in determining whether the holder is qualified to obtain or hold a certificate of competency.

‘Permit

‘321.(1) A permit may be granted to a person that allows the person to perform electrical work of the kind specified in the permit.

‘(2) The permit may be granted—

- (a) on application by the person for a certificate of competency or restricted certificate; or
- (b) following the suspension under section 335(5) of a certificate of competency or another permit held by the person; or
- (c) following the suspension under section 340(5) of an electrical contractor’s licence held by the person.

‘(3) The permit may be granted by—

- (a) the Board; or
- (b) the chairperson of the Board; or
- (c) 2 members of the Board.

‘(4) A permit granted by the Board may be granted for a period (not longer than 6 months) specified in the permit.

‘(5) A permit granted by the chairperson or members may be granted for a period (not longer than 1 month) specified in the permit.

‘(6) The Board may, by written notice given to the holder, renew a permit for a period (not longer than 6 months) specified in the notice.

‘(7) The Board may renew a permit more than once.

‘(8) A permit—

- (a) does not entitle the holder to a certificate of competency under this Part; and
- (b) is not to be taken into account in determining whether the holder is qualified to obtain or hold a certificate of competency.

‘(9) A permit may be granted subject to conditions specified in the permit including a condition that the holder satisfactorily completes a training course or examination determined by the Board.

‘(10) If a permit is granted without conditions, it may be renewed subject to conditions specified in the renewal notice.

‘Electrical work to be done by certificate holders or permit holders

‘322.(1) A person must not—

- (a) connect, disconnect, interfere with or remove a fixed portion of an electrical installation; or
- (b) perform electrical work that an electrical worker may perform;

unless the person is the holder of a certificate of competency, restricted certificate or permit.

Maximum penalty—20 penalty units.

‘(2) A person who is the holder of a certificate of competency must not perform electrical work of a kind to which the certificate does not relate.

Maximum penalty—20 penalty units.

‘(3) A person who is the holder of a restricted certificate or permit must not perform electrical work that the person is not authorised under this Act

to perform.

Maximum penalty—20 penalty units.

‘(4) This section does not apply to a registered apprentice within the meaning of the *Vocational Education, Training and Employment Act 1991* who is working in a trade or calling determined by the Board that requires the apprentice to perform electrical work.’

Amendment of s.323 (Exemptions)

77. Section 323(g)(i)—

omit, insert—

‘(i) a University; or’.

Replacement of s.323A (Electrical work by holder of an external authorization)

78. Section 323A—

omit, insert—

‘Electrical work by holder of an external authorisation

‘323A.(1) The Governor in Council may, by regulation—

- (a) declare that a specified external authorisation is equivalent to a specified certificate of competency; and
- (b) determine conditions for the purposes of the declaration.

‘(2) Subject to subsection (3), the holder of an external authorisation to which the declaration relates is taken to be the holder of the equivalent certificate of competency subject to the conditions that may be determined for the purposes of the regulation.

‘(3) If the holder of the external authorisation—

- (a) contravenes this Act; or
- (b) contravenes a condition mentioned in subsection (2); or
- (c) does, or fails to do, an act that, if done or not done by the holder of a certificate of competency, would entitle the Board to cancel or suspend the certificate under section 335;

the Board may determine that the holder is no longer taken to be the holder of a certificate of competency.

‘(4) If the Board makes a determination, it must—

- (a) give written notice of the determination to the holder; and
- (b) cause to be published in the Industrial Gazette—
 - (i) details of the determination; and
 - (ii) the holder’s name and address.

‘(5) A determination takes effect—

- (a) on the day on which the notice is given to the holder; or
- (b) if a later day is specified in the notice—on the later day.’.

Amendment of s.324 (Applications for certificates of competency)

79. Section 324(3)—

omit ‘linesman’, insert ‘linesperson’.

Replacement of ss.325 and 326

80. Section 325 and 326—

omit, insert—

‘Electrical fitter

‘**325.(1)** The Board must grant a certificate of competency as an electrical fitter to an applicant for the certificate if the applicant—

- (a) has satisfactorily completed an apprenticeship to the trade of electrical fitter or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) has satisfactorily completed a course of instruction determined by the Board; and
- (c) produces to the Board a written statement from the applicant’s employer that outlines the experience the applicant has had at the trade work of an electrical fitter; and
- (d) satisfies the Board that the applicant is competent in the trade

work of an electrical fitter.

‘(2) The Board must grant a certificate of competency as an electrical fitter to an applicant for the certificate if the applicant—

- (a) has satisfactorily completed an apprenticeship outside Queensland that is, in the Board’s opinion, at least equivalent to an apprenticeship mentioned in subsection (1)(a); and
- (b) has satisfactorily completed a course of instruction related to the apprenticeship that is, in the Board’s opinion, at least equivalent to the course of instruction mentioned in subsection (1)(b); and
- (c) produces to the Board a written statement from the applicant’s employer that outlines the experience the applicant has had at the trade work of an electrical fitter; and
- (d) satisfies the Board that the applicant is competent in the trade work of an electrical fitter.

‘(3) The Board must grant a certificate of competency as an electrical fitter to an applicant for the certificate if the applicant satisfies the examination requirements of the Board and—

- (a) if the applicant is the holder of a certificate of competency as an electrical mechanic or engineering tradesperson (electrical)—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical fitter; and
- (b) if the applicant has served an apprenticeship to the trade of electrical fitter or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991* but has failed to complete satisfactorily the course of instruction mentioned in subsection (1)(b)—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical fitter; and
- (c) if the applicant is the holder of a tradesman’s certificate within the meaning of the *Tradesmen’s Rights Regulation Act 1946* of the Commonwealth in the classification of electrical fitter—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical fitter.

‘Electrical mechanic

‘326.(1) The Board must grant a certificate of competency as an electrical mechanic to an applicant for the certificate if the applicant—

- (a) has satisfactorily completed an apprenticeship to the trade of electrical mechanic or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) has satisfactorily completed a course of instruction determined by the Board; and
- (c) produces to the Board a written statement from the applicant’s employer that outlines the experience the applicant has had at the trade work of an electrical mechanic; and
- (d) satisfies the Board that the applicant is competent in the trade work of an electrical mechanic.

‘(2) The Board must grant a certificate of competency as an electrical mechanic to an applicant for the certificate if the applicant—

- (a) has satisfactorily completed an apprenticeship outside Queensland that is, in the Board’s opinion, at least equivalent to an apprenticeship mentioned in subsection (1)(a); and
- (b) has satisfactorily completed a course of instruction related to the apprenticeship that is, in the Board’s opinion, at least equivalent to the course of instruction mentioned in subsection (1)(b); and
- (c) produces to the Board a written statement from the applicant’s employer that outlines the experience the applicant has had at the trade work of an electrical mechanic; and
- (d) satisfies the Board that the applicant is competent in the trade work of an electrical mechanic.

‘(3) The Board must grant a certificate of competency as an electrical mechanic to an applicant for the certificate if the applicant satisfies the examination requirements of the Board and—

- (a) if the applicant is the holder of a certificate of competency as an electrical fitter or engineering tradesperson (electrical)—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical mechanic; and

- (b) if the applicant has served an apprenticeship to the trade of electrical mechanic or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991* but has failed to complete satisfactorily the course of instruction mentioned in subsection (1)(b)—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical mechanic; and
- (c) if the applicant is the holder of a tradesman’s certificate within the meaning of the *Tradesmen’s Rights Regulation Act 1946* of the Commonwealth in the classification of electrical mechanic—the applicant satisfies the Board that the applicant is competent in the trade work of an electrical mechanic.

‘Engineering tradesperson (electrical)

‘326A.(1) The Board must grant a certificate of competency as an engineering tradesperson (electrical) to an applicant for the certificate if the applicant—

- (a) has satisfactorily completed an apprenticeship to the trade of engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) is entitled to be granted a certificate of competency as—
 - (i) an electrical fitter; or
 - (ii) an electrical mechanic.

‘(2) On granting a certificate of competency as an engineering tradesperson (electrical), the Board must endorse it in 1 of the following ways according to the training and experience of the applicant—

- (a) engineering tradesperson (electrical—fitter);
- (b) engineering tradesperson (electrical—mechanic);
- (c) engineering tradesperson (electrical—fitter/mechanic).’.

Amendment of s.327 (Electrical joiner)

81. Section 327(1)(a)(ii)—

omit ‘or electrical mechanic’,

insert ‘, electrical mechanic or engineering tradesperson (electrical)’.

Amendment of s.328 (Electrical linesman)

82.(1) Section 328—

omit ‘linesman’ (wherever occurring), *insert* ‘linesperson’.

(2) Section 328(1)(a)(ii)—

omit ‘or electrical mechanic’,

insert ‘, electrical mechanic or engineering tradesperson (electrical)’.

Amendment of s.330 (Examinations)

83. Section 330(a)—

omit ‘the Department of Employment, Vocational Education and Training’,

insert ‘the training department’.

Amendment of s.331 (Scope of examinations)

84. Section 331—

omit “‘electrical linesman’ and ‘electrical mechanic’”,

insert “‘electrical linesperson’, ‘electrical mechanic’ and ‘engineering tradesperson (electrical)’”.

Insertion of new ss.334A–334C

85. After section 334—

insert—

‘Term of certificate of competency

‘334A. A certificate of competency is for the term of 5 years.

‘Renewal of certificate of competency

‘334B.(1) The Board may renew a certificate of competency if—

- (a) an application for renewal of the certificate is made by the holder to the Board; and
- (b) the fee for renewal prescribed by regulation is paid to the Board.

‘(2) The renewal—

- (a) begins at the end of the day on which, but for its renewal, the certificate would have expired; and
- (b) is for the term of 5 years.

‘Board may seek explanation from the holder of a certificate of competency or permit

‘334C. Without limiting section 335, the Board may call on the holder of a certificate of competency or permit to explain—

- (a) an alleged act or omission in relation to electrical work performed by the holder; or
- (b) apparently incorrect information given to the Board by the holder in the holder’s application for the certificate of competency or permit.’.

Replacement of s.335 (Cancellation or suspension of certificate or permit by Board)

86. Section 335—

omit, insert—

‘Cancellation or suspension of certificate or permit by Board

‘335.(1) Each of the following is a ground for the suspension or cancellation of a certificate of competency or permit—

- (a) that the holder has performed electrical work in a negligent, unsatisfactory or incompetent way;
- (b) that the holder has failed to correct faults or defects in electrical installation work done by the holder as an electrical contractor that

the holder was required by the Board to correct under section 337E;

- (c) that the holder has, in relation to the holder's application for the certificate of competency or permit, given information (whether orally or in writing) that is false or misleading in a material particular;
- (d) for a permit—that the holder has contravened a condition to which the permit is subject.

‘(2) If the Board believes on reasonable grounds that a ground for the suspension or cancellation of a certificate of competency or permit exists, the Board may give a notice to the holder of the certificate or permit to show cause why the certificate or permit should not be suspended or cancelled.

‘(3) The notice must—

- (a) be in writing; and
- (b) outline the facts and circumstances that, in the Board's opinion, form the basis for the Board's belief mentioned in subsection (2); and
- (c) specify the period within which the holder may make representations in relation to the matter.

‘(4) A representation may be made in writing or by personal attendance before the Board.

‘(5) If, after considering any representations properly made by the holder, the Board considers a ground mentioned in subsection (1) exists, the Board may—

- (a) cancel the holder's certificate of competency or permit; or
- (b) suspend the holder's certificate of competency or permit; or
- (c) reprimand or caution the holder; or
- (d) impose on the holder a fine of not more than 8 penalty units.

‘(6) The Board may take action under subsection (5) only if the holder has been given an opportunity to appear in person before the Board.

‘(7) If the Board suspends the holder's certificate of competency or permit, the suspension may—

- (a) be imposed for a period determined by the Board; or
- (b) be subject to the satisfaction of conditions determined by the Board, including, for example, a condition that the holder satisfactorily complete a training course or examination determined by the Board.’.

Replacement of s.337 (Electrical contractors’ licences)

87. Section 337—

omit, insert—

‘Electrical contractors’ licences—individuals

‘337.(1) On application by an individual for an electrical contractor’s licence, the Board must grant the licence if it is satisfied that the individual—

- (a) has held for at least 1 year (or a shorter period determined by the Board, either generally or in a particular case)—
 - (i) a certificate of competency as an electrical mechanic; or
 - (ii) a certificate of competency as an engineering tradesperson (electrical—mechanic); or
 - (iii) a certificate of competency as an engineering tradesperson (electrical—fitter/mechanic); or
 - (iv) a licence (other than a licence prescribed by regulation not to be a recognised licence for the purposes of this paragraph) under a law of another State or a Territory that authorises the individual to undertake contracts for electrical installation work in the other State or Territory; and
- (b) is a fit and proper person to hold the licence; and
- (c) is competent to perform electrical installation work in the capacity of an electrical contractor and intends to perform the work; and
- (d) if the Board requires the individual to satisfactorily complete an examination determined by it—has satisfied the requirement; and
- (e) satisfies any financial and insurance requirements for the licence prescribed by regulation.

‘(2) In deciding whether the person is a fit and proper person to hold the licence, the Board may have regard to—

- (a) commercial and other dealings in which the person has been involved and the standard of honesty and integrity demonstrated in the dealings; and
- (b) any failure by the person to carry out commercial or statutory obligations and the reasons for the failure; and
- (c) any other relevant consideration.

‘(3) The application must—

- (a) be made in writing; and
- (b) be accompanied by the fee for the application prescribed by regulation.

‘**Electrical contractors’ licences—partnerships**

‘**337A.(1)** On application by a partnership for an electrical contractor’s licence, the Board must grant the licence if it is satisfied that a partner of the partnership (the “**qualified partner**”) satisfies the requirements mentioned in section 337.

‘(2) On granting the licence the Board must endorse it with the name of each qualified partner.

‘(3) If, because of the happening of an event, the partnership no longer has a qualified partner, the licence is taken to be cancelled 1 month from the day of the event unless, within the period—

- (a) the partnership has a qualified partner; and
- (b) application is made to the Board to endorse the name of the qualified partner on the licence.

‘(4) If an application is made under subsection (3)(b), the Board must—

- (a) if it satisfied that the partnership has a qualified partner—endorse on the licence the name of the partner; or
- (b) if it is not satisfied—refuse to endorse the licence.

‘(5) The application under subsection (1) or (3)(b) must—

- (a) be made in writing; and
- (b) be accompanied by the fee for the application prescribed by regulation.

‘Electrical contractors’ licences—corporations

‘337B.(1) On application by a corporation for an electrical contractor’s licence, the Board must grant the licence if it is satisfied that—

- (a) the corporation—
 - (i) employs an individual; or
 - (ii) has a member who is an individual;
 (“**qualified person**”) who satisfies the requirements (other than any financial and insurance requirements) mentioned in section 337; and
- (b) the corporation satisfies any financial and insurance requirements prescribed by regulation; and
- (c) the corporation has as 1 of its objects the carrying on of business as an electrical contractor; and
- (d) the electrical installation work to be undertaken by the corporation is proposed to be done, or personally supervised, by a qualified person.

‘(2) On granting the licence, the Board must endorse it with the name of each qualified person.

‘(3) If, because of the happening of an event, the corporation no longer employs, or has a member who is, a qualified person, the licence is taken to be cancelled 1 month from the day of the event unless, within the period—

- (a) the corporation employs, or has a member who is, a qualified person; and
- (b) application is made to the Board to endorse the qualified person on the licence.

‘(4) If an application is made under subsection (3)(b), the Board must—

- (a) if it is satisfied that the corporation employs, or has a member who is, a qualified person—endorse on the licence the name of

the person; or

(b) if it is not satisfied—refuse to endorse the licence.

‘(5) The application under subsection (1) or (3)(b) must—

(a) be made in writing; and

(b) be accompanied by the fee for the application prescribed by regulation.

‘Electrical contractors’ licences—restricted

‘337C.(1) On application by a person or public body for a restricted electrical contractor’s licence, the Board must grant the licence if it is satisfied that—

(a) the person or body employs an individual (“**qualified person**”) who satisfies the requirements (other than any financial and insurance requirements) mentioned in section 337; and

(b) the person or body carries on a business or activity that is not electrical contracting; and

(c) any electrical installation work to be done by the person or body is to be done solely for the purpose of the business or activity; and

(d) the electrical installation work to be done by the person or body is proposed to be done, or personally supervised, by a qualified person.

‘(2) On granting the licence, the Board must endorse it with the name of each qualified person employed by the person or public body.

‘(3) The licence relates only to electrical installation work that is done solely for the purpose of the business or activity of the person or public body.

‘(4) If, because of the happening of an event, the person or public body no longer employs a qualified person, the licence is taken to be cancelled 1 month from the day of the event unless, within the period—

(a) the person or body employs a qualified person; and

(b) application is made to the Board to endorse the name of the

qualified person on the licence.

‘(5) If an application is made under subsection (4)(b), the Board must—

- (a) if it is satisfied that the person or public body employs a qualified person—endorse on the licence the name of the person; or
- (b) if it is not satisfied—refuse to endorse the licence.

‘(6) The application under subsection (1) or (4)(b) must—

- (a) be made in writing; and
- (b) be accompanied by the fee for the application prescribed by regulation.

‘Who may sign documents in relation to electrical work etc.

‘337D.(1) A person who is not—

- (a) an electrical contractor; or
- (b) a qualified partner under section 337A; or
- (c) a qualified person under section 337B or 337C;

must not sign a document relating to electrical work required under this Act or by an Electricity Authority.

Maximum penalty—20 penalty units.

‘(2) For the purpose of signing a document—

- (a) an electrical contractor may sign in that capacity; and
- (b) a qualified partner may sign for the partnership; and
- (c) a qualified person may sign for the corporation, person or public body.

‘Board may require person to rectify defective work

‘337E.(1) If—

- (a) a person holds a certificate of competency as—
 - (i) an electrical mechanic; or
 - (ii) an engineering tradesperson (electrical—mechanic); or

- (iii) an engineering tradesperson (electrical—fitter/mechanic);
and
- (b) the person—
 - (i) performed electrical installation work at a time when the person held an electrical contractor’s licence; and
 - (ii) is notified by the Board of a fault or defect in the work;

the Board may require the person to correct the fault or defect within the time and in the way specified by the Board.

‘(2) For the purposes of complying with subsection (1), the person is taken to be the holder of an electrical contractor’s licence of the kind that the person held when the person performed the electrical installation work.’.

Replacement of ss.339 and 340

88. Sections 339 and 340—

omit, insert—

‘Term of licences

‘339. An electrical contractor’s licence—

- (a) is for the term of 1 year starting on the grant of the licence; and
- (b) may be renewed or reinstated.

‘Renewal of licences

‘339A.(1) The Board must renew an electrical contractor’s licence if, before the licence expires—

- (a) the holder of the licence—
 - (i) makes written application for its renewal; and
 - (ii) pays to the Board the fee for the application prescribed by regulation; and
- (b) if the holder is not a corporation—the Board receives—
 - (i) a written declaration stating that the holder is regularly performing electrical installation work as an electrical

contractor; and

- (ii) any particulars required by the Board to establish that the holder is regularly performing the work.

‘(2) The declaration must be made and the particulars must be given—

- (a) if the holder is an individual—by the individual; and
- (b) if the holder is a partnership—by a qualified partner.

‘(3) A renewal has effect for the period of 1 year starting at the end of the day on which, but for its renewal, the licence would have expired.

‘Reinstatement of licences

‘339B.(1) The Board must reinstate an electrical contractor’s licence that has expired if, within 1 year from the day the licence expires—

- (a) the former holder of the licence—
 - (i) makes written application for its reinstatement; and
 - (ii) pays to the Board the fee for the application prescribed by regulation; and
- (b) the Board is satisfied that the former holder is qualified to hold the licence.

‘(2) A reinstatement has effect for the period starting at the end of the day of reinstatement and ending 1 year from the day the licence expired.

‘Surrender of licences

‘339C. The holder of an electrical contractor’s licence may surrender the licence by written notice given to the Board.

‘Board may seek explanation from the holder of an electrical contractor’s licence

‘339D. Without limiting section 340, the Board may call on the holder of an electrical contractor’s licence to explain—

- (a) an alleged act or omission in relation to electrical work performed by the holder; or

- (b) apparently incorrect information given to the Board by the holder in the holder's application for the licence.

‘Cancellation or suspension of electrical contractor’s licence

‘340.(1) Each of the following is a ground for the suspension or cancellation of an electrical contractor’s licence—

- (a) that the holder has performed electrical installation work, or caused or permitted electrical installation work to be performed, in a negligent, unsatisfactory or incompetent way;
- (b) that the holder has failed to give a notification under section 175(4)(b);
- (c) that the holder has unduly delayed rectifying a fault found because of an inspection under this Act in electrical installation work done by the holder or an employee of the holder;
- (d) that the holder, or an employee of the holder, has intentionally deceived, or attempted to deceive, an inspector by—
 - (i) purposely concealing inferior work or materials used as part of electrical installation work; or
 - (ii) making a statement that is false or misleading in a material particular;
- (e) that the holder, or an employee of the holder, has unlawfully broken or tampered with the seal attached to—
 - (i) a meter; or
 - (ii) a control apparatus; or
 - (iii) a fuse;belonging to an Electricity Authority or a person licensed to supply electricity;
- (f) that the holder, or an employee of the holder, has tampered with—
 - (i) a meter; or
 - (ii) a maximum demand indicator; or

- (iii) a control apparatus; or
- (iv) a fuse;
belonging to, or under the control of, an Electricity Authority or a person licensed to supply electricity;
- (g) that the holder, or an employee of the holder, has connected an installation, or part of an installation, to an electricity supply that is chargeable at a rate lower than the rate for which electricity supply to the installation is chargeable without the authority of the relevant Electricity Authority or person licensed to supply electricity;
- (h) that the holder has been a party to, or has knowledge of, an act mentioned in paragraph (a) to (g);
- (i) that the holder has failed to pay a fee payable by the holder under this Act;
- (j) that the holder—
 - (i) has failed to give a return under this Act; or
 - (ii) has given a return under this Act that is false or misleading in a material particular;
- (k) that the holder has been convicted of an indictable offence;
- (l) that the holder has advised, procured or allowed a member or employee of a partnership or corporation of which the holder is a member to perform electrical installation work knowing that member or employee was not authorised under this Act to perform the work;
- (m) that the holder has, in relation to the holder's application for the licence, given information (whether orally or in writing) that is false or misleading in a material particular.

‘(2) If the Board believes on reasonable grounds that a ground for the suspension or cancellation of an electrical contractor's licence exists, the Board may give a notice to the holder of the licence calling on the holder to show cause why the licence should not be suspended or cancelled.

‘(3) The notice must—

- (a) be in writing; and

- (b) outline the facts and circumstances that, in the Board's opinion, form the basis for the Board's belief mentioned in subsection (2); and
- (c) specify the period within which the holder may make representations in relation to the matter.

‘(4) A representation may be made in writing or by personal attendance before the Board.

‘(5) If, after considering any representations properly made by the holder, the Board considers a ground mentioned in subsection (1) exists, the Board may—

- (a) cancel the holder's licence; or
- (b) suspend the holder's licence for a period determined by the Board; or
- (c) reprimand or caution the holder; or
- (d) impose on the holder a fine of not more than 8 penalty units; or
- (e) if the ground is that the holder has unduly delayed rectifying faults found because of an inspection in electrical installation work done by the holder or an employee of the holder—impose on the holder a fine of not more than 1 penalty unit for each day on which the delay continues.

‘(6) The Board may take action under subsection (5) only if the holder has been given an opportunity to appear in person before the Board.

‘(7) If the Board suspends the holder's licence, the suspension may—

- (a) be imposed for a period determined by the Board; or
- (b) be subject to the satisfaction of conditions determined by the Board, including, for example, a condition that the holder satisfactorily complete a training course or examination determined by the Board.

‘(8) If the holder's licence expires before the end of a period of suspension—

- (a) the licence must not be renewed during the period; and

- (b) an application by the holder for a new licence may only be made after the end of the period.’

Amendment of s.343 (Appeal to industrial magistrate)

89. Section 343(1)(b)—

omit, insert—

- ‘(b) holder of a certificate of competency or permit under Division 2—
- (i) in relation to whom a determination by the Board under section 323A has been made; or
 - (ii) whose certificate or permit has been cancelled or suspended under section 335(5); or
 - (iii) who has been reprimanded or cautioned by the Board under section 335(5); or
 - (iv) who has been fined by the Board under section 335(5); or’.

Amendment of s.346 (Employment in electricity supply industry defined)

90. Section 346(3)—

omit.

Replacement of s.352 (Overtime payments)

91. Section 352—

omit, insert—

‘Overtime payments

‘352. Despite section 11.1 of the *Industrial Relations Act 1990*, if a person is employed by the Commission or an Electricity Board at a salary that is more than that determined by the Governor in Council—

- (a) the working of overtime by the person; and

(b) the rate at which payment for the overtime is paid; is in the discretion of the Commission or Board.’.

Amendment of s.362 (Proceedings of the Superannuation Board)

92.(1) Section 362(3)—

omit ‘Five’, *insert* ‘Subject to section 381D(2A), 5’.

(2) Section 362(5)—

omit ‘Subject to subsection (4)’,

insert ‘Subject to subsection (4) and section 381D’.

Replacement of s.364A (Disqualification of member of Superannuation Board from voting)

93. Section 364A—

omit, insert—

‘Disclosure of interests by member of Superannuation Board

‘364A.(1) If a member of the Superannuation Board has a direct or indirect interest in a matter being considered, or about to be considered, by the Board, the member must disclose the nature of the interest to a meeting of the Board as soon as practicable after the relevant facts come to the member’s knowledge.

Maximum penalty—8 penalty units.

‘(2) The disclosure must be recorded in the Board’s minutes.

‘Voting by interested member of Superannuation Board

‘364B.(1) A member of the Superannuation Board who has a material personal interest in a matter that is being considered by the Board must not—

(a) vote on the matter; or

(b) vote on a proposed resolution (a **“related resolution”**) under subsection (2) in relation to the matter (whether in relation to the

- member or another member); or
- (c) be present while the matter, or a related resolution, is being considered by the Board; or
 - (d) otherwise take part in any decision of the Board in relation to the matter or a related resolution.

Maximum penalty—8 penalty units.

‘(2) Subsection (1) does not apply to the matter if the Board has at any time passed a resolution that—

- (a) specifies the member, the interest and the matter; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.’

Replacement of s.367 (Insurance of members of the Board)

94. Section 367—

omit, insert—

‘Insurance of members of the Superannuation Board

‘**367.(1)** The Superannuation Board may effect, on behalf of a member of the Board, insurance for—

- (a) the member; or
- (b) in the event of the member being fatally injured—the member’s dependants.

‘(2) The insurance must relate to an injury arising out of, or in the course of, the performance by the member of the member’s functions.

‘(3) The cost of providing the insurance is a cost in relation to the administration of the scheme.

‘(4) Without limiting subsection (2), an injury may arise out of, or in the course of, the performance by the member of the member’s functions if the injury happens when the member—

- (a) is attending at a place the member is authorised or required to attend; or

- (b) is travelling directly to a place—
 - (i) to obtain a medical certificate in relation to the insurance; or
 - (ii) to receive medical, surgical or hospital treatment for an injury to which the insurance relates; or
 - (iii) to receive a payment under the insurance; or
- (c) is travelling directly from a place mentioned in paragraph (b) to the member's place of abode.

‘(5) In this section—

“**dependants**” has the meaning in relation to a member that dependants has in relation to an employee under the *Workers’ Compensation Act 1990*;

“**injury**” has the meaning in relation to a member that injury has in relation to an employee under the *Workers’ Compensation Act 1990*;

“**place of abode**” has the meaning in relation to a member that place of abode has in relation to an employee under the *Workers’ Compensation Act 1990*.’.

Replacement of s.368B (Delegation by Board)

95. Section 368B—

omit, insert—

‘Delegation by Superannuation Board

‘**368B.** The Superannuation Board may, by resolution, delegate the Board’s powers under this Act (other than the Board’s power to borrow) to—

- (a) the manager; or
- (b) the secretary; or
- (c) an employee of the Board.’.

Amendment of s.371 (The Articles)

96. Section 371(2)—

omit, insert—

‘(2) The Articles may be amended by regulation.’.

Amendment of s.374 (Accounts)

97. Section 374(1)—

omit, insert—

‘**374.(1)** The Superannuation Board must keep accounts that allow financial statements to be prepared in accordance with the *Financial Administration and Audit Act 1977*.

‘**(1A)** The accounts must be certified on behalf of the Board by the chairperson and the manager.’.

Omission of s.381 (Commencement of the Scheme)

98. Section 381—

omit.

Amendment of s.381B (Rules)

99. Section 381B—

omit ‘prescribed by Order in Council’,

insert ‘made by the Governor in Council’.

Amendment of s.381D (Superannuation Board to administer Accumulations Fund)

100. Section 381D(2)—

omit, insert—

‘(2) Sections 362, 368, 368A, 369, 370, 373, 374 and 378 apply to the administration of the Accumulations Fund and, for the purposes of that application, a reference in those sections to the Scheme is taken to be a reference to the Accumulations Fund.

‘**(2A)** A question relating to the Accumulations Fund arising for decision

by the Board must be decided by at least a two-thirds majority of the members.’.

Omission of s.381E (Commencement of the Accumulations Fund)

101. Section 381E—

omit.

Amendment of s.399 (Offences relating to consumers’ generating plants for emergency supply)

102. Section 399(b)—

omit ‘the Standards Association of Australia’,

insert ‘Standards Australia’.

Replacement of s.407 (Sale of prescribed electrical article when not registered or approved)

103. Section 407—

omit, insert—

‘Sale of prescribed electrical article when not registered or approved

‘407. A person must not sell or hire, or offer, expose or advertise for sale or hire, a prescribed electrical article unless the article may be sold or hired, or offered, exposed or advertised for sale or hire under section 262(2).

Maximum penalty—8 penalty units.’.

Amendment of s.414 (Use of unlicensed private plant to which Act declared to apply)

104. Section 414—

omit ‘Order in Council’ (wherever occurring), *insert* ‘regulation’.

Replacement of s.416 (Uncertificated person performing electrical work)

105. Section 416—

omit, insert—

‘Liability of employer or supervisor of unauthorised person performing electrical work

‘416. An employer, or a person supervising the work, of an employee must not instruct, advise, procure or allow the employee to perform electrical work in contravention of section 322 knowing that the employee is not authorised under this Act to perform the work.

Maximum penalty—20 penalty units.’.

Amendment of s.423 (Appropriation of penalties)

106.(1) Section 423(1)(a) and (d)—

omit ‘Consolidated Revenue Fund’, insert ‘Consolidated Fund’.

(2) Section 423(1)(b)—

omit ‘the Electricity Fund’, insert ‘the Commission’.

Amendment of s.428 (Facilitation of proof)

107.(1) Section 428(1)(d)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein’.

(2) Section 428(1)(e)—

omit ‘and, in the absence of evidence in rebuttal thereof, shall be conclusive such evidence’.

(3) Section 428(1)(g)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate’.

(4) Section 428(1)(h) (after ‘subsisting’)—

insert ‘licence as an electrical contractor or’.

(5) Section 428(1)(h)—

omit ‘any such certificate’, *insert* ‘a licence, certificate’.

(6) Section 428(1)(h)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate’.

(7) Section 428(1)(i)—

omit.

(8) Section 428(1)(j)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein’.

(9) Section 428(1)(k)(i)—

omit ‘electrical linesman or, as the case may be, electrical mechanic’,
insert ‘electrical linesperson, electrical mechanic or engineering tradesperson (electrical)’.

(10) Section 428(1)(k)—

omit ‘and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate’.

Amendment of s.434 (Annual report of Commission)

108. Section 434(1)(c)—

omit ‘section 235’, *insert* ‘section 230’.

Replacement of s.435 (Annual reports of Authorities)

109. Section 435—

omit, insert—

‘Annual report of Authorities

‘435.(1) Immediately after the report mentioned in section 434 is laid before Parliament, each Electricity Board must give to the Commission a report on the Board’s operations during the last financial year.

‘(2) Immediately after the report mentioned in section 434 is laid before Parliament, the Queensland Electricity Supply Industry Superannuation Board must give to the Commission a report on the Board’s operations during its last accounting period.

‘(3) A report must contain—

- (a) the annual financial statements of the relevant Board; and
- (b) any other information prescribed by regulation.

‘(4) The Commission must give to the Minister each report received by it under subsection (1) or (2).

‘(5) Before 31 August in each year, the Electrical Workers and Contractors Board must give to the Commission a report on the Board’s operations during the last financial year.’.

Replacement of s.437 (Unclaimed moneys on account of a consumer)

110. Section 437—

omit, insert—

‘Unclaimed amounts held on account of consumers

‘**437.(1)** If—

- (a) an unclaimed amount is held by the Commission or an Electricity Board on account of a person as consumer; and
- (b) the person has ceased to be a consumer; and
- (c) the whereabouts of the person are not known to the Commission or Electricity Board;

the Commission or Board must make reasonable inquiries to locate the person.

‘(2) If the person is located, the amount is to be paid to the person.

‘(3) If—

- (a) the person is not located; and
- (b) the amount remains unclaimed for 1 year from the day the amount was due to be paid to the person;

the amount is to be accounted for as a miscellaneous receipt in the financial records of the Commission or Electricity Board.’.

Amendment of s.438 (Other unclaimed moneys)

111.(1) Section 438(3)(a) and (b)—

omit, insert—

- ‘(a) if the moneys are held by the Commission—be accounted for as a miscellaneous receipt in the financial records of the Commission; and
- (b) if the moneys are held by an Electricity Board—be accounted for as a miscellaneous receipt in the financial records of the Electricity Board; and’.

(2) Section 438(4)—

omit, insert—

‘**(4)** This section does not limit section 17.19(1) of the *Industrial Relations Act 1990*.’.

Replacement of s.439 (Person entitled to moneys)

112. Section 439—

omit, insert—

‘Persons entitled to amounts

‘**439.** Subject to section 438(2), a person who establishes a proper claim to an amount that has been dealt with under section 437(3) or 438 is entitled to be paid the amount.’.

Omission of s.440 (Adoption of standards)

113. Section 440—

omit.

Amendment of s.441 (Audit)**114.(1)** Section 441(1)(a)—*omit, insert—*

- ‘(a) the Commission (including the books and accounts kept for the purpose of preparing the financial statements of the Queensland electricity supply industry under section 30); and’.

(2) Section 441(2) to (5)—*omit.***Replacement of Part heading****115.** Part 16 (heading)—*omit, insert—***‘PART 16—STATUTORY INSTRUMENTS’.****Omission of Division heading****116.** Part 16, Division 1 (heading)—*omit.***Replacement of s.444 (Uniform practice manuals)****117.** Section 444—*omit, insert—***‘Uniform practice manuals**

‘444.(1) The Commission may prepare uniform practice manuals that provide for practices in relation to—

- (a) the construction and maintenance of works of an Electricity Authority; and
- (b) the safety and welfare of persons engaged in the construction and maintenance of—
 - (i) works of an Electricity Authority; and

- (ii) electrical installations; and
 - (c) the making of returns by an Electricity Authority or another body constituted under this Act and the form of the returns.
- ‘(2) The Commission must submit a uniform practice manual prepared under subsection (1) for consideration by the Governor in Council.
- ‘(3) The Governor in Council may—
- (a) approve the uniform practice manual as prepared; or
 - (b) vary the uniform practice manual and approve the manual as varied; or
 - (c) disallow the uniform practice manual.
- ‘(4) A uniform practice manual approved under this section—
- (a) is subordinate legislation; and
 - (b) is an exempt instrument for the purposes of the *Legislative Standards Act 1992*.’.

Amendment of s.445 (Rules)

118.(1) Section 445(1)(h)—

omit ‘\$200’, insert ‘4 penalty units’.

(2) Section 445(4)(c)—

omit ‘pursuant to the regulations under the Main Roads Act 1920–1975’, insert ‘under the Transport Infrastructure (Roads) Act 1991’.

(3) Section 445(4)(c)—

omit ‘and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership’.

Insertion of new s.446

119. After section 445—

insert—

‘Instruments that are subordinate legislation

‘446. A rule or order in council made under this Act is subordinate legislation.’

Omission of Part 16, Division 2 (Publication of Instruments)

120. Part 16, Division 2—

omit.

Insertion of new Part 17

121. After Part 16—

insert—

‘PART 17—SAVINGS AND TRANSITIONAL***‘Division 1—Interpretation*****‘Interpretation**

‘447. In this Part—

“**commencing day**” means the day of commencement of this Act;

“**1980 Act**” means the *Electricity Act Amendment Act 1980*;

“**1984 Act**” means the *Electricity Act Amendment Act 1984*;

“**1993 Act**” means the *Electricity Amendment Act 1993*;

“**registering authority**” means—

- (a) the Registrar of Titles; or
- (b) another person required by law on receiving notice—
 - (i) to make a recording in a register; or
 - (ii) to enter a note or memorial on an instrument of title to land.

‘Division 2—Agreements**‘Interconnection agreements made before Act’s commencement**

‘448.(1) This section applies to an agreement in force, or purporting to be in force, immediately before the commencing day.

‘(2) An interconnection agreement made between an Electric Authority and the owner of a private generating plant providing for the interconnection of the Electric Authority’s system and the installation supplied from the private generating plant is taken to be and always to have been a valid agreement.

‘(3) An agreement mentioned in subsection (2) continues in force on and after the commencing day as if it were an agreement made under section 171.

‘(4) In this section—

‘Electric Authority’ means—

- (a) the Southern Electric Authority of Queensland; or
- (b) the Northern Electric Authority of Queensland; or
- (c) a Regional Board constituted under the *Regional Electric Authorities Acts 1945*; or
- (d) the Brisbane City Council in relation to its electricity undertaking; or
- (e) a local authority authorised by order in council under the *Electric Light and Power Act 1896* to supply electricity.

‘Agreements with Tweed Shire Council

‘449.(1) The agreement dated 6 September 1938 between the Electric Authority and the Tweed Shire Council continues in force and has effect on and after the commencing day as if the South East Queensland Electricity Board were substituted for the Electric Authority as a party to the agreement.

‘(2) The agreement dated 15 July 1958 between the Southern Electric Authority of Queensland and the Tweed Shire Council continues in force

and has effect on and after the commencing day as if the South East Queensland Electricity Board were substituted for the Southern Electric Authority of Queensland as a party to the agreement.

‘(3) In subsection (1)—

“**Electric Authority**” means the Southern Electric Authority of Queensland as the successor in law of the City Electric Light Company Limited.

‘Agreements with Council of the Shire of Tenterfield

‘450. An agreement made between the Southern Electric Authority of Queensland and the Council of the Shire of Tenterfield relating to the supply of electricity by the Authority in the Shire, and in force immediately before the commencing day, continues in force and has effect on and after the commencing day as if the South West Queensland Electricity Board were substituted for the Authority as a party to the agreement.

‘Division 3—Electricity supply to Tenterfield and Tweed Shires

‘Electricity supply to Tenterfield and Tweed Shires

‘451.(1) This section applies—

- (a) to the part of the undertaking of the Electric Authority that—
 - (i) is outside Queensland; and
 - (ii) is used for, or is concerned with, the supply of electricity within the area of the Council of the Shire of Tenterfield or the Tweed Shire Council under a Council supply agreement; and
- (b) subject to the laws of the place where the undertaking is situated and to the provisions of the relevant agreement.

‘(2) The Electric Authority must not, without the consent of the Governor in Council—

- (a) agree to any alteration of the agreement; or
- (b) enter into any new agreement; or

- (c) obtain the right to extend its undertaking to any new area of supply; or
- (d) supply electricity in another area of supply.

‘(3) The Electric Authority must use its best endeavours to ensure that the net return received by it on the capital invested in the undertaking bears the same proportion to the capital invested as the net return received by it on the capital invested in its undertaking in Queensland bears to the capital invested in Queensland.

‘(4) If the Electric Authority is directed to do so by the Governor in Council, it must use its best endeavours to vary the terms of a Council supply agreement to conform to the terms under which it supplies electricity in Queensland.

‘(5) The consent of the Governor in Council or the Commission is not required to the doing of an act, the giving of a notice, the signing of a document, the acquisition or sale of property or the expenditure of an amount that the Electric Authority is required or permitted to do, give, sign, acquire, sell or expend under the Council supply agreement.

‘(6) Subject to subsections (2) to (5), this Act applies to the part of the undertaking of the Electric Authority that is outside Queensland to the same extent that it would apply if the undertaking—

- (a) were in Queensland; and
- (b) formed part of the Authority’s undertaking in Queensland.

‘(7) In this section—

“**Council supply agreement**” means an agreement mentioned in section 449 or 450;

“**Electric Authority**” means—

- (a) South East Queensland Electricity Board; or
- (b) South West Queensland Electricity Board.

Division 4—Employees' rights**‘Employees’ rights**

‘452. Schedule 4 has effect in relation to the preservation of employees’ rights.

‘Superannuation and provident funds

‘453. Schedule 5 has effect in relation to—

- (a) superannuation and provident funds; and
- (b) contributors to the funds.

Division 5—Vesting of Generating Board’s property in Commission**‘Vesting of property etc. of Generating Board in Commission**

‘454.(1) In this section—

“**Board**” means the Queensland Electricity Generating Board.

‘(2) On the commencement of the 1984 Act—

- (a) the undertaking of the Board is divested from it and vests in the Commission; and
- (b) all real and personal property (including every right, title, estate or interest in the property) and all management or control of anything that immediately before the commencement of the 1984 Act was vested in or belonged to the Board vests in and belongs to the Commission; and
- (c) in relation to the duty and right of the Board mentioned in section 65(4) of the 1980 Act, the Commission may do anything incidental to the performance of the duty or exercise of the right that the Board was authorised to do under section 65(5) of the 1980 Act.

‘(3) The vesting mentioned in subsection (2)(b) operates without any transfer, assignment or conveyance, or any notice other than this Act.

‘(4) If a written request is made by the Commission, the registering authority—

- (a) must register in the name of the Commission any right, title, estate or interest in land that vests in it under this section; and
- (b) for the purpose—
 - (i) may make any recording, entry, cancellation or correction in any register, record or book in the authority’s custody or under the authority’s control; and
 - (ii) may do and execute any other acts, matters and things that the authority considers to be necessary and proper.

‘(5) If the request relates to the vesting of an easement—

- (a) it is not necessary for the Commission to produce—
 - (i) the instrument of title to the relevant land; or
 - (ii) the duplicate and triplicate of the instrument creating the easement; and
- (b) the registering authority may make any necessary entries on a document mentioned in paragraph (a) when the document is next produced to the registering authority.

‘Division 6—Updated references

‘References to Commission, etc.

‘455.(1) This section applies to an Act, statutory instrument or document (the **“relevant instrument”**) that—

- (a) was enacted or made before the commencement of the 1984 Act and
- (b) was in force immediately before the commencement.

‘(2) This section has effect on and after the commencement of the 1984 Act.

‘(3) A reference in a relevant instrument to—

- (a) The State Electricity Commission of Queensland; or

(b) The Queensland Electricity Generating Board;

is to be read as a reference to the Queensland Electricity Commission.

‘(4) A reference in a relevant instrument to the State Electricity Commissioner is to be read as a reference to the Electricity Commissioner.

‘(5) A reference in a relevant instrument to the Deputy State Electricity Commissioner is to be read as a reference to the Deputy Electricity Commissioner.

‘References to new Acts to include references to repealed Acts

‘456.(1) If reference is made in this Act to property of Queensland Railways constructed or used by Queensland Railways, the reference includes property of Queensland Railways that was constructed or used by the Commissioner for Railways.

‘(2) If reference is made under this Act to an apprenticeship or course of instruction under the *Vocational Education, Training and Employment Act 1991*, the reference includes an apprenticeship or course of instruction under—

- (a) the *Employment, Vocational Education and Training Act 1988*;
or
- (b) the *Industry and Commerce Training Act 1979*; or
- (c) the *Apprenticeship Act 1964*.

‘Division 7—Saving of statutory instruments, certificates and licences

‘Existing statutory instruments

‘457.(1) If—

- (a) immediately before the commencement of the 1993 Act, provision had been made with respect to a matter by a statutory instrument other than a regulation; and
- (b) after the commencement, provision may be made with respect to the matter by regulation;

the statutory instrument continues to have effect, and may be repealed or

amended, as if it were a regulation.

‘(2) An order in council in force under section 381B immediately before the commencement of section 99 of the 1993 Act, continues to have effect after the commencement, and may be repealed or amended, as if it were a rule.

‘Existing certificates of competency continue until expiry

‘458. A certificate of competency that was in force immediately before the commencement of section 85 of the 1993 Act continues in force until 5 years from the commencement.

‘Existing licences continue until expiry

‘459. If an electrical contractor’s licence in force immediately before the commencement of section 88 of the 1993 Act was granted for a period longer than 1 year, the licence continues in force, subject to the Act, until it expires.

‘Division 8—Transfer of funds

‘Funds held in Electricity Fund and Electricity Works Fund

‘460. On the commencement of section 19 of the 1993 Act, each amount held in the Electricity Fund or the Electricity Works Fund immediately before the commencement—

- (a) is an amount belonging to the Commission; and
- (b) is to be accounted for in the departmental accounts of the Commission.

‘Funds held in Trust Fund

‘461. On the commencement of this section, the amount held in a Trust Fund by an Electricity Board under section 229 (as in force immediately before the commencement) is to be paid into the trust account maintained by the Electricity Board under section 227.’.

Omission of Schedule 2 (Preliminary powers and vesting and further transitional provisions)

122. Schedule 2—

omit.

Amendment of Schedule 5 (Existing superannuation and provident funds and rights of contributors thereto)

123. Schedule 5 (heading)—

omit, insert—

‘EXISTING SUPERANNUATION AND PROVIDENT FUNDS AND RIGHTS OF CONTRIBUTORS’.

Repeal of amending Acts

124. The following Acts are repealed—

- (a) *Electricity Act Amendment Act 1980;*
- (b) *Electricity Act Amendment Act 1984;*
- (c) *Electricity Act Amendment Act 1988.*