

Queensland



Subordinate Legislation 2003 No. 32

Electrical Safety Act 2002

ELECTRICAL SAFETY AMENDMENT REGULATION (No. 1) 2003

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1 Short title

This regulation may be cited as the *Electrical Safety Amendment Regulation (No. 1) 2003*.

2 Commencement

Sections 20, 21 and 23(1) commence on 1 July 2003.

3 Regulation amended

This regulation amends the *Electrical Safety Regulation 2002*.

4 Replacement of s 7 (Meaning of “qualified individual”)

Section 7—

omit, insert—

‘7 Meaning of “qualified business person” and “qualified technical person”

‘(1) A “**qualified business person**”, for an individual, partnership or corporation, is an individual who satisfies the chief executive that he or she—

- (a) is a fit and proper person; and
- (b) is competent to perform the business aspects of performing electrical work as, or for, a licensed electrical contractor; and
- (c) either—
 - (i) has satisfactorily finished a course of instruction, or an examination required by the chief executive, on business aspects of performing electrical work; or
 - (ii) has been operating a business for the last 5 years.

‘(2) A “**qualified technical person**”, for an individual, partnership or corporation, is an individual who satisfies the chief executive that he or she—

- (a) is a fit and proper person; and
- (b) has held for at least a year, or a shorter period considered acceptable by the chief executive, and still holds, an electrical work licence or an external contracting authority; and

- (c) is competent to perform electrical work as, or for, a licensed electrical contractor; and
- (d) has satisfactorily finished a course of instruction, or an examination required by the chief executive, on technical aspects of performing electrical work.

‘(3) Despite subsections (1) and (2), for a person who is an individual to be a qualified business person or qualified technical person—

- (a) for an individual who holds, or has applied for, an electrical contractor licence, the person must also be, or be an employee of, the individual; or
- (b) for a partnership that holds, or has applied for, an electrical contractor licence, the person must also be a member or an employee of the partnership; or
- (c) for a corporation that holds, or has applied for, an electrical contractor licence, the person must also be an executive officer, a member or an employee of the corporation.

‘(4) In deciding whether a person who is an individual is a fit and proper person, the chief executive may only consider—

- (a) the standard of honesty and integrity demonstrated by the person in commercial and other activities in which the person has been involved; and
- (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure.’.

5 Amendment of s 20 (Signs on switches and disconnection points)

Section 20(3)—

insert—

‘Maximum penalty—40 penalty units.’.

6 Amendment of s 23 (Who may sign documents about electrical work)

(1) Section 23(a), ‘the individual’—

omit, insert—

‘a qualified technical person for the individual’.

(2) Section 23(b), ‘qualified person’—

omit, insert—

‘qualified technical person’.

(3) Section 23(c), from ‘corporation or other entity’—

omit, insert—

‘corporation—a qualified technical person for the corporation.’.

7 Amendment of s 26 (What electrical mechanic licence authorises)

Section 26, example, ‘electrical line’—

omit, insert—

‘electric line’.

8 Replacement of s 40 (Eligibility requirements for electrical contractor licence for individual)

Section 40—

omit, insert—

‘40 Eligibility requirements for electrical contractor licence for individual

(1) To be issued an electrical contractor licence, an individual must—

- (a) have at least 1 qualified business person and 1 qualified technical person; and
- (b) satisfy the financial and insurance requirements prescribed in this division for an individual for an electrical contractor licence; and
- (c) satisfy the chief executive electrical work to be performed by the individual as a licensed electrical contractor is proposed to be—
 - (i) performed by a qualified technical person for the individual under the person’s electrical work licence; or
 - (ii) supervised by a qualified technical person for the individual who is authorised to perform the work under the person’s electrical work licence.

‘(2) The chief executive must endorse the electrical contractor licence with the name of at least 1 qualified business person and 1 qualified technical person for the individual.

‘(3) The individual may, before the issue of the electrical contractor licence, or at any time after its issue but while the electrical contractor licence is in force, apply to the chief executive to have other names endorsed on the electrical contractor licence as the names of qualified business persons or qualified technical persons for the individual.

‘(4) The chief executive must endorse a person’s name in accordance with the application if the chief executive is satisfied the person is a qualified business person or qualified technical person for the individual.

‘(5) If a person whose name is endorsed on the electrical contractor licence as a qualified technical person is no longer the holder of an electrical work licence or external contracting authority—

- (a) the individual must advise the chief executive of the fact within 1 month after the person stops being the holder of the licence or authority; and
- (b) the chief executive must, on receiving the advice, take the endorsement from the electrical contractor licence.

‘(6) The electrical contractor licence is automatically cancelled if, for a period of 1 month, there is no person—

- (a) who is a qualified business person for the individual and whose name is endorsed on the electrical contractor licence as a qualified business person for the individual; or
- (b) who is a qualified technical person for the individual and whose name is endorsed on the electrical contractor licence as a qualified technical person for the individual.’.

9 Amendment of s 41 (Eligibility requirements for electrical contractor licence for partnership)

(1) Section 41(1)(a), ‘qualified person’—

omit, insert—

‘qualified business person and 1 qualified technical person’.

(2) Section 41(1)(c)(i) and (ii), ‘qualified person’—

omit, insert—

‘qualified technical person’.

(3) Section 41(2), ‘qualified person’—

omit, insert—

‘qualified business person and 1 qualified technical person’.

(4) Section 41(3), ‘qualified persons’—

omit, insert—

‘qualified business persons or qualified technical persons’.

(5) Section 41(4), ‘qualified person’—

omit, insert—

‘qualified business person or qualified technical person’.

(6) Section 41(5), ‘qualified person’—

omit, insert—

‘qualified technical person’.

(7) Section 41(6)—

omit, insert—

‘(6) The electrical contractor licence is automatically cancelled if, for a period of 1 month, there is no person—

- (a) who is a qualified business person for the partnership and whose name is endorsed on the electrical contractor licence as a qualified business person for the partnership; or
- (b) who is a qualified technical person for the partnership and whose name is endorsed on the electrical contractor licence as a qualified technical person for the partnership.’

10 Amendment of s 42 (Eligibility requirements for electrical contractor licence for corporation)

(1) Section 42(1)(a), ‘qualified person’—

omit, insert—

‘qualified business person and 1 qualified technical person’.

(2) Section 42(1)(c)(i) and (ii), ‘qualified person’—

omit, insert—

‘qualified technical person’.

(3) Section 42(2), ‘qualified person’—

omit, insert—

‘qualified business person and 1 qualified technical person’.

(4) Section 42(3), ‘qualified persons’—

omit, insert—

‘qualified business persons or qualified technical persons’.

(5) Section 42(4), ‘qualified person’—

omit, insert—

‘qualified business person or qualified technical person’.

(6) Section 42(5), ‘qualified person’—

omit, insert—

‘qualified technical person’.

(7) Section 42(6)—

omit, insert—

(6) The electrical contractor licence is automatically cancelled if, for a period of 1 month, there is no person—

- (a) who is a qualified business person for the corporation and whose name is endorsed on the electrical contractor licence as a qualified business person for the corporation; or
- (b) who is a qualified technical person for the corporation and whose name is endorsed on the electrical contractor licence as a qualified technical person for the corporation.’.

11 Amendment of s 45 (Change in membership of partnership)

Section 45(10), from ‘with’—

omit.

12 Amendment of s 53 (Examinations)

Section 53(2)—

omit, insert—

‘(2) The examinations and tests may be conducted by—

- (a) the chief executive; or
- (b) an examiner approved by the chief executive under section 54; or
- (c) a registered training organisation under the *Training and Employment Act 2000*.’.

13 Replacement of s 54 (Examiners)

Section 54—

omit, insert—

‘54 Approved examiners

‘The chief executive may approve examiners to conduct examinations or tests required by the chief executive.’.

14 Amendment of s 62 (Employer or self-employed person to ensure work is performed in accordance with requirements)

Section 62(2), after ‘Subsection (1)(a)’—

insert—

‘and (c)’.

15 Amendment of pt 4, div 3, hdg

Part 4, division 3, heading, ‘*electrical*’—

omit, insert—

‘*electric*’.

16 Amendment of s 74 (Obligation to preserve insulation of electric line)

Section 74(b), ‘electrical’—

omit, insert—

‘electric’.

17 Insertion of new s 134A

Part 7, division 4, before section 135—

insert—

‘134A Application of div 4

‘This division does not apply to electric lines and control cables that are part of a substation that is part of the works of an electricity entity.’.

18 Amendment of s 136 (Electric lines and control cables)

Section 136, ‘electrical’—

omit, insert—

‘electric’.

19 Replacement of s 154 (Licensed electrical contractor to ensure compliance with Act before connection to electricity source)

Section 154—

omit, insert—

‘154 Licensed electrical contractor not to connect electricity source without being satisfied of compliance with Act and regulation

‘A licensed electrical contractor must not connect an electrical installation on which electrical work has been performed to a source of electricity unless the contractor is satisfied that the Act and this regulation have been complied with in relation to the electrical installation to the extent it is affected by the electrical work.

Maximum penalty—40 penalty units.’.

20 Amendment of s 204 (Definitions for div 1)

(1) Section 204, definitions “current financial year” and “financial year”—

omit.

(2) Section 204, definition “total contribution amount”, ‘\$5 430 000’—

omit, insert—

‘\$5 613 000’.

21 Amendment of s 206 (Payment of electrical safety contribution by instalments)

Section 206(2), ‘financial year’—

omit, insert—

‘current financial year’.

22 Amendment of sch 6 (Prescribed electricity entities)

Schedule 6, part 1, first dot point, ‘Comalco Limited’—

omit, insert—

‘Comalco Aluminium Limited’.

23 Amendment of sch 8 (Dictionary)

(1) Schedule 8, definitions “current financial year” and “financial year”—

omit.

(2) Schedule 8, definitions “qualified individual” and “qualified person”—

omit.

(3) Schedule 8—

insert—

‘**“qualified business person”** see section 7.

“qualified technical person” see section 7.’.

ENDNOTES

1. Made by the Governor in Council on 27 February 2003.
2. Notified in the gazette on 28 February 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Industrial Relations.