



Queensland

Electrical Safety Amendment Regulation (No. 1) 2005

Subordinate Legislation 2005 No. 28

made under the

Electrical Safety Act 2002

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Electrical Safety Regulation 2002	
3	Regulation amended in pt 2	3
4	Amendment of s 12 (Requirements for the performance of live work)	3
5	Amendment of s 14 (Testing of electrical equipment after electrical work)	4
6	Insertion of new s 24A	4
	24A Misrepresentations about lawful authority to contract for the performance of electrical work	4
7	Insertion of new ss 62A–62D	5
	62A Principal contractor for construction workplace—excavating and underground electrical services	5
	62B Purpose of ss 62C and 62D	5
	62C Employer or self-employed person at construction workplace—excavating and underground electrical services	6

	62D	Employer or self-employed person not at construction workplace—excavating and underground electrical services	6
8		Replacement of s 67 (Employer to ensure electrical work complies with wiring rules)	7
	67	Employer to ensure electrical installation complies	7
	67A	Self-employed person to ensure electrical installation complies	8
9		Amendment of s 83 (Definitions for div 5)	8
10		Amendment of s 100 (Hire or sale of electrical equipment of prescribed class)	8
11		Amendment of s 101 (Application for approval of type of electrical equipment)	9
12		Amendment of s 102 (Approval of type of electrical equipment)	9
13		Amendment of s 103 (Term of approval)	10
14		Insertion of new ss 103A and 103B	10
	103A	Extension of term of approval by up to 1 year	10
	103B	Renewal of approval	11
15		Amendment of s 106 (Application to change approval to include new type)	12
16		Amendment of s 109 (Cancellation of approval of type of electrical equipment)	12
17		Amendment of s 120 (Sale of particular nonprescribed electrical equipment prohibited)	12
18		Amendment of s 122 (Limitation on sale of second-hand electrical equipment)	13
19		Amendment of s 131 (Performance and other requirements for works)	13
20		Amendment of s 152 (Reconnection of electrical installation to electricity source)	13
21		Amendment of s 204 (Definitions for div 1)	13
22		Amendment of sch 2 (Exclusion zones for electrical parts)	13
23		Amendment of sch 7 (Fees)	14
24		Amendment of sch 9 (Dictionary)	14
Part 3		Amendment of State Penalties Enforcement Regulation 2000	
25		Regulation amended in pt 3	15
26		Amendment of sch 5 (Other legislation)	16

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Electrical Safety Amendment Regulation (No. 1) 2005*.

2 Commencement

This regulation commences on 1 April 2005.

Part 2 Amendment of Electrical Safety Regulation 2002

3 Regulation amended in pt 2

This part amends the *Electrical Safety Regulation 2002*.

4 Amendment of s 12 (Requirements for the performance of live work)

- (1) Section 12(1)(b), ‘a written’—

omit, insert—

‘, in a document,¹ a’.

- (2) Section 12(1)(j)—

omit.

- (3) Section 12(1)(c) to (i)—

renumber as section 12(1)(d) to (j).

- (4) Section 12(1)—

insert—

¹ See the *Acts Interpretation Act 1954*, section 36, definition *document*.

- ‘(c) the performance of the electrical work is in accordance with a safe system of work;

Example—

A safe system could include preventing persons from accessing the area where live work is being performed if the persons are not needed for the performance of the work.’

- (5) Section 12(1)(e) as renumbered, ‘qualifications and’—
omit.

5 Amendment of s 14 (Testing of electrical equipment after electrical work)

Section 14—

insert—

- ‘(2A) However, if subsection (2) applies to a training person who is being supervised by a licensed electrical worker who is licensed to perform the work, subsection (2) applies to the licensed electrical worker and not the training person.’

6 Insertion of new s 24A

Part 2, division 8, after section 24—

insert—

‘24A Misrepresentations about lawful authority to contract for the performance of electrical work

‘A person must not, in trade or commerce, represent that someone who is not a licensed electrical contractor may lawfully contract for the performance of electrical work the person may not otherwise perform under the Act.

Example of electrical work that may be performed under the Act by someone who is not a licensed electrical contractor—

Minor emergency repairs to make electrical equipment electrically safe performed by a licensed electrical mechanic.²

Maximum penalty—40 penalty units.’

² See section 56(3) and (5) (Requirement for electrical contractor licence) of the Act.

7 Insertion of new ss 62A–62D

After section 62—

insert—

‘62A Principal contractor for construction workplace—excavating and underground electrical services

‘(1) This section applies to the principal contractor for a construction workplace at which excavation work is to be done.

‘(2) Before the work starts, the principal contractor must—

(a) find out from appropriate sources what underground electrical services are at or near the location where the work is to be done that could create a risk if contacted or damaged; and

(b) obtain prescribed information about each service from an appropriate source; and

(c) give the information to each employer or self-employed person who is to do excavation work at or near the location of the service; and

(d) ensure the information is recorded in writing.

Maximum penalty—40 penalty units.

‘(3) The principal contractor must keep the information recorded until the work ends.

Maximum penalty—20 penalty units.

‘62B Purpose of ss 62C and 62D

Section 62C and 62D each prescribe a way of discharging the electrical safety obligation of an employer or self-employed person to ensure the person’s business or undertaking is conducted in a way that is electrically safe.

‘62C Employer or self-employed person at construction workplace—excavating and underground electrical services

- ‘(1) This section applies if an employer or self-employed person intends to do excavation work at a construction workplace.
- ‘(2) The employer or self-employed person must not start the work unless the principal contractor for the workplace has—
 - (a) advised the employer or self-employed person to the effect that the principal contractor’s inquiries have shown that there are no underground electrical services at or near the location where the work is to be done; or
 - (b) given prescribed information about the underground electrical services at the workplace to the employer or self-employed person.
- ‘(3) The employer or self-employed person must—
 - (a) ensure that information obtained under subsection (2) is considered in doing the work; and
 - (b) ensure that any reasonable restrictions contained in the information and to be followed in doing the work are followed in doing the work; and
 - (c) decide on and implement any control measures necessary to prevent a person’s exposure to the risk of death, illness or injury from contact with, or damage to, the service the information is about.

‘62D Employer or self-employed person not at construction workplace—excavating and underground electrical services

- ‘(1) An employer or self-employed person who intends to do excavation work other than at a construction workplace must, before the work starts—
 - (a) find out from appropriate sources what underground electrical services are at or near the location where the work is to be done that could create a risk if contacted or damaged; and
 - (b) obtain prescribed information about each service from an appropriate source; and

- (c) ensure that the information is considered in planning the work; and
 - (d) ensure that the information is recorded in writing.
- ‘(2) The employer or self-employed person must—
- (a) ensure that information obtained under subsection (1) is considered in doing the work; and
 - (b) ensure that any reasonable restrictions contained in the information and to be followed in doing the work are followed in doing the work; and
 - (c) decide on and implement any control measures necessary to prevent a person’s exposure to the risk of death, illness or injury from contact with, or damage to, the service the information is about; and
 - (d) keep the information recorded until the work ends.’.

8 Replacement of s 67 (Employer to ensure electrical work complies with wiring rules)

Section 67—

omit, insert—

‘67 Employer to ensure electrical installation complies

An employer who employs a licensed electrical worker to perform electrical work on an electrical installation must ensure that the electrical installation, to the extent it is affected by the electrical work, is in accordance with—

- (a) if the electrical installation is to be used for construction work—the wiring rules and AS/NZ 3012 (Electrical installations—Construction and demolition sites); or
- (b) if the electrical installation is not to be used for construction work—the wiring rules.

Maximum penalty—40 penalty units.

‘67A Self-employed person to ensure electrical installation complies

A self-employed person who is a licensed electrical worker and who performs electrical work on an electrical installation must ensure that the electrical installation, to the extent it is affected by the electrical work, is in accordance with—

- (a) if the electrical installation is to be used for construction work—the wiring rules and AS/NZ 3012; or
- (b) if the electrical installation is not to be used for construction work—the wiring rules.

Maximum penalty—40 penalty units.’.

9 Amendment of s 83 (Definitions for div 5)

Section 83, definitions *construction work*, *construction workplace* and *principal contractor*—

omit.

10 Amendment of s 100 (Hire or sale of electrical equipment of prescribed class)

- (1) Section 100(1)(a), before ‘the item’—

insert—

‘for a sale of an item—’.

- (2) Section 100(1)(c)—

omit, insert—

‘(c) the item is of a type of electrical equipment of a prescribed class of electrical equipment that complies with the safety requirements, electrical or otherwise, of the relevant standard for the type as in force when the Queensland approval or external approval was granted; and

(d) if the item has a Queensland approval that is currently extended under section 103A—the item was manufactured before the application for the extension was made.’.

11 Amendment of s 101 (Application for approval of type of electrical equipment)

Section 101(2)(b)(i)—

omit, insert—

‘(i) a test report issued by an approved testing entity stating—

(A) that an item of electrical equipment of the type the subject of the application has been tested or examined in accordance with the safety requirements, electrical or otherwise, of the relevant standard for the type as in force when the item was manufactured or the test report was issued; and

(B) the results of the test or examination; and’.

12 Amendment of s 102 (Approval of type of electrical equipment)

(1) Section 102(1), from ‘electrical safety’—

omit, insert—

‘safety requirements, electrical or otherwise, of the relevant standard for the type of electrical equipment as in force—

(a) when the item tested or examined under section 101 for the application was manufactured; or

(b) when the test report for the item was issued.’.

(2) Section 102(2)—

insert—

‘(c) giving the applicant written notice of any conditions of the approval.’.

(3) Section 102—

insert—

‘(2A) The approval may be on conditions.

‘(2B) A type approval holder for a type of electrical equipment must comply with any conditions of the approval.

Maximum penalty—40 penalty units.’.

13 Amendment of s 103 (Term of approval)

Section 103, after ‘for’—

insert—

‘a period of up to 5 years, stated in the approval, or if no period is stated,’.

14 Insertion of new ss 103A and 103B

After section 103—

insert—

‘103A Extension of term of approval by up to 1 year

‘(1) A type approval holder for a type of electrical equipment may apply to the chief executive for an extension of the term of the approval for a period of up to 1 year stated in the application.

‘(2) The application must—

- (a) be in the approved form; and
- (b) relate only to items manufactured before the application was made.

‘(3) The chief executive may extend the term only if the chief executive is satisfied that, at the time the application is made, the type of electrical equipment—

- (a) is for sale; and
- (b) is not being manufactured.

‘(4) The extension may be on conditions.

‘(5) A person granted an extension of an approval under subsection (3) must comply with any conditions of the extension.

Maximum penalty—40 penalty units.

‘(6) The chief executive must give the applicant written notice of the following within 28 days after receiving the application—

- (a) the grant or refusal of the extension;
 - (b) if the extension is granted—any conditions of the extension;
 - (c) if the extension is refused—an information notice for the decision to refuse.
- ‘(7) If the chief executive does not give the notice within the 28 days, the application is taken to be granted immediately after the 28 days.

‘103B Renewal of approval

- ‘(1) A type approval holder for a type of electrical equipment may apply to the chief executive to renew the approval for a period of up to 5 years stated in the application.
- ‘(2) The application must be in the approved form.
- ‘(3) Subsection (1) does not apply to an approval that has been extended under section 103A.
- ‘(4) The chief executive may extend the term only if the chief executive is satisfied that, at the time the application is made, the type of electrical equipment—
- (a) is for sale or is intended for sale; or
 - (b) is being manufactured in accordance with the approval.
- ‘(5) The renewal may be on conditions.
- ‘(6) A person granted a renewal of an approval under subsection (4) must comply with any conditions of the renewal.
- Maximum penalty—40 penalty units.
- ‘(7) The chief executive must give the applicant written notice of the following within 28 days after receiving the application—
- (a) the grant or refusal of the renewal;
 - (b) if the renewal is granted—any conditions of the renewal;
 - (c) if the renewal is refused—an information notice for the decision to refuse.

- ‘(8) If the chief executive does not give the notice within the 28 days, the application is taken to be granted immediately after the 28 days.’.

15 Amendment of s 106 (Application to change approval to include new type)

Section 106(2)(b)(i)—

omit, insert—

- ‘(i) if required by the chief executive, a test report issued by an approved testing entity stating—

(A) that an item of electrical equipment of the new type has been tested or examined in accordance with the safety requirements, electrical or otherwise, of the relevant standard for the existing type as in force when the item was manufactured or the test report was issued; and

(B) the results of the test or examination; and’.

16 Amendment of s 109 (Cancellation of approval of type of electrical equipment)

Section 109(1)(a), ‘electrical safety requirements’—

omit, insert—

‘safety requirements, electrical or otherwise.’.

17 Amendment of s 120 (Sale of particular nonprescribed electrical equipment prohibited)

Section 120, from ‘with the safety criteria’—

omit, insert—

‘with the safety criteria as in force at the later of the following—

(a) on 5 October 1998;

(b) when the item was manufactured or imported.’.

18 Amendment of s 122 (Limitation on sale of second-hand electrical equipment)

Section 122(3)(b)(i) and (ii), after ‘has’—

insert—

‘or had’.

19 Amendment of s 131 (Performance and other requirements for works)

Section 131(h), after ‘safely’—

insert—

‘when initially installed or altered’.

20 Amendment of s 152 (Reconnection of electrical installation to electricity source)

Section 152(4), as a penalty—

insert—

‘Maximum penalty—20 penalty units.’.

21 Amendment of s 204 (Definitions for div 1)

Section 204, definition *total contribution amount*, ‘\$5 816 000’—

omit, insert—

‘\$6 443 000’.

22 Amendment of sch 2 (Exclusion zones for electrical parts)

Schedule 2, part 2, first column, ‘**Nominal phase to phase voltage of exposed part**’, last mention—

omit, insert—

‘**Nominal pole to earth dc voltage of exposed part**’.

23 Amendment of sch 7 (Fees)

- (1) Schedule 7, item 9, from ‘Application’ to ‘equipment—’—

omit, insert—

‘Application for approval, or renewal of approval, of a type of electrical equipment of a prescribed class of electrical equipment—’.

- (2) Schedule 7—

insert—

‘9A Application for an extension under section 103A of an approval of a type of electrical equipment of a prescribed class of electrical equipment—

- class 1 electrical equipment 281.80
- class 2 electrical equipment 394.60
- class 3 electrical equipment 563.70’.

24 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions
- construction work*
- ,
- construction workplace*
- and
- live work*
-

omit.

- (2) Schedule 9—

insert—

‘*caisson* means a structure that provides an underground passageway or a passageway through water.

cofferdam means a temporary wall erected to exclude water from an area normally under water.

construction work has the meaning given in the WHS Act, section 13A.

construction workplace means—

- (a) a place that is a construction workplace under the WHS Act; or
- (b) a place intended to become a construction workplace under the WHS Act when work starts at the place.

excavation means a hole in the earth, or a face of earth, formed after rock, sand, soil or other material is removed.

Examples—

- a trench, ditch, shaft, well, tunnel, pier hole, cutting, caisson or cofferdam
- a hole drilled in the earth

live work means electrical work performed in circumstances in which the part of the electrical equipment the subject of the electrical work is energised.

prescribed information, about an underground electrical service, means the information about the service necessary to safely do excavation work at or near the service, including—

- (a) the location of the service; and
- (b) the type of the service; and
- (c) the depth of the service; and
- (d) whether the service is or is not live; and
- (e) the restrictions to be followed in doing the work.

principal contractor has the meaning given by the WHS Act, section 13.

training person see section 209(4).

underground electrical service means a cable, pipe or other thing laid or installed underground for the transmission of electricity.

Example—

underground electrical cables’.

Part 3

Amendment of State Penalties Enforcement Regulation 2000

25 Regulation amended in pt 3

This part amends the *State Penalties Enforcement Regulation 2000*.

26 Amendment of sch 5 (Other legislation)

- (1) Schedule 5, entry for the
- Electrical Safety Act 2002*
- , entry for section 27—

insert—

• s 62C(2)	4	8
• s 62C(3)	8	16
• s 62D(1)	4	8
• s 62D(2)	8	16’.

- (2) Schedule 5, entry for the
- Electrical Safety Act 2002*
-

insert—

‘s 64A(3)	4	20’.
---------------------	---	------

- (3) Schedule 5, entry for the
- Electrical Safety Regulation 2002*
-

‘s 11(1)	4	20
s 62A(2)	4	8
s 67A	4	8’.

ENDNOTES

- 1 Made by the Governor in Council on 10 March 2005.
- 2 Notified in the gazette on 11 March 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Industrial Relations.