



Queensland

# **Electrical Safety Amendment Regulation (No. 1) 2006**

## **Explanatory Notes for SL 2006 No. 14**

made under the

*Electrical Safety Act 2002*

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## **General**

### **Purpose of the amendment regulation**

The overall purpose of the amendment regulation is to provide for an increased level of electrical safety by targeting electrical safety regulatory provisions more closely to various industry circumstances and to certain domestic residences.

### **Reasons for the amendment regulation**

In 2003, two coroners' inquests into fatal electrical accidents at a workplace and in the public area of a caravan park made recommendations for improved electrical safety regulation in workplaces and in places accessible to the public.

Extensive consultation with stakeholder groups resulted in proposals for significant regulatory amendment and the release of a regulatory impact statement in September 2004. Further consultation with stakeholders indicated that the broad proposals were not appropriate across the whole of industry and the Minister approved the development of modified and more targeted regulatory changes in September 2005.

# **Amendment of Electrical Safety Regulation 2002**

## **Part 4, Division 4 Installation of approved safety switches in domestic residences**

### **Insertion of new s 80A**

This section introduces a new requirement to have safety switches installed in leased domestic residences which do not currently have a safety switch. The section uses the residential tenancy agreement provisions of the *Residential Tenancies Act 1994* and the definition of domestic residence in section 77 of the Regulation to identify subject residences. The new section provides that the owner of a leased domestic residence must ensure that an approved safety switch is installed for general purpose socket outlets in the residence within six months of a tenancy agreement being entered into, or in any case by the end of 29 February 2008. This regulation aligns with the current provisions for installation of safety switches in domestic premises by new owners within three months of possession.

### **Amendment of s 83**

This section replaces section 83. The new section adds two new classes of work in addition to the existing four classes of work. The new classes of work are *rural industry work* and *amusement work*. These new classes have been included in order to provide for specific regulatory measures intended to meet the particular electrical safety issues of the work.

In addition, the new s 83 removes the terms ‘class 1’, ‘class 2’, ‘class 3’ and ‘class 4’ work and replaces them with, respectively, the terms ‘construction work’, ‘manufacturing work’, ‘service work’, and ‘office work’. This change is intended to make the provisions more easily understood because the new terms such as ‘construction work’ and ‘office work’ are more readily understood than ‘class 1’ and ‘class 4 work’. Confusion was also caused by the terminology because the terms ‘class 1’ and ‘class 2’ have a particular meaning within electrical design standards for electric shock protection systems of electrical equipment.

The new s 83 also provides greater coherence across the definitions of construction work, manufacturing work and the new categories of

amusement work and rural industry work, so that definitional overlap is avoided.

Amusement work is defined in section 83 and is intended to cover amusement rides such as ferris wheels, amusement devices such as jumping castles and side shows and advertising activities commonly found at shows, fairs and carnivals.

The definition of amusement work does not include activities carried out by non-profit organisations such as charities and churches. The definition does include commercial operations that take place at a fair primarily run for charitable purposes. For example, setting up or operation of an amusement ride at a charity fair by a commercial entity paid by the charity remains amusement work.

### **Insertion of new s 83A**

This new section provides the definition of *rural industry work* referred to in the amended section 83. The definition is intended to include all on-farm activities that are relevant to the primary farming activity or activities such as producing crops or livestock ready for sale and repairing a fence used to enclose cattle.

The definition of *rural industry work* is designed to exclude other activities such as operating tours, conducting 'farm stay' businesses, or processing primary products, for example processing fruit into jam or processing raw milk into milk ready for consumption.

### **Amendment of s 85**

This amendment corrects a drafting error. The intent of the provision is to allow two ways of preventing damage to extension cords and flexible cables. The two ways are by positioning them out of harms way or by providing mechanical protection for them if they are in locations where they might be otherwise damaged. This amendment restores the intent of the provision.

### **Amendment of s 90 and new s 90A**

These sections are designed to remove the option for using a portable rather than an installed safety switch to protect specified electrical equipment when the manufacturing workplace is permanent and under the control of an employer or self employed person. The new provision means that socket

outlets with a current rating not more than 20 amps supplying a manufacturing workplace must have an installed safety switch. Certain socket outlets such as those used to supply lighting points and similar loads are exempted by the provision as they do not supply specified electrical equipment. The provisions allow employers and until 1 March 2008 to comply with the requirement for installed safety switches.

An exemption applies to employers who are not the person in control of the electrical installation at their workplace and cannot get permission of the person in control to install a safety switch. For example, an exemption applies if the employer leases the workplace and the lease agreement prevents alterations to the electrical installation.

Where the manufacturing type of work is carried out at a place other than a permanent manufacturing workplace under the control of an employer or self-employed person, for example, at a customer's premises, a portable safety switch may be used if a safety switch is not installed for the socket outlet used for work.

### **Amendment of s 91 and s94**

These amendments correct a previous drafting error in sections 91(3)(a) and 94(3)(a) which had the effect of calling for a comprehensive test of a portable safety switch by a competent person in accordance with AS/NZS 3760 each time it is plugged into a socket outlet. The amendments restore the intent of the provisions to have the safety switch tested by pressing the test button.

### **Insertion of new pt 5, div 5, sdiv 6**

## **Subdivision 6 Amusement work**

### **Insertion of new s 94A**

This section introduces the new subdivision outlining the requirements for amusement work. The requirements for specified electrical equipment and for an amusement ride or device a part of a ride or device used in amusement work, and connected to supply by a plug, are similar to those for manufacturing work.

**Insertion of new s 94B**

This section precludes the use of double adaptors and piggy back plugs in amusement work. This mirrors the existing section 89 which applies to manufacturing work.

**Insertion of new s 94C**

This section details the regular testing and inspection and safety switch protection requirements for specified electrical equipment used for amusement work. The test and inspection requirements mirror the existing requirements for other classes of work.

**Insertion of new s 94D**

This section details the particular inspection and test requirements for amusement rides and devices, including inspection after initial assembly and ongoing inspection and test requirements. The section also details the safety precautions that must be taken if equipment when tested is found not to be safe and prevents the making of a record about tests if the tests have not been performed.

**Insertion of new s 94E**

This section outlines the requirements for safety switches used in amusement work. These requirements mirror those for other classes of work.

**Subdivision 7 Rural industry work****Insertion of new s 94F**

This section introduces the new subdivision outlining the requirements for rural industry work. There are specific requirements for rural industry work designed to address the particular electrical safety issues in rural industry.

**Insertion of new s 94G**

This section outlines the requirements for rural industry work. It addresses the main safety issues responsible for electrical accidents in rural industry

except for those issues relating to working near exposed live parts such as overhead powerlines which are covered by the regulatory provisions of Part 4 of the regulation and the Code of Practice – Working near Exposed Live Parts. The section is arranged to align with the structure of the current requirements for other classes of work.

The issues the section covers are:

94G(1)(a)

Ensuring specified electrical equipment is visually inspected before it is plugged in to a socket outlet. This provision recognises that many serious and fatal accidents involving plug in equipment could be avoided because equipment defects such as exposed live parts are often visually detectable.

94G(1)(b), (c) and (d)

Assessing whether certain risk factors (stated electrical risk factors) are present and applying the control measure of safety switch protection or having an annual inspection and test by a competent person of specified electrical equipment.

94G(1)(e)

Requiring specific safety measures for electric welding work. This provision addresses the relatively high incidence of electrocution from electric welding in rural industry.

94G(2)(a)

Requiring that testing and inspection and recording of electrical equipment meet particular outcomes. This provision uses in large measure the existing testing, inspection and recording provisions for the existing classes of work described in Part 5 Division 5.

### **Insertion of new s 211AA**

This section establishes a mechanism to allow the Residential Tenancy Authority to provide information about compliance with section 80A. The section is designed to assist monitoring and compliance activities to facilitate enforcement of section 80A.

### **Amendment of sch 9 (Dictionary)**

This amendment gives effect to the change from the numbering of the classes of work under the amended section 83 to descriptive names for the

classes of work. Under this changed naming system for example, ‘class 1 work’ becomes ‘construction work’.

### **Minor amendments**

The minor amendments 1 to 9 give further effect to the change from the numbering of the classes of work under section 83 to descriptive names for the classes of work. Where they appear in the text of part 5, division 5 of the regulation, the amendments replace the terms ‘class 1 work’, ‘class 2 work’, ‘class 3 work’, and ‘class 4 work’ with ‘construction work’, ‘manufacturing work’, ‘service work’, and ‘office work’ respectively.

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Industrial Relations.