



Electrical Safety and Other Legislation Amendment Bill 2025



Queensland

Electrical Safety and Other Legislation Amendment Bill 2025

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2025

A Bill

for

An Act to amend the *Electrical Safety Act 2002*, the *Electrical Safety Regulation 2013*, the *Work Health and Safety and Other Legislation Amendment Act 2024* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Electrical Safety and Other* 4
Legislation Amendment Act 2025. 5

Part 2 Amendment of Electrical Safety Act 2002 6
7

Clause 2 Act amended 8
This part amends the *Electrical Safety Act 2002.* 9
Note— 10
See also the amendments in schedule 1. 11

Clause 3 Amendment of s 122B (Delegation by regulator) 12
Section 122B(2)— 13
omit, insert— 14
(2) However, the regulator can not delegate the 15
regulator’s power under section 122D or 122E. 16

Clause 4 Insertion of new s 122D 17
After section 122C— 18
insert— 19
122D Unsafe equipment directions 20
(1) This section applies if the regulator is satisfied on 21

-
- reasonable grounds that an item of electrical equipment, or a type of electrical equipment—
- (a) is or is likely to become unsafe in use; or
 - (b) has inadequate information marked on, or accompanying, the equipment.
- (2) The regulator may, by gazette notice, give 1 or more of the following directions (each an *unsafe equipment direction*)—
- (a) a direction prohibiting the sale of the item of electrical equipment or the type of electrical equipment;
 - (b) a direction prohibiting the installation of the item of electrical equipment or the type of electrical equipment;
 - (c) a direction prohibiting the use of the item of electrical equipment or the type of electrical equipment.
- (3) An unsafe equipment direction must also state—
- (a) the person, or class of persons, to whom the direction applies; and
 - (b) the period, of not more than 10 years, for which the direction applies; and
 - (c) that a person to whom the direction applies must comply with the direction unless the person has a reasonable excuse.
- (4) Despite subsection (3)(b), the same unsafe equipment direction may be given more than once in relation to the same item of electrical equipment or type of electrical equipment.
- (5) A person to whom an unsafe equipment direction applies must comply with the direction unless the person has a reasonable excuse.
- Maximum penalty—40 penalty units.
-

[s 4]

- (6) Subsection (5) places an evidential burden on the defendant to show a reasonable excuse. 1 2
- (7) In considering the matters mentioned in subsection (1), the regulator may consider— 3 4
- (a) any relevant standard providing for safety requirements about electrical equipment; or 5 6
- (b) any other relevant matter. 7
- (8) The regulator must publish on the department's website— 8 9
- (a) a copy of each unsafe equipment direction; and 10 11
- (b) a notice complying with the QCAT Act, section 157(2) for the decision to give the unsafe equipment direction. 12 13 14
- (9) For an unsafe equipment direction given under subsection (2)(a), the regulator must give a copy of the documents mentioned in subsection (8) to each person the regulator knows to be, or is likely to be, a seller of the item or type of electrical equipment to which the direction applies. 15 16 17 18 19 20
- Note—* 21
- For an unsafe equipment direction given under subsection (2)(b) or (c), see the QCAT Act, s 157(1) for the requirement to give notice of the decision to give the direction. 22 23 24 25
- (10) It is not a reasonable excuse for a person to fail to comply with an unsafe equipment direction on the basis that the person did not receive a document under— 26 27 28 29
- (a) for a direction given under subsection (2)(a)—subsection (9); or 30 31
- (b) for another direction—the QCAT Act, section 157(1). 32 33

Clause 5	Amendment, relocation and renumbering of s 206 (Electrical safety notification)	1 2
(1)	Section 206(3)(b)— <i>omit.</i>	3 4
(2)	Section 206(3)(c)— <i>renumber</i> as section 206(3)(b).	5 6
(3)	Section 206— <i>relocate</i> to part 10, division 1 and <i>renumber</i> as section 122E.	7 8
Clause 6	Amendment of s 210 (Regulation-making power)	9
	Section 210—	10
	<i>insert</i> —	11
	(6) A regulation may provide for an electricity entity, or a class of electricity entities, to give notices requiring action to be taken in relation to defective electrical equipment.	12 13 14 15
Clause 7	Insertion of new pt 24	16
	After part 23—	17
	<i>insert</i> —	18
	Part 24	19
	Validation and transitional provisions for Electrical Safety and Other Legislation Amendment Act 2025	20 21 22 23
	260 Definition for part	24
	In this part—	25
	<i>new</i> , in relation to a provision of this Act, means the provision as in force from the commencement.	26 27

[s 7]

261 Validation of notices given by electricity entities before commencement	1 2
(1) This section applies if, before the commencement, an electricity entity gave a notice to a person in control of electrical equipment about a defect affecting the electrical safety of the electrical equipment.	3 4 5 6 7
(2) The giving of the notice to the person in control of the electrical equipment is taken to be, and to have always been, as valid as it would have been if new section 210 had been in force at the time the notice was given.	8 9 10 11 12
(3) Anything done as a result of the giving of the notice to the person in control of the electrical equipment is taken to be, and to have always been, as valid as it would have been if new section 210 had been in force at the time the notice was given.	13 14 15 16 17
(4) In this section— <i>given</i> includes purported to be given.	18 19
262 Continuation of particular prohibitions as unsafe equipment directions	20 21
(1) This section applies to a prohibition under former section 192 of the regulation that was in effect immediately before the commencement.	22 23 24
(2) If the prohibition was a continuing installing prohibition, the prohibition continues in effect from the commencement as if it were an unsafe equipment direction under new section 122D(2)(a) and (b).	25 26 27 28 29
(3) If the prohibition was a continuing use prohibition, the prohibition continues in effect from the commencement as if it were an unsafe equipment direction under new section 122D(2)(a) and (c).	30 31 32 33 34

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- (4) However, new section 122D(8) and (9) does not
apply to an unsafe equipment direction mentioned
in subsection (2) or (3).
- (5) For subsection (2) and (3), the unsafe equipment
direction is taken to have—
- (a) been given by the regulator personally; and
 - (b) been given by a gazette notice published on
the commencement; and
 - (c) stated all persons as the persons to whom
the direction applies; and
 - (d) stated a period of 10 years for which the
direction applies; and
 - (e) stated the matter mentioned in new section
122D(3)(c).
- (6) For subsection (2), to remove any doubt, it is
declared that a reference in a prohibition
provision to prohibiting the use of an item of
electrical equipment, or a type of electrical
equipment, is taken to have always included a
reference to prohibiting the installation of the item
of electrical equipment or type of electrical
equipment.
- (7) A prohibition other than a continuing installing
prohibition or continuing use prohibition ceases
to have effect on the commencement.
- (8) In this section—
- continuing installing prohibition*** means a
prohibition under former section 192 of the
regulation published in the gazette on the
following dates—
- (a) 11 October 2013, at page 207;
 - (b) 23 December 2014, at page 563;
 - (c) 9 October 2015, at page 175.
-

[s 8]

<i>continuing use prohibition</i> means a prohibition	1
under former section 192 of the regulation	2
published in the gazette on the following dates—	3
(a) 10 May 2017, at page 29;	4
(b) 9 June 2020, at page 331;	5
(c) 6 July 2022, at page 345;	6
(d) 6 March 2024, at page 337.	7
<i>former section 192 of the regulation</i> means the	8
<i>Electrical Safety Regulation 2013</i> , section 192 as	9
in force immediately before the commencement.	10
<i>prohibition provision</i> means—	11
(a) former section 192 of the regulation; or	12
(b) the repealed Electrical Safety Regulation	13
2002, section 126D as it was in force from	14
time to time before its repeal by the	15
<i>Electrical Safety Regulation 2013</i> .	16

Part 3	Amendment of Electrical Safety Regulation 2013	17
		18

Clause 8	Regulation amended	19
	This part amends the <i>Electrical Safety Regulation 2013</i> .	20
Clause 9	Omission of s 192 (Regulator may prohibit the sale or use of electrical equipment on safety grounds)	21
	Section 192—	22
	<i>omit.</i>	23
		24

Part 4	Amendment of Work Health and Safety and Other Legislation Amendment Act 2024	1 2 3
Clause 10	Act amended	4
	This part amends the <i>Work Health and Safety and Other Legislation Amendment Act 2024</i> .	5 6
Clause 11	Omission of s 9 (Amendment of s 32 (The regulator))	7
	Section 9—	8
	<i>omit.</i>	9
	<i>Editor's note—</i>	10
	Legislation ultimately amended—	11
	• <i>Safety in Recreational Water Activities Act 2011</i>	12
Clause 12	Omission of s 52 (Insertion of new s 155A)	13
	Section 52—	14
	<i>omit.</i>	15
	<i>Editor's note—</i>	16
	Legislation ultimately amended—	17
	• <i>Work Health and Safety Act 2011</i>	18
Clause 13	Amendment of s 64 (Amendment of s 271 (Confidentiality of information))	19 20
	Section 64(1)—	21
	<i>omit.</i>	22
	<i>Editor's note—</i>	23
	Legislation ultimately amended—	24
	• <i>Work Health and Safety Act 2011</i>	25

[s 14]

Part 5	Other amendments	1
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Clause	14	Legislation amended	2
		Schedule 1 amends the legislation it mentions.	3

Schedule 1	Other amendments	1
	section 14	2
	Electrical Safety Act 2002	3
1	Section 35(1), note, ‘section 206’—	4
	<i>omit, insert—</i>	5
	section 122E	6
2	Schedule 2, definition <i>electrical safety notification</i>, ‘section 206’—	7
	<i>omit, insert—</i>	8
	section 122E	9
		10
	Work Health and Safety Act 2011	11
1	Section 271A(1), ‘or (1A)’—	12
	<i>omit.</i>	13