



Queensland

Electrical Safety and Other Legislation Amendment (Postponement) Regulation 2012

Explanatory Notes for SL 2012 No. 20

made under the

Electrical Safety and Other Legislation Amendment Act 2011

General outline

Short title

Electrical Safety and Other Legislation Amendment (Postponement) Regulation 2012.

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*.

Section 2 of the *Electrical Safety and Other Legislation Amendment Act 2011*.

Policy objectives

The *Electrical Safety and Other Legislation Amendment Act 2011* (ESOLA Act) received assent on 4 April 2011, to commence on a day fixed by proclamation. The ESOLA Act establishes the new national electrical equipment safety system for approval of electrical equipment and provides the model on which other states' legislation will be based. The companion legislation in other states will also commence on proclamation however the

date for commencement of the scheme is yet to be agreed by all jurisdictions. Following agreement, all participating jurisdictions will need to enact the model enabling legislation to meet the final agreed commencement date.

If not extended by regulation, the Act provisions will commence automatically on 5 April 2012. As it is unlikely that the necessary enabling legislation will be passed in all other jurisdictions before mid-2012, a regulation extending the date for commencement by one year, as provided for under section 15DA(3) of the AIA, is required.

Achievement of policy objectives

Postponement of the commencement date, as provided for under section 15DA(3) of the AIA, is proposed to facilitate the simultaneous implementation of the scheme in multiple jurisdictions.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Electrical Safety Act 2002*, section 5(a) which is to impose duties or obligations on persons who may affect the electrical safety of others by their acts or omissions.

Inconsistency with policy objectives of other legislation

None have been identified.

Benefits and costs of implementation

There will be no identified impacts on the community as the result of the postponement.

Consistency with fundamental legislative principles

The amendment does not breach any fundamental legislative principles.

Consultation

The amendments relate to a new national electrical equipment safety scheme, initiated by the Electrical Regulatory Authorities Council (ERAC) and have been addressed under a National Regulation Impact Statement (RIS). ERAC meets regularly and corresponds with industry stakeholders on regulatory issues with a view to developing recommendations for consistent operational policy across jurisdictions. ERAC members were consulted regarding the automatic commencement date.

At the November 2011 ERAC meeting, electrical safety regulators supported the postponement and indicated they would also amend their legislation so that the relevant parts of the legislation commence on an agreed date.

Notes on provisions

Clause 1 provides the short title of the regulation.

Clause 2 references the Act Interpretation Act 1954, section 15DA(2) and provides that the period before automatic commencement of the postponed laws is extended to the end of 4 April 2013. Subsection (b) clarifies that the postponed law means the uncommenced provisions of the *Electrical Safety and Other Legislation Amendment Act 2011*.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.