

# Electrical Safety Regulation 2013

## Explanatory notes for SL 2013 No. 213

made under the

*Electrical Safety Act 2002*

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### General outline

#### Short title

*Electrical Safety Regulation 2013*

#### Authorising law

Section 210 of the *Electrical Safety Act 2002*

Section 165 of the *State Penalties Enforcement Act 1999*

#### Policy objectives of the legislation

Electrocution rates for Queensland have declined significantly since the commencement of stand-alone electrical safety laws in 2002. The five year moving average for 1996-2001 was 3.58 electrocutions per million population compared to 1.04 for 2007-2012. However, the number of deaths and injuries in Queensland caused by electricity is still unacceptable.

The *Electrical Safety Act 2002* (the Act) is aimed at eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. It achieves this objective by establishing a legislative framework for preventing persons from being killed or injured by electricity; and preventing property from being destroyed or damaged by electricity.

The objective of the *Electrical Safety Regulation 2013* (the 2013 Regulation) is consistent with this approach and supports the electrical safety duties under the Act. It replaces the *Electrical Safety Regulation 2002* (the 2002 Regulation), which commenced on 1 October 2002 and expires on 31 August 2014 under the *Statutory Instruments Act 1992*.

The primary objectives of the 2013 Regulation are to:

- maintain the continuity of Queensland's electrical safety framework;
- ensure Queensland's electrical safety laws are aligned (where relevant) with the *Work Health and Safety Act 2011* (the WHS Act) and the *Work Health and Safety Regulation 2011* (the WHS Regulation);
- ensure the electrical safety of licensed electrical workers, other workers, licensed electrical contractors, consumers and the general public;
- enhance consumer protection in relation to electrical work;
- prevent cathodic protection systems from damaging or interfering with the property of others;
- ensure a safe supply of electricity; and
- ensure electrical equipment hired or sold is electrically safe.

## How policy objectives will be achieved

The 2013 Regulation essentially remakes the 2002 Regulation without significant changes to maintain continuity of current electrical safety standards. In addition the 2013 Regulation will:

- align relevant concepts and terms with the Act (which from 1 January 2014 is aligned with the WHS Act and the WHS Regulation);
- give effect to certain provisions of the national model WHS laws (i.e. dealing with live electrical work, overhead and underground electric lines, and unsafe electrical equipment) to ensure that Queensland's electrical safety legislation supports the harmonisation of WHS laws as endorsed by the Council of Australian Governments Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety;
- repeal the 2002 Regulation; and
- make consequential amendments to the *State Penalties and Enforcement Regulation 2000* for infringement offences under the 2013 Regulation.

## Consistency with authorising Act and other legislation

The 2013 Regulation seeks to prevent or minimise a person's exposure to risk of death or injury from electricity by maintaining the package of regulations that target high-risk electrical hazards. This is consistent with the purpose of the Act to prevent the death and injury of persons by electricity and to prevent property from being destroyed or damaged by electricity.

The 2013 Regulation is consistent with the policy objectives of the WHS Act, the WHS Regulation and the national model WHS Regulations to the extent it adopts certain provisions of part 4.7 *General Electrical Safety in Workplaces and Energised Electrical Work* of the national model WHS Regulations (i.e. dealing with live electrical work, overhead and underground electric lines, and unsafe electrical equipment).

## Possible alternative approach

The consultation Regulatory Assessment Statement (RAS) for the review of the 2002 Regulation considered three options:

- Option 1 (*No Regulation*) – allow the 2002 Regulation to expire without replacement;
- Option 2 (*Remake current Regulation*) – remake the existing 2002 Regulation (as a new regulation) without significant changes; and
- Option 3 (*Make a new 2013 Regulation*) – make a replacement regulation based on the 2002 Regulation with changes included to reduce red tape and regulatory burden.

Provisions that were administrative or machinery in nature and those that had been recently reviewed or were subject to other public review processes were not in scope of the review. For example, the national model WHS laws were subject to national regulatory impact assessment processes undertaken by Safe Work Australia between September 2009 and September 2011.

Option 1 was not a reasonable alternative as this approach would undermine Queensland's electrical safety framework established under the Act. This option was not adopted as it was expected to result in adverse electrical safety outcomes across Queensland where the rate of electrocutions, serious electrical injuries and property damage would be high. While a number of business and community incentives exist to encourage electrical safety, relying solely on non-regulatory means is unlikely to meet community expectations in ensuring electrical safety.

Option 2, to remake the existing 2002 Regulation as a new 2013 Regulation with minimal changes, achieves the policy objectives and is the chosen approach. As the 2013 Regulation replaces the existing 2002 Regulation, aligns with the Act post 1 January 2014, and gives effect to certain provisions of the national model WHS Regulations; there is no reasonable alternative to making the

2013 Regulation. The 2013 Regulation will support the Act in providing a balanced framework for securing the electrical safety of persons and property in Queensland.

Option 3 was the preferred option identified in the RAS and aligns with the government's red tape reduction strategy. However, on 4 July 2013 following the RAS consultation period, the State Coroner handed down findings into the electrocution fatalities of three men associated with the former federally funded Home Insulation Program. As a result of the findings, it is not considered appropriate to progress the red tape reduction initiatives until further analysis of the Coroner's findings in the context of these initiatives has been undertaken.

### **Benefits and costs of implementing the legislation**

The proposed 2013 Regulation is based on Option 2 in the RAS. As the 2013 Regulation is proposed to be remade without significant policy changes, the regulatory burden on Queensland businesses will not be increased. This is because any new provisions (including national model WHS based provisions) essentially continue existing requirements under the 2002 Regulation. Accordingly, the costs and benefits of implementing the proposed 2013 Regulation are comparable to the remaking the 2002 Regulation.

The overall minimum net benefit of enacting the 2013 Regulation (as provided in the RAS for the adoption of Option 2) is expected to be \$15.1 billion net present value (NPV), 115 fewer deaths, and 12,300 fewer serious electrical incidents over 10 years, relative to not replacing the 2002 Regulation (as per Option 1).

The overall net benefit of Option 3 is expected to be \$15.5 billion NPV (which includes \$348.4 million for the red tape reduction initiatives). Should the Government subsequently decide to implement the red tape reduction strategies under Option 3; the estimated \$348.4 million net benefit will then be achievable.

Further information regarding all costs and benefits is provided in the RAS.

### **Fundamental legislative principles**

The 2013 Regulation does not breach any fundamental legislative principles.

### **Consultation**

Stakeholders and the community were notified of the RAS by its publication on the Queensland Government's Get Involved website and the Department of Justice and Attorney-General (DJAG) website; a Ministerial Media Release; direct communication tools including ESOutlook (32,000 subscribers from the electrical industry and 10,720 electrical licence holders) and a public notice in the Courier Mail to reach Queensland households.

In addition officers from DJAG met with key stakeholder groups to discuss the RAS including the Electrical Safety Board, the Electrical Licensing Committee, AgForce Queensland, Australian Industry Group, Chamber of Commerce and Industry Queensland, Master Electricians Australia, Electrical Trades Union, Queensland Council of Unions, Energex Limited, Ergon Energy, Housing Industry Association, National Electrical and Communications Association, Queensland Farmers Federation, Queensland Cane Growers, Queensland Master Builders Association, and Services Trades Queensland.

On 14 May 2013, the Attorney-General and Minister for Justice hosted a roundtable meeting with Queensland business and unions to work through the proposed red tape reduction proposals presented in the RAS. This approach ensured that Government had a clear understanding of the impact of these proposals on business and the community.

On 11 October 2013, officers from DJAG met with key stakeholders, including members of the Electrical Safety Board, to discuss the draft 2013 Regulation.

## Notes on provisions

The *Electrical Safety Regulation 2013* is made under section 210 of the *Electrical Safety Act 2002* (the Act) and covers a wide range of matters relating to electrical safety, including:

- General risk management (part 2);
- Electrical work (part 3);
- Licensing (part 4);
- Overhead and underground electric lines (part 5);
- Electrical installations (part 6);
- In-scope electrical equipment (part 7)
- Electrical equipment – general (part 8);
- Works of an electricity entity (part 9);
- Electricity supply (part 10);
- Safety management systems (part 11);
- Accredited auditors (part 12);
- Cathodic protection systems (part 13); and
- Incident notification and reporting (part 14).

## Part 1 Preliminary

### Short title

*Clause 1* sets out the short title of this regulation.

### Commencement

*Clause 2* provides this regulation commences on 1 January 2014.

### Purpose

*Clause 3* outlines the purposes of this regulation.

### How purposes are to be achieved

*Clause 4* outlines how the purposes of this regulation are to be achieved.

### Definitions

*Clause 5* provides for a dictionary of particular words to be used in this regulation. The dictionary in schedule 9 contains the definitions for these words. The clause also clarifies that a word used in this regulation that is not defined within this regulation or the Act, should be taken to have the same meaning as in the wiring rules if the word is used in the wiring rules.

### References to standards and other documents

*Clause 6* provides how references to Australian Standards and joint Australian/New Zealand Standards are to be made. The clause also clarifies where no edition or publication year is specified, the current edition applies.

## **Meaning of qualified business person and qualified technical person**

*Clause 7* provides the meanings of “qualified business person” and “qualified technical person” including for or a licensed electrical contractor or an applicant for an electrical contractor licence.

## **Provisions linked to electrical safety duties in Act**

*Clause 8* provides that if a note in the foot of a provision of this regulation refers to the “ES Act” followed by a reference to a section number, the regulation provision sets out the way in which a person’s duty or obligation under that section of the Act is to be performed in relation to the matters and to the extent set out in the provision. A failure to comply with a duty or obligation under a section of the Act referred to in such a note is an offence to which a penalty applies.

## **Application of this regulation**

*Clause 9* specifies that a duty imposed on a person under this regulation in relation to electrical safety does not limit or affect any duty the person has under the Act or, unless otherwise expressly provided, any other provision of this regulation.

## **Assessment of risk in relation to a class of hazards, tasks, circumstances or things**

*Clause 10* specifies the conditions under which a risk assessment may be carried out for a class of hazards, tasks, things or circumstances.

# **Part 2 General risk management**

## **Risk management**

*Clause 11* provides that a person conducting a business or undertaking (PCBU) at a workplace must manage risks to health and safety associated with electrical risks at the workplace, in accordance with part 3.1 of the WHS Regulation.

# **Part 3 Electrical work**

## **Division 1 Electrical work on energised electrical equipment**

### **Definition for div 1**

*Clause 12* provides the definitions for this division. In this division “electrical work” does not include high voltage live line work as this work is subject to requirements in clause 24.

### **Persons conducting a business or undertaking to which this division applies**

*Clause 13* provides that the duties of a PCBU in relation to ‘electrical work’ apply to a PCBU who is carrying out the electrical work, except for the duties under clauses 16, 20 and 21 which apply more broadly.

### **Electrical work on energised electrical equipment is prohibited**

*Clause 14* requires PCBUs to ensure that electrical work is not carried out on electrical equipment—including electrical equipment that forms part of an electrical installation—while it is energised (or ‘live’) unless the requirements in relation to energised electrical work under this division are met.

### **Duty to determine whether equipment is energised**

*Clause 15* requires PCBUs proposing to carry out electrical work to ensure that, before the work commences, the equipment is tested by a competent person to determine if it is energised. To be considered 'competent' the electrical worker must be authorised under the Act to carry out the electrical work (including testing). The PCBU is also required to ensure that each exposed part is treated as energised until it is isolated and determined not to be energised and each high-voltage exposed part is earthed after being de-energised. This clause gives effect to the 'test before you touch' principle of electrical safety.

### **De-energised equipment must not be inadvertently re-energised**

*Clause 16* requires PCBUs to ensure that electrical equipment that has been de-energised so that work can be carried out on it is not inadvertently re-energised while the work is being carried out.

### **Licensed electrical worker to take precautions to prevent de-energised equipment from being inadvertently re-energised**

*Clause 17* requires a licensed electrical worker to take reasonable precautions to ensure de-energised electrical equipment being worked on is not inadvertently re-energised. The clause also lists reasonable precautions, including attaching signs on switches and disconnection points.

### **Electrical work on energised electrical equipment permitted in particular circumstances**

*Clause 18* requires a PCBU to ensure electrical work on energised electrical equipment is not carried out unless particular circumstances exist that require such work. The clause also outlines these exceptions when electrical work may be carried out work on electrical equipment while it is energised.

### **Preliminary steps**

*Clause 19* sets out the preliminary steps a PCBU must ensure are undertaken before energised electrical work that is permitted under clause 18 is carried out. It includes (amongst other things) a requirement that a risk assessment be carried out by a competent person and recorded.

### **Unauthorised access to equipment being worked on**

*Clause 20* requires PCBUs to ensure that only persons authorised by the PCBU enter the immediate area where energised electrical work is being carried out.

### **Contact with equipment being worked on**

*Clause 21* requires PCBUs to ensure that—while energised electrical work is being carried out—persons (including the person carrying out the work) are prevented from inadvertently contacting an exposed energised component of the electrical equipment.

### **How the work is to be carried out**

*Clause 22* sets out requirements for carrying out energised electrical work, including competency requirements for the electrical worker who is to carry out the work, requirements in relation to equipment used in carrying out the work (including personal protective equipment) and requirements for a safety observer in the prescribed circumstances. The clause also requires work to be carried out in accordance with a safe work method statement prepared for the work.

### **Record keeping**

*Clause 23* sets out record keeping and access requirements in relation to risk assessments and safe work method statements prepared under this part.

## **Division 2 High voltage live line work**

### **Performance of high voltage live line work**

*Clause 24* provides the requirements for performing high voltage live line work. This includes obtaining written authorisation from the person in control of the electrical equipment the subject of the work and performing the work in accordance with a high voltage live line work management plan.

Examples of person in control of the electrical equipment:

- an electricity entity who owns a high voltage line;
- the owner of a high voltage line.

This clause also sets out the requirements necessary for a person to be authorised to perform this work and the requirements for the high voltage live line work management plan.

## **Division 3 Testing of work**

### **Testing of electrical equipment after electrical work**

*Clause 25* provides that a person who performs electrical work must test the work to ensure the electrical safety of all persons and property. This includes:

- ensuring the electrical safety of persons not necessary for the performance of the testing; and  
For example, when testing an electrical installation a licensed electrical worker must ensure that other persons cannot contact live parts in a switchboard that is open or contact parts that may become energised during the testing by limiting access to the area.
- ensuring the electrical equipment, to the extent it is affected by the electrical work, is electrically safe.  
For example, after repairing a dishwasher a licensed electrical worker may test the insulation and earthing from the plug to the metal frame to ensure it is electrically safe. This would include ensuring the values comply with the relevant Australian Standard.

### **Certificate of testing and safety**

*Clause 26* requires a licensed electrical contractor who performs electrical work that must be tested under this division to provide a certificate to the person they performed the electrical work for. The certificate must certify that the electrical equipment, to the extent it is affected by the electrical work, is electrically safe. The contractor must keep a copy of the certificate for 5 years.

## **Division 4 Other requirements**

### **Electrical equipment with serious defect not to be connected to electricity source**

*Clause 27* provides that a licensed electrical worker must not connect electrical equipment to a source of electricity for its intended use if the equipment has a serious defect. The clause does not prevent connection of the electrical equipment for other purposes such as for testing or fault finding.

An example of electrical equipment with a serious defect would be an electric stove that had faulty earthing.

### **Rescue and resuscitation training**

*Clause 28* provides that a PCBU must ensure workers performing or helping to perform electrical work are competent in rescue and resuscitation.

## **Division 5 Documents about electrical work**

### **Application of div 5**

*Clause 29* provides that this division applies to the performance of electrical work as part of the business or undertaking of a licensed electrical contractor.

## **Who may sign documents about electrical work**

*Clause 30* provides who may sign documents required under the Act, or that are required by an electricity entity about the performance of electrical work.

## **Division 6 General provisions**

### **Misrepresentations about electrical equipment or work**

*Clause 31* provides that a person must not, in trade or commerce, represent that someone who is not a licensed electrical worker may lawfully connect to supply electrical equipment that can only be connected by a licensed electrical worker or do work that may only be done by a licensed electrical worker. A PCBU must ensure that their workers do not contravene this clause.

### **Misrepresentations about lawful authority to contract for the performance of electrical work**

*Clause 32* provides that 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. A PCBU must ensure that their workers do not contravene this clause.

## **Part 4 Licensing**

### **Division 1 Electrical work licences**

#### **Classes of electrical work licences**

*Clause 33* provides the classes of electrical work licences that may be issued by the regulator.

#### **This division does not authorise contravention of conditions or restrictions on licence**

*Clause 34* clarifies that—if an electrical work licence was issued with a condition or a restriction for the licence—nothing in the division authorises the licence holder to disregard such a condition or restriction.

#### **What electrical mechanic licence authorises**

*Clause 35* provides that an electrical mechanic licence authorises the holder to perform all electrical work subject to any conditions or restrictions in the licence.

#### **What electrical linesperson licence authorises**

*Clause 36* provides that an electrical linesperson licence authorises the holder to perform all electric line work subject to any conditions or restrictions in the licence.

#### **What electrical fitter licence authorises**

*Clause 37* provides that an electrical fitter licence authorises the holder to perform all electrical equipment work subject to any conditions or restrictions in the licence.

#### **What electrical jointer licence authorises**

*Clause 38* provides that an electrical jointer licence authorises the holder to perform electrical work involving installing, jointing and terminating covered cables to the extent the work requires specialised knowledge or skill, and electrical equipment work necessary to perform these activities, subject to any conditions or restrictions in the licence.

### **What restricted electrical work licence authorises**

*Clause 39* provides that a restricted electrical work licence authorises the holder to perform electrical work only of a particular type stated in the licence. This does not entitle the holder to another electrical licence and must not be taken into account in deciding whether the holder is qualified to obtain or hold another electrical work licence.

### **What electrical work training permit authorises**

*Clause 40* provides that an electrical work training permit authorises the holder to perform electrical work stated in the permit in accordance with the conditions about training stated in the permit. This does not entitle the holder to another electrical licence and must not be taken into account in deciding whether the holder is qualified to obtain or hold another electrical work licence.

### **External licence equivalents**

*Clause 41* provides that an external licence is equivalent to the electrical work licence mentioned in schedule 1.

## **Division 2 Electrical work licence requirements**

### **General requirements**

*Clause 42* provides the general requirements for the issue of an electrical work licence other than an electrical work training permit. The regulator must be satisfied that the applicant meets eligibility requirements, is able to understand, read and write English and is trained in, and is competent to carry out resuscitation. The regulator can consider any disciplinary action taken under a law regulating activities of licensed electrical workers or the applicant's non-performance of a duty or obligation under a law about electrical work and the reasons for non-performance.

### **Eligibility requirements for electrical mechanic licence, electrical linesperson licence, electrical fitter licence and electrical jointer licence**

*Clause 43* provides the eligibility requirements for an electrical mechanics licence, an electrical linespersons licence, an electrical fitter licence and an electrical jointer licence.

### **Eligibility requirements for restricted electrical work licence**

*Clause 44* provides the eligibility requirements for a restricted electrical work licence.

### **Eligibility requirements for electrical work training permit**

*Clause 45* provides the eligibility requirements for an electrical work training permit.

### **Term of electrical work licence**

*Clause 46* provides that the term of an electrical mechanic licence, an electrical linesperson licence, an electrical fitter licence, an electrical jointer licence and a restricted electrical work licence is a maximum of 5 years. The term for an electrical work training permit is a maximum of 1 year.

## **Division 3 Electrical contractor licence requirements**

### **Application of div 3**

*Clause 47* clarifies that the division applies in relation to an electrical contractor licence applied for, or issued to, an individual, a partnership or a corporation.

### **Eligibility requirements for electrical contractor licence**

*Clause 48* provides the eligibility requirements for an electrical contractor licence. This includes having at least 1 qualified business person and 1 qualified technical person endorsed for the licence, satisfying the insurance requirements (refer to clause 51) and satisfying the regulator that the electrical work to be performed by the applicant as a licensed electrical contractor is to be performed, or supervised, by the qualified technical person for the applicant.

### **Removal of endorsement from electrical contractor licence**

*Clause 49* provides that a licensed electrical contractor must advise the regulator if a person endorsed on the electrical contractor licence as either a qualified business person or a qualified technical person stops being a qualified business person or a qualified technical person for the electrical contractor. For example, if the person endorsed on the licence is no longer an employee of the electrical contractor. The clause also provides that the regulator must take the endorsement from the licence after being advised.

### **Automatic suspension and cancellation of electrical contractor licence**

*Clause 50* provides that a contractor licence is automatically suspended if, for a period of 1 month, a qualified person stops being a qualified person for the licence holder. The clause also provides that a contractor licence is automatically cancelled if, within 1 month after a licence is automatically suspended, there is still no replacement qualified person for the licence.

### **Insurance requirements for applicant for electrical contractor licence**

*Clause 51* provides the insurance requirements for an applicant for an electrical contractors licence.

### **Change of name of corporation or partnership**

*Clause 52* provides the procedure to be followed if there is a change in the name of a corporation or a partnership that is the holder of an electrical contractor licence. This includes within 1 month of the change giving notice of the change and what action is requested of the regulator.

### **Change in membership of partnership**

*Clause 53* provides the procedures to be applied if there is a change in the membership of a partnership that holds an electrical contractor licence. This change can be the death or retirement of a member or the admission of a new member. This includes within 1 month of the change giving notice of the change and what action is requested of the regulator.

### **Term of electrical contractor licence**

*Clause 54* provides that the term of an electrical contractors licence is a maximum of 1 year.

## **Division 4 Miscellaneous**

### **Eligibility requirements for renewal or reinstatement of electrical licence**

*Clause 55* provides that the regulator must be satisfied that an applicant for the renewal or reinstatement of an electrical licence continues to satisfy the eligibility requirements under this part to renew or reinstate the licence.

### **Application requirements**

*Clause 56* provides that an application in relation to an electrical licence under the Act or under this part must be made in the approved form and accompanied by the fee.

### **Giving regulator cancelled or suspended licence or licence to be endorsed**

*Clause 57* provides that the holder of an electrical licence must, where requested by the regulator, give the licence to the regulator if the licence has been cancelled, suspended, expired or is required to be endorsed by the regulator.

### **Replacement of electrical licence**

*Clause 58* provides if the regulator is satisfied on application by the holder of an electrical licence that the licence has been lost, damaged or destroyed, the regulator may issue a replacement licence.

### **Surrender of electrical licence**

*Clause 59* provides that the holder of an electrical licence may surrender the licence by giving written notice to the regulator.

### **Register of electrical licences**

*Clause 60* provides that the regulator must keep a register containing information about electrical licences. This includes details of any disciplinary action taken by the licensing committee. The clause also clarifies that the regulator may publish some or all of the information included in the register.

### **Examinations**

*Clause 61* provides that the regulator in deciding a person's competency under this part may decide that the person must undertake an examination or finish a course of instruction.

For example, to decide a person's competency as a qualified individual for an electrical contractor licence the regulator may require the person to meet the outcomes of a particular course relevant to electrical contracting through an examination conducted by an external organisation.

### **Approved examiners**

*Clause 62* provides that the regulator may appoint examiners to conduct examinations or tests.

### **Refund of fees**

*Clause 63* provides that if the regulator does not approve an application for the issue, renewal or reinstatement of an electrical licence; the licence administration part of the fee, as shown in schedule 8, must be refunded. The licence administration part is that part of the fee to administer the licence once it is issued, renewed or reinstated. It does not include the part of the fee to administer the application for the issue, renewal or reinstatement of an electrical licence.

### **Operation of trade contractor's licence**

*Clause 64* provides for the recognition of a trade contractor's licence issued under the *Queensland Building Services Authority Regulation 2003* for the purpose of contracting for the performance of electrical work, other than electrical installation work. This applies only to the extent that the performance of the electrical work is a necessary part of, or is incidental to, the performance of work under a trade contractor's licence.

### **Advertising by licensed electrical contractor**

*Clause 65* provides that the holder of a contractor licence comply with certain advertising requirements.

## **Performing electrical work without electrical licence**

*Clause 66* provides, for the purpose of section 55(3)(d) of the Act, types of testing that is authorised to be performed without an electrical licence. The clause clarifies that this includes the testing of electrical equipment by a competent person, if the testing is required under part 6, division 6 or clause 194; the testing of works of an electricity entity by a competent person; and testing of electrical equipment by a person, other than testing already mentioned, if it does not interfere with the integrity of the electrical equipment.

## **Details to be included in register of workers**

*Clause 67* specifies the details that are prescribed for the Act, schedule 2, under the definition of ‘prescribed details’.

# **Part 5 Overhead and underground electric lines**

## **Duty of person conducting a business or undertaking**

*Clause 68* requires PCBUs to ensure, so far as is reasonably practicable, that no person, plant or thing at the workplace comes within an unsafe distance of an overhead or underground electric line. This clause also sets out requirements for PCBUs if it is not reasonably practicable to ensure the safe distance is observed including a risk assessment requirement. The clause requires the relevant work to be carried out in accordance with any control measures determined in accordance with the risk assessment, and also any relevant requirement of an electricity supply authority with responsibility for the electric line.

## **Meaning of *unsafe distance* for persons, operating plant and vehicles for overhead electric lines**

*Clause 69* provides that a person, operating plant or vehicle comes within an *unsafe distance* of an overhead electric line if the person, operating plant or vehicle is within the *exclusion zone* for the person, operating plant or vehicle. The clause also gives the meaning of *exclusion zone* as the distance specified for the person, operating plant or vehicle in schedule 2.

# **Part 6 Electrical installations**

## **Division 1 Performing electrical work**

### **Licensed electrical worker to comply with wiring rules**

*Clause 70* provides that a licensed electrical worker who performs electrical work on an electrical installation must ensure that the electrical installation, to the extent affected by the work, is in accordance with the wiring rules.

For example, a licensed electrical mechanic, having installed a light circuit must carry out tests to ensure the lighting circuit complies with the requirements of the wiring rules.

### **Person conducting a business or undertaking to ensure electrical installation complies**

*Clause 71* provides that a PCBU—who as part of that business or undertaking performs work on an electrical installation—must ensure that the electrical installation, to the extent affected by electrical work, is in accordance with the wiring rules (and AS/NZS 3012 if the installation is to be used for construction work).

For example, a PCBU must have implemented procedural requirements to ensure that a licensed electrical mechanic who installs a light circuit carries out tests to ensure the lighting circuit complies with the requirements of the wiring rules.

## **Work involving water equipment**

*Clause 72* provides that a person must not perform work on water equipment unless the person is a licensed electrical worker and they would be authorised to perform the work on the water equipment if the water equipment were electrical equipment.

For example, a person must not install a 12V light fitting in a swimming pool unless they are a licensed electrical worker who would be authorised to perform work of that type on electrical equipment.

For example, a person would be able to replace parts of a chlorinator operating at 12V which is designed to be replaced by a person without electrical knowledge or skill, without being a licensed electrical worker.

The clause also requires the water equipment, subject of the work, to be in accordance with the wiring rules. A PCBU whose business or undertaking involves work on water equipment must ensure a person does not perform work in contravention of this clause.

## **Work involving electric motor forming part of vehicle**

*Clause 73* provides that a person must not perform work on an electric motor forming part of a vehicle unless a person is a licensed electrical worker and the person would be authorised to perform work of that type if the motor was electrical equipment.

For example, a person must not perform work on an 800V DC motor that drives the wheel of a mine vehicle, unless they are a licensed electrical worker who is able to perform work of that type on electrical equipment.

A PCBU who performs work on electric motors must ensure a person does not perform the work in contravention of this clause.

## **Division 2 Defects and earthing**

### **Requirement on person in control to fix defect**

*Clause 74* requires a person in control of electrical equipment to take all reasonable steps to fix a defect affecting the electrical safety of electrical equipment if an inspector or electricity entity gives the person written notice of the defect. It does not matter if the defect is not serious.

For example, a frayed lead on a toaster may be a defect. This is not a serious defect as the lead does not have an exposed wire. A homeowner made aware of the defect by an inspector must have the lead fixed, as it may deteriorate leaving exposed wires.

### **Earthing**

*Clause 75* provides that the person in control of a low voltage electrical installation must not allow the earthing of the installation to be inconsistent with the earthing system requirements of an electricity entity under this regulation.

## **Division 3 Electric lines**

### **Service line**

*Clause 76* provides that a person in control of an electrical installation must maintain their facilities for attaching an overhead service line to installation or for the entrance, support, protection and termination of an underground service line supplying the installation.

For example, the owner of domestic premises that receives electricity from a distribution entity must maintain a riser bracket provided to attach a service line to.

This does not require the person to insulate or maintain insulation supplied for the purpose of any joint needed for consumer terminals. This is to be periodically inspected and maintained by the electricity entity.

For example, an electricity entity has a maintenance program that includes inspecting and maintaining the integrity of the insulation for the clamp joining the service to the consumers wiring.

### **Structure supporting electric line or equipment to comply with wiring rules**

*Clause 77* provides that the person in control of an electrical installation must ensure that any structure supporting an electric line or item of electrical equipment forming part of the person's electrical installation complies with the wiring rules and any direction of the regulator given for ensuring electrical safety.

### **Duty to preserve insulation of electric line**

*Clause 78* provides that a person in control of an electrical installation must ensure the reasonable maintenance of the integrity of the insulation of any electric line or connection to an electric line that is part of the person's installation.

### **Trimming of trees near overhead electric line**

*Clause 79* provides that the person in control of an overhead electric line, except where it forms part of the works of an electricity entity, must ensure that trees and flora are trimmed and other measures taken to ensure electrical safety of persons and property.

### **Duty to ensure safety of disconnected overhead electric line**

*Clause 80* provides the requirements for a person in control of an electrical installation if the service line is disconnected from electricity supply.

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

### **Definitions for div 4**

*Clause 81* provides the definitions for this division.

### **Notice to transferee about approved safety switch**

*Clause 82* provides that the transferor of residential land must give written notice to the transferee regarding the existence (or otherwise) of an approved safety switch for all general purpose socket-outlets in the domestic residence. The notice must be given on or before the date of possession for the land.

### **Notice to regulator about approved safety switch and other matters**

*Clause 83* specifies the information the transferor of residential land must provide to the regulator in writing, within 90 days after the date of possession of the land. In order to simplify the process for the transferor, this requirement can be met by submitting a properly completed Form 24 – Property Transfer Information Form to the Queensland Land Registry as part of the registration process under the *Land Title Act 1994* and the *Land Act 1994*.

### **Installation of approved safety switch in particular residences**

*Clause 84* provides requirements for an owner of the domestic residence on residential land transferred after 1 September 2002, which does not have an approved safety switch installed on general purpose socket outlets. The owner must within 3 months after the date of possession, have an approved safety switch installed for all general purpose socket-outlets.

### **Installation of approved safety switch if residential tenancy agreement entered into or to be entered into**

*Clause 85* outlines the circumstances under which the owner of a residential rental property must ensure an approved safety switch is installed for general purpose socket outlets.

## **Performing electrical installation work for domestic residences**

*Clause 86* outlines the circumstances under which licensed electrical contractors and workers are prohibited from undertaking electrical installation work on a domestic residence which does not have an approved safety switch installed on general purpose socket outlets.

### **Division 5 Installation of ceiling insulation**

#### **Subdivision 1 Installation of all ceiling insulation**

##### **Application of sdiv 1**

*Clause 87* provides the application statements for this subdivision. It clarifies that this subdivision (except clause 88(2)) applies to a PCBU who conducts a business or undertaking that includes the installation of ceiling insulation. Clause 88(2) applies to a worker who does work that includes the installation of ceiling insulation.

##### **Metal or other conductive fasteners not to be used to install ceiling insulation**

*Clause 88* provides that metal or any other form of conductive fasteners is not used to fasten ceiling insulation to the ceiling structure of a building. Subclause (1) clarifies the duty of the PCBU, while subclause (2) details the duty of a worker. The term ‘ceiling structure’ (e.g. the parts of structural members and ceiling battens that support the ceiling) is used as the requirement is intended to apply to the area in the roof space where electrical wiring is usually located.

The requirement is not intended to apply to the ‘roof structure’ (e.g. the parts of structural members and roof battens that support and secure the roofing materials), as electrical wiring is not located immediately under the roofing materials. Therefore this requirement has no effect on the use of metal fasteners immediately under the roofing material—e.g. metal fasteners used to attach under-roof sarking.

##### **Installation must comply with wiring rules, cl 4.5.2.3**

*Clause 89* requires that, if any ceiling insulation is installed in a building in the vicinity of recessed luminaires, the installation of the ceiling insulation must comply with the requirements of Clause 4.5.2.3 of the wiring rules as in force from time to time. This relates to ensuring that the installation of ceiling insulation around recessed luminaires does not interrupt airflow and does not increase risk of temperature rise or fire. Particular attention should be paid to the clearance distances specified for insulation surrounding recessed luminaires and the requirement for fire-resistant barriers or guards for loose fill insulation. The words ‘as in force from time to time’ are included in the clause, so that should the current clause number or content be updated, the ‘in force’ clause relating to recessed luminaires and their auxiliary equipment applies.

The Department will make every effort to ensure the regulation is updated within a reasonable time to reflect any related update in the wiring rules. Additionally, the Department will make every effort to continue to make the relevant clause, as updated, available to insulation installers on the Department’s website.

##### **Training for assessment of electrical risk**

*Clause 90* requires a PCBU to ensure the PCBU and all workers for the PCBU who install ceiling insulation in a building are trained in carrying out an assessment of the electrical risk from the installation of ceiling insulation. This training and knowledge by the installer of ceiling insulation is needed for the undertaking of the on-site operational risk assessment required under clause 91 prior to commencing any installation work.

## **Assessment of electrical risk**

*Clause 91* sets out a three part requirement surrounding an on-site operational risk assessment of the electrical risk from the installation of the ceiling insulation prior to commencing any installation work. Subclause (1)(a) requires the performance of the risk assessment. Subclause (1)(b) requires that any control measures necessary to prevent a person's exposure to electrical risk are implemented prior to commencing any installation work. Subclause (2) provides that records of the on-site operational risk assessment are kept for 5 years.

## **Subdivision 2 Installation of electrically conductive ceiling insulation**

### **Definitions for sdiv 2**

*Clause 92* provides definitions for subdivision 2. It clarifies what is meant by the terms “capable circuit”, “electrically conductive ceiling insulation” and “non-capable circuit”. The terms “capable circuit” and “non-capable circuit” are contingent on the concepts of an approved safety switch being capable or not capable of effective operation. For the purposes of these terms, ‘effective operation’ is where an approved safety switch is able to operate effectively in a fault situation—it does not relate to reliability or ‘nuisance tripping’. Where ‘nuisance tripping’ occurs, the cause would need to be determined and rectified as this is an indication of a fault existing on the circuit. In practical terms the main types of circuits which may be considered “non-capable” are consumers’ mains and submains that are, by design, referenced to earth at their destination point. The definition of electrically conductive ceiling insulation clarifies that metal foil batts are excluded from that definition and therefore the requirements of subdivision 2.

### **Application of sdiv 2**

*Clause 93* provides the application statement for subdivision 2. It clarifies that subdivision 2 applies to a PBCU who conducts a business or undertaking that includes the installation of electrically conductive ceiling insulation. This is in addition to the requirements outlined in subdivision 1.

### **Requirement for electrical safety inspection and test**

*Clause 94* provides a requirement for a PCBU to engage a licensed electrical contractor to conduct an electrical safety inspection and test. Prior to undertaking the installation of electrically conductive ceiling insulation, the PCBU must have been given a certificate from a licensed electrical contractor stating the contractor has inspected and tested the existing electrical installation in the ceiling structure of the building and stating that the contractor is satisfied that the existing electrical installation in the ceiling structure of the building is electrically safe. Under subclause (2), the PCBU is required to keep the certificate for 5 years. The information in the certificate is required to help inform the on-site operational risk assessment required under clause 91.

### **Requirement for approved safety switch or permanent marking for electrical circuits**

*Clause 95* provides a further requirement for a PCBU to obtain a certificate from a licensed electrical contractor prior to installation of electrically conductive ceiling insulation. Subclause (1) requires that a certificate is obtained from a licensed electrical contractor that confirms each capable circuit located in the ceiling structure of the building is protected by an approved safety switch and confirms each non-capable circuit located in the ceiling structure of the building has been identified and clearly marked. The certificate required under this clause and the certificate required under clause 94 may be the same certificate, provided all of the required information is contained on the certificate.

Subclause (2) clarifies what is accepted as ‘clearly marked’. Specifically, the marking needs to be permanent (without damaging the circuit), done in a way that easily distinguishes the circuit from capable circuits for the insulation installer. The non-capable circuit must be marked in the roof structure at intervals not exceeding one metre in all accessible places where it could be expected that insulation material may be installed.

Subclause (3) confirms that the certificate must contain the marking method used by the licensed electrical contractor. This is so that the PCBU can incorporate this information into the on-site operational risk assessment required under clause 91 and so the PCBU can comply with the requirements of clause 96. Under subclause (4), the PCBU is required to keep the certificate for 5 years.

### **Installation requirements for non-capable circuits**

*Clause 96* provides requirements for the PCBU when the electrically conductive ceiling insulation is being installed in a building. Specifically the PCBU must ensure non-capable circuits are not covered by the electrically conductive ceiling insulation and that there is a clearance distance between conductive ceiling insulation and non-capable circuits of at least 25mm.

## **Division 6 Workplace electrical installations**

### **Subdivision 1 Preliminary**

#### **Definitions for div 6**

*Clause 97* provides the definitions for this division.

#### **Meaning of *electrical equipment* and *electrical installation* for div 6**

*Clause 98* provides that a reference in this division to electrical equipment or an electrical installation in relation to a PCBU, applies to the electrical equipment or electrical installation under the PCBU’s management or control.

#### **Meaning of rural industry work**

*Clause 99* provides the meaning of rural industry work for this division.

### **Subdivision 2 All work**

#### **Application of sdiv 2**

*Clause 100* provides that this division applies to a PCBU if the PCBU or a worker performs work at a workplace. This work can be any work and does not need to be electrical work.

#### **Unsafe electrical equipment**

*Clause 101* requires a PCBU to ensure that any unsafe electrical equipment at a workplace is disconnected or isolated from its electricity supply and is not reconnected until it is repaired or tested and found to be safe, or is replaced or permanently removed from use.

#### **Cord extension sets and flexible cables**

*Clause 102* provides the requirements for cord extension sets or flexible cables.

### **Subdivision 3 Construction work**

#### **Application of sdiv 3**

*Clause 103* provides that the subdivision applies to the performance of construction work at a workplace.

## **Requirements for construction wiring and electrical equipment**

*Clause 104* provides that a PCBU must ensure that any electrical equipment for the performance of work is in accordance with the requirements of AS/NZS 3012 (Electrical installations—Construction and demolition sites). It also provides that a PCBU—with management or control of a workplace where construction work is being carried out—must ensure that any construction wiring at the workplace complies with the requirements of AS/NZS 3012.

### **Subdivision 4      Manufacturing work**

#### **Application of sdiv 4**

*Clause 105* provides that this subdivision applies to the performance of manufacturing work at a workplace.

#### **Double adaptors and piggyback plugs prohibited**

*Clause 106* provides that the use of double adaptors and piggyback plugs is prohibited.

#### **Specified electrical equipment**

*Clause 107* provides the requirements for testing and inspecting specified electrical equipment and the requirements for using safety switches.

#### **Manufacturing work—safety switch**

*Clause 108* specifies safety switch installation requirements for workplaces where manufacturing work is the primary work performed at the workplace.

#### **Exemption for safety switches**

*Clause 109* provides specific exemptions from the safety switch requirements under clauses 107 and 108.

#### **Safety switches, including portable safety switches**

*Clause 110* provides the requirements for testing safety switches.

### **Subdivision 5      Service work or office work**

#### **Application of sdiv 5**

*Clause 111* provides that this subdivision applies to the performance of service work or office work at a workplace.

#### **Specified electrical equipment**

*Clause 112* provides the requirements for testing and inspecting of specified electrical equipment or the requirements for using safety switches.

#### **Safety switches, including portable safety switches**

*Clause 113* provides the requirements for testing safety switches.

### **Subdivision 6      Amusement work**

#### **Application of sdiv 6**

*Clause 114* provides that this subdivision applies to the performance of amusement work at a workplace.

### **Double adaptors and piggyback plugs prohibited**

*Clause 115* provides that the use of double adaptors and piggyback plugs is prohibited.

### **Specified electrical equipment**

*Clause 116* provides the requirements for testing and inspecting specified electrical equipment and the requirements for using safety switches.

### **Amusement devices and amusement rides**

*Clause 117* provides the requirements for testing and inspecting plug-in electrical equipment associated with amusement devices and amusement rides. The clause also specifies safety switch requirements for devices and rides with a current rating of 20 amps or under.

### **Safety switches, including portable safety switches**

*Clause 118* provides the requirements for testing of safety switches.

## **Subdivision 7 Rural industry work**

### **Application of sdiv 7**

*Clause 119* provides that this subdivision applies to the performance of rural industry work at a workplace.

### **Requirements for rural industry work**

*Clause 120* provides the requirements for visual inspection of specified electrical equipment and additional requirements where stated electrical risk factors exist. The clause defines stated electrical risk factors, and where these exist, requires specified electrical equipment to be either protected by a safety switch or to be inspected and tested at least annually.

## **Part 7 In-scope electrical equipment**

### **Division 1 Preliminary**

#### **This part applies for the Act, pt 2A**

*Clause 121* clarifies that this part applies for the purposes of part 2A of the Act.

#### **Definitions for pt 7**

*Clause 122* contains definitions to be used in this part. Definitions for 'relevant person' and 'relevant responsible supplier' are included to provide a nexus with Queensland.

#### **Registration for particular purposes**

*Clause 123* clarifies that a responsible supplier and/or electrical equipment is registered if it is appropriately recorded in the national register.

#### **Component is not a separate item**

*Clause 124* clarifies that a component is not a separate item. This clause applies if an item of in-scope electrical equipment contains two or more components of types that are permanently attached together to make a single item. This clarifies, for example, the requirement to mark and register each item once rather than each component separately under this part.

### **Meanings of levels 1, level 2 and level 3 in-scope electrical equipment**

*Clause 125* provides meanings for levels 1, 2 and 3 in-scope electrical equipment. Subclause (4) clarifies that each item of the family is the same level as individual items of the type. For example, if an item is a type of level 3 in-scope electrical equipment, each item of the family is also level 3.

### **Meaning of relevant standard for level 1 in-scope electrical equipment**

*Clause 126* provides a meaning of relevant standard for level 1 in-scope electrical equipment. It provides the following hierarchy to be used in order to establish the relevant standard/s for a type of level 1 in-scope electrical equipment:

- If there is an Australian or Australian and New Zealand standard that applies specifically to the type, then the relevant standards are that standard together with AS/NZS 3820 (Essential safety requirements for electrical equipment); or
- If there is an IEC standard that applies specifically to the type, then the relevant standards are that standard together with AS/NZS 3820; or
- If neither of the above applies, the relevant standard for the type is AS/NZS 3820.

### **Meaning of relevant standard for level 2 or 3 in-scope electrical equipment**

*Clause 127* contains the meaning of relevant standards for levels 2 or 3 in-scope electrical equipment. Generally, the defining standard (AS/NZS 4417 *Marking of electrical products to indicate compliance with regulations*) will contain the relevant standard for each type of level 2 or 3 in-scope electrical equipment. This clause also provides for standards that can be readily applied to the type to be accepted as relevant standards by either the regulator or to be accepted under a corresponding law.

## **Division 2 Registration of responsible suppliers and levels 2 and 3 in-scope electrical equipment**

### **Subdivision 1 Registration of responsible suppliers**

#### **Responsible supplier may register**

*Clause 128* provides that a responsible supplier may register themselves. Subclause (2) provides that a responsible supplier is ineligible to register unless it has either an Australian Business Number or an IRD number (New Zealand). Subclause (3) stipulates that as part of the registration process, the responsible supplier is to make a responsible supplier's declaration and to pay the registration fee. Subclause (5) creates an offence for giving a false information or making a false declaration under this clause.

#### **Term of registration**

*Clause 129* provides for the term of registration as a responsible supplier to be 1 year.

#### **Renewal of registration**

*Clause 130* provides for the renewal of registration as a responsible supplier.

#### **Responsible supplier must ensure details in national register are current**

*Clause 131* provides that a responsible supplier must ensure that details in the national register are current. Subclause (2) creates an offence for not updating details in the register within 30 days of them changing.

## **Subdivision 2      Registration of level 2 in-scope electrical equipment**

### **Registration**

*Clause 132* provides that responsible suppliers may register types of level 2 in-scope electrical equipment. Subclause (3) clarifies that each registration must only relate to a single type of level 2 equipment. Subclause (4) stipulates that as part of the registration process, the responsible supplier is to make the equipment declaration and pay the registration fee. The responsible supplier is also to provide information about the compliance folder which is kept for the type. Subclause (6) creates an offence for giving false information or making a false declaration under this clause.

### **Term of registration**

*Clause 133* provides that the term of registration for level 2 equipment is for 1, 2 or 5 years. It also clarifies that if the responsible supplier's registration lapses for a period during the term of the equipment's registration, then the equipment's registration is suspended during that period.

### **Renewal of registration**

*Clause 134* provides for the renewal of registration of level 2 in-scope electrical equipment.

## **Subdivision 3      Registration of level 3 in-scope electrical equipment**

### **Registration**

*Clause 135* provides that responsible suppliers may register types of level 3 in-scope electrical equipment. Subclause (3) clarifies that each registration must only relate to a single type of level 3 equipment. Subclause (4) stipulates that as part of the registration process, the responsible supplier must identify a certificate of conformity applicable to the type, make the equipment declaration and pay the registration fee. Subclause (6) creates an offence for giving false information or making a false declaration under this clause.

### **Term of registration**

*Clause 136* provides that the term of registration for level 3 in-scope electrical equipment is for 1, 2 or 5 years. However, the term of the registration cannot be longer than the term of the certificate of conformity, as identified under clause 135(4)(a) at the time of registration. It also clarifies that if the responsible supplier's registration lapses for a period during the term of the equipment's registration, then the equipment's registration is suspended during that period. Subclause (4) clarifies that if the certificate of conformity is cancelled, the term of registration for the type of level 3 equipment ends.

### **Renewal of registration**

*Clause 137* provides for the renewal of registration of level 3 in-scope electrical equipment.

## **Subdivision 4      Relevant persons not to be twice punished for same acts or omissions**

### **Relevant person may be punished only once**

*Clause 138* clarifies that if a relevant person is punished for a registration offence under a corresponding law, then the responsible supplier cannot be punished for the same offence under this regulation.

## **Subdivision 5      Cancellation of registration**

## **Grounds for cancelling registration of responsible supplier or level 2 or 3 in-scope electrical equipment**

*Clause 139* provides the grounds for cancelling the registration of responsible suppliers of levels 2 or 3 in-scope electrical equipment.

### **Procedure before cancellation**

*Clause 140* outlines the procedure for the regulator to follow before cancelling a matter under clause 139.

### **Cancellation**

*Clause 141* provides the regulator with the authority to effect a cancellation. Under this clause, registrations cancelled are not eligible to register again for 12 months from their cancellation.

### **Cancellation at responsible supplier's request**

*Clause 142* provides for the regulator to cancel the registrations if asked to do so by the responsible supplier.

## **Division 3 Sales of in-scope electrical equipment**

### **Sale of level 1 in-scope electrical equipment by responsible supplier**

*Clause 143* creates an offence for responsible suppliers who sell level 1 in-scope electrical equipment if:

- They are not registered as a responsible supplier; or
- The equipment does not meet the relevant standard for the type; or
- If the equipment is not electrically safe.

Subclause (3) creates a defence for responsible suppliers who can prove that they obtained the item from a registered responsible supplier. The example provided assumes that New Zealand is a participating jurisdiction. It demonstrates that if a responsible supplier based in Australia purchased equipment from a registered responsible supplier in New Zealand, then this defence would be applicable.

### **Sale of level 2 or 3 in-scope electrical equipment by responsible supplier**

*Clause 144* creates an offence for responsible suppliers who sell level 2 or 3 in-scope electrical equipment if:

- They are not registered as a responsible supplier; or
- The type is not registered in relation to the responsible supplier; or
- The item does not meet the relevant standard for the type at the time the type was registered; or
- The equipment is not electrically safe.

Subclause (2) creates a defence for responsible suppliers who can prove that they obtained the item from a registered responsible supplier and that the equipment was registered in relation to the responsible supplier. The example provided assumes that New Zealand is a participating jurisdiction. It demonstrates that if a responsible supplier based in Australia purchased equipment from a registered responsible supplier in New Zealand, then this defence would be applicable. Subclause (2) (b) provides a defence in situations where a multinational company has related corporations supplying the same electrical equipment in both Australia and New Zealand. This will avoid them being required to register the same equipment twice in the same register to be used across Australia and New Zealand.

## **Sale of in-scope electrical equipment—general**

*Clause 145* relates to the sale of in-scope electrical equipment by persons. Subclause (1) creates an offence for persons who sell in-scope electrical equipment that is not marked with the regulatory compliance mark in compliance with AS/NZS 4417. Subclause (2) creates an offence for persons who sell an item of level 2 or 3 in-scope electrical equipment that is not registered. Persons who have an honest and reasonable but mistaken belief that the equipment was registered are able to use subclauses (3) and (4) to plead their case. They provide that regard may be given to the nature of the person's business in relation to the equipment in determining if the monitoring of the register was reasonable. Subclause (6) clarifies that this clause does not apply to responsible suppliers, or second-hand items.

## **Sale of plug etc. with level 1 or 2 in-scope electrical equipment**

*Clause 146* applies to the sale of a relevant item with level 1 or 2 in-scope electrical equipment. In this clause a relevant item is a plug, flexible supply cord or appliance connector, as defined in AS/NZS 4417. Relevant items can be sold for use with levels 1, 2 and 3 electrical equipment. This provision clarifies that when this happens, the relevant item is not required to be registered if the relevant item has a certificate of conformity that applies to it.

## **Division 4 Evidence of compliance with relevant standards**

### **Subdivision 1 Level 1 in-scope electrical equipment**

#### **Responsible supplier to keep evidence**

*Clause 147* provides that a responsible supplier who sells level 1 in-scope electrical equipment must keep evidence proving that the equipment meets the relevant standard for the type. A note under subclause (2) clarifies that it is the responsibility of the responsible supplier to ascertain the relevant standard that is applicable, as under clause 126. Subclause (3) creates a defence for responsible suppliers who can prove that they obtained the item from a registered responsible supplier. The example provided assumes that New Zealand is a participating jurisdiction. It demonstrates that if a responsible supplier based in Australia purchased equipment from a registered responsible supplier in New Zealand, then this defence would be applicable.

### **Subdivision 2 Level 2 in-scope electrical equipment**

#### **Registered responsible supplier must keep compliance folder**

*Clause 148* applies to responsible suppliers who sell level 2 in-scope electrical equipment. Subclause (2) provides that they must keep a compliance folder proving that the equipment meets the relevant standard when the equipment was registered. Subclause (4) provides that a compliance folder may be kept in electronic form. Subclause (5) allows responsible suppliers to keep compliance folders by making them available in the national register, or holding the folder or being able to access it within 10 business days. This allows the possibility of parties such as manufacturers keeping compliance folders on behalf of responsible suppliers.

### **Subdivision 3 Level 3 in-scope electrical equipment**

#### **Registered responsible supplier must keep certificate of conformity**

*Clause 149* applies to responsible suppliers who sell level 3 in-scope electrical equipment. Subclause (2) provides that they must keep a current certificate of conformity proving that the equipment meets the relevant standard when the equipment was registered. Subclause (3) allows responsible suppliers to keep certificate by holding the certificate or being able to access it within 10 business days. This allows the possibility of parties such as manufacturers keeping certificates of conformity on behalf of responsible suppliers.

## **Division 5 Effect of reclassification of in-scope electrical equipment**

### **Effect of reclassification**

*Clause 150* applies if a type of level 1 or 2 in-scope electrical equipment is reclassified to a higher level. Responsible suppliers will have a 12 month period to meet the additional registration and evidence of compliance requirements (as contained in divisions 3 and 4 respectively). This clause only applies to responsible suppliers who are selling items of the type when the reclassification happens.

## **Division 6 Marking of in-scope electrical equipment**

### **Responsible supplier must not sell unmarked item of in-scope electrical equipment**

*Clause 151* stipulates that responsible suppliers must only sell in-scope electrical equipment that is marked with the regulatory compliance mark in compliance with AS/NZS 4417.

### **Person must not mark in-scope electrical equipment that does not meet relevant standard**

*Clause 152* stipulates that a person must not mark in-scope electrical equipment with the regulatory compliance mark unless the item meets the relevant standard for the type.

### **Mark for use in exceptional circumstances**

*Clause 153* provides the authority for the regulator to approve a mark other than the regulatory compliance mark for use in exceptional circumstances. Subclauses (2) and (3) clarify that a person who follows this clause, or a corresponding law, does not commit an offence under clauses 145(1) or 151.

## **Division 7 Certificates of conformity issued by regulator**

### **Subdivision 1 Applications and terms**

#### **Application for certificate of conformity**

*Clause 154* provides for persons to apply to the regulator for a certificate of conformity for a type of level 3 in-scope electrical equipment. This clause contains the requirements for such applications.

#### **Regulator may issue certificate of conformity**

*Clause 155* provides that the regulator may issue a certificate of conformity if the application is approved.

#### **Term of certificate**

*Clause 156* provides that the term of a certificate of conformity is for the period stated in the certificate.

### **Subdivision 2 Modifications, renewals and transfers**

#### **Modification of certificate of conformity—change of name or model**

*Clause 157* applies to persons who hold a certificate of conformity issued by the regulator. Certificate holders may apply to the regulator to vary the brand name or model designation that is specified on the certificate. This clause contains requirements for such applications.

### **Modification of certificate of conformity—other than a change of name or model**

*Clause 158* applies to certificate holders who intend to modify the equipment (other than a modification described in clause 157) that would not result in creating a new type of equipment. Certificate holders may apply to the regulator to modify the certificate. This clause contains requirements for such applications.

### **Renewal of certificate of conformity**

*Clause 159* applies to persons who hold a certificate of conformity issued by the regulator. Certificate holders may apply to the regulator to have the certificate renewed and reissued. This clause contains requirements for such applications.

### **Transfer of certificate**

*Clause 160* applies to persons who hold a certificate of conformity issued by the regulator. Certificate holders may apply to the regulator to transfer the certificate to another person. This clause contains requirements for such applications.

## **Subdivision 3 Cancellation**

### **Grounds for cancelling certificate of conformity**

*Clause 161* provides grounds for cancelling a certificate of conformity issued by the regulator.

### **Procedure before cancellation**

*Clause 162* contains the procedure to be followed before a certificate of conformity can be cancelled by the regulator.

### **Cancellation at certificate holder's request**

*Clause 163* provides that the regulator must cancel a certificate of conformity if the certificate holder asks for the cancellation.

### **Certificate of conformity holder to return certificate if cancelled**

*Clause 164* stipulates that a certificate of conformity holder must return the certificate within 14 days of receiving a notice of cancellation of the certificate.

## **Subdivision 4 Information to be recorded in the national register**

### **Information to be recorded in national register**

*Clause 165* stipulates that the regulator must ensure that information (as required by the equipment safety rules) is recorded in the national register for each certificate issued, or for each modification, renewal or transfer of a certificate. The clause also requires the regulator to ensure particulars that apply to cancellations are also recorded in the national register.

## **Division 8 Recognised external certification schemes—Act, s 48J**

### **Subdivision 1 Preliminary**

#### **Definitions for div 8**

*Clause 166* contains definitions to be used in this division.

### **Subdivision 2 Applications and terms**

### **Application for regulator’s declaration of scheme**

*Clause 167* applies to persons who conduct a scheme for the certification of in-scope electrical equipment. Such persons may apply to the regulator for their scheme to be declared a recognised external certification scheme. This clause contains requirements for such applications.

### **Intention to make declaration must be advertised**

*Clause 168* provides that if the regulator is intending to grant an application, the regulator must publish a notice. This clause contains requirements about publishing such notices, and their submission periods.

### **Decision about application**

*Clause 169* provides that the regulator can decide to grant or refuse the application.

### **Term of declared scheme**

*Clause 170* stipulates that the term of the defined scheme is the period stated in the regulator’s declaration of the scheme. This period cannot exceed 5 years.

## **Subdivision 3      Conditions**

### **Regulator may impose conditions on declared scheme**

*Clause 171* provides that the regulator may impose conditions on a declared scheme.

### **Condition imposed by regulation**

*Clause 172* provides that the declaration holder of each declared scheme must follow conditions imposed by regulation. These conditions include the payment of an annual fee and the recording of information required by the rules in the national register.

### **Amendment of conditions imposed by regulator**

*Clause 173* provides that the regulator may amend conditions imposed on a declared scheme by revoking or varying the conditions, or by imposing new conditions.

### **Acting on regulator’s own initiative—general**

*Clause 174* provides that the regulator must not act on the regulator’s own initiative to amend conditions placed on a declared scheme, without first giving the declaration holder a notice. This clause does not apply to instances outlined in clause 175, below.

### **Acting on regulator’s own initiative—electrical risk**

*Clause 175* applies if the regulator considers that a type of in-scope electrical equipment certified by a declaration holder is placing, or will place, persons or property at electrical risk. Under this clause, the regulator may amend the conditions applying to the declared scheme, other than those conditions imposed by regulation under clause 172.

## **Subdivision 4      Cancellation**

### **Grounds for cancelling declaration**

*Clause 176* provides grounds for cancelling the declaration of a declared scheme.

### **Procedure before cancellation**

*Clause 177* contains the procedure that must be followed by the regulator before cancelling the declaration of a declared scheme.

## **Cancellation at declaration holder's request**

*Clause 178* provides that the regulator must cancel the declaration of a declared scheme if the declaration holder asks for the cancellation.

## **Subdivision 5 Other provisions**

### **Reporting requirements for declaration holder**

*Clause 179* provides the regulator with the authority to require a declaration holder to provide reports about particular information about certification.

### **Declaration holder must comply with equipment safety rules**

*Clause 180* requires a declaration holder to comply with the equipment safety rules.

## **Division 9 Regulator may require testing of item of level 1, 2 or 3 in-scope electrical equipment**

### **Regulator may require item of in-scope electrical equipment to be submitted**

*Clause 181* provides the regulator with the authority to have an item of in-scope electrical equipment tested and examined to determine if it meets the relevant standard for the type.

### **Procedure for obtaining item of in-scope electrical equipment for testing**

*Clause 182* contains the procedure to be used for obtaining an item of in-scope electrical equipment for testing. Subclause (2) requires that a registered responsible supplier must take all steps that are reasonable in the circumstances to comply with a requirement of the regulator. Subclause (3) requires that a registered responsible supplier must take all steps that are reasonable in the circumstances to ensure that an inspector is able to comply with the requirement of the regulator.

### **Identification of item of in-scope electrical equipment to be tested**

*Clause 183* requires the regulator to give registered responsible suppliers an opportunity to place an identifying mark on the item before the item is given to an approved testing entity. This clause only applies when the item was obtained under clause 182(1)(a).

### **Cost of testing and examining and liability for damage**

*Clause 184* provides how the costs of testing and liabilities for damage associated with testing are to be met.

## **Division 10 Return of in-scope electrical equipment given to regulator**

### **Return of item of level 2 or 3 in-scope electrical equipment provided to regulator**

*Clause 185* provides for how items of level 2 or 3 in-scope electrical equipment provided to the regulator are to be returned to persons by the regulator.

## **Division 11 Second-hand in-scope electrical equipment**

### **Limitation on offering second-hand in-scope electrical equipment for sale**

*Clause 186* provides that a seller of second-hand in-scope electrical equipment must give the purchaser information on whether the item has been tested by a licensed electrical worker. Subclause (3) provides that businesses that deal in, repair or recondition second-hand items of in-scope electrical equipment are not required to comply with this clause.

## **Division 12 Program for certification of level 1 or 2 in-scope electrical equipment**

## **Regulator may establish program for certification**

*Clause 187* provides that the regulator may establish a program for issuing certificates relating to the suitability of levels 1 and 2 electrical equipment for connection to electricity supply. The regulator may charge fees for the issuing of certificates. Subclause (3) clarifies that taking part in this program is voluntary.

## **Part 8 Electrical equipment—general**

### **Division 1 Requirement for warning sign for sale of particular electrical equipment**

#### **Definition for div 1**

*Clause 188* defines the term “particular electrical equipment” used in this division to which the signage requirement applies. It includes electrical equipment for which electrical work must be performed for it to be installed, fitted, put in place, etc. Examples for the definition are provided; however, these are not exclusive and some manufactured versions of the examples provided may not be subject to the definition. For example, many light fittings require electrical installation to operate, but there are some do-it-yourself (DIY) fittings available that simply connect into an existing batten holder.

#### **Application of div 1**

*Clause 189* provides the application statement for this division. It clarifies that this division applies to a PCBU who conducts a business or undertaking that includes the sale of particular electrical equipment to the public. This includes wholesalers who also sell to the public. The division does not apply to a person who sells an item of particular electrical equipment at garage sales, jumble sales, fairs, markets or at any other kind of sale unless the person selling the item of particular electrical equipment is selling the item as part of a business or undertaking that the person is conducting.

#### **Requirement to display DIY warning sign**

*Clause 190* provides the details for the DIY warning signage requirements. Subclause (1) requires that a person to whom this division applies does not sell an item of particular equipment unless the person has displayed a DIY warning sign for the item. A definition of ‘sell’ is provided in the Dictionary (schedule 9). It should be noted that although subclause (1) refers to a singular sign, more than one sign may be required depending on the display method chosen, the number of items displayed and the shop layout.

Subclause (2) clarifies the accepted options for ‘displayed for an item of particular electrical equipment’ under subclause (1). The five options offer flexibility to accommodate the sellers preferred method of display. Subclause (2)(a) refers to a sign that may be displayed in close proximity to the point of display of the item. Subclause (2)(a) does not limit the application of the sign to one item, so the sign may apply to a number of items of particular electrical equipment in an area. Subclauses (2)(b) to (e) provide display options relative to just one item, where the sign may be incorporated into the price tag or packaging for an item or attached as a label to the packaging of the item or to the item itself.

Subclause (3) provides meanings for ‘DIY warning sign’ and ‘point of display’. The meaning attributed to ‘DIY warning sign’ specifies that a sign must contain a symbol in the form of a red circle and a red diagonal line over the letters ‘DIY’ in black letters (the symbol is similar in concept to a ‘no smoking’ symbol). Two sets of prescribed wording, including the text colour and sentence case, and also detailed depending on whether a sign displayed in accordance with subclause (2)(a) or subclauses (2)(b) to (2)(e). A white background is specified for a sign and applies to both the symbol and the prescribed wording.

Subclause (3) also requires the DIY warning sign to be ‘unambiguous and clearly legible’. This is to ensure that in the absence of a minimum size requirement, that a sign (whatever size is chosen) is printed and displayed in such a way that it may at all times be clearly seen and read by any person in the area where particular electrical equipment is displayed for sale. The meaning attributed to ‘point of display’ clarifies that both a physical location such as in a shop and an online location such as on a website are considered points of display. For an online location the place a sign that sign needs to be displayed is on the online shop’s website—the place where a customer may initiate a transaction to purchase a specific item.

For example for an item displayed on an online auction site, it would be the page following and initial search results page—i.e. the page that provides specific details for the item and where an option to purchase or bid is provided.

## **Division 2 Prohibition on sale of electrical equipment**

### **Sale of electrical equipment prohibited**

*Clause 191* provides that a person cannot sell an item of electrical equipment to which the safety criteria in AS/NZS 3820 applies unless the equipment complies with that standard.

### **Regulator may prohibit the sale or use of electrical equipment on safety grounds**

*Clause 192* provides that the regulator may prohibit the sale or use of an item of electrical equipment if they believe on reasonable grounds that the item does not comply with the safety criteria in AS/NZS 3820.

## **Division 3 Labelling and inspection of electrical equipment**

### **Labelling faulty portable electrical equipment**

*Clause 193* places a requirement on a person acting under the authority of a distribution entity to attach a label to an item of portable electrical equipment that has a serious defect. Further, it places a requirement on a person not to remove the label until the item is repaired by a licensed electrical worker or at an industrial workplace where the primary activity is making, assembling, changing or adapting electrical equipment.

## **Division 4 Hire electrical equipment**

### **Hiring electrical equipment**

*Clause 194* provides that a PCBU must not hire out to another person an item of electrical equipment unless it has been inspected and tested by a competent person before each hiring or it has an integrated safety switch. The clause also provides that the electrical equipment be inspected, tested and tagged by a competent person once every 6 months. These requirements do not apply to domestic electrical equipment that is hired for use in a domestic situation.

## **Part 9 Works of an electricity entity**

### **Division 1 Compliance with part**

#### **Compliance with this part**

*Clause 195* provides that a person who designs, builds, maintains or operates works of an electricity entity must ensure that the requirements of this part are complied with.

### **Division 2 Earthing and protection**

## **Systems of earthing**

*Clause 196* requires works of an electricity entity to incorporate an earthing and protection system, to a recognised electricity supply industry standard that ensures certain requirements are met.

For example, an electricity entity designs and maintains an earthing system that conforms to an industry standard to ensure the reliable operation of circuit protection fuses.

## **Connection of high voltage circuit to earth**

*Clause 197* requires that each distinct high voltage system forming works of an electricity entity must be connected to earth by direct connection or resistance or reactance. The clause also requires fuses or circuit breakers operate during fault conditions.

## **Performance and other requirements for works**

*Clause 198* requires that the works of an electricity entity meet certain performance and other requirements. These requirements are aimed at ensuring the electrical safety for the public and workers in relation to the entity works.

## **Insulation of stay wire**

*Clause 199* requires that a stay wire attached to a pole or structure supporting an overhead electric line not forming part of an earthing system for an electricity entities works is insulated.

## **Protection of earth conductors**

*Clause 200* requires earthing conductors installed on the outside of a pole or structure supporting an overhead electric line forming part of an electricity entity's works must be, from ground to a height of at least 2.4 metres, insulated or suitably covered by a non-conductive material, and protected from mechanical damage.

## **Division 3 Substations**

### **Substation requirements**

*Clause 201* requires that a substation forming part of an electricity entity meets certain requirements. These requirements are aimed at ensuring the electrical safety for the public and workers in relation to the substation.

## **Division 4 Electric lines and control cables**

### **Application of div 4**

*Clause 202* provides the application statement for this division. It clarifies that this division does not apply to the electric lines and control cables of a substation that is part of the works of an electricity entity.

### **Measurement of vertical and horizontal distances**

*Clause 203* provides how distances are measured in this division.

### **Electric lines and control cables**

*Clause 204* provides requirements for electric lines and cables.

### **Clearance from exposed conductive parts and separation of conductors in same circuit**

*Clause 205* requires that exposed conductive parts and separation of conductors on the same circuit for overhead electric lines forming part of the works of an electricity entity do not come within specified arcing distances.

### **Location of overhead circuit in relation to another overhead circuit**

*Clause 206* provides the requirements for overhead circuits of electric lines forming part of the works of 1 or more electricity entities that are adjacent, or cross, and are on more than one structure.

### **Clearance of overhead electric lines from ground**

*Clause 207* provides the requirements for distances from conductors of overhead electric lines to ground.

### **Clearance of overhead electric lines from structures**

*Clause 208* provides the requirements for distances from conductors of overhead electric lines to a structure.

### **Building or adding to structure near electric line**

*Clause 209* provides the requirements for a person who proposes to perform work involving the construction of a building or structure or of a change to a building or structure, or the performance of other work in relation to a building or structure, and the work is likely to involve a building or structure coming within the clearance requirements under this division for an overhead or underground electric line.

For example, a person building an advertising sign near a distribution entity's power line would need to comply with this clause.

### **Clearance of stay wires and control cables over road**

*Clause 210* provides requirements for clearance of an overhead stay wire or control cable crossing the carriage way of a road.

### **Connection to consumer's premises**

*Clause 211* provides requirements for an electricity entity and consumer in relation to the connection of a consumer's premises to a supply of electricity.

## **Division 5 Termination requirements for low voltage overhead service lines**

### **Termination of low voltage overhead service line**

*Clause 212* provides the termination requirements for low voltage overhead service lines.

## **Division 6 Service lines generally**

### **Fuses and disconnectors for service line**

*Clause 213* provides the requirements for fuses and circuit-breakers for active conductors of low voltage service lines.

### **Disused service lines to be disconnected**

*Clause 214* provides the requirements for service lines of consumer's premises when supply of electricity has been disconnected and the electricity entity has taken away its meters, control apparatus or other electrical equipment from the premises.

## **Division 7 Maintenance of works**

### **Inspection and maintenance of integrity of insulation**

*Clause 215* provides requirements on an electricity entity for maintaining the integrity insulation for electric lines, including clamps and apparatus at the point where consumer mains are connected to a line and lines adjacent to roofs or structures.

## **Trimming of trees near overhead electric line**

*Clause 216* provides requirements on an electricity entity for trimming of trees near overhead electric lines.

## **Part 10 Electricity supply**

### **Division 1 Connection to source of electricity**

#### **Electrical installation with serious defect not to be connected to electricity source**

*Clause 217* provides that a person must not connect an electrical installation to a source of electricity if the installation has a serious defect.

For example, a licensed electrical worker performing work for a licensed electrical contractor must not connect an electric stove forming part of an electrical installation that has a serious defect to supply.

This does not apply to a distribution entity unless the serious defect in the electrical installation is located in a consumer main switchboard or between a consumer main switchboard and the works of the distribution entity.

For example: A licensed electrical contractor certifies to a distribution entity that an electrical installation in a domestic premises is ready for connection to the distribution entity's supply. A worker acting on behalf of the distribution entity confirms that the consumer main switchboard and between the consumer main switchboard and the works of the distribution entity does not have a serious defect and connects the installation to supply.

There is a bare connection in a wall of the premises that is likely to cause shock or fire. This should have been identified and rectified by the electrical contractor prior to certifying the electrical installation. A person receives an electric shock. In this instance subclause (2) would apply to the distribution entity and the worker acting on its behalf and subclause (1) would apply to the licensed electrical contractor.

#### **Electrical installation not to be connected to electricity source if work not tested**

*Clause 218* provides that a person must not connect an electrical installation to a source of electricity unless it has been tested in accordance with this clause.

#### **Electrical installation not to be initially connected to electricity source without examination and testing**

*Clause 219* provides that an electrical installation must not be initially connected to a source of electricity supplied by a distribution entity except in accordance with the requirements of this clause.

#### **Reconnection of electrical installation to electricity source**

*Clause 220* provides that an electrical installation must not be reconnected to a source of electricity supplied by a distribution entity unless done in accordance with this clause. This does not apply to reconnection in the ordinary course of disconnection and reconnection in the performance of electrical work.

For example, this clause would not apply to an electrical circuit supplying a detached garage that was disconnected and reconnected by an electrical contractor as part of electrical installation work.

#### **High voltage or hazardous area electrical installation not to be connected to electricity source without inspection**

*Clause 221* provides that a high voltage electrical installation or an electrical installation located in a hazardous area must not be connected or reconnected to a supply of electricity unless it is performed in accordance with this clause. This involves the work being inspected by an accredited auditor to ensure the electrical installation is electrically safe and complies with the wiring rules and any standards applying under this regulation. These requirements are in addition to other requirements under this division.

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

*Clause 222* provides that a licensed electrical contractor must not connect an electrical installation on which electrical work has been performed unless they are satisfied that this regulation has been complied with and that if required a certificate has been given by an accredited auditor.

## **Disconnection and reconnection of low voltage electrical installation**

*Clause 223* provides the requirements for a licensed electrical contractor or licensed electrical worker holding an electrical mechanics licence performing work on consumer terminals, main switchboard or mains.

## **Division 2 Private generating plant**

### **Generating plant for emergency supply**

*Clause 224* provides requirements for a person with private generating plant installed at their premises that is intended to supply electricity to the person's electrical installation or to the person's installation and the installation of another person during an interruption of the supply of electricity from a distribution entity.

### **Generating plant for interconnection to works of electricity entity**

*Clause 225* provides requirements for a person with private generating plant installed at their premises that is intended to interconnect with the works of an electricity entity.

## **Division 3 Testing**

### **Notice by licensed electrical contractor of test**

*Clause 226* requires a licensed electrical contractor to give a certificate to the distribution entity where the contractor is required under this part to test an electrical installation and part of the installation is required to be examined or tested by the distribution entity that supplies, or is to supply, electricity to the installation.

### **Certificate of testing and compliance**

*Clause 227* requires a licensed electrical contractor who connects an electrical installation on which electrical work has been performed to a source of electricity, must as soon as practicable after connection, give the person for whom the work was performed, a certificate about the testing required under this part. The contractor must keep a copy of the certificate for 5 years.

### **Performance of examination or test**

*Clause 228* requires that a distribution entity carrying out examinations or tests under this part must ensure the electrical installation, to the extent of the examination or test is electrically safe.

### **Reasons to be given for not connecting to source of electricity after examination**

*Clause 229* requires that if a distribution entity does not connect or reconnect an electrical installation after examination or testing they must give the consumer a written report stating the reasons for not connecting or reconnecting.

### **Keeping copy of report**

*Clause 230* requires that a PCBU for whom a worker performs an examination or test under this part must keep a record of the report of the examination or test for 5 years.

## **Division 4 Requests and advice to distribution entities**

## **Request to distribution entity for examination of electrical work**

*Clause 231* provides where electrical work must be examined or tested by a distribution entity before connection or reconnection to supply under this part, the person who performed the electrical work must ask the distribution entity to examine or test the work and certify that the work is complete and ready for connection.

## **Telling distribution entity of need for change to metering**

*Clause 232* provides if because of the performance of electrical work on an electrical installation, there is a need to install or change metering, control apparatus or other ancillary equipment forming part of the works of a distribution entity, the person must advise the distribution entity and certify the work is complete.

# **Part 11 Safety management systems**

## **Division 1 Prescribed electricity entities**

### **Prescribed electricity entities**

*Clause 233* prescribes for part 5 of the Act, the circumstances when an electricity entity is a 'prescribed electricity entity'; consequently requiring the entity to have and give effect to a safety management system. The original and later prescribed electricity entities are prescribed in schedule 6.

## **Division 2 Requirements for safety management systems**

### **Safety management system requirements**

*Clause 234* prescribes the requirements for a safety management system. The safety management system must contain details of the systems safety objectives, systems and procedures for meeting these objectives, performance criteria and ways of maintaining adherence to the performance criteria. Further the system must provide for:

- annual auditing by an accredited auditor at the expense of the entity;
- submission of an annual audit plan to the regulator;
- submission of a certificate of the annual audit (by an accredited auditor) to the regulator;
- giving further information to the regulator reasonably required by the regulator;
- making modifications to the system in accordance with the reasonable requirements of the regulator; and
- further auditing reasonably required by the regulator, by an accredited auditor, at the expense of the entity.

The prescribed electricity entity must initially give the regulator a copy of the safety management system and a certificate from an accredited auditor verifying the system has been assessed and validated to meet its requirements.

The prescribed electricity entity must give the regulator any information the regulator reasonably requires about the system or annual audit plan to ensure that the design, construction, operation and maintenance of the entities works complies with the requirements of the Act.

## **Part 12 Accredited auditors**

### **Appointment**

*Clause 235* provides how an application is made for appointment or renewal of appointment as an accredited auditor under the Act. This includes making the application in an approved form, any fees and information necessary to support the information.

### **Refund of fees**

*Clause 236* provides that if the regulator does not approve an application under this part, or the application is withdrawn, the appointment administration part of any fee paid with the application must be refunded. The appointment administration part is the part of the fee decided by the regulator as the amount fairly representing the cost of administering an appointment as an accredited auditor. It is not the part representing the cost of administering the application.

### **Term of office as accredited auditor**

*Clause 237* provides that an accredited auditor is appointed for 5 years or a shorter time provided in the appointment.

## **Part 13 Cathodic protection systems**

### **Division 1 Preliminary**

#### **Definitions for pt 13**

*Clause 238* provides the definitions for this part.

#### **Electrical terms apply for direct current**

*Clause 239* provides that in this part, an electrical value (for example voltage), is the value for direct current.

#### **Exclusion from application**

*Clause 240* provides that this part does not apply to certain cathodic protection systems.

### **Division 2 Installation and design**

#### **Installation of cathodic protection system only if preliminary steps taken**

*Clause 241* provides the requirements that must be met before a cathodic protection system can be installed.

#### **Correct design and installation of cathodic protection system**

*Clause 242* provides that a cathodic protection system must be designed and installed in accordance with the requirements of the cathodic protection standard.

### **Division 3 Operating requirements**

#### **Operation of cathodic protection system only on conditions**

*Clause 243* provides the requirements that must be met to operate a cathodic protection system.

## **Division 4 Testing requirements**

### **Tests before registration or operation of system**

*Clause 244* provides the testing requirements for the owner of a registrable and not registrable cathodic protection system.

### **Further tests during period of registration of system**

*Clause 245* provides further testing requirements for registered systems.

### **Further tests during operation of system**

*Clause 246* provides the requirements for interference tests on all systems.

### **Further tests of new foreign structure if required by the regulator**

*Clause 247* provides that the regulator can require the owner of a cathodic protection system to perform tests on foreign structures not previously tested by the owner.

### **Records of tests to be kept**

*Clause 248* requires the owner of a cathodic protection system to keep tests performed under this clause for 10 years; and to provide copies to the regulator within 14 days (if requested).

### **Testing by regulator**

*Clause 249* provides that the regulator may arrange for the testing of a cathodic protection system to decide whether it complies with this part and the owner must provide access to and facilities for the testing of the system.

## **Division 5 System requirements**

### **Electrical limits**

*Clause 250* provides the electrical limits for a cathodic protection system.

### **Maximum potential change**

*Clause 251* provides the maximum potential changes for a cathodic protection system in relation to foreign structures.

### **Tolerances**

*Clause 252* provides that the tolerances for measuring instruments used to test the cathodic protection system are in accordance with the cathodic protection standard.

### **Identification of anode groundbed**

*Clause 253* provides that the anode groundbed that is on land or premises not owned by the owner of the cathodic protection system is clearly identified with the name of the owner.

## **Division 6 Registration of registrable systems**

### **Register**

*Clause 254* provides that the regulator must keep a register of registered systems.

### **Application for registration of registrable system**

*Clause 255* provides the requirements for applying for registration of a cathodic protection system.

### **Refund of fees**

*Clause 256* provides that if the regulator does not approve an application under this division, or the application is withdrawn, the registration administration part of any fee paid with the application must be refunded. The registration administration part is the part of the fee decided by the regulator as the amount fairly representing the cost of registering a registrable cathodic protection system. It is not the part representing the cost of administering the registration.

### **Registration of registrable system**

*Clause 257* provides that the regulator must register a cathodic protection system that is in a registrable system by entering it in the register from clause 254.

### **Term of registration**

*Clause 258* provides that a registration is for 5 years unless it is cancelled earlier.

### **Change of name and address**

*Clause 259* provides that the owner of a registered system must give written notice of a change of name or address within 30 days of the change.

### **Cancellation of registration**

*Clause 260* provides when the regulator may cancel the registration of a system.

### **Taking away or making a registered system inoperable**

*Clause 261* provides that the owner of a registered system must give the regulator written notice if the system is taken away or made permanently inoperable within 30 days.

### **Change to registered system to be notified**

*Clause 262* provides that the owner of a registered system must notify the regulator if the system or method of operation is changed immediately and give written within 14 days. The owner must comply with any actions required by the regulator under this part.

## **Part 14 Incident notification and reporting**

### **Definitions for pt 14**

*Clause 263* provides the definitions for this part.

### **Meaning of distribution entity for incident or event**

*Clause 264* provides the meaning of “distribution entity” for a serious electrical incident or dangerous electrical event.

### **Duty of person conducting a business or undertaking to notify of serious electrical incident or dangerous electrical event**

*Clause 265* specifies who must notify the regulator of a serious electrical incident or dangerous electrical event and when and how this must be done. Subclause (1) requires the PCBU to ensure that the regulator is notified immediately after becoming aware that a ‘serious electrical incident or dangerous electrical event’ arising out of the conduct of the business or undertaking has occurred. The requirement for ‘immediate’ notification would not however prevent a person from assisting an injured person or taking steps that were essential to making the site safe or from minimising the risk of a further incident or event – refer clause 269(4). Failure to notify is an offence.

Subclause (2) requires the notice to be given by the fastest possible means. Subclause (3) requires the notice to be given by telephone or in writing. A legislative note advises that written notice can be given by facsimile, email and other electronic means. Notification by telephone must include details requested by the regulator and may require the person to notify the regulator in writing within 48 hours (subclause (4)). A written notice must be in a form, or contain the details, approved by the regulator (subclause (5)). If the person notifying the regulator is not required to provide a written notice, the regulator must give the relevant PCBU details of the information received or an acknowledgement of receiving the notice (subclause (6)). Subclause (7) requires the PCBU to keep a record of each incident or event for 5 years from the date that notice is given to the regulator. Failure to do so is an offence.

### **Duty of distribution entity to notify of serious electrical incident or dangerous electrical event**

*Clause 266* provides the notification requirements for a distribution entity advised of the happening of a serious electrical incident or dangerous electrical event where the distribution entity is the distribution entity for the incident or the event. This includes providing written notice in 24 hours after the entity becomes aware of the incident or event, or immediately if a person has been killed in a serious electrical incident. The entity is not required to notify the regulator if the entity knows that the incident or event has already been reported. Failure to notify is an offence.

For example, an entity would not need to report an incident or event to the regulator where they know that a PCBU has already reported the incident or event in accordance with this Part.

### **Action required by distribution entity on report of electric shock**

*Clause 267* provides the requirements for a distribution entity advised that a person has received an electric shock at an electrical installation supplied by the entity. This includes taking action necessary in the interests of electrical safety of persons and making an incident record which must be kept for 5 years.

For example, an electricity entity may attend and take action to ensure no other person is likely to receive an electric shock at a place where a person has received an electric shock.

### **Report of incident records**

*Clause 268* requires a distribution entity to provide a report every 3 months to the regulator on their incident records.

### **Duty to preserve incident or event sites**

*Clause 269* sets out the duty to preserve incident sites. Subclause (2) requires the person with management or control of a place where a serious electrical incident or dangerous electrical event has occurred to take reasonable steps to ensure that the incident site is preserved until an inspector arrives or until such earlier time as directed by an inspector. Failure to do so is an offence. Subclause (3) clarifies that this requirement may include not moving or otherwise interfering with any electrical equipment, or part of any electrical equipment, associated with the incident or event. Subclause (4) sets out the kinds of things that can still be done to ensure electrical safety at the site, including assisting an injured person or securing the site to make it safe. Subclause (4)(e) clarifies this does not prevent any action for which an inspector or the regulator has given permission.

### **Storage of electrical equipment after serious electrical incident**

*Clause 270* provides the requirements on a distribution entity to securely store electrical equipment that is part of its electricity works that has been involved in a serious electrical incident and removed from the site.

## **Requirement on distribution entity to take action in interests of electrical safety**

*Clause 271* provides the requirements on a distribution entity if a person advises the entity of a reasonable concern about the electrical safety of the equipment. The distribution entity must take action necessary in the interests of the electrical safety of persons.

For example, a consumer who concerned about their electrical installation because a circuit breaker is operating for an unknown reason asks a distribution entity for advice. The entity must advise the consumer about actions to take to address electrical risk.

## **Part 15 Miscellaneous provisions**

### **Division 1 Electrical safety contributions**

#### **Purpose of div 1**

*Clause 272* provides that the purpose of this division is to prescribe for part 14A, division 1 of the Act, things that are necessary or convenient for establishing and operating arrangements for the payment of electrical safety contributions.

#### **Definitions for div 1**

*Clause 273* provides the definitions for this division.

#### **Fixing electrical safety contribution for each distribution entity for current financial year**

*Clause 274* provides how the electrical safety contribution payable by each distribution entity for the current financial year is to be calculated. This is based on a premises figure (or customer numbers).

#### **Payment of electrical safety contribution by instalments**

*Clause 275* provides that the distribution entity may pay the electrical safety contribution in equal instalments.

### **Division 2 Mines, petroleum plants and prescribed workplaces**

#### **Application of regulation at mine or petroleum plant**

*Clause 276* provides the provisions of this regulation that have application at a mine or petroleum plant under section 6(2) of the Act. This includes requirements for electrical work licences, working on electric motors, approvals of electrical equipment, cathodic protection systems and incident reporting and notification requirements.

#### **Prescribed workplaces—Act, s 18(2)(d)**

*Clause 277* provides the conditions necessary for a workplace to be considered a “prescribed workplace” for the purpose of section 18(2)(d) of the Act.

### **Division 3 Other matters**

#### **Climbing poles of electricity entity prohibited**

*Clause 279* provides that a person must not climb or attach a ladder to or in contact with a pole or other structure that is part of an electricity entity’s works unless the person is authorised by the electricity entity. This does not apply to an inspector or a licensed electrical contractor or worker performing electrical installation work that involves removing or replacing a fuse wedge from a service fuse or switching off an on a circuit-breaker installed as a service line disconnecter.

## **Duties of person conducting a business or undertaking about supervising training person**

*Clause 279* provides duties for a PCBU about supervising a worker that is a training person.

For example, an appropriately qualified person should directly supervise an apprentice that is carrying out work associated with electrical equipment for the first time. Once the apprentice has been assessed competent to carry out the work in a way that is safe and compliant with the Act, the degree of supervision could be reduced.

## **Electrical distribution entity may isolate powerlines in emergency**

*Clause 280* provides that a distribution entity may isolate powerlines from sources of electricity in an emergency, or to prevent an emergency from happening. The clause also defines emergency as being in relation to a person or property (including the property of the distribution entity).

## **Inspection of entries in registers**

*Clause 281* provides that the regulator must keep each register under this regulation, for example for electric licences, approvals of electrical equipment and cathodic protection systems, open for inspection on payment of the fee for inspecting a register. A person may obtain a copy of an entry in a register of the regulator for a fee for obtaining such a copy.

## **Provision of information by retail entity**

*Clause 282* provides the information which is to be provided by a retail entity to the regulator under section 153 of the Act. This information is used to aid in the enforcement of the legislation by inspectors.

## **Provision of information by Residential Tenancies Authority**

*Clause 283* provides that, if asked by the regulator, the Residential Tenancy Authority may give the regulator information the Authority has about a person's compliance with clause 85 of this regulation (i.e. safety switch requirements for residential land to which a residential tenancy agreement relates).

## **Inspectors' identity cards**

*Clause 284* lists the matters that an identity card given by the regulator to an inspector for the purposes of section 123A(1) of the Act must include.

## **Fees**

*Clause 285* provides that the fees payable under the Act are in schedule 7 of this regulation. The clause also provides that the classes of electrical equipment (i.e. class 1, 2 or 3) for the purpose of fees are in schedule 8 of this regulation.

# **Part 16 Repeal and transitional provisions**

## **Division 1 Repeal**

### **Repeal of Electrical Safety Regulation 2002**

*Clause 286* repeals the Electrical Safety Regulation 2002, SL No. 260.

## **Division 2 Transitional provisions for *Electrical Safety Regulation 2013***

### **Definitions for div 2**

*Clause 287* provides the definitions for this division.

### **Acts of chief executive under previous provision taken to be acts of regulator under corresponding provision**

*Clause 288* provides that, where the context permits, an act of the chief executive under a provision of the repealed *Electrical Safety Regulation 2002* before 1 January 2014 continues to have effect for a corresponding provision of this regulation as if the act was an act of the regulator under this regulation.

### **Acts of persons other than chief executive under previous provisions**

*Clause 289* provides that, where the context permits, an act of a person other than the chief executive under a provision of the repealed *Electrical Safety Regulation 2002* before 1 January 2014 continues to have effect for a corresponding provision of this regulation as if the act was an act of the person under this regulation. Subclause (2)(a) clarifies that a documented safe system of work prepared under repealed section 12(1)(c) for electrical work before the commencement, is taken to be a safe work method statement prepared for the work, if the electrical work commences or continues after commencement. Subclause (2)(b) clarifies that a safety advice from an electricity entity provided under the repealed section 64A(3) for work before the commencement, is taken to be requirements of the electricity entity for the purpose of clause 68(2)(b)(ii), if the work commences or continues after commencement.

### **Applications made before commencement**

*Clause 290* provides that an application made to the chief executive under a provision of the repealed *Electrical Safety Regulation 2002* before 1 January 2014 (that was not decided before that date), continues as an equivalent application for a corresponding provision of this regulation. The equivalent application is to be decided by the regulator.

### **Electrical licences**

*Clause 291* provides that a class of electrical licence, under the repealed regulation that was in force immediately before the commencement, is taken to be a licence of the equivalent class under this regulation.

### **Obligation to do thing indefinitely or within or for stated period**

*Clause 292* provides that a requirement to do something within, or for, a stated period under the repealed *Electrical Safety Regulation 2002* continues to have effect for a corresponding provision of this regulation as if the corresponding provision had been in force when the stated period started. Subclause (3) clarifies that a requirement to save or keep certain documents or records for which there is no corresponding provision continues to be a requirement until the end of the original period of time for which the documents or records were required to be saved or kept.

### **Eligibility for electrical jointer licence**

*Clause 293* provides for the continuation of repealed sections 214 and 221. This allows certain persons who have gained their qualifications other than by an apprenticeship to continue being eligible for electrical jointer licence under this regulation.

For example, if a person immediately before 1 October 2002 complied with the requirements for an electrical jointer's licence under the *Electricity Act 1994*; and for the purpose of repealed section 46(3)(a) of the *Electricity Regulation 1994* (as in force immediately before 1 October 2002), the person had been employed outside Queensland, but not in Australia, as an electrical jointer for at least 2 years; the person is taken to comply with the eligibility requirements for the issue and subsequent renewal or reinstatement of an electrical jointer licence under this regulation.

## **Eligibility for electrical linesperson licence**

*Clause 294* provides for the continuation of repealed sections 215 and 222. This allows certain persons who have gained their qualifications other than by an apprenticeship to continue being eligible for electrical linesperson licence under this regulation.

For example, if a person immediately before 1 October 2002 complied with the requirements for an electrical linesperson's licence under the *Electricity Act 1994*; and for the purpose of repealed section 47(3)(a) of the *Electricity Regulation 1994* (as in force immediately before 1 October 2002), the person had been employed outside Queensland, but not in Australia, as an electrical linesperson for at least 2 years; the person is taken to comply with the eligibility requirements for the issue and subsequent renewal or reinstatement of an electrical linesperson licence under this regulation.

## **Clearances for lines built before 1 January 1995**

*Clause 295* provides for the continuation of repealed section 218. This provides that overhead electric lines built before 1 January 1995 that continue to comply with the requirements of the repealed *Electricity Regulation 1989* comply with the clearance requirements under part 9, division 4 for overhead electric lines until they are rebuilt or replaced.

## **Termination of low voltage overhead service line built before 1 January 1995**

*Clause 296* provides for the continuation of repealed section 219. This provides that low voltage overhead service lines built before 1 January 1995 that continue to comply with the requirements of the repealed *Electricity Regulation 1989* comply with the clearance requirements under part 9, division 5 for overhead service lines until they are rebuilt or replaced.

## **Clearances for lines built between 1 January 1995 and 1 October 2002.**

*Clause 297* provides for the continuation of repealed section 220. This provides that an overhead electric line built before 1 October 2002, that continues to comply with the repealed *Electricity Regulation 1994* (as in force before 1 October 2002), complies with the requirements under Part 9, division 4 for overhead electric lines until they are rebuilt or replaced.

## **Continued application of obligation to install approved safety switch**

*Clause 298* provides that if an owner of residential land had a requirement under the repealed section 80A(6) under the circumstances described in repealed section 80A(5); then the repealed section 80A(6) continues to apply to the owner of residential land despite the repeal of that section.

## **Continuation of approvals taken to be certificates of conformity**

*Clause 299* provides that, an approval that was taken to be a certificate of conformity under repealed section 224, 225 or 225A of the repealed *Electrical Safety Regulation 2002*, and that was still in force immediately before 1 January 2014—is taken, for this regulation, to be an equivalent certificate of conformity under clause 122. The clause also provides that the equivalent certificate of conformity continues in force until it expires or otherwise comes to an end.

## **Continued application of provisions about marking of in-scope electrical equipment**

*Clause 300* provides that, despite the repeal of the *Electrical Safety Regulation 2002*, the transitional provisions under repealed sections 228, 230 and 231 continue to apply while circumstances mentioned in those sections exist.

## References to repealed regulation

*Clause 301* provides that in an instrument, where the context permits, a reference to the repealed *Electrical Safety Regulation 2002* may be taken to be a reference to this regulation; and a reference to a provision of the repealed *Electrical Safety Regulation 2002* may be taken to be a reference to an equivalent provision of this regulation.

## Part 17 Amendment of State Penalties Enforcement Regulation 2000

### Regulation amended

*Clause 302* provides that this part amends the *State Penalties Enforcement Regulation 2002*.

### Amendment of sch 5 (Other legislation)

*Clause 303* amends schedule 5 of the *State Penalties Enforcement Regulation 2000* which contains the penalties for the penalty infringement notices for offences under the *Electrical Safety Act 2002* and the *Electrical Safety Regulation 2013* (i.e. this regulation). This amendment replaces the entries listed for the repealed *Electrical Safety Regulation 2002* with corresponding entries for this regulation (i.e. the *Electrical Safety Regulation 2013*). This amendment also corrects cross-references to refer to the correct section numbers after commencement of the amendments made to the *Electrical Safety Act 2002* by the *Work Health and Safety Act 2011*.

## Schedule 1 External licences and electrical work licence equivalents

*Schedule 1* contains the external licences and the equivalent electric work licences for clause 41.

## Schedule 2 Exclusion zones for electric lines

*Schedule 2* contains definitions for the schedule, and the distances for the definition of *exclusion zone* given in clause 69(4) for persons, operating plant and vehicles for an overhead electric line.

## Schedule 3 Information to be included in declarations by responsible suppliers

*Schedule 3* contains the information to be included in declarations by responsible suppliers for clauses 128(4), 132(5) and 135(5).

## Schedule 4 Clearance of overhead electric lines (other than low voltage service lines)

*Schedule 4* contains the clearance distances for overhead electric lines (other than low voltage service lines) for clauses 207 and 208.

## **Schedule 5 Clearance of low voltage overhead service lines**

*Schedule 5* contains the clearance distances for low voltage overhead service lines for clauses 207 and 208.

## **Schedule 6 Prescribed electricity entities**

*Schedule 6* contains the prescribed electricity entities for safety management systems for clause 233.

## **Schedule 7 Prescribed workplaces**

*Schedule 7* contains the prescribed workplaces for clause 277.

## **Schedule 8 Fees**

*Schedule 8* contains the fees payable under the Act for clause 285.

## **Schedule 9 Dictionary**

*Schedule 9* defines particular words used in this regulation.

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### ENDNOTES

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