



Queensland

# **Electrical Safety and Other Legislation Amendment Act 2026**

**Act No. 6 of 2026**

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**An Act to amend the Electrical Safety Act 2002, the Electrical Safety Regulation 2013, the James Cook University Act 1997, the Work Health and Safety and Other Legislation Amendment Act 2024 and the legislation mentioned in schedule 1 for particular purposes**

**[Assented to 27 March 2026]**





Queensland

# Electrical Safety and Other Legislation Amendment Act 2026

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The Parliament of Queensland enacts—

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Electrical Safety and Other Legislation Amendment Act 2026*.

## Part 2 Amendment of Electrical Safety Act 2002

### 2 Act amended

This part amends the *Electrical Safety Act 2002*.

*Note—*

See also the amendments in schedule 1.

### 3 Amendment of s 122B (Delegation by regulator)

Section 122B(2)—

*omit, insert—*

- (2) However, the regulator can not delegate the regulator's power under section 122D or 122E.

### 4 Insertion of new s 122D

After section 122C—

*insert—*

#### **122D Unsafe equipment directions**

- (1) This section applies if the regulator is satisfied on

[s 4]

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reasonable grounds that an item of electrical equipment, or a type of electrical equipment—

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

Maximum penalty—40 penalty units.

- (6) Subsection (5) places an evidential burden on the defendant to show a reasonable excuse.
- (7) In considering the matters mentioned in subsection (1), the regulator may consider—
  - (a) any relevant standard providing for safety requirements about electrical equipment; or
  - (b) any other relevant matter.
- (8) The regulator must publish on the department's website—
  - (a) a copy of each unsafe equipment direction; and
  - (b) a notice complying with the QCAT Act, section 157(2) for the decision to give the unsafe equipment direction.
- (9) For an unsafe equipment direction given under subsection (2)(a), the regulator must give a copy of the documents mentioned in subsection (8) to each person the regulator knows to be, or is likely to be, a seller of the item or type of electrical equipment to which the direction applies.

*Note—*

For an unsafe equipment direction given under subsection (2)(b) or (c), see the QCAT Act, s 157(1) for the requirement to give notice of the decision to give the direction.

- (10) It is not a reasonable excuse for a person to fail to comply with an unsafe equipment direction on the basis that the person did not receive a document under—
  - (a) for a direction given under subsection (2)(a)—subsection (9); or
  - (b) for another direction—the QCAT Act, section 157(1).

[s 5]

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**5 Amendment, relocation and renumbering of s 206  
(Electrical safety notification)**

(1) Section 206(3)(b)—

*omit.*

(2) Section 206(3)(c)—

*renumber* as section 206(3)(b).

(3) Section 206—

*relocate* to part 10, division 1 and *renumber* as section 122E.

**6 Amendment of s 210 (Regulation-making power)**

Section 210—

*insert—*

- (6) A regulation may provide for an electricity entity, or a class of electricity entities, to give notices requiring action to be taken in relation to defective electrical equipment.

**7 Insertion of new pt 24**

After part 23—

*insert—*

**Part 24**

**Validation and  
transitional provisions  
for Electrical Safety  
and Other Legislation  
Amendment Act 2026**

**260 Definition for part**

In this part—

*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

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## **261 Validation of notices given by electricity entities before commencement**

- (1) This section applies if, before the commencement, an electricity entity gave a notice to a person in control of electrical equipment about a defect affecting the electrical safety of the electrical equipment.
- (2) The giving of the notice to the person in control of the electrical equipment is taken to be, and to have always been, as valid as it would have been if new section 210 had been in force at the time the notice was given.
- (3) Anything done as a result of the giving of the notice to the person in control of the electrical equipment is taken to be, and to have always been, as valid as it would have been if new section 210 had been in force at the time the notice was given.
- (4) In this section—  
*given* includes purported to be given.

## **262 Continuation of particular prohibitions as unsafe equipment directions**

- (1) This section applies to a prohibition under former section 192 of the regulation that was in effect immediately before the commencement.
- (2) If the prohibition was a continuing installing prohibition, the prohibition continues in effect from the commencement as if it were an unsafe equipment direction under new section 122D(2)(a) and (b).
- (3) If the prohibition was a continuing use prohibition, the prohibition continues in effect from the commencement as if it were an unsafe equipment direction under new section 122D(2)(a) and (c).

[s 7]

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

***continuing installing prohibition*** means a prohibition under former section 192 of the regulation published in the gazette on the following dates—

  - (a) 11 October 2013, at page 207;
  - (b) 23 December 2014, at page 563;
  - (c) 9 October 2015, at page 175.

***continuing use prohibition*** means a prohibition under former section 192 of the regulation published in the gazette on the following dates—

- (a) 10 May 2017, at page 29;
- (b) 9 June 2020, at page 331;
- (c) 6 July 2022, at page 345;
- (d) 6 March 2024, at page 337.

***former section 192 of the regulation*** means the *Electrical Safety Regulation 2013*, section 192 as in force immediately before the commencement.

***prohibition provision*** means—

- (a) former section 192 of the regulation; or
- (b) the repealed Electrical Safety Regulation 2002, section 126D as it was in force from time to time before its repeal by the *Electrical Safety Regulation 2013*.

## Part 3 **Amendment of Electrical Safety Regulation 2013**

### 8 **Regulation amended**

This part amends the *Electrical Safety Regulation 2013*.

### 9 **Omission of s 192 (Regulator may prohibit the sale or use of electrical equipment on safety grounds)**

Section 192—

*omit.*



5

(2) Section 15(2)(a) to (f)—

*omit, insert—*

- (a) 2 members of the academic staff of the university; and
- (b) 1 member of the professional and technical staff of the university; and
- (c) 1 undergraduate student; and
- (d) 1 postgraduate student.

**9G Replacement of s 16 (Additional member)**

Section 16—

*omit, insert—*

**16 Additional members**

- (1) There are 2 additional members.
- (2) The council must appoint the additional members.
- (3) An additional member must not be a member of the university's staff or a student.

**9H Amendment of s 17 (When council is taken to be properly constituted)**

Section 17(1)(a) and (b)—

*omit, insert—*

- (a) if there is an official member under section 13(c)—at least 9; or
- (b) otherwise—at least 8.

**9I Amendment of s 19 (Elected member's term of office)**

(1) Section 19(1), ‘, (b) or (f)’—

[s 9J]

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*omit, insert—*

or (b)

(2) Section 19(2), ‘, (d) or (e)’—

*omit, insert—*

or (d)

**9J Amendment of s 20 (Additional member’s term of office)**

Section 20, ‘The’—

*omit, insert—*

An

**9K Amendment of s 20A (Dealing with casual vacancy in office of an elected member)**

(1) Section 20A(5)—

*omit, insert—*

(5) Despite subsection (4), if the elected member was an undergraduate or postgraduate student, the council may appoint a student of that type to the office.

(2) Section 20A(7)—

*omit.*

**9L Amendment of s 21 (Failure to elect elected members)**

(1) Section 21(1)(a), ‘, (b) or (f)’—

*omit, insert—*

or (b)

(2) Section 21(1)(b), ‘to (e)’—

*omit, insert—*

or (d)

**9M Omission of pt 2, div 3A (Council membership—membership resolution)**

Part 2, division 3A—

*omit.*

**9N Amendment of s 24 (Vacation of office)**

Section 24(1)(b), ‘(f) or 22F(1)(a) to (c)’—

*omit, insert—*

(d)

**9O Amendment of s 26AA (Election policy)**

Section 26AA(1)(a), ‘, 20A, 22F and 22O’—

*omit, insert—*

and 20A

**9P Amendment of s 26AB (Conduct of election)**

Section 26AB, ‘, 20A, 22F or 22O’—

*omit, insert—*

or 20A

**9Q Amendment of s 26AC (Eligibility to vote)**

Section 26AC, ‘(f) or 22F(1)(a) to (c)’—

*omit, insert—*

(d)

**9R Amendment of s 26C (Minister may extend terms of office)**

(1) Section 26C(4)(b), ‘, 20, 22E, 22F(3) and 22G(1)’—

*omit, insert—*

[s 9S]

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and 20

(2) Section 26C(5)—

*omit.*

**9S Amendment of s 62B (Report about person’s criminal history)**

Section 62B(1), ‘or 22E’—

*omit.*

**9T Insertion of new pt 8, div 4**

Part 8—

*insert—*

**Division 4 Transitional provisions for  
Electrical Safety and Other  
Legislation Amendment  
Act 2026**

**87 Definitions for division**

In this division—

*continuing member* see section 88(2).

*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

*repealed*, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

**88 Existing members**

(1) Each person who held office as a member immediately before the commencement continues to be a member on the commencement.

- (2) A person who continues to be a member under this section on the commencement is a ***continuing member***.
- (3) On the commencement—
  - (a) for new part 2, division 3, each continuing member is taken to be a member of the same type the person was immediately before the commencement; and
  - (b) a continuing member who was appointed under repealed section 22E is taken to be a member appointed under new section 14; and
  - (c) a continuing member who was appointed under repealed section 22G is taken to be a member appointed under new section 16.
- (4) On the commencement, a continuing member's term of office is taken to be the same term for which the member was appointed or elected under repealed part 2, division 3A.

## **89 Particular appointments of additional members do not take effect**

- (1) This section applies to a person who was appointed as an additional member under repealed section 22G before the commencement but whose term of office was to start after the commencement.
- (2) The person's appointment does not take effect and is taken never to have been made.

## **90 Number of additional members during transitional period**

- (1) From the commencement, the number of additional members is taken to be equal to the number of continuing members mentioned in

[s 9T]

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section 88(3)(c) whose terms of office have not ended.

- (2) This section—
  - (a) applies despite new section 16(1); but
  - (b) stops applying on the earlier of—
    - (i) the first day after the commencement on which there are not more than 2 continuing members in relation to whom subsection (1) applies; or
    - (ii) 20 April 2026.

## **91 Minister may appoint elected member in particular circumstances**

- (1) This section applies if, during the period starting on the day of the commencement and ending on 20 April 2026—
  - (a) no person is elected for a class of elected members mentioned in new section 15(2)(c) or (d) (each a *student class*), other than because a casual vacancy has arisen; or
  - (b) both of the following apply—
    - (i) a casual vacancy arises in the office of a continuing member who is a student;
    - (ii) as a result of the vacancy, the council requires an elected member of a particular student class to comply with new section 15(2).
- (2) The Minister may appoint a person as an elected member for the student class.
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken

to have been elected at a council election for the student class.

- (5) This section applies despite new section 20A.

## 9U Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *class*, *current membership resolution*, *effective day*, *eligible person*, *end day*, *membership class*, *membership resolution*, *previous membership resolution* and *total number of members*—

*omit.*

- (2) Schedule 2—

*insert—*

***eligible person***, for a class of elected members mentioned in section 15(2), means a person who is—

- (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b)—a member of the professional and technical staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—an undergraduate student; or
- (d) for the class mentioned in section 15(2)(d)—a postgraduate student.

- (3) Schedule 2, definition *additional member*, ‘or 22G’—

*omit.*

- (4) Schedule 2, definition *appointed member*, ‘or 22E’—

*omit.*

- (5) Schedule 2, definition *official member*, ‘or 22D’—

*omit.*



## **Part 5**                      **Other amendments**

### **14**      **Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Other amendments**

section 14

### **Electrical Safety Act 2002**

**1      Section 35(1), note, ‘section 206’—**

*omit, insert—*

section 122E

**2      Schedule 2, definition *electrical safety notification*,  
‘section 206’—**

*omit, insert—*

section 122E

### **Work Health and Safety Act 2011**

**1      Section 271A(1), ‘or (1A)’—**

*omit.*

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