


Queensland

*Electrical Safety Act 2002*

# Electrical Safety Regulation 2026

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Queensland

# Electrical Safety Regulation 2026

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# Electrical Safety Regulation 2026

# Part 1 Preliminary

## Division 1 Introduction

### 1 Short title

This regulation may be cited as the *Electrical Safety Regulation 2026*.

### 2 Commencement

This regulation commences on 1 September 2026.

## Division 2 Application

### 3 Application of this regulation

A duty imposed on a person under a provision of 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.

### 4 Application of regulation at mines and petroleum plants—Act, s 6

(1) For section 6(2)(b) of the Act, the following provisions of this regulation have application at a mine or petroleum plant—

(a) part 1;

(b) part 4;

(c) part 5, divisions 1 and 2;



Authorised by the Parliamentary Counsel

(d) part 7, other than to the extent it relates to electrical contractor licences;

(e) part 13;

(f) part 14.

(2) For subsection (1)(f), a reference in part 14 to a dangerous electrical event does not include a reference to a matter mentioned in section 12(a), (b) or (c) of the Act if the matter is required to be notified to an inspector or chief inspector under—

(a) the *Coal Mining Safety and Health Act 1999*; or

(b) the *Mining and Quarrying Safety and Health Act 1999*; or

(c) the *Petroleum and Gas (Production and Safety) Act 2004*.

### 5 Prescribed workplaces—Act, s 18

(1) For section 18(2)(d) of the Act, a workplace is prescribed if activities of a kind stated in schedule 1 are carried out at the workplace.

(2) Schedule 1 categorises workplaces according to the activities carried out at the workplaces using a system known as the Australian and New Zealand Standard Industrial Classification (***ANZSIC***).

(3) A category of workplace stated in schedule 1, column 2 has the ANZSIC class stated in column 1 of the schedule.

## Division 3 Interpretation

### 6 Definitions

(1) The dictionary in schedule 10 defines particular words used in this regulation.



Authorised by the Parliamentary Counsel

(2) If a word used in this regulation is not defined in this regulation or the Act, but is used in the wiring rules, it has, to the greatest practicable extent, the same meaning in this regulation as it has in the wiring rules.

*Examples of terms used in the wiring rules—*

- circuit breaker
- fuse
- hazardous area
- luminaire
- residual current device (RCD)

## 7 Provisions linked to electrical safety duties in Act

(1) Each of the following provisions states the way a person's electrical safety duty under section 30 of the Act is to be performed in relation to the matters and to the extent stated in the provision—

(a) sections 12 and 18(1);

(b) sections 38(1), 39, 40, 41(1), 44(1), 45(1) and 46;

(c) sections 127, 128(1)–(4), 129(1)–(5), 130(1)–(4), 132, 133(1)–(6), 136(1)–(4), 138(1)–(4), 139(1)–(4), 140(1)–(5) and 141(1)–(5).

(2) Section 38(2) states the way a worker's electrical safety duty under section 39 of the Act is to be performed in relation to the matters and to the extent stated in section 38(2).

## 8 Assessment of risk in relation to classes of hazards, tasks, circumstances or things

If this regulation requires an assessment of risks to electrical safety associated with a hazard, task, thing or circumstance, an assessment of risks associated with a class of hazards, tasks, things or circumstances may be conducted if—

(a) all hazards, tasks, things or circumstances in the class are the same; and



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(b) the assessment of risks for the class does not result in any worker or other person being exposed to a greater, additional or different risk to electrical safety than if the risk assessment were carried out in relation to each individual hazard, task, thing or circumstance.

## 9 References to standards and other documents

(1) In this regulation, unless otherwise stated—

(a) a reference to a standard using the designation made up of 'AS' and a number is a reference to the standard as in effect from time to time under that designation; and

*Example—*

'AS 1319' is a reference to the standard currently in effect under that designation.

(b) a reference to a joint standard using the designation made up of 'AS/NZS' and a number is a reference to the joint standard as in effect from time to time under that designation.

*Example—*

'AS/NZS 3012' is a reference to the joint standard currently in effect under that designation.

(2) Subsection (1) applies regardless of the edition or year of the standard or joint standard.

*Example of operation of subsection (2)—*

In this regulation, a reference to AS/NZS 3000 is a reference to that standard as amended from time to time, and as remade from time to time.

(3) Bracketed words appearing after a standard's designation are included for information purposes only.

## 10 Meaning of *exclusion zone* for persons, operating plant and vehicles for overhead electric lines

(1) This section applies in relation to the following—

(a) a person;



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(b) operating plant;

(c) a vehicle.

(2) A person or thing mentioned in subsection (1) comes within an ***exclusion zone*** for an overhead electric line if the person or thing comes within the distance from the line stated for the person or thing in schedule 2.

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

(1) This section applies in relation to the following—

(a) a person;

(b) operating plant;

(c) a vehicle.

(2) A person or thing mentioned in subsection (1) comes within an ***unsafe distance*** of an overhead electric line if the person or thing is within the exclusion zone for the person or thing for the line.

(3) For applying this section—

(a) a person includes any article of clothing worn by the person, and any conductive object the person is handling; and

(b) operating plant includes anything the operating plant is handling, other than—

(i) a person; or

(ii) a handheld object a person is handling; and

(c) a vehicle includes anything the vehicle is carrying or otherwise handling.

(4) Despite subsection (3), the person or thing does not include an object that—

(a) alone, or with 1 or more other objects, is an extension from the person or thing; and

(b) is insulated; and



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(c) has been tested and found to be safe for use on and near the electric line.

(5) In this section—

***conductive object*** means a tool or other object readily able to conduct electricity.

# Part 2 General duties of person conducting a business or undertaking

## Division 1 All persons conducting a business or undertaking at a workplace

### 12 Risk management

A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with electrical risks at the workplace in accordance with the WHS Regulation, chapter 3, part 3.1.

*Example of electrical risks—*

electrical risks associated with the design, construction, installation, protection, maintenance and testing of electrical equipment and electrical installations at the workplace

*Note—*

This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

### 13 No person, plant or thing to come within unsafe distance of overhead electric line

(1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that no person, plant or thing at the workplace comes within an unsafe distance of an overhead electric line.



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Maximum penalty—60 penalty units.

(2) If it is not reasonably practicable to ensure the safe distance of a person, plant or thing from an overhead electric line, the person conducting the business or undertaking must ensure that—

(a) a risk assessment is conducted for proposed work that may come within an unsafe distance of an overhead electric line; and

(b) control measures implemented are consistent with—

(i) the risk assessment; and

(ii) if an electricity entity is responsible for the electric line—any requirements of the entity.

Maximum penalty—60 penalty units.

## 14 No person, plant or thing to damage underground electric line

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that no person, plant or thing at the workplace damages an underground electric line.

Maximum penalty—60 penalty units.

## 15 Measures to avoid risk of contact with underground electric line

(1) This section applies if work to be carried out at a workplace involves a risk of contact with an underground electric line.

(2) A person conducting a business or undertaking at the workplace must ensure that—

(a) a risk assessment is conducted for the proposed work; and

(b) control measures implemented are consistent with—

(i) the risk assessment; and



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(ii) if an electricity entity is responsible for the electric line—any requirements of the entity.

Maximum penalty—60 penalty units.

## Division 2 Persons conducting a business or undertaking if worker performs work

### 16 Application of division

This division applies to a person conducting a business or undertaking if the person, or a worker carrying out work for the person, performs work, whether or not electrical work, at a workplace.

*Note—*

See section 22(3) of the Act for when the person conducting the business or undertaking is also a worker.

### 17 Unsafe electrical equipment

(1) The person conducting the business or undertaking must ensure any unsafe electrical equipment at the workplace—

(a) is disconnected, or isolated, from its electricity supply; and

(b) once disconnected or isolated—

(i) is not reconnected until it is repaired or tested and found to be safe; or

(ii) is replaced or permanently removed from use.

Maximum penalty—36 penalty units.

(2) For applying this section, electrical equipment or a component of electrical equipment is unsafe if there are reasonable grounds for believing it to be unsafe.

(3) However, subsection (1) does not apply to a person conducting a business or undertaking in relation to electrical



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equipment that is not under the person's management or control.

### 18 Cord extension sets and flexible cables

(1) The person conducting the business or undertaking must ensure any cord extension set or flexible cable at the workplace is—

(a) located where it is not likely to suffer damage; or

(b) protected against damage.

(2) In this section—

***damage*** includes damage by liquid.

*Note—*

Subsection (1) is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

# Part 3 Ways of ensuring electrical safety of persons and property

## Division 1 Electric lines

### 19 Definition for division

In this division—

***private overhead electric line*** means an overhead electric line that is not owned by an electricity entity.

### 20 Service line

(1) This section applies if an electrical installation receives electricity distributed by an electricity entity.



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(2) The person in control of the electrical installation must provide suitable means for the connection of the person's electrical installation to a service line.

Maximum penalty—40 penalty units.

(3) The person in control of the electrical installation must maintain any facilities for—

(a) attaching an overhead service line to supply electricity to the electrical installation; or

(b) the entrance, support, protection and termination of an underground service line to supply electricity to the electrical installation.

Maximum penalty—40 penalty units.

*Examples of facilities—*

- a service riser bracket
- timber backing for a closed eye bolt

(4) However, subsection (3) does not require the person to maintain the insulation of any clamp or apparatus supplied by the person for the purposes of a joint needed for consumer terminals.

## 21 Preserving insulation of electric line

The person in control of an electrical installation must maintain, to a reasonable extent, the integrity of the insulation of an electric line, or connection to an electric line, that is—

(a) part of the electrical installation; and

(b) near 1 or more of the following—

(i) the point of attachment of the electric line to a structure;

(ii) a roof or structure where it is likely that a person, including, for example, a painter or plumber, could come into contact with the insulated wires or connectors of the line.

Maximum penalty—40 penalty units.



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## 22 Installation of structures supporting private overhead electric line

The person in control of a private overhead electric line must ensure that a pole, post or other structure supporting the line—

(a) is constructed of a material that is suitable for the conditions of use; and

(b) is of a size that is suitable for the conditions of use; and

(c) is secured in the ground, having regard to the size of the post, pole or structure and the quality of the soil.

Maximum penalty—40 penalty units.

*Note—*

For guidance on the size and depth of poles and posts, see the wiring rules, Appendix D.

## 23 Trimming of trees near private overhead electric line

The person in control of a private overhead electric line must ensure trees and other vegetation are trimmed, and other measures are taken, to prevent contact with the line that is likely to cause injury from electric shock to any person or damage to property.

Maximum penalty—40 penalty units.

## 24 Ensuring safety of disconnected private overhead electric line

The person in control of a private overhead electric line must take all reasonable steps to ensure that, if the line is disconnected from its electricity supply, the line is—

(a) dismantled as soon as practicable after disconnection; or

(b) maintained so it is electrically and mechanically safe.

Maximum penalty—40 penalty units.



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# Division 2 Installation of approved safety switches in domestic residences

## 25 Definitions for division

In this division—

***domestic residence*** means a building or structure, or a part of a building or structure, that—

(a) is used, or designed to be used, as a single dwelling; and

*Examples for paragraph (a)—*

a house, flat or unit

(b) is not used, or designed to be used, for temporary accommodation.

*Examples of temporary accommodation for paragraph (b)—*

a boarding house or motel

***general purpose socket-outlet*** means a low voltage socket-outlet that—

(a) has a rating of 10A; and

(b) is designed to fit a three-pin flat-pin plug that complies with the relevant standard under part 4 for the type of plug; and

(c) is used, or intended to be used, or could at some time reasonably be expected to be used, for more than 1 appliance.

***owner***, of residential land, means the person registered or entitled to be registered, immediately after the transfer day for the land—

(a) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or

(b) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

***possession day***, for residential land, means the day the transferee of the land enters into lawful possession of the land.



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***residential land*** means land on which a domestic residence is constructed, and includes an interest in residential land.

***transfer day***, for residential land, means the day the transferee of the land is entitled to lawful possession of the land.

***transferee***, of residential land, means the person who, on becoming entitled to possession of the land, may lodge an application for registration—

(a) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or

(b) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

***transferor***, of residential land, means—

(a) if, immediately before the transfer day for the residential land, there is a mortgagee in possession of the land—the mortgagee in possession; or

(b) otherwise—the person registered, immediately before the transfer day for the land—

(i) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or

(ii) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

## 26 Notice to transferee about approved safety switch

The transferor of residential land must, on or before the possession day for the land, give the transferee of the land written notice of whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land.

Maximum penalty—15 penalty units.



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

(1) The transferor of residential land must, within 90 days after the possession day for the land, give the regulator a written notice stating all of the following information (***transfer and safety switch information***)—

(a) the full names of the transferor and transferee;

(b) the addresses of the transferor and transferee immediately after the possession day for the land;

(c) the property details of the land;

(d) the current use of the land;

(e) if there is an agreement for the transfer of the land—the date of the agreement;

(f) the possession day for the land;

(g) whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land;

(h) whether the transferor has given the transferee written notice of whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land.

Maximum penalty—15 penalty units.

(2) However, the transferor is not required to comply with subsection (1) if a properly completed combined form, together with an application for registration, is given to—

(a) for an application for registration under the *Land Act 1994*—the chief executive (land); or

(b) for an application for registration under the *Land Title Act 1994*—the registrar.

(3) If a combined form is given under subsection (2), the regulator may use only the transfer and safety switch information stated on the form.

(4) In this section—



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***chief executive (land)*** means the chief executive of the department in which the *Land Act 1994* is administered.

***combined form*** means a form that—

(a) gives transfer and safety switch information and information about a change of ownership required under other Acts; and

(b) may be given to the chief executive (land) or the registrar.

***registrar*** see the *Land Title Act 1994*, schedule 2.

## 28 Installation of approved safety switch in domestic residences

An owner of residential land must ensure that, within 90 days after the possession day, an approved safety switch is installed for any general purpose socket-outlet installed in the domestic residence on the land.

Maximum penalty—15 penalty units.

## 29 Installation of approved safety switch if residential tenancy agreement entered into

(1) This section applies if—

(a) after the possession day for residential land, a residential tenancy agreement for the residential land is entered into; and

(b) the tenancy starts under the residential tenancy agreement; and

(c) a general purpose socket-outlet is installed in the domestic residence on the land; and

(d) an approved safety switch is not installed for the general purpose socket-outlet.

(2) The owner of the land must ensure, within 90 days after the day the tenancy starts under the residential tenancy agreement, that an approved safety switch is installed for any



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general purpose socket-outlet installed in the domestic residence on the land.

Maximum penalty—15 penalty units.

(3) In this section—

***residential tenancy agreement*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 12.

## 30 Performing electrical installation work for domestic residences

A licensed electrical worker or a licensed electrical contractor must not perform electrical installation work on an electrical installation installed in a domestic residence unless—

(a) an approved safety switch has been installed for the general purpose socket-outlets installed in the residence; or

(b) if an approved safety switch has not been installed for the general purpose socket-outlets installed in the residence—

(i) the work is or includes the installation of an approved safety switch for the general purpose socket-outlets installed in the residence; or

(ii) the worker or contractor reasonably believes installation of an approved safety switch for the general purpose socket-outlets installed in the residence is not required under this regulation; or

(iii) the work is the connection of the residence to a source of electricity; or

(iv) the work is needed to be performed without delay in an emergency, to prevent an emergency from happening or for safety reasons.

Maximum penalty—40 penalty units.



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# Division 3 Roof space work

## 31 Definitions for division

In this division—

***building*** means a building classified under the Building Code of Australia as—

(a) a class 1 building; or

(b) a class 2 building; or

(c) a class 10a building.

***Building Code of Australia*** has the meaning given by the *Building Act 1975*, section 12.

***enter***, in relation to a roof space, includes placing any part of a person's body in the roof space.

***relevant electrical installation***, for a building, means—

(a) an electrical installation for the building that includes a switchboard for energising or de-energising the electrical installation or part of the electrical installation for the building; or

(b) if there is more than 1 electrical installation as mentioned in paragraph (a) for the building—all of the electrical installations for the building.

***roof space***, of a building—

(a) means—

(i) the space in the building immediately under the roof of the building; or

(ii) if there is a ceiling under any part of the roof of the building—the space between the roof and the ceiling, including the ceiling structure; but

(b) does not include habitable areas of a space mentioned in paragraph (a).



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## 32 Application of division

This division applies in relation to any work carried out in relation to a building, other than electrical work on or near energised electrical equipment to which part 8, division 3 applies.

## 33 Requirements for person conducting a business or undertaking

(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that a worker does not carry out work in the roof space of a building, or enter the roof space for the carrying out of work in another part of the building, unless—

(a) the relevant electrical installation for the building is de-energised; or

(b) either of the circumstances mentioned in subsection (2) applies.

Maximum penalty—60 penalty units.

(2) For subsection (1)(b), the circumstances are—

(a) it is not reasonably practicable to carry out the work or enter the roof space while the relevant electrical installation is de-energised; or

(b) it is necessary to test, service or commission a thing, other than electrical equipment, that is energised and located in, or accessible by, the roof space.

(3) If either of the circumstances mentioned in subsection (2) applies, the person conducting the business or undertaking must ensure that—

(a) a risk assessment is conducted for the work or entry; and

(b) the person is satisfied—

(i) the risks identified by the risk assessment are, or can be reduced to, as low as reasonably practicable; and



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(ii) the work can be carried out, or the entry can be made, safely; and

(c) a statement for the work or entry is prepared that—

(i) identifies the work or entry; and

(ii) states the hazards associated with the work or entry and the risks associated with those hazards; and

(iii) describes the measures to be implemented to control the risks; and

(iv) describes how the measures are to be implemented, monitored and reviewed; and

(d) the work is carried out or the entry is made in accordance with the statement.

Maximum penalty—60 penalty units.

## 34 Requirements for worker

A worker must ensure, so far as is reasonably practicable, that the worker does not carry out work in the roof space of a building, or enter the roof space for the carrying out of work in another part of the building, unless—

(a) the relevant electrical installation for the building is de-energised; or

(b) a circumstance mentioned in section 33(2) applies.

Maximum penalty—10 penalty units.

## 35 Application of ss 33 and 34 for isolated roof spaces

(1) This section applies if—

(a) a worker, for a person conducting a business or undertaking—

(i) carries out work in a part of the roof space of a building that is separate from 1 or more other parts of the roof space of the same building (the ***isolated roof space***); or



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(ii) enters the isolated roof space for the carrying out of work in another part of the building; and

(b) the isolated roof space can not be accessed from any other part of the building's roof space; and

(c) the isolated roof space has a relevant electrical installation for the building that is capable of being de-energised in isolation from any other relevant electrical installation in the building (the ***isolated electrical installation***).

(2) Sections 33 and 34 apply—

(a) as if a reference in those sections to the roof space of the building were a reference to the isolated roof space; and

(b) as if a reference in those sections to the relevant electrical installation for the building were a reference to the isolated electrical installation.

## 36 Record keeping

(1) This section applies if a person conducting a business or undertaking is responsible for ensuring—

(a) a risk assessment is conducted under section 33(3)(a); and

(b) a statement is prepared under section 33(3)(c).

(2) The person must keep—

(a) a copy of the risk assessment until at least 28 days after the work or entry to which the risk assessment relates is completed or made; and

(b) a copy of the statement until the work or entry to which the statement relates is completed or made.

Maximum penalty—60 penalty units.

(3) However, if a serious electrical incident or dangerous electrical event occurs in connection with the work or entry to which the risk assessment or statement relates, the person



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must keep the risk assessment or statement for at least 2 years after the incident or event occurs.

Maximum penalty—60 penalty units.

# Division 4 Installation of ceiling insulation

## Subdivision 1 All ceiling insulation

### 37 Application of subdivision

(1) This subdivision, other than section 38(2), applies to a person conducting a business or undertaking that includes the installation of ceiling insulation.

(2) Section 38(2) applies to a worker who performs work that includes the installation of ceiling insulation.

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

(1) The person conducting the business or undertaking must ensure ceiling insulation is not fastened to the ceiling structure of a building with metal or any other form of conductive fastener.

(2) The worker must not fasten ceiling insulation to the ceiling structure of a building with metal or any other form of conductive fastener.

*Notes—*

1 Subsection (1) is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

2 Subsection (2) is linked to the electrical safety duty in section 39 of the Act (see section 7(2)).



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

The person conducting the business or undertaking must ensure ceiling insulation is installed in a building in a way that complies with the wiring rules, clause 4.5.2.3, as in force from time to time.

*Notes—*

1 The wiring rules, clause 4.5.2.3 deals with recessed luminaires and their auxiliary equipment.

2 On the commencement of this section, the wiring rules, clause 4.5.2.3 is available on the department's website.

3 This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 40 Training for assessment of electrical risk

The person conducting the business or undertaking must ensure a worker for the business or undertaking who installs ceiling insulation in a building is trained in carrying out an assessment of the electrical risk from the installation of ceiling insulation.

*Note—*

This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 41 Assessment of electrical risk

(1) The person conducting the business or undertaking must ensure that, before the start of the installation in a building of ceiling insulation—

(a) an on-site operational assessment of the electrical risk from the installation of the ceiling insulation is conducted; and

(b) any control measures necessary to prevent a person's exposure to the electrical risk are implemented.

(2) The person conducting the business or undertaking must keep a record of the on-site operational assessment for at least 5 years after the assessment is conducted.



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Maximum penalty for subsection (2)—20 penalty units.

*Note—*

Subsection (1) is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## Subdivision 2 Electrically conductive ceiling insulation

### 42 Definitions for subdivision

In this subdivision—

***electrically conductive ceiling insulation***—

(a) means a product used, or to be used, as ceiling insulation that is readily able to conduct electricity; but

(b) does not include metal foil batts.

***non-capable circuit*** means an electrical circuit on which an approved safety switch is not capable of effective operation.

*Examples of a non-capable circuit—*

- consumer main
- submain in particular circumstances

### 43 Application of subdivision

This subdivision applies to a person conducting a business or undertaking that includes the installation of electrically conductive ceiling insulation.

### 44 Requirement for electrical safety inspection and test

(1) Before starting to install electrically conductive ceiling insulation in a building, the person conducting the business or undertaking must obtain a certificate from a licensed electrical contractor stating that the contractor—



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(a) has inspected and tested the existing electrical installation in the ceiling structure of the building; and

(b) is satisfied that the existing electrical installation in the ceiling structure of the building is electrically safe.

(2) The person conducting the business or undertaking must keep the certificate mentioned in subsection (1) for at least 5 years after the person is given the certificate.

Maximum penalty for subsection (2)—20 penalty units.

*Note—*

Subsection (1) is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

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

(1) Before starting to install electrically conductive ceiling insulation in a building, the person conducting the business or undertaking must obtain a certificate from a licensed electrical contractor stating that—

(a) an approved safety switch has been installed on each capable circuit located in the ceiling structure of the building; and

(b) each non-capable circuit located in the ceiling structure of the building is identified and clearly marked.

(2) For subsection (1)(b), a non-capable circuit is clearly marked only if the non-capable circuit is permanently marked—

(a) in a way that distinguishes the non-capable circuit from capable circuits located in the ceiling structure; and

(b) at intervals of not more than 1m, to the extent it is reasonably practicable.

(3) The certificate mentioned in subsection (1) must explain the way in which non-capable circuits located in the ceiling structure have been permanently marked to distinguish them from capable circuits located in the ceiling structure.



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*Example—*

If a non-capable circuit has been marked with durable high visibility tags, the certificate must explain this.

(4) The person conducting the business or undertaking must keep the certificate mentioned in subsection (1) for at least 5 years after the person is given the certificate.

Maximum penalty—20 penalty units.

(5) In this section—

***capable circuit*** means an electrical circuit on which an approved safety switch is capable of effective operation.

*Note—*

Subsection (1) is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

### 46 Installation requirements for non-capable circuits

The person conducting the business or undertaking must ensure electrically conductive ceiling insulation installed in a building—

(a) does not cover, in whole or in part, any non-capable circuit located in the ceiling structure of the building; and

(b) is installed at least 25mm away from any non-capable circuit located in the ceiling structure of the building.

*Note—*

This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## Division 5 Other requirements

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

(1) This section applies if an inspector or an electricity entity reasonably believes a defect exists that affects the electrical safety of electrical equipment.



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(2) The inspector or electricity entity may, by notice, require the person in control of the electrical equipment to take all reasonable steps to ensure the defect is fixed within a stated period.

(3) The person in control of the electrical equipment must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

### 48 Earthing

(1) This section applies if a low voltage electrical installation receives electricity distributed by an electricity entity.

(2) The person in control of the low voltage electrical installation must not knowingly allow the earthing for the installation to be inconsistent with the requirements for systems of earthing applying to the electricity entity under section 245.

Maximum penalty—40 penalty units.

# Part 4 In-scope electrical equipment

## Division 1 Preliminary

### 49 Application of part

This part prescribes matters for the purposes of part 2A of the Act.

### 50 Definitions for part

In this part—

***certificate of conformity*** means a certificate—

(a) stating that a type of level 3 in-scope electrical equipment complies with the relevant standard for that type; and



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(b) issued—

(i) under division 7 or under a recognised external certification scheme; or

(ii) under a corresponding law or a scheme provided for under that law; and

(c) complying with the requirements relating to issuing a certificate under the equipment safety rules.

***certificate of suitability*** means a certificate—

(a) stating that a type of level 1 or 2 in-scope electrical equipment complies with the relevant standard for the type of in-scope electrical equipment; and

(b) issued under any 1 of the following—

(i) a declared scheme under section 96;

(ii) a program established under section 116;

(iii) a corresponding law;

(iv) a scheme under a corresponding law that substantially corresponds to a declared scheme under section 96; and

(c) complying with the requirements relating to issuing a certificate under the equipment safety rules.

***date of registration***, for registration of a responsible supplier of in-scope electrical equipment or of equipment as a type of level 2 or 3 in-scope electrical equipment, means the date shown in the national register as the date of registration of the responsible supplier or type.

***defining standard*** means AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment).

***false declaration*** includes an incorrect or misleading declaration.

***false information*** includes incorrect or misleading information.



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***family***, of a type of level 1, 2 or 3 in-scope electrical equipment, means items of the type that—

(a) have the same basic electrical characteristics and material composition but may differ in dimension, colour or other aspects; and

(b) having regard to the relevant standard for the type, are able to be covered by a single test report.

***level 1***, for in-scope electrical equipment, see section 54(1).

***level 2***, for in-scope electrical equipment, see section 54(2).

***level 3***, for in-scope electrical equipment, see section 54(3).

***meets***, a relevant standard, means complies with the safety requirements, electrical or otherwise, of the standard.

***RCM*** means the regulatory compliance mark under the defining standard.

***registered*** see section 52.

***registered responsible supplier*** means a responsible supplier of in-scope electrical equipment who is registered.

***relevant person*** means—

(a) an individual who resides in Queensland; or

(b) a corporation whose—

(i) registered office under the Corporations Act is in Queensland; or

(ii) principal place of business is in Queensland.

***relevant responsible supplier***, of in-scope electrical equipment, means—

(a) if the responsible supplier of the in-scope electrical equipment is an individual—an individual who resides in Queensland; or

(b) if the responsible supplier of the in-scope electrical equipment is a corporation—a corporation whose—



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(i) registered office under the Corporations Act is in Queensland; or

(ii) principal place of business is in Queensland.

***relevant standard***—

(a) for a type of level 1 in-scope electrical equipment, see section 55(1); or

(b) for a type of level 2 or level 3 in-scope electrical equipment, see section 56(1).

***second-hand dealer*** see the *Second-hand Dealers and Pawnbrokers Act 2003*, schedule 3.

***second-hand item*** means an item of level 1, 2 or 3 in-scope electrical equipment that has previously been sold, other than electrical equipment—

(a) previously sold by wholesale; or

(b) acquired by a person for the production or manufacture of another item of electrical equipment; or

(c) acquired by a person, other than a second-hand dealer, for the purpose of resupply of the electrical equipment; or

*Examples of resupply of electrical equipment—*

the resupply of electrical equipment by sale, exchange, lease, hire, hire-purchase or other arrangement

(d) returned to a supplier for refund or exchange.

***test report*** means a document that presents test results and other information relevant to the test.

## 51 Voltage range for in-scope electrical equipment—Act, s 48B

For section 48B(1)(a) of the Act, the voltage range is low voltage.



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## 52 Registration for particular purposes

(1) A responsible supplier is ***registered*** if the supplier is recorded in the part of the national register that records registered responsible suppliers.

(2) Electrical equipment is ***registered*** as a type of level 2 or 3 in-scope electrical equipment if the equipment is recorded, in relation to a registered responsible supplier, as equipment of that type in the part of the national register that records registered in-scope electrical equipment of that type.

*Note—*

Level 1 in-scope electrical equipment is not required to be registered under this part.

(3) In-scope electrical equipment of a particular type is registered in relation to a particular registered responsible supplier if it is registered as mentioned in subsection (2) in relation to the responsible supplier.

## 53 Component is not a separate item

(1) This section applies if an item of a type of in-scope electrical equipment includes 2 or more components of types of in-scope electrical equipment that are permanently attached to the item.

(2) The components are not separate items of types of in-scope electrical equipment for the purposes of registration under section 52.

*Example—*

A type of in-scope electrical equipment, being a refrigerator, includes a number of components each of which, taken separately, is itself an item of a type of in-scope electrical equipment. If a refrigerator of the type is sold, the item sold is the refrigerator. There is not a separate sale of each of the components.



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

(1) Electrical equipment is ***level 1*** in-scope electrical equipment if it is a type of in-scope electrical equipment that is not classified under the defining standard as level 2 or level 3.

(2) Electrical equipment is ***level 2*** in-scope electrical equipment if it is a type of in-scope electrical equipment classified as level 2 under the defining standard.

(3) Electrical equipment is ***level 3*** in-scope electrical equipment if it is a type of in-scope electrical equipment classified as level 3 under the defining standard.

(4) Also, if a type of in-scope electrical equipment is level 1, 2 or 3 in-scope electrical equipment, each item of the family of the type is also level 1, 2 or 3 in-scope electrical equipment.

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

(1) The ***relevant standard*** for a type of level 1 in-scope electrical equipment is—

(a) if there is a Standards Australia or joint Standards Australia and Standards New Zealand standard that applies specifically to the type—that standard together with AS/NZS 3820 (Essential safety requirements for electrical equipment); or

(b) if there is not a Standards Australia or joint Standards Australia and Standards New Zealand standard that applies specifically to the type and there is an IEC standard that applies specifically to the type—the IEC standard together with AS/NZS 3820; or

(c) if neither paragraph (a) nor (b) applies—AS/NZS 3820.

(2) In this section—

***IEC standard*** means an International Electrotechnical Commission standard.



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

(1) A standard is a ***relevant standard*** for a type of level 2 or level 3 in-scope electrical equipment if it is a standard—

(a) shown in the defining standard as the relevant standard for the type, and the standard can be readily applied to the type; or

(b) accepted by the regulator as a standard that can be readily applied to the type; or

(c) accepted under a corresponding law as a standard that can be readily applied to the type.

(2) The acceptance of a standard under subsection (1)(b) or (c) has effect subject to compliance with any requirements stated—

(a) for subsection (1)(b)—by the regulator as part of the regulator's acceptance of the standard; or

(b) for subsection (1)(c)—as part of the acceptance of the standard under the corresponding law.

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

## Subdivision 1 Registration of responsible suppliers

### 57 Responsible supplier may register

(1) A responsible supplier of in-scope electrical equipment may register as a responsible supplier of the in-scope electrical equipment.

(2) However, the responsible supplier is not eligible to register if the responsible supplier—



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(a) does not have an ABN or an IRD; or

(b) is ineligible to register under section 70(2).

(3) As part of the registration process, the responsible supplier must—

(a) make the responsible supplier's declaration as required by the equipment safety rules; and

(b) pay the registration fee.

(4) The declaration required by the equipment safety rules must include the information mentioned in schedule 3, part 1.

(5) A relevant person must not, in registering or purporting to register as a responsible supplier, give false information or make a false declaration.

Maximum penalty—40 penalty units.

(6) In this section—

***ABN*** (short for 'Australian Business Number') has the meaning given by the *A New Tax System (Australian Business Number) Act 1999* (Cwlth), section 41.

***IRD*** means a tax file number within the meaning of the *Income Tax Act 2007* (NZ), section YA1.

## 58 Term of registration

Registration of a responsible supplier of in-scope electrical equipment is for the term of 1 year starting on the date of registration unless sooner cancelled.

## 59 Renewal of registration

A responsible supplier of in-scope electrical equipment may renew the supplier's registration from time to time by registering again under section 57.



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

(1) This section applies if the details of any matter entered by a relevant responsible supplier of in-scope electrical equipment in the national register relating to the registration of any matter change during the term of registration.

(2) Within 30 days after the change, the relevant responsible supplier must correct the details in the national register.

Maximum penalty—40 penalty units.

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

### 61 Registration

(1) A registered responsible supplier of a type of level 2 in-scope electrical equipment may register the type as level 2 in-scope electrical equipment.

(2) However, the registered responsible supplier is not eligible to register the electrical equipment if the responsible supplier is ineligible to do so under section 70(3).

(3) Each registration must relate only to a single type of level 2 in-scope electrical equipment.

(4) As part of the registration process, the registered responsible supplier must—

(a) make the responsible supplier's level 2 in-scope electrical equipment declaration under the equipment safety rules; and

(b) if the compliance folder required to be kept for the type of level 2 in-scope electrical equipment under section 77 is not available in the national register—state the address where it is kept; and

(c) pay the registration fee.



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(5) The declaration under the equipment safety rules must include the information mentioned in schedule 3, part 2.

(6) A relevant person must not, in registering or purporting to register a type of level 2 in-scope electrical equipment, give false information or make a false declaration.

Maximum penalty for subsection (6)—40 penalty units.

### 62 Term of registration

(1) Registration of a type of level 2 in-scope electrical equipment is for the term of 1, 2 or 5 years starting on the date of registration unless it is sooner cancelled.

(2) Subsection (3) applies if the responsible supplier's registration lapses for a period during the term of the electrical equipment's registration.

(3) The electrical equipment's registration is suspended during that period.

### 63 Renewal of registration

A registered responsible supplier may renew the registration of a type of level 2 in-scope electrical equipment from time to time by registering it again under section 61.

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

### 64 Registration

(1) A registered responsible supplier of a type of level 3 in-scope electrical equipment may register the type as level 3 in-scope electrical equipment.

(2) However, the registered responsible supplier is not eligible to carry out the registration if the responsible supplier is ineligible to do so under section 70(3).



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(3) Each registration must relate only to a single type of level 3 in-scope electrical equipment.

(4) As part of the registration process, the registered responsible supplier must—

(a) identify a certificate of conformity applicable to the type of level 3 in-scope electrical equipment; and

(b) make the responsible supplier's level 3 in-scope electrical equipment declaration under the equipment safety rules; and

(c) pay the registration fee.

(5) The declaration under the equipment safety rules must include the information mentioned in schedule 3, part 3.

(6) A relevant person must not, in registering or purporting to register a type of level 3 in-scope electrical equipment, give false information or make a false declaration.

Maximum penalty for subsection (6)—40 penalty units.

## 65 Term of registration

(1) Registration of a type of level 3 in-scope electrical equipment is for the term of 1, 2 or 5 years starting on the date of registration unless it is sooner cancelled.

(2) However, the term of registration must not be longer than the term for which the certificate of conformity applying to the type and identified under section 64(4)(a) is current at the time of registration.

(3) Also, if the certificate of conformity is cancelled the term of registration ends.

(4) Subsection (5) applies if the responsible supplier's registration lapses for a period during the term of the electrical equipment's registration.

(5) The electrical equipment's registration is suspended during that period.



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### 66 Renewal of registration

A registered responsible supplier may renew the registration of a type of level 3 in-scope electrical equipment from time to time by registering it again under section 64.

## Subdivision 4 Acts or omissions

### 67 Relevant person may be punished only once

(1) This section applies if—

(a) an act or omission of a relevant person is an offence against section 57(5), 60(2), 61(6) or 64(6) and also under a corresponding law; and

(b) the relevant person is punished for the offence under the corresponding law.

(2) The relevant person must not be punished for the same offence under this regulation.

## Subdivision 5 Cancellation of registration

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

(1) The following are grounds for cancelling the registration of a responsible supplier's in-scope electrical equipment—

(a) the responsible supplier commits an offence against the Act or this regulation;

(b) the responsible supplier contravenes a requirement of a recall order;

(c) the responsible supplier is a relevant responsible supplier and the registration was obtained by giving false information or making a false declaration;



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(d) the registration of a type of level 2 or 3 in-scope electrical equipment registered in relation to the responsible supplier is cancelled under section 71.

(2) The following are grounds for cancelling the registration in relation to a registered responsible supplier of a type of level 2 or 3 in-scope electrical equipment—

(a) the responsible supplier commits an offence against the Act or this regulation in relation to the type;

(b) the responsible supplier contravenes a requirement of a recall order relating to the type;

(c) the responsible supplier is a relevant responsible supplier and—

(i) electrical equipment of the type does not meet the relevant standard that was the relevant standard for the type at the time the type was registered; or

(ii) the relevant standard for the type changed after the type was registered because of safety concerns relating to the type and the type does not meet the current relevant standard for the type; or

(iii) an item of electrical equipment of the type is, or is likely to be or to become, dangerous in normal use; or

(iv) the registration was obtained by giving false information or making a false declaration.

## 69 Procedure before cancellation

(1) This section applies if the regulator considers a ground exists under section 68 to cancel the registration of a matter.

(2) The regulator must, before taking the action, give the responsible supplier of in-scope electrical equipment written notice—

(a) stating that the regulator is considering cancelling the registration; and



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(b) stating each ground for the proposed cancellation; and

(c) outlining the facts and circumstances forming the basis for each ground; and

(d) inviting the responsible supplier to show, within a stated period of at least 28 days, why the registration should not be cancelled.

## 70 Cancellation

(1) If, after considering all written representations (if any) made by the responsible supplier of in-scope electrical equipment within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.

(2) If a responsible supplier's registration is cancelled under this section, the responsible supplier is not eligible to register again for the period of 1 year starting on the day the registration is cancelled.

(3) If the registration of a type of level 2 or 3 in-scope electrical equipment registered in relation to a registered responsible supplier is cancelled under this section, the responsible supplier is not eligible to again register the type for the period of 12 months starting on the date of cancellation.

(4) If the regulator cancels a registration under this section, the regulator must—

(a) notify the cancellation—

(i) by publishing notice of the cancellation in a newspaper circulating throughout Australia and, if New Zealand is a participating jurisdiction, in a newspaper circulating throughout New Zealand; and

(ii) by recording notice of the cancellation in the national register; and

(b) give the responsible supplier an information notice for the decision to cancel the registration.



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(5) The information notice must state the period for which the responsible supplier is not eligible to—

(a) register; or

(b) register the type of level 2 or 3 in-scope electrical equipment.

### 71 Cancellation at responsible supplier's request

The regulator must, by notice recorded in the national register, cancel the registration of a responsible supplier of in-scope electrical equipment, or the registration in relation to a responsible supplier of a type of level 2 or 3 in-scope electrical equipment, if asked to do so by the responsible supplier.

## Division 3 Sales of in-scope electrical equipment

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

(1) A responsible supplier of a type of level 1 in-scope electrical equipment must not sell an item of the type unless—

(a) the responsible supplier is a registered responsible supplier; and

(b) the item meets the relevant standard for the type as in force—

(i) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or

(ii) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier; and

(c) the item is electrically safe.

Maximum penalty—40 penalty units.



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(2) It is a defence for the responsible supplier to prove that the responsible supplier obtained the item from a registered responsible supplier.

*Example for subsection (2)—*

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier. Company A imports level 1 in-scope electrical equipment into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 1 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier.

If company B were charged with an offence against subsection (1) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier.

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

(1) A responsible supplier of a type of level 2 or 3 in-scope electrical equipment must not sell an item of the type unless—

(a) the responsible supplier is a registered responsible supplier; and

(b) the type is registered in relation to the responsible supplier; and

(c) the item meets the relevant standard for the type as at the time the type became registered as mentioned in paragraph (b); and

(d) the item is electrically safe.

Maximum penalty—40 penalty units.

(2) It is a defence for the responsible supplier to prove—

(a) that—

(i) the responsible supplier obtained the item from a registered responsible supplier; and

(ii) the type of in-scope electrical equipment to which the item belongs was, at the time of the alleged



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offence, registered in relation to the registered responsible supplier; or

(b) that, at the time of the alleged offence—

(i) the responsible supplier was, under the Corporations Act, a related body corporate of a New Zealand registered responsible supplier; and

(ii) the type of in-scope electrical equipment to which the item belongs was registered in relation to the New Zealand registered responsible supplier.

(3) In this section—

***New Zealand registered responsible supplier*** means a registered responsible supplier that is, under the *Companies Act 1993* (NZ)—

(a) a company; or

(b) an overseas company carrying on business in New Zealand.

*Example for subsection (2)(a)—*

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier and a type of level 2 in-scope electrical equipment is registered in the national register in relation to company A. Company A imports level 2 in-scope electrical equipment of that type into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 2 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier.

If company B were charged with an offence against subsection (1) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier and that the type of in-scope electrical equipment to which the item belonged was, at the time of the alleged offence, registered in the national register in relation to company A.



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

(1) A person must not sell an item of a type of level 1, 2 or 3 in-scope electrical equipment unless the item is marked with the RCM in compliance with the defining standard.

Maximum penalty—20 penalty units.

(2) A person must not sell an item of a relevant type if—

(a) the item was purchased by the person for the purpose of resale; and

(b) when the person purchased the item, the relevant type was not registered in relation to a registered responsible supplier.

Maximum penalty—20 penalty units.

(3) Subsection (4) applies in relation to a prosecution of an offence against subsection (2) in which the issue is raised that the person had an honest and reasonable but mistaken belief that the type was registered in relation to a registered responsible supplier based on reasonable monitoring by the person of the national register.

(4) In deciding whether the monitoring of the national register was reasonable, regard may be had to the nature of the item and the nature of the person's business in relation to the item.

(5) For subsection (1), it is sufficient if the mark is on the item's labelling or packaging in compliance with the defining standard.

(6) Subsection (1) or (2) does not apply if—

(a) the person is a responsible supplier of the type of in-scope electrical equipment; or

(b) the item is a second-hand item.

(7) In this section—

***relevant type*** means a type of level 2 or 3 in-scope electrical equipment that is manufactured in, or imported into, Australia or, if New Zealand is a participating jurisdiction, New Zealand.



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

(1) This section applies if—

(a) a relevant item of a type of level 3 in-scope electrical equipment is sold for use with an item of a type of level 1 or 2 in-scope electrical equipment; and

(b) at the time of sale, there is a current certificate of conformity that applies to the relevant item recorded in the national register.

(2) For the purpose of the sale, the type of level 3 in-scope electrical equipment is not required to be registered.

(3) Subsection (2) applies despite any other provision of this part.

(4) In this section—

***relevant item*** means a plug, flexible supply cord or appliance connector, as defined in the defining standard.

## Division 4 Evidence of compliance with relevant standards

## Subdivision 1 Level 1 in-scope electrical equipment

### 76 Responsible supplier to keep evidence

(1) This section applies to a responsible supplier of a type of level 1 in-scope electrical equipment who sells an item of the type.

(2) The responsible supplier must, for the prescribed period, keep documentary evidence, in English, proving that items of the type meet the relevant standard for the type as in force—

(a) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or



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(b) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier.

Maximum penalty—40 penalty units.

*Note—*

It is the responsibility of the responsible supplier to ascertain the relevant standard applying to the type under section 55.

(3) It is a defence for the responsible supplier to prove that the responsible supplier obtained the item from a registered responsible supplier.

*Example for subsection (3)—*

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier. Company A imports level 1 in-scope electrical equipment into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 1 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier. Also, company B does not keep the evidence mentioned in subsection (2) for items of the type.

If company B were charged with an offence against subsection (2) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier.

(4) In this section—

***keep***, documentary evidence, means hold the evidence or be able to access it within 10 business days.

***prescribed period*** means 5 years starting on the day the type is last manufactured or imported by the responsible supplier.



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## Subdivision 2 Level 2 in-scope electrical equipment

### 77 Registered responsible supplier must keep compliance folder

(1) This section applies to a registered responsible supplier who sells items of a type of level 2 in-scope electrical equipment registered in relation to the responsible supplier.

(2) The registered responsible supplier must, for the prescribed period, keep a compliance folder proving that the type meets the relevant standard as in force when the type was registered.

Maximum penalty—40 penalty units.

(3) A compliance folder is a document recording evidence in English, that must include test reports completed by an approved testing entity or a suitably qualified person, confirming that the type meets the relevant standard mentioned in subsection (2).

(4) A compliance folder may be kept in electronic form.

(5) In this section—

***keep***, a compliance folder, means—

(a) have the folder available in the national register; or

(b) hold the folder or be able to access it within 10 business days.

***prescribed period*** means the term of the registration of the type of level 2 in-scope electrical equipment plus 5 years.

***suitably qualified person*** means an individual who has—

(a) a degree qualification in electrical engineering and at least 2 years experience in the use of electrical equipment safety standards for regulatory purposes; or

(b) an advanced diploma or equivalent qualification in an electrical discipline and at least 3 years experience in the use of electrical equipment safety standards for regulatory purposes; or



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(c) a trade qualification in an electrical discipline and at least 4 years experience in the use of electrical equipment safety standards for regulatory purposes.

## Subdivision 3 Level 3 in-scope electrical equipment

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

(1) This section applies to a registered responsible supplier who sells a type of level 3 in-scope electrical equipment that is registered in relation to the responsible supplier.

(2) The responsible supplier must keep a current certificate of conformity for the type.

Maximum penalty—40 penalty units.

(3) In this section—

***keep***, a current certificate of conformity, means hold the certificate or be able to access it within 10 business days.

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

### 79 Effect of reclassification

(1) This section applies if—

(a) a type of level 1 or 2 in-scope electrical equipment is reclassified to a higher level; and

(b) immediately before the reclassification happens, a responsible supplier of that type was selling items of the type.

(2) For the period of 1 year starting on the day the reclassification has effect, divisions 3 and 4 apply to the sale by the



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responsible supplier of items of that type as if the reclassification had not happened.

(3) In this section—

***reclassified to a higher level***—

(a) for a type of level 1 in-scope electrical equipment, means that type is classified by the defining standard as level 2 or 3; or

(b) for a type of level 2 in-scope electrical equipment, means that type is reclassified by the defining standard from level 2 to level 3.

## Division 6 Marking of in-scope electrical equipment

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

(1) A responsible supplier of a type of level 1, 2 or 3 in-scope electrical equipment must not sell an item of the type unless the item is marked with the RCM in compliance with the defining standard.

Maximum penalty—40 penalty units.

(2) For subsection (1), it is sufficient if the mark is on the item's labelling or packaging in compliance with the defining standard.

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

(1) A person must not mark an item of a type of level 1, 2 or 3 in-scope electrical equipment with the RCM unless the item meets the relevant standard for the type.

Maximum penalty—40 penalty units.

(2) In this section—



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***mark***, an item of a type of level 1, 2 or 3 in-scope electrical equipment, includes mark the item's labelling or packaging.

### 82 Mark for use in exceptional circumstances

(1) The regulator may approve a mark, other than the RCM, for use in exceptional circumstances.

(2) A person does not commit an offence under section 74(1) or 80(1) in relation to the sale of an item of a type of in-scope electrical equipment if the item is marked as required by the approval given under subsection (1).

(3) Also, a person does not commit an offence under section 74(1) or 80(1) in relation to the sale of an item of a type of in-scope electrical equipment if—

(a) the item is marked with a mark, other than the RCM, approved under a corresponding law for use in exceptional circumstances; and

(b) the item is marked as required by that approval.

## Division 7 Certificates of conformity issued by regulator

## Subdivision 1 Applications and terms

### 83 Application for certificate of conformity

(1) A person may apply to the regulator for a certificate of conformity for a type of level 3 in-scope electrical equipment.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) a test report from an approved testing entity; and



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(ii) an item of the type or colour images showing the internal and external construction of an item of the type; and

(iii) technical documentation which adequately describes the type; and

(c) accompanied by the fee for the application.

(3) The regulator may require the applicant to provide—

(a) an item of the type if colour images provided are not adequate; or

(b) additional information about the type.

(4) The regulator may exempt the applicant from the requirement to provide any of the items referred to in subsection (2)(b) if—

(a) the regulator has previously issued a certificate of conformity to another person in relation to the type; or

(b) in the circumstances the regulator is of the reasonable opinion that it is not necessary for any of those items to be provided.

## 84 Regulator may issue certificate of conformity

(1) If the regulator approves the application, the regulator may issue a certificate of conformity for the type of level 3 in-scope electrical equipment.

(2) If the regulator refuses to approve the application, the regulator must give the applicant an information notice for the decision to refuse.

## 85 Term of certificate

A certificate of conformity issued under this division remains in force for the period stated in the certificate, that is not more than 5 years, unless it is sooner cancelled.



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## Subdivision 2 Modifications, renewals and transfers

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

(1) This section applies if the holder of a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division proposes to vary the brand name or model designation that is specified on the certificate for the type.

(2) The holder may apply to the regulator for modification of the certificate.

(3) The application must be—

(a) in the approved form; and

(b) accompanied by the fee for the application.

(4) The regulator may require the applicant to provide—

(a) an item of the type or colour images showing the internal and external construction of an item of the type; or

(b) documentation that adequately describes the proposed variation.

(5) The regulator may modify a certificate of conformity and issue a modified certificate if satisfied the variation does not affect the compliance of the type with the relevant standard to which the type was tested.

(6) If the regulator refuses to modify the certificate, the regulator must give the applicant an information notice for the decision to refuse.

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

(1) This section applies if the holder of a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division proposes to make any modification to the



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equipment, other than a modification described in section 86, that would not result in the creation of a new type of equipment.

(2) The holder may apply to the regulator for the modification of the certificate.

(3) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) a test report relating to the modified in-scope electrical equipment from an approved testing entity; and

(ii) an item of the type or colour images showing the internal and external construction of an item of the type; and

(iii) technical documentation that adequately describes the modified in-scope electrical equipment; and

(c) accompanied by the fee for the application.

(4) The regulator may require the applicant to provide—

(a) an item of the type if colour images provided are not adequate; or

(b) additional information about the modified electrical equipment.

(5) The regulator may exempt the applicant from the requirement to provide a test report under subsection (3)(b)(i) if the regulator is satisfied the modification will not affect the safety of the type.

(6) The regulator may waive or rebate the payment of the fee for the modification of the certificate if the regulator, under subsection (5), exempts the applicant from the requirement to provide a test report.

(7) The regulator may modify a certificate of conformity and issue a modified certificate if satisfied the modification to the



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type would not result in the creation of a new type of in-scope electrical equipment.

(8) If the regulator refuses to modify the certificate, the regulator must give the applicant an information notice for the decision to refuse.

## 88 Renewal of certificate of conformity

(1) A person who holds a certificate of conformity issued under this division may apply to the regulator for renewal of the certificate and the issue of a new certificate.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by a declaration by the applicant, or a person authorised by the applicant, stating whether or not—

(i) the type of level 3 in-scope electrical equipment to which the current certificate relates has been modified since the certificate was issued or modified; and

(ii) the relevant standard to which the type was tested has changed since the current certificate was issued or modified; and

(c) accompanied by the fee for the application.

(3) The regulator may renew the certificate and issue a new certificate of conformity if satisfied—

(a) the type of level 3 in-scope electrical equipment has not been modified; and

(b) the relevant standard to which that type was tested has not changed since the current certificate was issued or the certificate relating to that type was modified.

(4) If the regulator refuses to renew the certificate, the regulator must give the applicant an information notice for the decision to refuse.



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### 89 Transfer of certificate

(1) The holder of a certificate of conformity issued under this division who proposes to transfer the certificate to another person may apply to the regulator to have the certificate amended to refer to the name of the person to whom the certificate is to be transferred (the ***transferee***).

(2) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) the certificate to be transferred; and

(ii) a statement, signed by the transferee, that the transferee consents to the transfer; and

(iii) the fee for the application.

(3) The regulator may issue a certificate of conformity to the transferee if the holder complies with the requirements under subsection (2).

(4) If the regulator refuses to grant the application, the regulator must give the applicant an information notice for the decision to refuse.

## Subdivision 3 Cancellation

### 90 Grounds for cancelling certificate of conformity

Each of the following is a ground for cancelling a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division—

(a) an item of the type does not meet the relevant standard for the type;

(b) an item of the type is, or is likely to be or to become, dangerous in normal use;

(c) the certificate was obtained by misleading information;



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(d) an item of the type, or purportedly of the type, is found, on examination by the regulator, to be substantially different from the type as described in—

(i) the certificate; or

(ii) a test report forming the basis for the issuing of the certificate;

(e) the holder of the certificate contravenes the Act or this regulation.

## 91 Procedure before cancellation

(1) If the regulator considers a ground exists under section 90 to cancel the certificate of conformity for a type of level 3 in-scope electrical equipment, the regulator must, before taking the action, give the holder of the certificate written notice—

(a) stating that the regulator is considering cancelling the certificate; and

(b) stating each ground for the proposed cancellation; and

(c) outlining the facts and circumstances forming the basis for each ground; and

(d) inviting the holder to show, within a stated period of at least 28 days, why the certificate should not be cancelled.

(2) If, after considering all written representations made by the holder of the certificate within the stated time, the regulator still considers a ground exists to cancel the certificate, the regulator may cancel the certificate.

(3) If the regulator cancels the certificate, the regulator must—

(a) give the holder of the certificate an information notice for the decision to cancel; and

(b) notify the cancellation by gazette notice stating the day of cancellation.



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### 92 Cancellation at certificate holder's request

The regulator must cancel a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division if the holder of the certificate asks the regulator to cancel it.

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

Within 14 days after receiving notice of cancellation of a certificate of conformity, the holder of the certificate must give the regulator the certificate of conformity unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

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

### 94 Information to be recorded in national register

(1) The regulator must ensure that, for each certificate of conformity issued under this division, or for each modification, renewal or transfer of a certificate of conformity under this division, the information required by the equipment safety rules is recorded in the national register.

(2) The regulator must also ensure particulars of the cancellation of a certificate of conformity under this division are recorded in the national register.



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

## Subdivision 1 Preliminary

### 95 Definitions for division

In this division—

***declaration holder*** means the person who conducts a declared scheme.

***declared scheme*** see section 96(1).

## Subdivision 2 Applications and terms

### 96 Application for regulator's declaration of scheme

(1) A person who conducts a scheme for the certification of types of in-scope electrical equipment may apply to the regulator for the scheme to be declared a recognised external certification scheme under section 48J of the Act (a ***declared scheme***).

(2) The application must be—

(a) in the approved form; and

(b) accompanied by—

(i) the fee for the application; and

(ii) evidence that the applicant is—

(A) accredited by the Joint Accreditation System of Australia and New Zealand as competent to certify that types of level 1, 2 or 3 in-scope electrical equipment meet relevant standards; or

(B) appropriately designated, under a mutual recognition arrangement or a free trade



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agreement to which Australia is a party, as competent to certify that types of level 1, 2 or 3 in-scope electrical equipment meet relevant standards; and

(iii) the applicant's written agreement that—

(A) when certifying types of level 1, 2 or 3 in-scope electrical equipment, the applicant will do so under the equipment safety rules; and

(B) the applicant will issue a certificate of conformity or certificate of suitability for types of level 1, 2 or 3 in-scope electrical equipment that meet relevant standards; and

(iv) the other documents and information required by the regulator.

## 97 Notice of proposed declaration

(1) This section applies if the regulator is intending to grant the application.

(2) Before deciding the application, the regulator—

(a) must publish a notice of the proposed declaration on the department's website; and

(b) may publish the notice in another way the regulator considers is likely to come to the attention of a person who may be interested in making a submission about the proposed declaration.

(3) The notice must state the regulator's intention to declare the scheme to be a recognised external certification scheme.

(4) The notice must state a period of at least 14 days during which written submissions may be made to the regulator about the proposed declaration.

(5) During the period stated in subsection (4), a person may make a written submission to the regulator about the proposed declaration.



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(6) The regulator must consider all written submissions received under subsection (5).

### 98 Decision about application

(1) The regulator may decide to grant or refuse to grant the application.

*Note—*

If the regulator grants the application, the regulator must, under section 48J of the Act, declare the scheme to be a recognised external certification scheme.

(2) If the regulator refuses to grant the application, or grants the application and imposes conditions on the declared scheme, the regulator must give the applicant an information notice for the decision to refuse or to impose conditions.

### 99 Term of declared scheme

The term of a declared scheme is the period of not more than 5 years stated in the regulator's declaration of the scheme.

## Subdivision 3 Conditions

### 100 Regulator may impose conditions on declared scheme

(1) The regulator may impose conditions on a declared scheme.

(2) Without limiting subsection (1), a condition may restrict the types of in-scope electrical equipment that may be certified under the scheme.

(3) Conditions applying to a declared scheme under this section when the scheme is declared under section 48J of the Act must be stated in the declaration.



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## 101 Condition imposed by regulation

It is a condition of each declared scheme that the declaration holder must—

(a) pay the annual fee for the declaration by each anniversary of the scheme's declaration; and

(b) for each certificate of conformity or certificate of suitability issued by the declaration holder, or for each modification, renewal or transfer of the issued certificate that is approved by the declaration holder—record the information required by the equipment safety rules in the national register within 3 business days after issuing the certificate or granting the approval; and

(c) for each certificate of conformity or certificate of suitability cancelled by the declaration holder—record information about the cancellation in the national register within 3 business days after cancelling the certificate.

## 102 Amendment of conditions imposed by regulator

(1) The regulator may amend the conditions imposed on a declared scheme by the regulator by revoking or varying the conditions or imposing new conditions.

(2) The regulator may act under subsection (1) on the regulator's own initiative or at the request of the declaration holder.

(3) The revocation of conditions, or the amendment of conditions at the request of the declaration holder, has effect when written notice of the amendment is given to the declaration holder.

(4) If the regulator refuses to amend the conditions as requested by the declaration holder, the regulator must give the declaration holder an information notice for the decision to refuse.



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## 103 Acting on regulator's own initiative—general

(1) Subject to section 104, the regulator must not act, to amend the conditions by varying them or imposing new conditions, on the regulator's own initiative without first giving the declaration holder a notice—

(a) stating details of the proposed amendment; and

(b) inviting the declaration holder to make written submissions about the proposal within a stated time of at least 7 days.

(2) The regulator must consider all submissions received from the declaration holder under subsection (1)(b).

(3) If, after considering the submissions (if any), the regulator is of the opinion that the conditions of the declared scheme should be amended as mentioned in subsection (1)(a), the regulator may amend the conditions by written notice given to the declaration holder.

(4) The amendment has effect when the notice is given to the declaration holder.

(5) If the regulator amends the conditions, the regulator must give the declaration holder an information notice for the decision to amend.

## 104 Acting on regulator's own initiative—electrical risk

(1) This section applies if the regulator considers that a type of level 1, 2 or 3 in-scope electrical equipment certified by a declaration holder is placing, or will place, persons or property at electrical risk.

(2) The regulator may amend the conditions applying to the declared scheme, other than the condition imposed under section 101, by written notice given to the declaration holder.

(3) The amendment has effect when the notice is given to the declaration holder.



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(4) If the regulator amends the conditions, the regulator must give the declaration holder an information notice for the decision to amend.

## Subdivision 4 Cancellation

### 105 Grounds for cancelling declaration

Each of the following is a ground for cancelling the declaration of a declared scheme—

(a) the declaration holder contravened a condition of the declared scheme;

(b) the declaration of the scheme was obtained by giving false information.

### 106 Procedure before cancellation

(1) If the regulator considers a ground exists under section 105 to cancel the declaration of a declared scheme, the regulator must, before taking the action, give the declaration holder written notice—

(a) stating that the regulator is considering cancelling the declaration; and

(b) stating each ground for the proposed cancellation; and

(c) outlining the facts and circumstances forming the basis for each ground; and

(d) inviting the declaration holder to make written submissions, within a stated time of at least 7 days, as to why the declaration should not be cancelled.

(2) The regulator must consider all submissions received from the declaration holder under subsection (1)(d).

(3) If, after considering the submissions (if any) the regulator still considers a ground exists to cancel the declaration, the regulator may cancel the declaration by written notice given to the declaration holder.



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(4) The cancellation takes effect on the day the notice is given to the declaration holder.

(5) If the regulator cancels the declaration, the regulator must give the declaration holder an information notice for the decision to cancel.

### 107 Cancellation at declaration holder's request

The regulator must cancel the declaration of a declared scheme if the declaration holder asks for the cancellation.

## Subdivision 5 Other provisions

### 108 Reporting requirements for declaration holder

(1) The regulator may, by written notice given to a declaration holder, require the holder to provide the regulator with any of the following—

(a) reports or particulars, about the number and nature of certificates given under the declared scheme, as stated in the notice and at the times stated in the notice;

(b) reports, particulars or other information about the level of compliance with the conditions imposed on the declared scheme under this division, as stated in the notice and at the times stated in the notice.

(2) The declaration holder must comply with the notice.

Maximum penalty for subsection (2)—40 penalty units.

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

A declaration holder, in certifying a type of level 1, 2 or 3 in-scope electrical equipment under a declared scheme, must comply with the equipment safety rules.

Maximum penalty—40 penalty units.



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

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

If the regulator considers it necessary or appropriate for the maintenance of electrical safety, the regulator may decide to have an item of a type of level 1, 2 or 3 in-scope electrical equipment tested and examined to see whether it meets the relevant standard for the type.

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

(1) If the regulator decides to have an item of a type of level 1, 2 or 3 in-scope electrical equipment tested and examined, the regulator may—

(a) for an item of a type of level 2 or 3 in-scope electrical equipment—

(i) by written notice, require a registered responsible supplier in relation to whom the type is registered to give the regulator items of the type for testing and examining within a stated reasonable time; or

(ii) require an inspector to select, for testing and examining, items of the type from a place where a registered responsible supplier in relation to whom the type is registered has them stored and give them to the regulator within a stated reasonable time; or

(b) in any case—buy, for testing and examining, items of the type at any place where they are offered for sale.

(2) If the regulator makes a requirement under subsection (1)(a)(i), the registered responsible supplier must take all steps that are reasonable in the circumstances to comply with the requirement.



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Maximum penalty—40 penalty units.

(3) If the regulator makes a requirement under subsection (1)(a)(ii), the registered responsible supplier must take all steps that are reasonable in the circumstances to ensure the inspector is able to comply with the requirement.

Maximum penalty—40 penalty units.

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

Before the regulator gives an item of a type of level 2 or 3 in-scope electrical equipment to an approved testing entity for testing and examining, the regulator must—

(a) give the registered responsible supplier from whom the item was obtained under section 111(1)(a) an opportunity to place an identifying mark on the item; and

(b) advise the approved testing entity of the mark.

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

(1) If an item of a type of level 1, 2 or 3 in-scope electrical equipment is tested and examined under this division and is found to substantially meet the relevant standard for the type, the regulator must—

(a) bear the cost of the testing and examination; and

(b) if the item was obtained under section 111(1)(a), compensate the registered responsible supplier for any damage done to the item.

(2) An amount for which a registered responsible supplier is entitled to be compensated under subsection (1)(b) may be recovered from the regulator as a debt owing by the State to the person.

(3) If an item of a type of level 2 or 3 in-scope electrical equipment is tested and examined under this division and is found not to substantially meet the relevant standard for the



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type, the registered responsible supplier from whom the item was obtained under section 111(1)(a)—

(a) must reimburse the regulator for all costs incurred in obtaining and having the item of electrical equipment tested and examined; and

(b) is not entitled to compensation for damage necessarily caused to the item to enable it to be properly tested and examined.

(4) An amount the regulator is entitled to be reimbursed under subsection (3)(a) may be recovered by the regulator as a debt owing to the State.

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

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

(1) This section applies if a person provides the regulator with—

(a) an item of a type of level 3 in-scope electrical equipment under division 7; or

(b) an item of a type of level 2 or 3 in-scope electrical equipment for testing and examination because of a requirement made by the regulator under division 9.

(2) The regulator must notify the person of the item of in-scope electrical equipment being available for collection by the person at a stated place as soon as practicable after—

(a) if the item was provided under division 7—the regulator decides the application to which the item relates; or

(b) if the item was provided for testing and examination—

(i) if the regulator believes, on reasonable grounds, that the item is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or



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(ii) if subparagraph (i) does not apply—the testing and examination.

(3) Despite subsection (2)(b)(i), the regulator must notify the person immediately after the earlier of the following—

(a) the regulator decides the item of in-scope electrical equipment is not required as evidence;

(b) a prosecution for an offence involving the item of in-scope electrical equipment is not started within 6 months from when the notice would have been given if subsection (2)(b)(i) had not applied.

(4) If, at the end of 6 months after the giving of notice, the item of in-scope electrical equipment has not been collected, the regulator may dispose of the item as the regulator considers appropriate and the person is not entitled to claim for the item or any loss or damage to it.

(5) Subsection (2) does not apply if the item of in-scope electrical equipment was necessarily destroyed by testing.

## Division 11 Second-hand items

### 115 Limitation on offering to sell second-hand items

(1) A seller who offers to sell a second-hand item to another person must give the other person information to the effect that the item has not been tested for electrical safety unless—

(a) the item has been tested and found to be electrically safe by a qualified person and the seller gives the other person information about the test; or

(b) the other person conducts a business or undertaking that includes dealing in, repairing or reconditioning second-hand items.

Maximum penalty—40 penalty units.

(2) In this section—



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***qualified person***, for testing a second-hand item, means a licensed electrical worker who is qualified to test the item.

***seller*** means a person who offers to sell a second-hand item, regardless of whether the offer to sell the item is for profit or gain.

*Examples of a seller—*

1 An individual who offers to sell a second-hand item online.

2 A volunteer of a volunteer association under section 21(8) of the Act who offers to sell a second-hand item as part of the work of the association.

## Division 12 Program for issuing certificates of suitability

### 116 Regulator may establish program for issuing certificates of suitability

(1) The regulator may establish a program for the issuing of certificates of suitability for types of level 1 or 2 in-scope electrical equipment.

(2) The program may include the charging of fees for the certificates.

(3) The program can not require a person to take part in the program.

## Division 13 Other matters

### 117 Corresponding laws—Act, s 48A, definition *corresponding law*

For section 48A of the Act, definition *corresponding law*, the *Electricity Safety Act 1998* (Vic) is prescribed.



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# Part 5 Electrical equipment—general

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

### 118 Definition for division

In this division—

***particular electrical equipment*** means electrical equipment the installation, removal, addition, testing, replacement, repair, alteration, or maintenance of which is electrical work required under the Act to be performed by a licensed electrical contractor or licensed electrical worker.

*Examples—*

- fixed-wired electrical equipment, including, for example, air conditioners, stoves, ovens, electric hot water systems, ceiling fans, light fittings
- electrical accessories, including, for example, socket-outlets, light switches, electrical cable, wall switches, plugs and cord extension sockets
- electrical parts, including, for example, electrical motors, switches, solenoids, elements

### 119 Application of division

This division applies to a person who conducts a business or undertaking that involves the sale of particular electrical equipment to the public.

### 120 Requirement to display DIY warning sign

(1) The person conducting the business or undertaking must not sell an item of particular electrical equipment unless a DIY warning sign is displayed for the item.

Maximum penalty—40 penalty units.



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(2) For subsection (1), a DIY warning sign is displayed for an item of particular electrical equipment if the sign is displayed—

(a) in close proximity to the point of display of the item; or

(b) as part of the price tag of the item; or

(c) on a label attached to the packaging of the item; or

(d) as part of the packaging of the item; or

(e) on a label attached to the item.

(3) However, for an item displayed in an online shop, a DIY warning sign is displayed for the item if the sign is displayed at the point of display.

(4) In this section—

***DIY warning sign*** means a sign that—

(a) contains a symbol in the form of a red circle and a red diagonal line over the letters 'DIY' in black letters; and

(b) either—

(i) for a sign displayed in the way mentioned in subsection (2)(a) or (3)—contains the words 'ALL ELECTRICAL WORK MUST BE PERFORMED BY A LICENSED ELECTRICIAN' in upper case black letters; or

(ii) for a sign displayed in the way mentioned in subsection (2)(b), (c), (d) or (e)—contains the words 'MUST BE INSTALLED BY A LICENSED ELECTRICIAN' in upper case black letters; and

(c) has a white background; and

(d) is unambiguous and clearly legible.

***point of display***, of an item, means—

(a) for an item displayed in a shop, warehouse or other physical space—the place where the item is displayed in the shop, warehouse or other physical space; or



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(b) for an item displayed in an online shop—the place where the item is displayed on the online shop's website.

## Division 2 Prohibition on sale of electrical equipment

### 121 Sale of unsafe electrical equipment prohibited

A person must not sell an item of electrical equipment, other than high voltage equipment, unless the item complies with the safety criteria in AS/NZS 3820 (Essential safety requirements for electrical equipment) as in effect when the item was manufactured or imported.

Maximum penalty—40 penalty units.

## Division 3 Labelling and inspection of electrical equipment

### 122 Labelling faulty portable electrical equipment

(1) This section applies if a person acting under the authority of a distribution entity finds, at a place occupied by a consumer, an item of portable electrical equipment that has a serious defect.

(2) The distribution entity must ensure a label is attached to the item of electrical equipment stating that the item is electrically unsafe.

Maximum penalty—40 penalty units.

(3) A person must not take the label off the item of electrical equipment or connect a source of electricity to the item unless the item—

(a) has been repaired by a licensed electrical worker qualified to repair it; or



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(b) has been repaired by a person who, because of the operation of section 18(2)(d) of the Act, was not performing electrical work in repairing the equipment.

Maximum penalty—40 penalty units.

# Part 6 Workplace electrical equipment

## Division 1 Preliminary

### 123 Definitions for part

In this part—

***amusement device*** means an amusement device as defined in AS 3533.3 (Amusement rides and devices).

***amusement ride*** means an amusement ride as defined in AS 3533.3 (Amusement rides and devices).

***amusement work*** means work, other than work performed by a non-profit organisation, to assemble, operate or disassemble any of the following on the site on which it is used, intended to be used or has been used—

(a) an amusement device or amusement ride;

(b) a thing used to provide amusement activities, including side show activities, associated with—

(i) carnivals, fairs or shows; or

(ii) amusement arcades or similar places;

*Example of side show activities—*

providing hamburgers, fairy floss or massages in a side show

(c) a thing used to provide entertainment or advertising activities, in temporary sites, associated with shows, fairs or carnivals.

***construction work*** means—



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(a) construction work within the meaning of the WHS Regulation, section 289, other than amusement work or rural industry work; or

(b) work done in conjunction with construction work mentioned in paragraph (a).

*Example of paragraph (b)—*

installation of plumbing in a house under construction

***electrical portable outlet device*** has the meaning given by AS/NZS 3105 (Approval and test specification—Electrical portable outlet devices).

***manufacturing work*** means the work of assembly, disassembly, fabrication, installation, maintenance, manufacturing, refurbishment or repair, but does not include amusement work, construction work or rural industry work.

*Examples—*

- assembly or fabrication in a welding workshop
- maintenance or repair of vehicles in a mechanic's workshop
- manufacturing work associated with the sorting, processing and packing of food products
- repairing leaking pipes

***non-profit organisation*** means an organisation that is not carried on for the profit or gain of its individual members.

*Example of entities that may be non-profit organisations—*

charities, churches, clubs, environment protection societies

***office work*** means work of an administrative or professional nature carried out in a part of a workplace used as an office.

***prescribed details***, for equipment that has been inspected and tested or reinspected and retested, means the following details—

(a) at least 1 of the following—

(i) the date of the testing or retesting;

(ii) the day by which the equipment must be reinspected and retested;



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(b) if the individual who performed the test or retest of the equipment is employed or engaged by a corporation, at least 1 of the following—

(i) the name of the individual;

(ii) the individual's electrical contractor licence number;

(iii) the name of the corporation;

(iv) the corporation's electrical contractor licence number;

(c) if paragraph (b) does not apply, at least 1 of the following details of the individual who performed the test or retest of the equipment—

(i) the name of the individual;

(ii) the individual's electrical contractor licence number;

(iii) the electrical contractor licence number of the individual's employer;

(iv) the individual's electrical worker licence number.

***rural industry work*** see section 125.

***safety switch*** means a type 1 safety switch or a type 2 safety switch.

***service work*** means work that—

(a) involves providing a service; and

(b) is not amusement work, construction work, manufacturing work, office work or rural industry work.

*Examples—*

- cleaning a motel
- cooking in a restaurant
- providing health services at a health facility
- selling goods from a shop
- teaching at an education facility
- caring for children at a child care centre



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***specified electrical equipment*** means—

(a) for the performance of amusement work, manufacturing work or rural industry work, the following equipment (other than an amusement device or amusement ride)—

(i) a cord extension set with a current rating of not more than 20A;

(ii) an electrical portable outlet device with a current rating of not more than 20A;

(iii) electrical equipment, other than a portable safety switch, that—

(A) has a current rating of not more than 20A; and

(B) is connected by a flexible cord and plug to low voltage supply; or

(b) for the performance of office work or service work—

(i) a cord extension set with a current rating of not more than 20A; or

(ii) an electrical portable outlet device with a current rating of not more than 20A; or

(iii) electrical equipment, other than a portable safety switch, that—

(A) has a current rating of not more than 20A; and

(B) is connected by a flexible cord and plug to low voltage supply; and

(C) is moved during its normal use for the purpose of its use.

***type 1 safety switch*** means a residual current device, whether or not portable, with a rated residual current of not more than 10mA.

***type 2 safety switch*** means a residual current device, whether or not portable, with a rated residual current of more than 10mA but not more than 30mA.



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## 124 References to electrical equipment for part

In this part, a reference to electrical equipment in relation to a person conducting a business or undertaking is a reference to electrical equipment that is under the person's management or control.

## 125 Meaning of *rural industry work*

(1) ***Rural industry work*** is work—

(a) in the cultivation of any agricultural crop or product whether or not grown for food; or

(b) in the rearing and management of farm animals; or

*Examples of farm animals—*

livestock, bees, worms

(c) in the classing, scouring, sorting or pressing of wool; or

(d) that is aquaculture; or

(e) in flower or vegetable market gardens; or

(f) for clearing, fencing, trenching, draining or otherwise preparing land for anything stated in paragraph (a), (b), (d) or (e).

(2) ***Rural industry work*** includes work that is construction work, manufacturing work or office work performed for the purposes of an activity mentioned in subsection (1) if—

(a) the work is performed by a person conducting a business or undertaking, or a worker for the person; and

(b) the product of the work is to be used in the business or undertaking; and

(c) the work is performed at premises at which the product of the work is to be used.

*Examples of construction work or manufacturing work—*

- repairing farm machinery, including, for example, tractors and implements
- making farm machinery, including, for example, cattle crushes, spray booms or fruit picking booms



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- building sheds

(3) ***Rural industry work*** does not include work to which an activity mentioned in subsection (1) is only incidental.

*Examples—*

- work in carrying on a farm stay
- work in conducting a tour associated with rural industry work

## Division 2 Amusement work

### 126 Application of division

This division applies to a person conducting a business or undertaking that involves amusement work performed at a workplace.

### 127 Double adaptors and piggyback plugs prohibited

The person conducting the business or undertaking must ensure that workers performing the amusement work for the person do not use a double adaptor or piggyback plug.

*Note—*

This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

### 128 Specified electrical equipment

(1) The person conducting the business or undertaking must ensure specified electrical equipment of the person is not used to perform the amusement work unless the equipment is—

(a) inspected and tested by a competent person—

(i) if the equipment is double insulated—at least once every year; or

(ii) if the equipment is not double insulated—at least once every 6 months; and

(b) connected to a safety switch.



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(2) If, after inspecting and testing the equipment under subsection (1)(a) the competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that states the prescribed details for the equipment.

(3) If, after inspecting and testing the equipment under subsection (1)(a) the competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—

(a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and

(b) the equipment is immediately withdrawn from use.

(4) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to the equipment under subsection (2) unless—

(a) the equipment is new; or

(b) both of the following apply—

(i) the equipment has been inspected and tested by a competent person;

(ii) the tag was attached by the competent person.

*Note—*

Subsections (1) to (4) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 129 Amusement devices and amusement rides

(1) The person conducting the business or undertaking must ensure all or part of an amusement device or amusement ride at the workplace, that is electrical equipment connected to the electricity supply by a plug, is not used to perform amusement work unless—



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(a) the equipment is inspected and tested by a competent person—

(i) each time it is assembled on the site where it is intended to be used; and

(ii) in any event at least once every 6 months; and

(b) for a device or ride with a current rating of not more than 20A—the equipment is connected to a safety switch.

(2) An inspection and test under subsection (1)(a) must include the competent person—

(a) deciding the safety of earthing, insulation and connections; and

(b) deciding whether any safety switch complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested; and

(c) making a visual examination to decide the safety of the items of electrical equipment of the device or ride, including cabling, plugs, sockets, light fittings, enclosures and motors.

(3) If, after inspecting and testing the equipment under subsection (1)(a), the competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately makes a written record of—

(a) details of the test; and

(b) the prescribed details for the equipment.

(4) If, after inspecting and testing the equipment under subsection (1)(a), the competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—

(a) the competent person immediately—

(i) attaches a durable, conspicuous sign to the equipment that warns people not to use the equipment; and



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(ii) makes a written record of details of the test; and

(b) the equipment is immediately withdrawn from use.

(5) The person conducting the business or undertaking must ensure a written record of the day by which the equipment must be reinspected and retested is not made with the authority of the person unless the equipment has been inspected and tested by a competent person.

*Note—*

Subsections (1) to (5) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 130 Safety switches, including portable safety switches

(1) The person conducting the business or undertaking must not use, or allow to be used, a safety switch unless it complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested.

(2) The person conducting the business or undertaking must ensure each safety switch, other than a portable safety switch, at the workplace—

(a) is tested by a competent person in accordance with AS/NZS 3760 immediately after it is connected; and

(b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.

(3) The person conducting the business or undertaking must ensure each portable safety switch at the workplace—

(a) is tested by pushing the test button on the safety switch immediately after it is connected; and

(b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.

(4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—

(a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and



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(b) the safety switch is immediately withdrawn from use.

*Note—*

Subsections (1) to (4) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## Division 3 Manufacturing work

### 131 Application of division

This division applies to a person conducting a business or undertaking that involves manufacturing work performed at a workplace.

### 132 Double adaptors and piggyback plugs prohibited

The person conducting the business or undertaking must ensure a worker performing the manufacturing work for the person does not use a double adaptor or piggyback plug.

*Note—*

This section is linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

### 133 Specified electrical equipment

(1) The person conducting the business or undertaking must ensure specified electrical equipment of the person at the workplace is not used to perform the manufacturing work unless the equipment is inspected and tested by a competent person—

(a) if the equipment is double insulated—at least once every year; or

(b) if the equipment is not double insulated—at least once every 6 months.

*Examples of specified electrical equipment used to perform manufacturing work—*

- a hand held grinder plugged into a socket-outlet



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- a hand held electric drill plugged into a socket-outlet that is used for drilling holes in steelwork in a light engineering workshop

(2) Also, the person conducting the business or undertaking must ensure specified electrical equipment of the person is not used to perform the manufacturing work unless the equipment is connected to a socket-outlet for which 1 of the following safety switches has been installed—

(a) if the socket-outlet is in a permanent workplace under the control of the person—a safety switch that is not portable;

(b) if the socket-outlet is not in a permanent workplace under the control of the person—a safety switch.

(3) However, subsection (2) does not apply to the person in relation to a socket-outlet that is—

(a) mentioned in subsection (2)(a) if—

(i) the person is exempt under section 135; and

(ii) the socket-outlet has a safety switch installed; or

(b) both—

(i) more than 2.3m above the floor; and

(ii) provided for the purpose of supplying electricity to a luminaire or to electrical equipment with a power rating of not more than 150W.

(4) If, after inspecting and testing the equipment under subsection (1), the competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that states the prescribed details for the equipment.

(5) If, after inspecting and testing the equipment under subsection (1), the competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—



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(a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and

(b) the equipment is immediately withdrawn from use.

(6) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (4) unless—

(a) the equipment is new; or

(b) both of the following apply—

(i) the equipment has been inspected and tested by a competent person;

(ii) the tag was attached by the competent person.

*Note—*

Subsections (1) to (6) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 134 Manufacturing work—safety switch

(1) This section applies if—

(a) manufacturing work is the primary work performed at the workplace; and

(b) a socket-outlet with a current rating of not more than 20A is installed and supplies electricity to the workplace; and

(c) the socket-outlet is—

(i) not more than 2.3m above the floor; and

(ii) not provided for the purpose of supplying electricity to a luminaire or to electrical equipment with a power rating of not more than 150W.

(2) Before the manufacturing work is performed, the person conducting the business or undertaking must ensure a safety switch, that is not portable, is installed for the socket-outlet.



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Maximum penalty—15 penalty units.

(3) Subsection (2) does not apply if the person conducting the business or undertaking is exempt under section 135.

## 135 Exemption for safety switches

The person conducting the business or undertaking is exempt from complying with section 133(2) or 134(2) if the person conducting the business or undertaking—

(a) is not the person in control of the electrical equipment to which the safety switch is to be installed to comply with the section; and

(b) has been unable to obtain permission from the person in control of the electrical equipment for the installation of the safety switch.

## 136 Safety switches, including portable safety switches

(1) The person conducting the business or undertaking must not use, or allow to be used, a safety switch unless it complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested.

(2) The person conducting the business or undertaking must ensure each safety switch, other than a portable safety switch, at the workplace—

(a) is tested by a competent person immediately after it is connected; and

(b) is tested under, and at the intervals stated in, AS/NZS 3760.

(3) The person conducting the business or undertaking must ensure each portable safety switch the person has at the workplace—

(a) is tested by pushing the test button on the safety switch immediately after it is connected; and



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(b) is tested under, and at the intervals stated in, AS/NZS 3760.

(4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—

(a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and

(b) the safety switch is immediately withdrawn from use.

*Note—*

Subsections (1) to (4) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## Division 4 Service work or office work

### 137 Application of division

This division applies to a person conducting a business or undertaking that involves service work or office work performed at a workplace.

### 138 Specified electrical equipment

(1) The person conducting the business or undertaking must ensure specified electrical equipment of the person at the workplace is not used to perform service work or office work unless the equipment is—

(a) inspected and tested by a competent person—

(i) if the equipment is used only for office work—at least once every 5 years; or

(ii) otherwise—at least once every year; or

(b) connected to a safety switch.

*Examples of specified electrical equipment used to perform service work—*

- a portable vacuum cleaner used in a hotel
- a hand held blow dryer used in a hairdressing salon



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*Example of specified electrical equipment used to perform office work—*

a powerboard or extension lead used to supply power to office equipment

(2) If, after inspecting and testing the equipment under subsection (1)(a) the competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that states the prescribed details for the equipment.

(3) If, after inspecting and testing the electrical equipment under subsection (1)(a) the competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—

(a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and

(b) the equipment is immediately withdrawn from use.

(4) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (2) unless—

(a) the equipment is new; or

(b) both of the following apply—

(i) the equipment has been inspected and tested by a competent person;

(ii) the tag was attached by the competent person.

*Note—*

Subsections (1) to (4) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 139 Safety switches, including portable safety switches

(1) The person conducting the business or undertaking must not use, or allow to be used, a safety switch unless it complies



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with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested.

(2) The person conducting the business or undertaking must ensure each safety switch, other than a portable safety switch, at the workplace—

(a) is tested by a competent person in accordance with AS/NZS 3760 immediately after it is connected; and

(b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.

(3) The person conducting the business or undertaking must ensure each portable safety switch at the workplace—

(a) is tested by pushing the test button on the safety switch immediately after it is connected; and

(b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.

(4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—

(a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and

(b) the safety switch is immediately withdrawn from use.

*Note—*

Subsections (1) to (4) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## Division 5 Requirements for particular industries

### 140 Requirements for construction work

(1) This section applies in relation to construction work performed at a workplace.



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(2) A person conducting a business or undertaking must ensure all electrical equipment for the performance of construction work complies with the requirements of AS/NZS 3012 (Electrical installations—Construction and demolition sites).

(3) A person conducting a business or undertaking must ensure that, for the purposes of the business or undertaking, electrical equipment mentioned in AS/NZS 3012, clause 3.1 is not fitted with a tag that includes the test or retest date for the equipment unless—

(a) the equipment is new; or

(b) both of the following apply—

(i) the equipment has been inspected and tested by a competent person and found to comply with the requirements of AS/NZS 3012;

(ii) the tag includes the day by which the equipment must be reinspected and retested and the information mentioned in subsection (4).

*Examples of electrical equipment mentioned in AS/NZS 3012, clause 3.1—*

construction wiring, inverters, RCDs, switchboards, transportable structures

(4) For subsection (3)(b)(ii), the information is—

(a) if the individual who performed the test or retest is employed or engaged by a corporation—at least 1 of the following—

(i) the name of the individual;

(ii) the individual's electrical contractor licence number;

(iii) the name of the corporation;

(iv) the corporation's electrical contractor licence number; or

(b) if paragraph (a) does not apply—at least 1 of the following details of the individual who performed the test or retest—



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(i) the name of the individual;

(ii) the individual's electrical contractor licence number;

(iii) the electrical contractor licence number of the individual's employer;

(iv) the individual's electrical worker licence number.

(5) A person with management or control of the workplace must ensure all construction wiring at the workplace complies with the requirements of AS/NZS 3012.

(6) In this section—

***construction wiring***, at a workplace, means temporary electrical wiring by which electricity is supplied for use in, and for the period of, construction work, within the meaning of the WHS Regulation, section 289, at the workplace.

*Note—*

Subsections (1) to (5) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 141 Requirements for rural industry work

(1) This section applies to a person conducting a business or undertaking that involves rural industry work performed at a workplace.

(2) The person conducting the business or undertaking must ensure—

(a) specified electrical equipment used by the person is visually inspected for electrical safety defects before it is connected to a socket-outlet; and

(b) if rural industry work is proposed to be performed, the proposed work is assessed to decide whether it involves a stated electrical risk factor; and

(c) if proposed rural industry work involves a stated electrical risk factor, control measures are implemented to prevent the electrical risk from the stated electrical risk factor; and



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(d) if specified electrical equipment is used by the person that involves a stated electrical risk factor, the equipment—

(i) is connected to a safety switch; or

(ii) is inspected and tested at least annually by a competent person and complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested; and

(e) control measures are implemented for the risk of electric shock or burns from electrical welding work performed in the business or undertaking, including the wearing of protective clothing, gloves and footwear.

(3) If, after inspecting and testing the equipment under subsection (2)(d)(ii) the competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that states the prescribed details.

(4) If, after inspecting and testing the equipment under subsection (2)(d)(ii) the competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—

(a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and

(b) the equipment is immediately withdrawn from use.

(5) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (2) unless—

(a) the equipment is new; or

(b) both of the following apply—

(i) the equipment has been inspected and tested by a competent person;



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(ii) the tag was attached by the competent person.

(6) In this section—

***personally supported electrical equipment*** includes hand held, or carried, electrical equipment, including, for example, a backpack-type vacuum cleaner.

***stated electrical risk factor*** means any of the following—

(a) use of plug-in electrical equipment in an unroofed area or wet area, including, for example, a hose down area;

(b) use of personally supported electrical equipment if the electrical supply cord is subject to flexing while the equipment is being used;

(c) use of plug-in electrical equipment that is exposed to environmental factors that subject the equipment to abnormal wear or deterioration.

*Examples of environmental factors that subject equipment to abnormal wear or deterioration—*

- corrosive or other damaging dusts
- corrosive chemicals in the air

*Note—*

Subsections (1) to (5) are linked to the electrical safety duty in section 30 of the Act (see section 7(1)).

## 142 Requirements for hiring out electrical equipment

(1) This section applies to a person (the ***hirer***) conducting a business or undertaking that involves hiring out electrical equipment to other persons.

(2) The hirer must ensure each item of electrical equipment hired out by the hirer to another person—

(a) either—

(i) is inspected and tested by a competent person before each hiring; or



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(ii) has a safety switch that can not be disconnected, deactivated or removed during the item's operation; and

(b) is inspected, tested and tagged by a competent person at least once every 6 months; and

(c) if the item has a safety switch mentioned in paragraph (a)(ii), the safety switch—

(i) is inspected, tested and tagged by a competent person at least once every 6 months; and

(ii) complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment and RCDs) when tested.

(3) However, subsection (2)(b) does not apply if the item is domestic electrical equipment hired for use in a domestic situation.

*Example of domestic electrical equipment hired for use in a domestic situation—*

refrigerator, television or computer hired for use in a house, flat or unit

*Example of domestic electrical equipment not hired for use in a domestic situation—*

refrigerator hired for use in a mechanic's workshop

(4) For subsection (2)(a)(i), if, because of the way in which the item of electrical equipment is designed, the item can not be tested without dismantling it, it is sufficient if the hirer ensures the item is tested to the extent it can be tested without dismantling it.

(5) If, after inspecting and testing an item of electrical equipment under subsection (2)(b) the competent person decides the item is safe to use, the hirer must ensure the competent person immediately attaches a durable tag to the item that states the day by which the item must be reinspected and retested.

(6) If, after inspecting and testing an item of electrical equipment under subsection (2)(b) the competent person decides the item is not safe to use, the hirer must ensure—



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(a) the competent person immediately attaches a durable tag to the item warning people not to use the item; and

(b) the item is immediately withdrawn from use.

(7) The hirer must keep records of the tests performed under subsection (2)(b) or (c)(i) for at least 5 years.

(8) A person who contravenes subsection (2), (5), (6) or (7) commits an offence.

Maximum penalty—40 penalty units.

(9) In this section—

***domestic electrical equipment*** means computer equipment, browngoods or whitegoods.

# Part 7 Licensing

## Division 1 Preliminary

### 143 Definitions for part

In this part—

***qualified business person***, for an applicant for an electrical contractor licence or for a licensed electrical contractor, means a person the regulator has endorsed as a qualified business person under section 163(1).

***qualified technical person***, for an applicant for an electrical contractor licence or for a licensed electrical contractor, means a person the regulator has endorsed as a qualified technical person under section 164(1).



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## Division 2 Electrical work licence authorisation

### 144 Electrical work licences that may be issued

The following classes of electrical work licences may be issued—

(a) electrical mechanic licence;

(b) electrical linesperson licence;

(c) electrical fitter licence;

(d) electrical jointer licence;

(e) restricted electrical work licence;

(f) electrical work training permit.

### 145 Division does not authorise contravention of conditions or restrictions on licence

This division does not authorise a holder of an electrical work licence to contravene a condition or restriction included in the licence.

*Notes—*

1 For the inclusion of conditions or restrictions in electrical licences, see section 63 of the Act.

2 For the penalty for contravening a condition or restriction included in an electrical licence, see section 57 of the Act.

### 146 What electrical mechanic licence authorises

An electrical mechanic licence authorises the holder to perform all electrical work.

*Examples of what the holder of an electrical mechanic licence may do—*

- installing or changing an electrical installation or electric line
- maintaining, repairing, or connecting to a source of electricity, an item of electrical equipment



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## 147 What electrical linesperson licence authorises

An electrical linesperson licence authorises the holder to perform all electric line work.

*Examples of what the holder of an electrical linesperson licence may do—*

- electrical work in the building or maintenance of an overhead electric line
- electrical work in the building or maintenance of street lighting connected to an overhead or underground electric line
- tests to ensure overhead electric lines are correctly connected

## 148 What electrical fitter licence authorises

An electrical fitter licence authorises the holder to perform all electrical equipment work.

*Example of what the holder of an electrical fitter licence may do—*

- electrical work, whether in a workshop or on site, of building, manufacturing, fitting, assembling, erecting, operating, testing or repairing electrical equipment

## 149 What electrical jointer licence authorises

An electrical jointer licence authorises the holder to perform the following electrical work—

(a) installing, jointing and terminating cables to the extent the work requires specialised knowledge or skill;

(b) electrical equipment work necessary for the work mentioned in paragraph (a).

## 150 What restricted electrical work licence authorises

A restricted electrical work licence authorises the holder to perform electrical work of the particular type stated in the licence.



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*Example of what the holder of a restricted electrical work licence may do—*

A restricted electrical work licence may restrict the holder to the performance of electrical work incidental or special to a particular calling.

### 151 What electrical work training permit authorises

An electrical work training permit authorises the holder to perform the electrical work stated in the permit in accordance with the conditions about training stated in the permit.

## Division 3 Requirements for issue of electrical work licences

## Subdivision 1 Preliminary

### 152 Definitions for division

In this division—

***corresponding training department*** means a department of another State in which a law that corresponds to, or substantially corresponds to, the *Further Education and Training Act 2014* is administered.

***relevant assessing authority*** means a relevant assessing authority under the *Migration Regulations 1994* (Cwlth).

***relevant employer***, in relation to an applicant for an electrical work licence, means—

(a) the applicant's current employer; or

(b) a former employer of the applicant who has relevant knowledge of the applicant's training and competency to perform electrical work.

***training plan***, for an apprentice or trainee, see the *Further Education and Training Act 2014*, schedule 1.



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## Subdivision 2 Eligibility requirements for electrical work licences (other than electrical work training permits)

### 153 Application of subdivision—Act, s 59

This subdivision prescribes, for section 59(4) of the Act, eligibility requirements that apply to an applicant for the issue of any of the following licences—

(a) an electrical mechanic licence;

(b) an electrical linesperson licence;

(c) an electrical fitter licence;

(d) an electrical jointer licence;

(e) a restricted electrical work licence.

### 154 English language requirements

The regulator must be satisfied the applicant is able to understand, and read and write in, the English language without the aid of an interpreter.

### 155 Training requirements

(1) The regulator must be satisfied the applicant has been trained in, and is competent to carry out, resuscitation on an individual who has stopped breathing or is unconscious because of electric shock.

(2) Also, if the licence applied for is an electrical linesperson licence, the regulator must be satisfied the applicant has been trained in, and is competent to carry out, the rescue of an individual from a pole top or transmission tower.

(3) However, subsection (1) or (2) does not prevent the issue of the electrical work licence if the regulator is satisfied—

(a) the applicant has a medical condition that—



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(i) prevents the applicant carrying out the relevant activity for the subsection; but

(ii) does not otherwise affect the applicant's ability to perform electrical work under the licence; and

(b) in the particular circumstances, it is reasonable to allow the applicant to carry out electrical work subject to a condition that the applicant must not act in a role for which it is a requirement that the applicant be competent in the relevant activity.

*Example of a role mentioned in paragraph (b)—*

a safety observer

(4) In this section—

***relevant activity*** means—

(a) in relation to subsection (1)—resuscitation; or

(b) in relation to subsection (2)—the rescue of an individual from a pole top or transmission tower.

## 156 No outstanding disciplinary matters

(1) The regulator must be satisfied the applicant does not have an outstanding disciplinary matter.

(2) Without limiting the matters the regulator may consider under subsection (1), the regulator may consider the applicant's activities as a licensed electrical worker, whether before or after the commencement of this section, including the following—

(a) disciplinary action taken against the applicant under a law regulating the activities of licensed electrical workers;

(b) non-performance of a duty by the applicant under a law about electrical work and the reasons for the non-performance;

(c) remedial action taken by the applicant to address an activity mentioned in paragraph (a) or (b).



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## 157 Technical requirements (other than for restricted electrical work licence)

(1) This section does not apply in relation to a restricted electrical work licence.

(2) The applicant must comply with the eligibility requirements stated in subsection (3), (4) or (5).

(3) If the applicant has finished an apprenticeship under the *Further Education and Training Act 2014* to achieve competence in the relevant electrical work, the applicant must have—

(a) satisfactorily finished the apprenticeship; and

(b) satisfactorily finished a course of instruction chosen by the regulator; and

(c) given the regulator a written statement—

(i) from a relevant employer verifying that the applicant has satisfactorily finished the training to be delivered under the training plan for the apprenticeship; and

(ii) from the issuing RTO for the apprenticeship verifying that the applicant is competent in the relevant electrical work; and

(d) satisfied the regulator the applicant is competent in the relevant electrical work.

(4) If the applicant has finished an apprenticeship outside Queensland to achieve competence in the relevant electrical work, the applicant must have—

(a) satisfactorily finished the apprenticeship that is, in the regulator's opinion, at least equivalent to an apprenticeship mentioned in subsection (3); and

(b) satisfactorily finished a course of instruction related to the apprenticeship that is, in the regulator's opinion, at least equivalent to the course of instruction mentioned in subsection (3)(b); and

(c) given the regulator a written statement—



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(i) from a relevant employer verifying that the applicant has satisfactorily finished the training to be delivered under the apprenticeship; and

(ii) from the non-Queensland training organisation for the apprenticeship verifying that the applicant is competent in the relevant electrical work; and

(d) satisfied the regulator the applicant is competent in the relevant electrical work.

(5) The applicant must have satisfied the regulator that—

(a) the applicant—

(i) holds a prescribed current licence; or

(ii) was the holder of a prescribed expired licence; or

(iii) has served an apprenticeship mentioned in subsection (3), but has not satisfactorily finished the course of instruction mentioned in subsection (3)(b); or

(iv) holds a certificate or other document issued by a relevant assessing authority stating that the applicant's skills are suitable for carrying out the relevant electrical work; and

(b) the applicant has complied with the regulator's examination requirements; and

(c) the applicant is competent in the relevant electrical work.

(6) If an applicant can not comply with the requirement under subsection (3)(c)(i) or (4)(c)(i) (the ***employer statement requirement***), but otherwise complies with subsection (3) or (4), the applicant is taken to have complied with the employer statement requirement if the applicant satisfies the regulator the applicant has satisfactorily finished the training mentioned in the requirement.

(7) In this section—

***issuing RTO***, in relation to an applicant who has finished an apprenticeship under the *Further Education and Training Act*



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*2014*, means the registered training organisation that issued a qualification or statement of attainment for training delivered to the applicant under the apprenticeship.

***non-Queensland training organisation***, in relation to an applicant who has finished an apprenticeship outside Queensland, means the registered training organisation, or training organisation outside of Australia, that issued a qualification or statement of attainment for training delivered to the applicant under the apprenticeship.

***prescribed current licence*** means—

(a) for an applicant for an electrical mechanic licence—a current electrical fitter licence; or

(b) for an applicant for an electrical linesperson licence, electrical fitter licence or electrical jointer licence—a current electrical mechanic licence.

***prescribed expired licence*** means—

(a) for an applicant for an electrical mechanic licence—an electrical mechanic licence issued under the Act that has expired; or

(b) for an applicant for an electrical linesperson licence—an electrical linesperson licence issued under the Act that has expired; or

(c) for an applicant for an electrical fitter licence—an electrical fitter licence issued under the Act that has expired; or

(d) for an applicant for an electrical jointer licence—an electrical jointer licence issued under the Act that has expired.

***relevant electrical work***, for an applicant for an electrical work licence, means—

(a) if the licence is an electrical mechanic licence—electrical work of an electrical mechanic; or

(b) if the licence is an electrical linesperson licence—electrical work of an electrical linesperson; or



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(c) if the licence is an electrical fitter licence—electrical work of an electrical fitter; or

(d) if the licence is an electrical jointer licence—electrical work of an electrical jointer.

***statement of attainment*** means—

(a) a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth); or

(b) a statement given to a person by a training organisation outside of Australia confirming that the person has satisfied the requirements of units of competency or modules stated in the statement.

## 158 Technical requirements—restricted electrical work licence

(1) This section applies in relation to a restricted electrical work licence.

(2) The applicant must comply with the eligibility requirements stated in subsection (3), (4), (5) or (6).

(3) The applicant must have—

(a) satisfactorily finished a course of training, conducted by a registered training organisation, that the regulator considers appropriate; and

(b) satisfactorily finished a course of instruction chosen by the regulator; and

(c) given the regulator a written statement—

(i) if the course of training is delivered under a training plan—from a relevant employer verifying the applicant has satisfactorily finished the training to be delivered under the training plan; and

(ii) from the registered training organisation mentioned in paragraph (a) verifying that the applicant is competent in the relevant electrical work; and



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(d) satisfied the regulator the applicant is competent in the relevant electrical work.

(4) The applicant must have—

(a) satisfactorily finished a course of training outside Queensland that is, in the regulator's opinion, at least equivalent to the course of training mentioned in subsection (3)(a); and

(b) satisfactorily finished a course of instruction that is, in the regulator's opinion, at least equivalent to the course of instruction mentioned in subsection (3)(b); and

(c) given the regulator a written statement—

(i) if the course of training is delivered under an apprenticeship or traineeship—from a relevant employer verifying the applicant has satisfactorily finished the training to be delivered under the apprenticeship or traineeship; and

(ii) from the training organisation that delivered the course of training mentioned in paragraph (a) verifying that the applicant is competent in the relevant electrical work; and

(d) satisfied the regulator the applicant is competent in the relevant electrical work.

(5) The applicant must be the holder of a current licence, permit, certificate or other authority issued under a law of another State, the Commonwealth or New Zealand that the regulator decides is equivalent to the restricted electrical work licence.

(6) The applicant must have—

(a) satisfied the regulator that the applicant—

(i) is the holder of a tradesperson's certificate within the meaning of the repealed *Tradespersons' Rights Regulation Act 1946* (Cwlth) in a relevant calling; or



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(ii) is the holder of a tradesperson's certificate issued by a corresponding training department in a relevant calling; or

(iii) is the holder of a certificate or other document issued by a relevant assessing authority stating that the applicant's skills are suitable for an occupation that is or includes a relevant calling; or

(iv) has equivalent qualifications or experience in a relevant calling; or

(v) has held a restricted electrical work licence that was issued under the Act and has expired; and

(b) satisfactorily finished a course of instruction, chosen by the regulator, conducted by a registered training organisation; and

(c) given the regulator a written statement—

(i) if the course is training delivered to the applicant under a training plan—from a relevant employer verifying the applicant has satisfactorily finished the training to be delivered under the training plan; and

(ii) from the registered training organisation verifying that the applicant is competent in performing the relevant electrical work; and

(d) satisfied the regulator the applicant is competent to perform relevant electrical work.

(7) If an applicant can not comply with the requirement under subsection (3)(c)(i) or (4)(c)(i) (the ***employer statement requirement***), but otherwise complies with subsection (3) or (4), the applicant is taken to have complied with the employer statement requirement if the applicant satisfies the regulator the applicant has satisfactorily finished the training mentioned in the requirement.

(8) In this section—

***relevant calling*** means a calling the regulator decides requires the applicant to perform electrical work.



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***relevant electrical work***, for an applicant for a restricted electrical work licence, means the electrical work the subject of the licence.

## Subdivision 3 Eligibility requirements—electrical work training permit

### 159 Eligibility requirements—Act, s 59

(1) This section prescribes, for section 59(4) of the Act, eligibility requirements that apply to an applicant for the issue of an electrical work training permit.

(2) The applicant must have satisfied the regulator that—

(a) the applicant is the holder of a relevant qualification; and

(b) either—

(i) the applicant does not have any outstanding disciplinary matters; or

(ii) the applicant reasonably requires the permit to complete training related to an outstanding disciplinary matter.

(3) For subsection (2)(a), the applicant has a ***relevant qualification*** for electrical work mentioned in column 1 of the following table if the applicant holds a qualification mentioned in column 2 of the table opposite the electrical work.



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| | Column 1<br>Electrical work | Column 2<br>Qualification |
|---|---|---|
| 1 | electrical mechanic | (a) a current electrical fitter licence<br>(b) a tradesperson's certificate within the meaning of the repealed *Tradespersons' Rights Regulation Act 1946* (Cwlth) in the classification of an electrical mechanic |
| 2 | electrical fitter | a tradesperson's certificate within the meaning of the repealed *Tradespersons' Rights Regulation Act 1946* (Cwlth) in the classification of an electrical fitter |
| 3 | electrical work of a relevant trade | (a) an electrical work licence in the relevant trade that was issued under the Act and has expired<br>(b) a certificate or other document stating the applicant has served an apprenticeship to the calling of the relevant trade under the *Further Education and Training Act 2014*, but has not satisfactorily finished a course of instruction chosen by the regulator<br>(c) a certificate or other document issued by a relevant assessing authority stating the holder's skills are suitable for the occupation of the relevant trade |



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| | Column 1<br>Electrical work | Column 2<br>Qualification |
|---|---|---|
| 4 | electrical work other than electrical work mentioned in items 1 to 3 | (a) a tradesperson's certificate within the meaning of the repealed *Tradespersons' Rights Regulation Act 1946* (Cwlth) in a calling the regulator decides requires the applicant to perform the electrical work<br><br>(b) a tradesperson's certificate issued by a corresponding training department in a calling that the regulator decides requires the applicant to perform the electrical work<br><br>(c) a certificate or other document issued by a relevant assessing authority stating that the applicant's skills are suitable for an occupation that is or includes a calling the regulator decides requires the applicant to perform the electrical work<br><br>(d) an equivalent qualification or experience in a calling the regulator decides requires the applicant to perform the electrical work |

(4) Without limiting the matters the regulator may consider under subsection (2)(b)(i), the regulator may consider the following about the applicant's activities, whether before or after the commencement of this section—

(a) disciplinary action taken against the applicant under a law regulating the activities of licensed electrical workers;

(b) the applicant's non-performance of a duty under a law about electrical work and the reasons for the non-performance;



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(c) remedial action taken by the applicant to address an activity mentioned in paragraph (a) or (b).

(5) In this section—

***relevant trade*** means the trade of an electrical mechanic, electrical linesperson, electrical fitter or electrical jointer.

## Subdivision 4 Term of electrical work licence

### 160 Term of electrical work licence

(1) The following electrical work licences may be issued for a maximum of 5 years—

(a) an electrical mechanic licence;

(b) an electrical linesperson licence;

(c) an electrical fitter licence;

(d) an electrical jointer licence;

(e) a restricted electrical work licence.

(2) An electrical work training permit may be issued for a maximum of 1 year.

## Division 4 Requirements for issue of electrical contractor licences

### 161 Definitions for division

In this division—

***applicant***, for an electrical contractor licence, means an individual, partnership or corporation that has applied for the issue of the licence.

***employee***, for an applicant, includes—

(a) for an applicant that is a partnership—an individual who is a partner in the partnership; and



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(b) for an applicant that is a corporation—an executive officer or member of the corporation.

## 162 Eligibility requirements—electrical contractor licence—Act, s 59

For section 59(4) of the Act, the eligibility requirements for the issue of an electrical contractor licence are that—

(a) the applicant has at least 1 qualified business person; and

(b) the applicant has at least 1 qualified technical person to perform electrical work for the applicant; and

(c) the applicant has complied with the insurance requirements under section 165; and

(d) the applicant has satisfied the regulator that the electrical work to be performed by the applicant as a licensed electrical contractor is proposed to be—

(i) performed by a qualified technical person for the applicant under the qualified technical person's electrical work licence; or

(ii) supervised by a qualified technical person for the applicant who is authorised to perform the work under the qualified technical person's electrical work licence.

## 163 Qualified business person

(1) The regulator must endorse the name of an individual on an applicant's electrical contractor licence as a qualified business person for the applicant if the regulator is satisfied the individual—

(a) is someone who—

(i) has operated a business for a period of, or periods totalling, 5 years; or



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(ii) holds a diploma or higher level qualification in business; or

(iii) has satisfactorily finished a course of instruction approved by the regulator under subsection (3)(a) related to the conduct of a business; and

(b) is the applicant or an employee of the applicant; and

(c) has, if required by the regulator, satisfactorily finished an examination or a course of instruction approved by the regulator under subsection (3)(b) on business aspects of performing electrical work; and

(d) is a fit and proper person; and

(e) is competent to perform the business aspects of performing electrical work as, or for, a licensed electrical contractor.

(2) In deciding whether a person who is an individual is a fit and proper person under subsection (1)(d), the regulator may consider only—

(a) the standard of honesty and integrity demonstrated by the person in commercial and other activities in which the person has been involved; and

(b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure.

(3) For this section, the regulator may—

(a) approve courses of instruction related to the conduct of a business; and

(b) approve examinations or courses of instruction on business aspects of performing electrical work.

(4) An examination or course of instruction approved by the regulator under subsection (3) must be published on the department's website.



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## 164 Qualified technical person

(1) The regulator must endorse the name of an individual on an applicant's electrical contractor licence as a qualified technical person for an applicant if the regulator is satisfied the individual—

(a) is the applicant or an employee of the applicant; and

(b) has, if required by the regulator, satisfactorily finished a course of instruction or an examination on technical aspects of performing electrical work; and

(c) if the electrical work to be performed by the applicant may be performed only by the holder of an electrical work licence—

(i) holds an electrical work licence; and

(ii) has held an electrical work licence for at least 2 years, or a shorter period considered acceptable by the regulator; and

(d) is a fit and proper person; and

(e) is competent to perform electrical work as, or for, a licensed electrical contractor.

(2) In deciding whether a person who is an individual is a fit and proper person under subsection (1)(d), the regulator may consider only—

(a) the standard of honesty and integrity demonstrated by the person in commercial and other activities in which the person has been involved; and

(b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure.

(3) Despite subsection (2), an individual is not a fit and proper person if the individual is disqualified from being a qualified technical person for the holder of an electrical contractor licence under part 9 of the Act.



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

An applicant for an electrical contractor licence must give the regulator evidence that the applicant holds the following insurance—

(a) public and products liability insurance that covers the applicant for at least $5,000,000;

(b) consumer protection insurance that covers the applicant for at least $50,000.

### 166 Term of electrical contractor licence

An electrical contractor licence may be issued for a maximum of 1 year.

## Division 5 Requirements for renewal or reinstatement of electrical licences

### 167 Eligibility requirements—electrical work licence—Act, ss 60 and 61

(1) For sections 60(4) and 61(4) of the Act, the eligibility requirements for the renewal or reinstatement of an electrical work licence are that the regulator must be satisfied that—

(a) the applicant is or was the holder of the electrical work licence the applicant has applied to renew or reinstate; and

(b) the applicant continues to satisfy the resuscitation requirement in section 155(1); and

(c) for renewal or reinstatement of an electrical linesperson licence—the applicant continues to satisfy the rescue requirement in section 155(2); and

(d) the applicant is competent in the electrical work to be performed under the licence; and



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(e) the applicant does not have an outstanding disciplinary matter.

(2) However, subsection (1)(b) or (c) does not prevent the renewal or reinstatement of the electrical work licence if the regulator is satisfied—

(a) the applicant has a medical condition that—

(i) prevents the applicant carrying out the relevant activity for the subsection; but

(ii) does not otherwise affect the applicant's ability to perform electrical work under the licence; and

(b) in the particular circumstances, it is reasonable to allow the applicant to carry out electrical work subject to a condition that the applicant must not act in a role for which it is a requirement that the applicant be competent in the relevant activity.

*Example of a role mentioned in paragraph (b)—*

a safety observer

(3) This section does not apply in relation to an electrical work training permit.

(4) In this section—

***relevant activity*** means—

(a) in relation to subsection (1)(b)—resuscitation; or

(b) in relation to subsection (1)(c)—the rescue of an individual from a pole top or transmission tower.

*Notes—*

1 For the renewal or reinstatement of an electrical linesperson licence by a person who was eligible for the licence before 1 October 2002, see section 320.

2 For the renewal or reinstatement of an electrical jointer licence by a person who was eligible for the licence before 1 October 2002, see section 321.



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### 168 Eligibility requirements—electrical contractor licence—Act, ss 60 and 61

For sections 60(4) and 61(4) of the Act, the regulator must be satisfied the person who is or was the holder of the electrical contractor licence satisfies the requirements of section 162 in relation to the issue of the licence.

### 169 Eligibility requirements—pre-2019 electrical contractor licence—Act, ss 60 and 61

(1) This section applies if a person—

(a) held an electrical contractor licence before 1 January 2019; or

(b) applied for an electrical contractor licence before 1 January 2019 and was granted the licence after 1 January 2019.

(2) For applying the eligibility requirements of section 162(a) and (b) as applied by section 168, the expired *Electrical Safety Regulation 2013*, section 7, as in force immediately before 1 January 2019, is taken to apply in relation to who is a qualified business person in relation to the applicant.

(3) Subsection (2) applies despite section 163.

### 170 Term of electrical licences

(1) Each of the following electrical work licences may be renewed or reinstated for a maximum of 5 years—

(a) an electrical mechanic licence;

(b) an electrical linesperson licence;

(c) an electrical fitter licence;

(d) an electrical jointer licence;

(e) a restricted electrical work licence.

(2) An electrical contractor licence may be renewed or reinstated for a maximum of 1 year.



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# Division 6 Administration of electrical licences

## 171 Register of electrical licences

(1) The regulator must keep a register containing information about electrical licences.

(2) The register must be kept in the form the regulator considers appropriate to ensure the information in the register can be efficiently recorded and accessed.

*Example—*

The regulator may decide to keep the register of electrical licences in electronic form.

(3) The regulator may order the information in the register in the way the regulator considers appropriate.

*Example—*

The regulator may decide to separate historical information about electrical licences from current information.

(4) Without limiting subsections (1) to (3), the register must include the following information, for each electrical licence—

(a) the full name and address of the holder;

(b) an identifying number;

(c) the date the licence was issued;

(d) details of every renewal and reinstatement of the licence, and of any failure to renew the licence;

(e) details of disciplinary action taken by the licensing committee against the holder;

(f) details of anything else the regulator considers should be included in the register.

*Example for paragraph (f)—*

the conditions or restrictions on an electrical work licence

(5) The regulator may publish some or all of the information included in the register in the way the regulator considers appropriate.



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*Example for subsection (5)—*

publishing the register on the internet in the form of a database that allows consumers to obtain licensing details about an electrical contractor or a person conducting a business or undertaking to check the validity of an employee's electrical work licence

## 172 Requirement for holder of electrical licence to notify changed contact details

(1) This section applies if contact details recorded in the register for the holder of an electrical licence, including the holder's name and address, are no longer correct.

(2) The holder must, within 10 business days after the details become incorrect, give the regulator notice of the correct details.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply to—

(a) a change of name of a corporation or partnership that is the holder of an electrical contractor licence; or

(b) a change of the membership of a partnership that is the holder of an electrical contractor licence.

(4) In this section—

***register*** means the register of electrical licences the regulator is required to keep under section 171.

## 173 Application for endorsement of additional qualified business person or qualified technical person

(1) An applicant for an electrical contractor licence or a licensed electrical contractor may apply to the regulator to have 1 or more individuals endorsed as—

(a) a qualified business person for the applicant or licensed electrical contractor; or

(b) a qualified technical person for the applicant or licensed electrical contractor.



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(2) The applicant or licensed electrical contractor may make the application at any time—

(a) after applying for the issue of the electrical contractor licence; and

(b) before the day that is 1 year after the licence expires.

(3) The regulator must decide the application—

(a) for an application mentioned in subsection (1)(a)—under section 163; or

(b) for an application mentioned in subsection (1)(b)—under section 164.

(4) If the regulator refuses to endorse the individual to be a qualified business person or a qualified technical person for the applicant or licensed electrical contractor, the regulator must give the applicant or licensed electrical contractor an information notice for the decision.

(5) In this section—

***applicant*** see section 161.

## 174 Removal of endorsement of qualified business person or qualified technical person

(1) This section applies in relation to a qualified person for a licensed electrical contractor.

(2) The licensed electrical contractor must advise the regulator within 10 business days after the day any of the following happens—

(a) if the licensed electrical contractor is an individual—the qualified person is no longer an employee of the licensed electrical contractor;

(b) if the licensed electrical contractor is a partnership—the qualified person is no longer a partner or employee of the licensed electrical contractor;



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(c) if the licensed electrical contractor is a corporation—the qualified person is no longer an executive officer or employee of the licensed electrical contractor;

(d) the qualified person is no longer a fit and proper person;

(e) if the qualified person is the qualified business person for the licensed electrical contractor—the person is no longer competent to perform the business aspects of performing electrical work as or for the licensed electrical contractor;

(f) if the qualified person is the qualified technical person for the licensed electrical contractor—the person is no longer competent to perform electrical work as or for the licensed electrical contractor;

(g) if the qualified person is the qualified technical person for the licensed electrical contractor—the person is no longer the holder of an electrical work licence.

Maximum penalty—20 penalty units.

(3) On receiving the advice, the regulator must remove the endorsement of the qualified person from the licensed electrical contractor's licence.

(4) In this section—

***qualified person***, for a licensed electrical contractor, means an individual whose name is endorsed on an electrical contractor licence as a qualified business person or a qualified technical person for the licensed electrical contractor.

## 175 Automatic suspension and cancellation of electrical contractor licence

(1) An electrical contractor licence is automatically suspended if, for a period of 30 days, there is no person—

(a) who is a qualified business person and whose name is endorsed on the electrical contractor licence as a qualified business person for the licensed electrical contractor; or



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(b) who is a qualified technical person and whose name is endorsed on the electrical contractor licence as a qualified technical person for the licensed electrical contractor.

(2) The licence is automatically cancelled if, 30 days after the day the licence was automatically suspended under subsection (1), there is still no person whose name is endorsed on the electrical contractor licence as mentioned in subsection (1)(a) or (b).

## 176 Change of name of corporation, partnership or business

(1) This section applies to the holder of an electrical contractor licence if either of the following changes—

(a) the name of the corporation or partnership holding the electrical contractor licence;

(b) the name (***business name***) under which the holder carries on business.

(2) The holder of the electrical contractor licence must, within 30 days after the change of name or business name, give the regulator written notice of the change.

Maximum penalty—20 penalty units.

(3) The notice may state the holder's preference about how the regulator is to act under subsection (4).

(4) After receiving the notice and considering any stated preference, the regulator must—

(a) reissue the licence endorsed with information about the change of name or business name; or

(b) cancel the licence and issue a new electrical contractor licence; or

(c) cancel the licence.

(5) A licence reissued by the regulator under subsection (4)(a) has, subject to the endorsement, continuing effect as the original electrical contractor licence.



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(6) A new electrical contractor licence issued by the regulator under subsection (4)(b) must be endorsed with a memorandum stating the reasons for the issue of the new licence.

(7) If the regulator decides to cancel the licence under subsection (4)(c), the regulator must give the former holder an information notice for the decision.

## 177 Change in membership of partnership

(1) This section applies if—

(a) a partnership is the holder of an electrical contractor licence; and

(b) there is a change in the membership of the partnership, whether by the death or retirement of a member or the admission of a new member.

(2) The continuing members of the partnership must, within 30 days after the membership change, give the regulator written notice of the change that includes full information and particulars of the change.

Maximum penalty—20 penalty units.

(3) The notice may state the members' preference about how the regulator is to act under subsection (4).

(4) After receiving the notice and considering any stated preference, the regulator must—

(a) reissue the licence endorsed with information about the membership change; or

(b) cancel the licence and issue a new licence; or

(c) cancel the licence.

(5) A licence endorsed by the regulator with the change of the membership of the partnership under subsection (4)(a) has, subject to the endorsement, continuing effect as the original electrical contractor licence.



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(6) A new licence issued by the regulator under subsection (4)(b) must be endorsed with a memorandum stating the reasons for the issue of the new licence.

(7) The regulator may issue a new licence to the partnership under subsection (4)(b) only if the regulator is satisfied that—

(a) the entire business of electrical contracting work carried on by the partnership in Queensland before the membership change is to be carried on by the partnership after the new licence is issued; and

(b) the partnership complies with the eligibility requirements for the issue of the new licence.

(8) If the regulator decides to cancel the licence under subsection (4)(c), the regulator must give the partnership an information notice for the decision.

(9) Nothing in this section affects a requirement under this division for the endorsement of an electrical contractor licence issued to a partnership.

## 178 Giving regulator licence if required

The holder of an electrical licence, or another person who has control of the licence, must, if required by the regulator, give the licence to the regulator if the licence—

(a) has been cancelled or suspended; or

(b) has ended; or

(c) is required to have anything endorsed on it.

Maximum penalty—20 penalty units.

## 179 Replacement of electrical licence

(1) If, on application by the holder of an electrical licence, the regulator is satisfied the licence has been lost, damaged or destroyed, the regulator may issue a replacement licence.

(2) However, if a fixed fee applies to the application, the application must be accompanied by the fixed fee.



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### 180 Surrender of electrical licence

The holder of an electrical licence may surrender the licence by written notice given to the regulator.

## Division 7 Other matters

### 181 Testing electrical equipment without electrical licence—Act, s 55

For section 55(3)(d) of the Act, the following testing is authorised—

(a) the testing of electrical equipment by a competent person, if the testing is required under part 6;

(b) the testing of the works of an electricity entity by a competent person;

*Example for paragraph (b)—*

a competent person testing protection relay operation that is part of the works of an electricity entity

(c) the testing of electrical equipment by a person, other than testing mentioned in paragraph (a) or (b), if the testing does not interfere with the integrity of the electrical equipment.

*Examples for paragraph (c)—*

- a person testing a safety switch in a domestic electrical installation by operating a test button on the safety switch
- a person using an appropriate voltmeter to measure voltage

### 182 Operation of trade contractor's licence

(1) This section applies to a person conducting a business or undertaking that includes the performance of electrical work, other than electrical installation work.

(2) The person is taken to be the holder of an electrical contractor licence to the extent that performance of the electrical work is



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a necessary part of, or is incidental to, the performance of work under a trade contractor's licence.

(3) In this section—

***trade contractor's licence*** means a trade contractor's licence under the *Queensland Building and Construction Commission Regulation 2018*.

## 183 Details to be included in register of workers—Act, sch 2, definition *prescribed details*

For schedule 2 of the Act, definition *prescribed details*, the details are—

(a) the holder's name; and

(b) each of the following details about the holder's electrical work licence—

(i) the identifying number of the licence or, if it is an external licence, the number, code or another way of identifying the licence;

(ii) the class of the licence;

(iii) if the licence is a restricted electrical work licence—the type of electrical work stated on the licence;

(iv) the conditions or restrictions included in the licence;

(v) the day the licence expires;

(vi) if the licence is an external licence—the jurisdiction in which the external licence was issued.

## 184 Requirements about fees—Act, ss 59, 60 and 61

For sections 59(2), 60(2) and 61(2) of the Act, an electrical licence application under part 4, division 2 of the Act must be accompanied by the fee for the application stated in schedule 9.



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## 185 Refund of fees

(1) This section applies if either of the following applications is refused by the regulator or is withdrawn before it is decided—

(a) an application for the issue of an electrical licence;

(b) an application for renewal or reinstatement of an electrical licence.

(2) The amount stated in schedule 9 as the administration component of the fee paid for the application must be refunded.

## 186 Examinations

(1) In deciding examinations for assessing a person's competency, or conditions with which a person must comply, the regulator may decide the person must—

(a) undertake an examination conducted by the regulator; or

(b) satisfactorily finish a course of instruction recognised by the regulator during which the student's performance is assessed; or

(c) undertake 1 or more examinations, oral or written tests, or practical tests.

(2) The examinations and tests may be conducted by—

(a) the regulator; or

(b) an examiner approved by the regulator under section 187; or

(c) a registered training organisation.

## 187 Approved examiners

The regulator may approve examiners to conduct examinations or tests required by the regulator.



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### 188 Advertising by licensed electrical contractor

(1) The holder of an electrical contractor licence who publishes an advertisement about the holder's business must ensure the advertisement states—

(a) either—

(i) the name under which the holder is licensed; or

(ii) if the holder carries on business under a registered business name—the holder's registered business name; and

(b) that the holder is licensed under the Act; and

(c) the identifying number of the holder's electrical contractor licence.

Maximum penalty—40 penalty units.

(2) In this section—

***registered business name*** means a business name registered under the *Business Names Registration Act 2011* (Cwlth).

## Division 8 External licences

### 189 External licence equivalents—Act, s 65

For section 65(1) of the Act, an external licence mentioned in column 1 of schedule 4 is equivalent to the electrical work licence stated in column 2 of that schedule for the external licence.



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# Part 8 Electrical work

## Division 1 Preliminary

### 190 Purpose of part—Act, s 210

(1) This part, other than divisions 3 and 4, prescribes, for section 210(2)(c) of the Act, safety and technical requirements for electrical work.

(2) Divisions 3 and 4 prescribe, for section 210(2)(d) of the Act, safety and technical requirements for working in contact with, or near to, energised electrical equipment.

## Division 2 Performing electrical work

### 191 Licensed electrical worker to ensure electrical installation complies with wiring rules

A licensed electrical worker who performs electrical work on an electrical installation must ensure the installation, to the extent it is affected by the electrical work, complies with the wiring rules.

Maximum penalty—40 penalty units.

### 192 Person conducting a business or undertaking to ensure electrical installation complies with requirements

(1) A person conducting a business or undertaking that performs electrical work on an electrical installation must ensure the installation, to the extent it is affected by the electrical work, complies with—

(a) if the installation is to be used for construction work—the wiring rules and AS/NZS 3012 (Electrical installations—Construction and demolition sites); or

(b) otherwise—the wiring rules.



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Maximum penalty—40 penalty units.

*Note—*

See section 22(3) of the Act for when the person conducting the business or undertaking is also a worker.

(2) In this section—

***construction work*** see the WHS Regulation, section 289.

## Division 3 Electrical work on or near energised electrical equipment

### 193 Definitions for division

In this division—

***electrical work*** does not include high voltage live line work.

***near***, in relation to electrical equipment, means within 3m of an exposed energised part of the equipment.

***safe work method statement***, in relation to electrical work on or near energised electrical equipment, means a safe work method statement prepared under section 199.

### 194 References to person conducting a business or undertaking

In this division, other than sections 197, 201 and 202, a reference to a person conducting a business or undertaking in relation to electrical work is a reference to the person conducting the business or undertaking that is performing the electrical work.

### 195 Electrical work on or near energised electrical equipment

(1) A person conducting a business or undertaking must ensure electrical work is not performed on or near energised electrical equipment unless—



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(a) it is necessary in the interests of health and safety that the work is performed on or near the electrical equipment while the equipment is energised; or

*Example—*

It may be necessary that life-saving equipment remain energised and operating while electrical work is performed on or near the equipment.

(b) it is necessary that the electrical equipment is energised in order for the work to be performed properly; or

(c) it is necessary for testing the electrical equipment under section 196(1); or

(d) there is no reasonable alternative way of carrying out the work.

*Example—*

It may be necessary, to avoid widespread outages, that works of an electricity entity remain energised and operating while electrical work is performed on or near the works.

Maximum penalty—60 penalty units.

(2) The electrical work that may be performed under subsection (1)(a), (b) or (d) includes testing of the energised electrical equipment.

*Examples of testing of energised electrical equipment—*

- detecting a fault or defect in electrical equipment
- locating a fault or defect in electrical equipment
- measuring the performance of electrical equipment
- verifying compliance with the wiring rules

## 196 Duty to decide whether equipment is energised

(1) A person conducting a business or undertaking must ensure that, before electrical work is performed on or near electrical equipment, the equipment is tested by a competent person to decide whether or not it is energised.

Maximum penalty—60 penalty units.



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*Note—*

1 See section 195(1)(c) in relation to carrying out testing on electrical equipment for this section.

2 See section 203 for how testing is to be carried out.

(2) The person conducting the business or undertaking must ensure—

(a) each exposed part is treated as energised until it is isolated and found not to be energised; and

(b) each high voltage exposed part is earthed after being de-energised.

Maximum penalty—60 penalty units.

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

A person conducting a business or undertaking must ensure electrical equipment that has been de-energised to allow electrical work to be performed on or near the equipment is not inadvertently re-energised while the work is being performed.

Maximum penalty—60 penalty units.

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

(1) This section applies if—

(a) a licensed electrical worker is performing electrical work; and

(b) to perform the work, the worker has de-energised, or otherwise isolated from electricity, an item of electrical equipment that—

(i) is the subject of the electrical work; or

(ii) is near where the electrical work is being performed; and



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(c) to de-energise, or otherwise isolate, the item of electrical equipment, the licensed electrical worker has operated a device; and

(d) while the worker is performing the work, the worker does not have the device under the worker's sole effective control.

(2) The licensed electrical worker must ensure both of the following—

(a) there is a warning sign attached to the device, in a prominent position, that is suitable in the circumstances, having regard to AS 1319 (Safety signs for the occupational environment);

(b) the device—

(i) is locked when in the open position; or

*Examples for subparagraph (i)—*

- using a personal lock to lock an air-conditioner isolator in the open position
- using a locking device that stops a miniature circuit breaker from being closed
- placing a lockable shroud on the male inlet plug of electrical equipment

(ii) is prevented from being accidentally closed.

*Examples for subparagraph (ii)—*

- disengaging a circuit breaker so the circuit breaker is separated from the busbars
- removing circuit cables from a fuse or circuit breaker
- insertion of a mechanical restriction

Maximum penalty—40 penalty units.

(3) In this section—

***device*** means a circuit breaker, disconnection point, fuse or switch.



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## 199 Preliminary steps

(1) Before electrical work on or near energised electrical equipment commences at a workplace, the person conducting the business or undertaking must ensure—

(a) a competent person conducts a risk assessment in relation to the proposed electrical work and records the results of the risk assessment; and

*Note—*

See section 8 in relation to risk assessments for a class of hazards, tasks, things or circumstances.

(b) a safe work method statement is prepared for the proposed electrical work that complies with section 200; and

(c) the area where the electrical work is to be performed is clear of obstructions to allow for easy access and exit; and

(d) the point at which the electrical equipment can be disconnected or isolated from its electricity supply is—

(i) clearly marked or labelled; and

(ii) clear of obstructions to allow for easy access and exit by the worker who is to perform the electrical work or any other competent person; and

(iii) capable of being operated quickly; and

(e) the person authorises the electrical work after consulting with the person with management or control of the workplace.

Maximum penalty—60 penalty units.

(2) Subsection (1)(d) does not apply in relation to—

(a) electrical work on or near electrical equipment if—

(i) the work is to be performed on the supply side of the main switch on the main switchboard for the equipment; and



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(ii) the point at which the equipment can be disconnected from its electricity supply is not reasonably accessible from the work location; or

(b) electric line work.

## 200 Contents of safe work method statement

For section 199(1)(b), the safe work method statement must—

(a) identify the proposed electrical work; and

(b) identify hazards associated with the proposed electrical work and risks associated with those hazards; and

(c) describe the measures to be implemented to control the risks; and

*Example of a measure to control risks—*

preventing persons from accessing an area where electrical work is being carried out on or near energised electrical equipment if the persons are not needed for the performance of the work

(d) describe how the measures mentioned in paragraph (c) are to be implemented, monitored and reviewed.

## 201 Unauthorised access to electrical equipment while work performed

A person conducting a business or undertaking must ensure that only persons authorised by the person conducting the business or undertaking enter the immediate area in which electrical work is being performed on or near energised electrical equipment.

Maximum penalty—60 penalty units.

## 202 Contact with electrical equipment while work performed

A person conducting a business or undertaking must ensure that, while electrical work is being performed on or near energised electrical equipment, all persons are prevented from



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creating an electrical risk by inadvertently making contact with an exposed energised part of the equipment.

Maximum penalty—60 penalty units.

## 203 How work is to be performed

(1) A person conducting a business or undertaking must ensure electrical work on or near energised electrical equipment is performed—

(a) by a competent person who has tools, testing equipment and personal protective equipment that—

(i) are suitable for the work; and

(ii) have been properly tested; and

(iii) are in good working order; and

(b) in accordance with a safe work method statement prepared for the work; and

(c) subject to subsection (3), observed by a safety observer.

Maximum penalty—60 penalty units.

(2) The person conducting the business or undertaking must ensure, so far as is reasonably practicable, that the person who performs the electrical work uses the tools, testing equipment and personal protective equipment properly.

Maximum penalty—60 penalty units.

(3) A safety observer is not required if—

(a) the work consists only of testing; and

(b) a risk assessment conducted under section 199(1)(a) shows there is no serious risk associated with the proposed work.

*Example for subsection (3)—*

A safety observer is not required to observe the testing of the polarity of an installed outlet if a risk assessment shows there is no serious risk in performing the work.



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## 204 Record keeping

(1) This section applies to a person conducting a business or undertaking in relation to—

(a) a risk assessment the person is required to conduct under section 199(1)(a); and

(b) a safe work method statement the person is required to prepare under section 199(1)(b).

(2) Subject to subsection (3), the person must keep—

(a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and

(b) a copy of the safe work method statement until the work to which it relates is completed.

Maximum penalty—

(a) for an individual—$12^{1}/_{2}$ penalty units; or

(b) for a body corporate—60 penalty units.

(3) However, if a serious electrical incident or dangerous electrical event occurs in connection with the work to which the risk assessment and safe work method statement relate, the person must keep the risk assessment and safe work method statement for at least 2 years after the incident occurs.

Maximum penalty—

(a) for an individual—$12^{1}/_{2}$ penalty units; or

(b) for a body corporate—60 penalty units.

(4) The person must ensure that, for the period for which the risk assessment or safe work method statement must be kept under this section, a copy is readily accessible to any worker engaged by the person to carry out the work to which the risk assessment or safe work method statement relates.

Maximum penalty—36 penalty units.

(5) The person must ensure that, for the period for which the risk assessment or safe work method statement must be kept under this section, a copy is available for inspection under the Act.



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Maximum penalty—

(a) for an individual—$12^{1}/_{2}$ penalty units; or

(b) for a body corporate—60 penalty units.

## Division 4 High voltage live line work

### 205 Performance of high voltage live line work

(1) A person (a ***worker***) must not perform high voltage live line work unless the worker performs the work under—

(a) a written authorisation from the person in control of the electrical equipment the subject of the work; and

(b) a high voltage live line work management plan prepared under section 206.

Maximum penalty—40 penalty units.

(2) A person in control of electrical equipment may authorise a worker's performance of high voltage live line work in relation to the electrical equipment only if—

(a) the person in control is satisfied the worker—

(i) has successfully finished an appropriate course of training; and

(ii) has been assessed by the provider of the course as competent to perform the work; and

(b) the written authorisation states the voltages of the electrical equipment on which the high voltage live line work may be performed by the worker.

(3) Subsection (4) applies if the written authorisation provides for the performance of work on more than 1 occasion.

(4) The person in control of electrical equipment must, while the authorisation is in effect, cause the worker to be regularly assessed to ensure the worker remains competent to perform the high voltage live line work.



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Maximum penalty—40 penalty units.

## 206 Preparation of high voltage live line work management plan

(1) For section 205(1)(b), a ***high voltage live line work management plan*** is a plan for the performance of high voltage live line work that includes procedures developed in accordance with the following standards—

(a) AS 5804.1 (High-voltage live working—General);

(b) AS 5804.2 (High-voltage live working—Glove and barrier work);

(c) AS 5804.3 (High-voltage live working—Stick work);

(d) AS 5804.4 (High-voltage live working—Barehand work).

(2) The high voltage live line work management plan must be—

(a) developed in conjunction with each of the following—

(i) representatives of workers who are to perform high voltage live line work under the plan;

(ii) if the high voltage live line work involves the works of an electricity entity—the electricity entity;

(iii) other persons who might reasonably be expected to have an interest in the performance of the high voltage live line work; and

(b) approved by a person who—

(i) is an electrical engineer who has expertise as a professional engineer in the performance of high voltage live line work; or

(ii) has expertise the person in control of the electrical equipment the subject of the high voltage live line work decides is equivalent to the expertise mentioned in subparagraph (i).



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# Division 5 Testing of work

## 207 Testing of electrical equipment after electrical work

(1) This section applies if electrical work is performed on electrical equipment.

(2) A person who performs all or part of the electrical work, and is responsible for making the electrical equipment ready to connect to a source of electricity for use for its intended purpose, must ensure the electrical equipment is tested as required under subsections (6) and (7).

Maximum penalty—40 penalty units.

(3) If a training person performs the work mentioned in subsection (2) under the supervision of a licensed electrical worker, subsection (2) applies to the licensed electrical worker and not the training person as if the licensed electrical worker were performing the work.

(4) A licensed electrical contractor or electricity entity who performs the electrical work of connecting the electrical equipment to a source of electricity for use for its intended purpose must ensure the electrical equipment is tested as required under subsections (6) and (7).

Maximum penalty—40 penalty units.

(5) Subsection (4) does not require a distribution entity to ensure the testing of the electrical equipment if—

(a) the electrical work is, or is part of, electrical work performed on an electrical installation; and

(b) a licensed electrical contractor has given the distribution entity a notice under section 228 about the testing of the electrical work performed on the electrical installation.

(6) The testing of the electrical equipment must be directed at ensuring the electrical equipment, to the extent it is affected by the electrical work, is electrically safe.



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(7) If the electrical equipment is energised for testing, the person who performs the test must ensure persons not necessary for the testing are electrically safe.

## 208 Certificate of testing and safety

(1) This section applies if a licensed electrical contractor performs electrical work that must be tested under this division.

(2) The contractor must, as soon as practicable after testing the electrical work, ensure the person for whom the electrical work was performed is given a certificate complying with this section.

Maximum penalty—40 penalty units.

(3) The certificate must state the following—

(a) the name and address of the person for whom the work was performed;

(b) the electrical equipment tested;

(c) the day the electrical equipment was tested;

(d) the identifying number of the electrical contractor licence under which the electrical equipment was tested.

(4) The certificate must certify that the electrical equipment, to the extent it is affected by the electrical work, is electrically safe.

(5) A licensed electrical contractor must keep a copy of a certificate given under this section for at least 5 years after the certificate is given.

Maximum penalty—20 penalty units.



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## Division 6 Replacement of appliances

### 209 Circumstances for replacing similar appliance—Act, s 19

(1) For section 19(1)(b) of the Act, the following circumstances are prescribed—

(a) the similar appliance has—

(i) a voltage rating that is the same as the voltage rating of the appliance included in the electrical installation (the ***old appliance***); and

(ii) a current rating that is not greater than the current rating of the old appliance; and

(iii) a power rating that is not greater than the power rating of the old appliance; and

(iv) the same way of performing the function as the old appliance; and

(v) electrical characteristics that are the same as or better than the electrical characteristics of the old appliance;

*Examples of electrical characteristics—*

ingress protection rating, insulation, earthing, operating temperature

(b) the electrical installation is not located in a hazardous area.

(2) In this section—

***current rating***, for an appliance, means the current stated on the appliance as the current the appliance consumes when operating under normal circumstances.

***power rating***, for an appliance, means the power stated on the appliance as the power the appliance consumes when operating under normal circumstances.

***voltage rating***, for an appliance, means the voltage stated on the appliance as the voltage the appliance is designed to be supplied with to operate under normal conditions.



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## Division 7 Other requirements

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

If an item of electrical equipment has a serious defect, a licensed electrical worker must not connect the equipment to a source of electricity for use for its intended purpose.

Maximum penalty—40 penalty units.

### 211 Rescue and resuscitation training

(1) A person conducting a business or undertaking must ensure workers who are required to perform, or help in performing, electrical work are competent in rescue and resuscitation in accordance with recognised practices in the electricity industry.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply in relation to a worker if it is a condition of the worker's electrical work licence that the person must not act in a role for which it is a requirement that the worker be competent in rescue and resuscitation, including as a safety observer.

## Division 8 Documents about electrical work

### 212 Application of division

This division applies in relation to the performance of electrical work as part of the business or undertaking conducted by a licensed electrical contractor.



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### 213 Who may sign documents about electrical work

(1) A person must not sign a document required under the Act, or by an electricity entity, about the performance of the electrical work unless the person is—

(a) if the licensed electrical contractor is an individual—a qualified technical person for the individual; or

(b) if the licensed electrical contractor is a partnership—a qualified technical person for the partnership; or

(c) if the licensed electrical contractor is a corporation—a qualified technical person for the corporation.

Maximum penalty—20 penalty units.

(2) In this section—

***qualified technical person***, for an individual, partnership or corporation, see section 143.

## Division 9 Misrepresentations

### 214 Misrepresentations about electrical equipment or work

(1) A person must not, in trade or commerce, represent that someone who is not a licensed electrical worker may lawfully—

(a) connect to a source of electricity an item of electrical equipment that may only be connected to a source of electricity by a licensed electrical worker; or

(b) do electrical work that may be done only by a licensed electrical worker.

Maximum penalty—40 penalty units.

(2) A person conducting a business or undertaking must take all reasonable steps to ensure the person's workers do not contravene subsection (1).

Maximum penalty—40 penalty units.



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

(1) A person must not, in trade or commerce, represent that a person who is not a licensed electrical contractor may lawfully contract for the performance of electrical work that only a licensed electrical contractor may perform.

Maximum penalty—40 penalty units.

(2) A person conducting a business or undertaking must take all reasonable steps to ensure the person's workers do not contravene subsection (1).

Maximum penalty—40 penalty units.

# Part 9 Electricity supply

## Division 1 Preliminary

### 216 Purpose of part—Act, s 210

This part prescribes, for section 210(2)(f) of the Act, safety and technical requirements for electricity supply.

## Division 2 Connection to source of electricity

### 217 Electrical installation not to be initially connected without examination and testing

(1) A person must not connect an electrical installation to a source of electricity supplied by a distribution entity for the first time unless the distribution entity has—

(a) examined the consumer mains and the consumer main switchboard for the electrical installation and confirmed there are no serious defects; and

(b) carried out tests to ensure the consumer mains and the consumer main switchboard are electrically safe.



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Maximum penalty—40 penalty units.

(2) The distribution entity may charge a consumer for an examination or test performed under subsection (1) only if, at the consumer's request, the examination or test is performed outside normal working hours.

## 218 Electrical installation with serious defect not to be connected

(1) If an electrical installation has a serious defect, a person must not connect the installation to a source of electricity for use for its intended purpose.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a person if the person does not know, and could not reasonably be expected to know, before connecting the electrical installation to a source of electricity that the installation has a serious defect.

(3) Also, subsection (1) 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.

## 219 Electrical installation not to be connected if work not tested

(1) A person must not connect an electrical installation on which electrical work has been performed to a source of electricity unless—

(a) the electrical work has been performed by the holder of an electrical licence that authorises the performance of the work; and

(b) the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules.

Maximum penalty—40 penalty units.



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(2) Subsection (1) does not apply to the connection of the electrical installation to a source of electricity for the first time.

## 220 Reconnection of electrical installation

(1) A person must not reconnect an electrical installation to a source of electricity supplied by a distribution entity unless the person is authorised under subsection (2) or (3).

Maximum penalty—40 penalty units.

(2) A distribution entity may reconnect an electrical installation to a source of electricity if—

(a) the distribution entity first performs a visual inspection of the electrical installation and finds there are no serious defects; or

(b) the distribution entity does not first perform a visual inspection of the electrical installation, but all of the following circumstances apply—

(i) the electrical installation was disconnected by the distribution entity inadvertently or because of debt;

(ii) the electrical installation has been disconnected for less than 30 days;

(iii) the reconnection is for the purpose of supplying the same consumer.

(3) A licensed electrical contractor may reconnect an electrical installation to a source of electricity if the contractor has rectified a serious defect that has caused a distribution entity or inspector to leave the installation disconnected.

(4) A distribution entity must keep a record, for at least 5 years, of all electrical installations that have been disconnected from a source of electricity supplied by the distribution entity and that, in the absence of authorisation under subsection (2) or (3), must not be reconnected.

Maximum penalty—20 penalty units.



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(5) A distribution entity may charge a consumer for an inspection performed under subsection (2)(a) only if, at the consumer's request, the inspection is performed outside normal working hours.

(6) This section does not apply to a reconnection if the reconnection, and the disconnection preceding it, are performed in the ordinary course of electrical work.

## 221 High voltage or hazardous area electrical installation not to be connected without inspection

(1) This section applies in relation to—

(a) a high voltage electrical installation; and

(b) an electrical installation located in a hazardous area.

(2) A person must not connect or reconnect the electrical installation to a source of electricity after electrical installation work or electric line work (the ***electrical work***) has been performed on the electrical installation unless—

(a) both of the following circumstances apply—

(i) the electrical work has been inspected by an accredited auditor;

(ii) the accredited auditor has certified that the electrical installation, to the extent affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules; or

(b) for an electrical installation located in a hazardous area—

(i) the electrical work consists of replacing electrical equipment that is a part of the electrical installation with similar electrical equipment in the circumstances mentioned in section 222; and

(ii) the electrical equipment being replaced is not a switchboard, cable or wire.

Maximum penalty—40 penalty units.



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(3) A person must not, at a particular place, connect the electrical installation to a source of electricity for the first time at the place unless—

(a) the electrical installation has been inspected by an accredited auditor; and

(b) the accredited auditor has certified that the electrical installation has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules.

Maximum penalty—40 penalty units.

(4) This section applies in addition to the other provisions in this division about the connection or reconnection of the electrical installation to a source of electricity.

## 222 Circumstances for replacing electrical equipment with similar electrical equipment

(1) For section 221(2)(b)(i), the circumstances are—

(a) if the electrical equipment being replaced consumes electricity—the replacement equipment—

(i) has the same voltage rating as the equipment being replaced; and

(ii) has a current rating that is not greater than the current rating of the equipment being replaced; and

(iii) has a power rating that is not greater than the power rating of the equipment being replaced; and

(iv) performs its function in the same way as the equipment being replaced; and

(v) has electrical characteristics that are the same as or better than the electrical characteristics of the equipment being replaced, including when the equipment is operating in circumstances other than normal circumstances; and



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*Examples of electrical characteristics—*

ingress protection rating, insulation, earthing, operating temperature

(vi) is designed to operate at the same frequency range as the equipment being replaced; or

(b) if the electrical equipment being replaced is used for controlling electricity—the replacement electrical equipment—

(i) has the same voltage rating as the equipment being replaced; and

(ii) has the same current rating as the equipment being replaced; and

(iii) performs its function in the same way as the equipment being replaced; and

(iv) has electrical characteristics that are the same as or better than the electrical characteristics of the equipment being replaced, including when the equipment is operating in circumstances other than normal circumstances; and

*Examples of electrical characteristics—*

ingress protection rating, insulation, earthing, operating temperature, breaking current rating

(v) is designed to operate at the same frequency range as the equipment being replaced.

(2) In this section—

***current rating***, for electrical equipment, means the current stated on the equipment as the current the equipment consumes or controls when operating in normal circumstances.

***frequency range***, for electrical equipment, means the frequency or range of frequencies stated on the equipment as the frequency or range of frequencies the equipment is designed to safely operate at in normal circumstances.



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***power rating***, for electrical equipment, means the power stated on the equipment as the power the equipment consumes when operating in normal circumstances.

***voltage rating***, for electrical equipment, means—

(a) if the electrical equipment consumes electricity—the maximum voltage the electrical equipment is designed to be supplied with to operate in normal circumstances; or

(b) if the electrical equipment is used for controlling electricity—the voltage the electrical equipment can safely control in normal circumstances.

## 223 Compliance with Act and regulation

(1) This section applies in relation to an electrical installation on which electrical work has been performed.

(2) A licensed electrical contractor must not connect the electrical installation to a source of electricity unless the contractor is satisfied the Act and this regulation have been complied with in relation to the electrical installation to the extent it is affected by the electrical work.

Maximum penalty—40 penalty units.

## 224 Disconnection and reconnection of low voltage electrical installation

(1) This section applies to an eligible person who—

(a) performs electrical installation work on a consumer's consumer terminals, consumer mains or consumer main switchboard; or

(b) isolates electricity supply to an electrical installation to eliminate an exclusion zone that would otherwise exist.

(2) Despite anything else in this division, the eligible person may, in accordance with a recognised practice in the electricity industry, de-energise and re-energise the consumer's electrical installation by—



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(a) removing and replacing a fuse wedge from a service fuse; or

(b) switching off and on a circuit breaker installed as a service line disconnector.

(3) If subsection (1)(a) applies, the eligible person must, before reconnecting the electrical installation to a source of electricity, test to ensure the installation is electrically safe.

Maximum penalty—40 penalty units.

(4) If subsection (1)(b) applies, the eligible person must, before reconnecting the electrical installation to a source of electricity—

(a) if the eligible person, or another person acting for the eligible person, has performed electrical work on the installation—test to ensure the installation is safe to reconnect to the source; or

(b) otherwise—perform a visual inspection of the part of the installation that is in the area of the eliminated exclusion zone to ensure the installation has no serious defects.

Maximum penalty—40 penalty units.

(5) In this section—

***eligible person*** means—

(a) a licensed electrical contractor; or

(b) a person who holds an electrical mechanic licence and is performing work for a licensed electrical contractor as an employee of the contractor; or

(c) a person who holds an electrical mechanic licence and is performing work for the person or a relative of the person at premises owned or occupied by the person or relative.



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## Division 3 Private generating plant

### 225 Definition for division

In this division—

***private generating plant*** means equipment used for generating electricity, other than equipment used by an electricity entity under an authority or special approval under the Electricity Act.

### 226 Generating plant for emergency supply

(1) This section applies to a person if private generating plant is—

(a) installed at the person's premises as part of the person's electrical installation; and

(b) intended to provide a supply of electricity (***emergency supply***) to the person's electrical installation, or to the person's electrical installation and the electrical installation of another person, during an interruption of the supply of electricity from a distribution entity.

(2) The person must ensure that, when the private generating plant is operating to provide emergency supply, there is effective isolation between—

(a) all active conductors of each electrical installation to which the private generating plant is connected; and

(b) any part of an electrical installation mentioned in paragraph (a) still connected to the supply from the distribution entity.

Maximum penalty—40 penalty units.

(3) The person must ensure the installation of the private generating plant complies with the requirements of the wiring rules.

Maximum penalty—40 penalty units.



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

(1) This section applies to a person if—

(a) private generating plant is installed at the person's premises as part of the person's electrical installation; and

(b) the private generating plant is intended to interconnect with the works of an electricity entity.

(2) The person must comply with the electricity entity's conditions for ensuring safe and stable parallel operation of the private generating plant with the works of the electricity entity.

Maximum penalty—40 penalty units.

## Division 4 Testing

### 228 Notice of test by licensed electrical contractor

(1) This section applies if, under this part—

(a) a licensed electrical contractor is required to test electrical work performed on an electrical installation; and

(b) the electrical installation is required to be examined or tested by the distribution entity that supplies or is to supply electricity to the electrical installation.

(2) The licensed electrical contractor must, as soon as practicable after carrying out the test, give the distribution entity a notice complying with subsection (3).

Maximum penalty—40 penalty units.

(3) The notice must state that—

(a) the tests required to be carried out by the licensed electrical contractor will be carried out in the way required under this part; and



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(b) the electrical installation will be electrically safe by the date stated in the notice; and

(c) the electrical installation will be ready for connection by the date stated in the notice.

## 229 Certificate of testing and compliance

(1) This section applies to a licensed electrical contractor who connects an electrical installation on which electrical work has been performed to a source of electricity.

(2) The licensed electrical contractor must, as soon as practicable after the connection, give the person for whom the work was performed a certificate, complying with subsections (3) and (4), about the testing of the electrical installation required under this part.

Maximum penalty—40 penalty units.

(3) The certificate must state the following—

(a) the name and address of the person for whom the work was performed;

(b) the electrical installation tested;

(c) the day the electrical installation was tested;

(d) the identifying number of the electrical contractor licence under which the electrical installation was tested.

(4) The certificate must certify that the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules.

(5) A licensed electrical contractor must keep a copy of a certificate given under this section for at least 5 years after the certificate is given.

Maximum penalty—20 penalty units.



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## 230 Performance of examination or test

A distribution entity that carries out an examination or test required under this part in relation to an electrical installation must examine or test to ensure the electrical installation, to the extent of the required examination or test, is electrically safe.

Maximum penalty—40 penalty units.

## 231 Reasons to be given for not connecting electrical installation after examination, inspection or test

(1) This section applies to a distribution entity if, after performing an examination, inspection or test, a distribution entity does not connect or reconnect a consumer's electrical installation on which electrical work has been performed to a source of electricity.

(2) The distribution entity must, as soon as practicable after completing the examination, inspection or test, give the consumer a written report stating the reasons for not connecting or reconnecting the installation.

Maximum penalty—40 penalty units.

## 232 Keeping copy of report

(1) This section applies if a person (the ***worker***) performs an examination, inspection or test, under this part.

(2) A person conducting a business or undertaking who employs the worker must keep a copy of the report of the examination, inspection or test for at least 5 years after the report is made.

Maximum penalty—20 penalty units.



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## Division 5 Requests and advice to distribution entities

### 233 Request for examination of electrical work

(1) This section applies if, under this part, electrical work must be examined or tested by a distribution entity before an electrical installation is connected or reconnected to a source of electricity.

(2) The person who performed the electrical work must, as soon as practicable after the completion of the electrical work, ask the distribution entity that supplies or is to supply electricity to the electrical installation, in a way approved by the distribution entity, for the work to be examined or tested.

Maximum penalty—40 penalty units.

(3) In making the request, the person must certify that—

(a) the electrical work has been completed; and

(b) the electrical installation complies with the requirements of this regulation.

### 234 Advice of need to install or change meter or other equipment

(1) This section applies 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.

(2) The person who performed the electrical work must, as soon as practicable after the completion of the electrical work, tell the distribution entity, in a way approved by the distribution entity, of the need for the installation or change.

Maximum penalty—40 penalty units.

(3) In giving the advice, the person must certify that the electrical work has been completed.



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# Part 10 Safety management systems

## Division 1 Prescribed electricity entities

### 235 Prescribed electricity entities—Act, s 66

For section 66 of the Act, definition *prescribed electricity entity*, an electricity entity named in schedule 5 is declared to be a prescribed electricity entity for part 5 of the Act.

## Division 2 Requirements for safety management systems

### 236 Application of division—Act, s 66, definition *safety management system*

For section 66 of the Act, definition *safety management system*, paragraph (e), this division prescribes requirements for safety management systems.

### 237 Definition for division

In this division—

***modify***, a safety management system, includes any change to the safety management system after the system is given to the regulator.

### 238 Content requirements

(1) A prescribed electricity entity's safety management system must use a systematic approach to identify and address the hazards and risks associated with the design, construction, operation and maintenance of the prescribed electricity entity's works.

(2) The safety management system must contain—



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(a) details of the systems and procedures for—

(i) comprehensively identifying hazards and assessing risks; and

(ii) developing and implementing effective risk controls; and

(iii) setting safety performance targets; and

(iv) ensuring safety performance targets are met by—

(A) monitoring safety outcomes against safety performance targets; and

(B) identifying and implementing corrective actions, if necessary; and

(v) monitoring and maintaining the performance of the system; and

(b) an explanation of how the systems and procedures mentioned in paragraph (a)(i) to (v) provide for a systematic approach to safety management.

(3) Also, the safety management system must provide for—

(a) modifying the system, if required by the regulator; and

(b) undertaking additional assessment by an accredited auditor, if required by the regulator; and

(c) any auditing of the safety management system under this division to be carried out at the prescribed electricity entity's expense.

## 239 Initial and modification audit requirements

(1) A prescribed electricity entity's safety management system must provide that, if the entity proposes to give effect to a new system or to modify the system, the proposed system must be assessed and validated by an accredited auditor before it takes effect.

(2) The safety management system must also provide that the assessment and validation is to ensure the proposed system comprehensively identifies and addresses the hazards and



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risks associated with the design, construction, operation and maintenance of the prescribed electricity entity's works.

(3) The safety management system must also provide that the prescribed electricity entity must give the regulator the following documents before the proposed system takes effect—

(a) the proposed system, as assessed and validated by the auditor;

(b) the auditor's audit report;

(c) a certificate in the approved form from the auditor verifying that the proposed system has been assessed and validated as meeting the requirement stated in subsection (2).

(4) In this section—

***audit report***, for an assessment and validation of a safety management system, means a report by an accredited auditor about whether the system meets the requirement stated in subsection (2).

***proposed modification***, of a prescribed electricity entity's safety management system, means a modification of the system the entity proposes to make, including a modification required by the regulator.

***proposed system*** means a proposed safety management system, including any proposed modification, that a prescribed electricity entity proposes to make and give effect to for the purpose of section 67 of the Act.

## 240 Annual audit requirements

(1) A prescribed electricity entity's safety management system must provide that an accredited auditor must carry out an audit under this section at least once each year (an ***annual audit***).

(2) The safety management system must provide that the purpose of the annual audit is for the auditor to assess and report on the



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entity's level of compliance in giving effect to the system in relation to—

(a) particular hazards or risks; or

(b) particular systems or procedures; or

(c) any other matter detailed in the system.

(3) The safety management system must provide that the prescribed electricity entity must give a copy of the audit plan to the regulator on or before the later of the following days—

(a) the day that is 30 days before the annual audit starts;

(b) the day agreed between the prescribed electricity entity and the regulator.

(4) The safety management system must provide that, as soon as possible after the annual audit is completed, the prescribed electricity entity must give the regulator—

(a) the auditor's audit report; and

(b) a certificate from the auditor stating the audit has been completed in accordance with this section.

(5) In this section—

***audit plan***, for an annual audit of a safety management system, means a plan that details the scope, objectives, criteria and methodology for the audit.

***audit report***, for an annual audit of a safety management system, means a report by the auditor detailing the findings of the audit by reference to the audit plan.

# Part 11 Accredited auditors

## 241 Application for appointment—Act, s 129

(1) For section 129(2)(a) of the Act, an application for appointment as an accredited auditor must be—

(a) made in the approved form; and



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(b) accompanied by the fee stated in schedule 9 for the application; and

(c) supported by enough information to allow the regulator to decide the application.

(2) For section 129(2)(a) of the Act, an application for renewal of a person's appointment as an accredited auditor must be—

(a) made in the approved form; and

(b) accompanied by the fee stated in schedule 9 for the application; and

(c) supported by enough information to allow the regulator to decide the application; and

(d) received by the regulator at least 14 days before the appointment ends.

## 242 Term of office—Act, s 130

For section 130(1)(c) of the Act, a condition on which a person holds office as an accredited auditor is that the person's term of office is—

(a) 5 years; or

(b) if the person's instrument of appointment states a shorter period—the stated period.

## 243 Refund of fees

(1) This section applies if an application made under section 241 is refused by the regulator or is withdrawn before it is decided.

(2) The amount stated in schedule 9 as the administration component of the fee paid for the application must be refunded.



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# Part 12 Works of an electricity entity

## Division 1 Preliminary

### 244 Compliance with this part

(1) This section applies to a person who carries out any of the following work in relation to the works of an electricity entity—

(a) designing the works;

(b) building the works;

(c) maintaining or operating the works.

(2) The person must ensure that, in carrying out the work mentioned in subsection (1), the person complies with the requirements of this part that are relevant to the work.

Maximum penalty—40 penalty units.

## Division 2 Earthing and protection

### 245 Systems of earthing

(1) The works of an electricity entity must incorporate an earthing and protection system, in accordance with relevant industry standards and practices, capable of ensuring the following—

(a) reliable passage of fault current;

(b) reliable passage of single wire earth return load currents to ground or source;

(c) reliable operation of circuit protection devices;

(d) safe step, touch and transfer potentials for all electrical equipment;

(e) appropriate coordination with the earthing and protection systems of other electricity entities;



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(f) protection against likely mechanical damage, inadvertent interference and chemical deterioration;

(g) mechanical stability and integrity of connections.

(2) Without limiting subsection (1), the following specific requirements apply for the works of an electricity entity—

(a) to stop, so far as is reasonably practicable, a person suffering electric shock—

(i) if the multiple earthed neutral system of earthing is used—the neutral conductor of the system must be effectively earthed; and

(ii) each non-current carrying exposed conductive part of an electric line or generating plant must be effectively earthed;

(b) each non-current carrying exposed conductive part of a substation must be effectively earthed;

(c) a system of earthing must be tested as soon as practicable after its installation to prove its effectiveness;

(d) a high voltage electric line must be protected by a suitable fuse, circuit breaker or equivalent device.

(3) Earthing is not required under subsection (2)(a)(ii) or (b) if the electricity entity, in accordance with recognised practice in the electricity industry, considers for safety reasons that earthing is not appropriate in the circumstances.

## 246 Connection of high voltage circuit to earth

(1) Each distinct high voltage system included in the works of an electricity entity must be connected to earth by direct connection or through a resistance or a reactance.

(2) All reasonable precautions must be taken to ensure that, for all circumstances in which the system is to operate, fuses or circuit breakers in the system will operate during fault conditions.



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## 247 Performance and other requirements for works

The following requirements apply for the works of an electricity entity—

(a) the works must be able to perform under the service conditions and the physical environment in which the works operate;

(b) the works must have enough thermal capacity to pass the electrical load for which the works are designed, without reduction of electrical or mechanical properties to a level below that at which safe operational performance can be provided;

(c) to the greatest practicable extent, the works must have enough capacity to pass short circuit currents to allow protective devices to operate correctly;

(d) the works must have enough mechanical strength to withstand anticipated mechanical stresses caused by environmental, construction or service conditions;

(e) the works must be—

(i) designed and constructed to restrict unauthorised access by a person to live exposed parts; and

(ii) operated in a way that restricts unauthorised access by a person to live exposed parts;

(f) records about the design, construction, operation and maintenance, and testing and inspection of the works that are necessary for the electrical safety of the works must be kept in an accessible form;

(g) parts of the works whose identity or purpose is not obvious must be clearly identified by labels, and the labels must be updated as soon as possible after any change is made to the works;

(h) electrical equipment intended to form part of the works must undergo commissioning tests and inspection to verify the electrical equipment is suitable for service and can be operated safely when initially installed or altered.



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### 248 Insulation of stay wire

If a stay wire attached to a pole or structure supporting an overhead electric line forming part of the works of an electricity entity does not form part of an earthing system, the wire must be insulated to prevent, so far as is reasonably practicable, any person suffering an electric shock.

### 249 Protection of earth conductors

To prevent, so far as is reasonably practicable, any person suffering an electric shock, earthing conductors installed on the outside of a pole or structure supporting an overhead electric line forming part of the works of an electricity entity must be, from ground level to a height of at least 2.4m—

(a) insulated or suitably covered by a non-conductive material; and

(b) protected from mechanical damage.

## Division 3 Substations

### 250 Substation requirements

The following requirements apply for a substation forming part of the works of an electricity entity—

(a) there must be safe access to, and exit from, the substation;

(b) a building or enclosure forming part of the substation must be secure, and all reasonable care must be taken to stop unauthorised access to the building or enclosure;

(c) electrical equipment forming part of the substation must meet relevant standards for electrical safety of persons and property;

(d) the substation must have appropriate signs, labels, warning notices and barriers.



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# Division 4 Electric lines and control cables

## 251 Application of division

This division does not apply to electric lines and control cables that are part of a substation that is part of the works of an electricity entity.

## 252 Measurement of vertical and horizontal distances

For this division—

(a) the vertical distance of a conductor from the ground is the length of a vertical line between the conductor and the ground; and

(b) the vertical distance of a conductor from a structure that is immediately below the conductor is the length of a vertical line between the conductor and the point on the structure immediately below the conductor; and

(c) the vertical distance of a conductor from a structure that is not immediately below the conductor is the length of a vertical line between the conductor and the horizontal projection of the nearest point on the structure to the conductor; and

(d) the horizontal distance of a conductor from a structure is the length of a horizontal line from the conductor to the nearest point on the structure; and

(e) the horizontal distance of a conductor from a verandah, balcony, road cutting, embankment or other similar thing is the length of a horizontal line from the conductor to the vertical projection of the nearest point on the verandah, balcony, road cutting, embankment or other similar thing; and

(f) the horizontal distance of a conductor from a structure that is not immediately below the conductor is the length of a horizontal line from the conductor to the vertical projection of the nearest point on the structure.



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## 253 Electric line and control cable requirements

(1) Each of the following requirements apply for electric lines and control cables forming part of the works of an electricity entity—

(a) the lines and cables must be designed and constructed to ensure—

(i) compliance with applicable safety clearance requirements under sections 254 to 257, and 259, for clearance to the ground, buildings and other structures, and to other conductors; and

(ii) the clearances are appropriate having regard to environmental, construction and service conditions;

(b) underground cables are installed in a way that takes account of local environmental and service conditions, the location of other public utility provider services and the risk of damage from excavation;

(c) if an underground cable is located above the surface of the ground at a particular place and is accessible to the public, it must be mechanically protected from the point at which it leaves the ground up to a height of 2.4m above any surface near the place on which a person is able to stand;

(d) a low voltage overhead service must be an insulated cable or a neutral screened cable.

(2) In this section—

***insulated cable*** means an insulated aerial cable complying with—

(a) AS/NZS 5000.1 (Electric cables—Polymeric insulated—For working voltages up to and including 0.6/1 (1.2) kV); or

(b) AS/NZS 3560.1 (Electric cables—Cross-linked polyethylene insulated—Aerial bundled—For working voltages up to and including 0.6/1(1.2) kV).



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

Exposed conductors in the same circuit of an overhead electric line forming part of the works of an electricity entity must be separated so that, so far as is reasonably practicable, a conductor does not come in contact with or come within arcing distance of—

(a) another conductor; or

(b) an earthed exposed conductive part; or

(c) a stay wire attached to a pole or structure supporting an overhead electric line.

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

(1) This section applies if the overhead circuits of electric lines forming part of the works of 1 or more electricity entities include different overhead circuits of electric lines that are adjacent, or that cross, and that are on 1 structure.

(2) The circuits must be placed as follows—

(a) 2 or more low voltage circuits must be placed 1 above the other or side by side;

(b) 2 or more high voltage circuits must be placed 1 above the other or side by side;

(c) low voltage circuits must be placed below high voltage circuits;

(d) if 2 or more high voltage circuits are placed 1 above the other, any lower voltage circuit must be placed below any higher voltage circuit.

(3) Subsection (2)(c) does not apply to conductors erected on a pole transformer substation.

(4) Subsection (2)(d) does not apply if an electricity entity considers that—

(a) exceptional circumstances apply; and



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(b) failure to comply with the requirement would not create an unsafe or hazardous situation.

## 256 Clearance of overhead electric lines from ground

(1) An electricity entity must ensure the distance from the conductors of its overhead electric lines to the ground is the distance required under—

(a) for an overhead electric line, including a high voltage overhead service line—schedule 6, parts 2 and 4; and

(b) for a low voltage overhead service line—schedule 7, part 2.

(2) Subsection (1) does not apply to electric cables known as aerial bundled cables installed with a clearance from the ground decided by the electricity entity to be a safe clearance considering the nature of the cables and their location.

## 257 Clearance of overhead electric lines from structures

(1) An electricity entity must ensure the distance from the conductors of its overhead electric lines to a structure is as required under—

(a) for an overhead electric line, including a high voltage overhead service line—schedule 6, parts 3 and 5; and

(b) for a low voltage overhead service line—schedule 7, part 3.

(2) Subsection (1) does not apply to electric cables known as aerial bundled cables installed with a clearance from a structure decided by the electricity entity to be a safe clearance considering the nature of the cables and their location.

## 258 Building or adding to structure near electric line

(1) This section applies if—

(a) a person proposes to perform work; and



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(b) the proposed work is either or both of the following—

(i) the construction of a building or other structure or of a change to a building or other structure;

(ii) other work in relation to a building or other structure; and

(c) the proposed work is likely to involve the building or other structure—

(i) coming within the clearance requirements under this division for an overhead electric line; or

(ii) affecting the electrical safety of an underground electric line.

(2) The person must, before the work starts, give the electricity entity whose works include the electric line written notice in a form approved by the electricity entity.

Maximum penalty—40 penalty units.

(3) On receiving the notice, the electricity entity must—

(a) take the action necessary to protect its works while the work is being performed and to ensure the requirements of section 14 will be complied with while the work is being performed; and

(b) relocate or change the electric line so that after the work is completed—

(i) the requirements of this regulation for clearances will be complied with; and

(ii) the electric line will be accessible to the electricity entity's employees for the line's operation and maintenance.

(4) Unless otherwise agreed between the electricity entity and the person—

(a) the person must pay the costs reasonably incurred by the electricity entity under subsection (3); and

(b) the costs are a debt payable by the person to the electricity entity.



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

An electricity entity's overhead stay wire or overhead control cable crossing the carriageway of a road must have clearance from the ground of at least—

(a) 5.5m at the centre line of the carriageway; and

(b) 4.9m at the kerb line of the road.

### 260 Connection to consumer's premises

An electricity entity, in supplying electricity to a consumer, must decide the position of its fuses, circuit breakers, disconnection links and other apparatus in accordance with recognised practice in the electricity industry.

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

### 261 Termination of low voltage overhead service line

(1) An electricity entity must ensure a low voltage overhead service line is—

(a) secured to a consumer's premises, including poles on the premises; and

(b) insulated continuously; and

(c) not readily accessible to persons.

(2) An electricity entity must ensure a metallic pin, eye bolt or other similar fixture installed by or for the electricity entity on a consumer's premises to support an active conductor of a low voltage overhead service line is effectively earthed.

(3) The earthing must be by direct connection to the neutral conductor of the service line, at the point of support, by a conductor having an appropriate cross-sectional area.

(4) Earthing under subsections (2) and (3) is not required if—



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(a) the low voltage overhead service line is a neutral screened cable and the service fuse is mounted on the electricity entity's pole; or

(b) no part of the metallic pin, eye bolt or other similar fixture, or of a metal bracket or riser supporting it, is within 25mm of other metal work on a building, pole or other structure.

## Division 6 Service lines generally

### 262 Fuses and disconnectors for service line

(1) An electricity entity must provide a fuse or circuit breaker for each active conductor of a low voltage service line that provides fault current protection for a consumer's electrical installation unless—

(a) electricity to the consumer's electrical installation is supplied direct from a transformer; and

(b) the electricity entity is satisfied the fuse or circuit breaker of the transformer provides enough protection for the consumer's electrical installation; and

(c) the electricity entity uses the fuse or circuit breaker of the transformer instead of a fuse or circuit breaker in the low voltage service line.

(2) However, if under subsection (1) the electricity entity uses the fuse or circuit breaker of the transformer instead of a fuse or circuit breaker in the low voltage service line, the electricity entity must install isolating links in the electric line supplying the consumer's electrical installation if another consumer's electrical installation is also supplied from the transformer.

(3) Also, if the electricity entity is not satisfied the fuse or circuit breaker of the transformer provides enough protection for the consumer's electrical installation, the electricity entity must provide suitable protection on the low voltage side of the transformer.



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(4) Subsection (3) does not apply if the electricity entity is satisfied that suitable protection is provided in the consumer's electrical installation.

### 263 Disused service line to be disconnected

An electricity entity must ensure a service line for a consumer's premises is disconnected and sufficiently isolated from any electric line forming part of its works if—

(a) the supply of electricity to the consumer's premises has been disconnected; and

(b) the electricity entity has removed any of its meters, control apparatus or other electrical equipment from the premises.

## Division 7 Maintenance of works

### 264 Inspection and maintenance of integrity of insulation

(1) An electricity entity must ensure the integrity of the insulation of the relevant part of the electricity entity's works is inspected and maintained.

(2) An electricity entity must ensure the integrity of insulation for the clamp or other apparatus at the point where consumer mains are connected to the electricity entity's service line is inspected and maintained.

(3) Inspection and maintenance under subsection (1) or (2) must be performed at periodic reasonable intervals.

(4) In this section—

***reasonable interval***, for the inspection and maintenance of insulation, means an interval, based on historic performance and the degree of electrical risk, that is reasonable in the circumstances.

***relevant part***, of an electricity entity's works, means the part of an electric line forming part of the works that—



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(a) is adjacent to a roof or structure; and

(b) is in a position where it is likely that a person could come into contact with the line.

*Examples of a person who is likely to come into contact with the line—*

a painter, a plumber

### 265 Trimming of trees near overhead electric line

An electricity entity must ensure trees and other vegetation are trimmed, and other measures are taken, to prevent contact with an overhead electric line forming part of the electricity entity's works that is likely to cause injury from electric shock to any person or damage to property.

# Part 13 Cathodic protection systems

## Division 1 Preliminary

### 266 Definitions for part

In this part—

***anode***, in relation to a cathodic protection system, means a part of the system that is an electrical conductor placed in contact with ground or water.

***cathodically protected structure*** means a structure protected by a cathodic protection system.

***cathodic protection standard*** means the following standards that are part of the series AS 2832 (Cathodic protection of metals)—

(a) AS 2832.1 (Part 1—Pipes and cables);

(b) AS 2832.2 (Part 2—Compact buried structures);

(c) AS 2832.3 (Part 3—Fixed immersed structures);



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(d) AS 2832.4 (Part 4—Internal surfaces);

(e) AS 2832.5 (Part 5—Steel in concrete structures).

***foreign structure***, for a cathodic protection system, means a structure that is buried or submerged and that may be subject to interference arising from the system.

***foreign structure owner***, for a cathodic protection system, means a person who owns a foreign structure for the system.

***impressed current cathodic protection system*** means a cathodic protection system in which the current flowing between the cathodically protected structure and the anode is supplied by an external source.

***maximum operating current***, for a cathodic protection system, means the maximum value of the fixed, manually variable or automatically variable current at which the system operates, other than during short-term testing of the system.

***registered system*** means a registrable system registered under this part.

***registrable system*** means an impressed current cathodic protection system the converter of which is capable of delivering a current greater than 0.25A.

***short-term testing***, of a cathodic protection system, means testing for less than a total of 30 minutes in any 7 consecutive days.

## 267 Electrical values

In this part, electrical values are the values as they apply for direct current.

*Examples—*

- 500mV means 500mV d.c.
- 50V means 50V d.c.



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### 268 Exclusion from application

Unless otherwise stated in this part, this part does not apply to a cathodic protection system installed on—

(a) a floating mobile structure; or

(b) fishing equipment; or

(c) a fixed offshore structure not connected with land above sea level; or

(d) an internal surface of an apparatus, structure or item of equipment to which the cathodic protection standard AS 2832.4 (Part 4—Internal surfaces) applies.

## Division 2 Installation and design

### 269 Installation of system only if preliminary steps taken

(1) A person must not start to install a cathodic protection system unless the person has complied with subsection (2).

Maximum penalty—40 penalty units.

(2) At least 60 days before starting installation, the person must—

(a) advise all relevant persons for the proposed cathodic protection system of the proposal to install the system; and

(b) allow the relevant persons to examine the proposal.

(3) In this section—

***relevant person***, for a proposed cathodic protection system, means a person who will, if the system is installed, become a foreign structure owner for the system.

### 270 Correct design and installation of system

A person who owns a cathodic protection system must ensure the system is designed and installed in accordance with the requirements of the cathodic protection standard.



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Maximum penalty—40 penalty units.

## Division 3 Operating requirements

### 271 Requirements for operation of system

(1) The owner of a cathodic protection system must not operate the system unless—

(a) the system has been tested in accordance with the testing requirements of this part; and

(b) each foreign structure owner for the system has stated either that interference mitigation is satisfactory or is not required; and

(c) the system is operated in accordance with the requirements of the cathodic protection standard; and

(d) if the system is a registrable system—the system is a registered system and is operated in accordance with the requirements of the conditions of its registration.

Maximum penalty—40 penalty units.

(2) Despite subsection (1)(b), (c) and (d), a person may operate a cathodic protection system for a reasonable period to perform tests in accordance with the testing requirements of this part.

## Division 4 Testing requirements

### 272 Tests before registration or operation of system

(1) The owner of a cathodic protection system that is a registrable system must perform tests in accordance with this section within 90 days, or a longer period the regulator allows, before applying for registration of the system.

Maximum penalty—40 penalty units.

(2) The owner of a cathodic protection system that is not a registrable system must perform tests in accordance with this



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section within 90 days before starting to operate the system, other than for the tests.

Maximum penalty—40 penalty units.

(3) The tests are—

(a) interference tests on all foreign structures for the system; and

(b) if the system has an anode immersed in water or a marine environment—tests to ensure the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment are not more than 3V when the system is energised.

(4) The tests must be based on the maximum value of the current at which the cathodic protection system will operate at all times, other than during short-term testing of the system in which currents of greater values are permitted.

(5) The owner of the cathodic protection system must make all the arrangements for the tests, provide all the facilities and equipment for the tests and bear all the costs associated with the tests.

(6) Without limiting subsection (5), for the performance of an interference test mentioned in subsection (3)(a), the owner of the cathodic protection system must—

(a) arrange with all foreign structure owners a mutually acceptable time for performing the test; and

(b) allow the foreign structure owners to observe the performance of the test.

## 273 Further tests for registered system

(1) This section applies to a cathodic protection system that is a registered system.

(2) The owner of the registered system must perform interference tests on all foreign structures for the system—



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(a) when an anode forming part of the system is replaced; and

(b) if required by the regulator—when the system, or its method of operation, is changed.

Maximum penalty—40 penalty units.

(3) Subsection (4) applies if—

(a) an anode forming part of the registered system is immersed in water or a marine environment; and

(b) the anode is redesigned, causing it to be relocated or to become subject to variation in anode current distribution.

(4) The owner of the registered system must, as soon as practicable after the anode is redesigned, retest the system to ensure the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment is not more than 3V when the system is energised.

Maximum penalty—40 penalty units.

(5) If, when interference tests are being performed, there is a foreign structure for the registered system for which interference tests have not previously been performed, the owner of the system must—

(a) arrange with the foreign structure owner a mutually acceptable time for performing the tests; and

(b) allow the foreign structure owner to observe the performance of the tests.

Maximum penalty—40 penalty units.

## 274 Further tests for particular systems

(1) The owner of a relevant system must perform interference tests on all foreign structures for the system—

(a) when an anode forming part of the system is replaced; and

(b) when the system or its method of operation is changed.



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Maximum penalty—40 penalty units.

(2) In this section—

***relevant system*** means—

(a) a cathodic protection system, other than a registered system, that is an impressed current cathodic protection system; or

(b) a cathodic protection system with a total anode mass of more than 25kg.

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

If required by the regulator, the owner of a cathodic protection system must perform interference tests on a foreign structure for the system not previously tested by the owner.

Maximum penalty—40 penalty units.

## 276 Record keeping for particular systems

(1) The owner of a cathodic protection system must keep records of tests carried out under this division for 10 years if the system—

(a) is an impressed current cathodic protection system; or

(b) has a total anode mass of more than 25kg.

Maximum penalty—20 penalty units.

(2) If asked by the regulator, the owner of the cathodic protection system must give the regulator copies of the records within 14 days after the request.

Maximum penalty—20 penalty units.

## 277 Testing by regulator

(1) The regulator may arrange for the testing the regulator considers necessary to decide whether a cathodic protection system complies with the requirements of this part.



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(2) If required by the regulator, the owner of the cathodic protection system must provide access to the system, and provide all facilities and equipment for the testing of the system.

Maximum penalty—40 penalty units.

(3) If, on testing, the cathodic protection system is found not to comply with the requirements of this part, the costs incurred by the regulator in conducting the test, including the indirect and overhead costs incurred by the regulator, are a debt payable by the owner of the system to the State.

## Division 5 System requirements

### 278 Electrical limits

(1) The owner of a cathodic protection system must ensure the system complies with the requirements of this section for the system.

Maximum penalty—40 penalty units.

(2) The maximum open circuit voltage of a cathodic protection system may be more than 50V only if the owner has the written agreement of the regulator.

(3) If an anode for a cathodic protection system is immersed in water or a marine environment, the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment must not be more than 3V when the system is energised.

(4) In a surface area of 1,000m$^2$ measured radially about an electrode or the centre of a group of electrodes discharging current to ground as part of a cathodic protection system on land or in non-saline water, the total current of 1 polarity must not be more than 100A.

(5) In an area of surface water of 2,000m$^2$ bounded by a 100m length of the mean low water level contour and a line displaced 20m in a direction away from land from the contour,



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the total current of 1 polarity discharged to water or substrata by all electrodes in the area for a cathodic protection system must not be more than 500A.

## 279 Maximum potential change

(1) The owner of a cathodic protection system must ensure the system complies with the requirements of this section.

Maximum penalty—40 penalty units.

(2) This section states requirements for a cathodic protection system in relation to a foreign structure for the system.

(3) The potential change, foreign structure to ground, must not be more than any of the following—

(a) at a point 100m radially from an anode, if there is no metallic link between the cathodically protected structure and the foreign structure—150mV in a negative going direction;

(b) at a point where buried or submerged parts of the foreign structure are in ground or water generally of 1 ohm metre or higher resistivity—10mV in a positive going direction;

(c) at a point where buried or submerged parts of the foreign structure are in ground or water generally below 1 ohm metre resistivity—0mV;

(d) for a foreign structure that is not connected electrically to the cathodically protected structure—

(i) 500mV in a negative going direction; or

(ii) with the foreign structure owner's written agreement—1V in a negative going direction.

(4) However, for short-term testing of the cathodic protection system, 5 times the potential change stated in subsection (3)(a) or (b) and twice the potential change stated in subsection (3)(d) is permitted.



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(5) The potential change stated in subsection (3)(b) or (c) may be changed with the foreign structure owner's written agreement after an assessment of the effect of any existing cathodic protection or interference mitigation measures on the foreign structure.

### 280 Identification of anode groundbed

If a registrable system is installed on land or premises not owned by the owner of the system, the owner of the system must identify the location of each anode groundbed of the system by erecting as close as practicable to the anode groundbed a clearly visible, durable sign suitably and indelibly inscribed with the location of the anode groundbed and the name of the owner of the system.

Maximum penalty—20 penalty units.

## Division 6 Registration of registrable systems

### 281 Register of systems

(1) The regulator must keep a register of registered systems.

(2) The register may be kept in the form, whether or not a documentary form, the regulator considers appropriate.

### 282 Application for registration

(1) An application for registration of a cathodic protection system that is a registrable system must—

(a) be made in the approved form; and

(b) be accompanied by the fee stated in schedule 9 for the application; and

(c) if required by the regulator, be accompanied by—

(i) details of the geographical location of the system; and



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(ii) a plan including full particulars of the system; and

(iii) a certificate from the owner of the system stating the system has been tested as required by this part and complies with the requirements of this part.

(2) The certificate mentioned in subsection (1)(c)(iii) must state—

(a) the value of the maximum operating current on which the tests were based; and

(b) for a system operating with an anode immersed in water or a marine environment—the operating voltage of the system corresponding to the maximum operating current mentioned in paragraph (a); and

(c) that the owner has complied with the requirements under division 4 for testing of the system before registration.

(3) If asked in writing by the regulator, the applicant must give the regulator further relevant information the regulator requires to decide the application.

(4) The regulator must decide the application within 60 days after receiving the application.

(5) If the regulator refuses to register the system, the regulator must give notice of the refusal to the applicant within 30 days after the day the decision is made.

(6) The notice must be accompanied by an information notice for the decision to refuse.

(7) If the regulator decides to register the system, the regulator—

(a) must impose conditions on the registration about—

(i) the permitted maximum operating current of the system; and

(ii) for a system with an anode immersed in water or a marine environment—the permitted maximum operating voltage of the system; and

(b) may impose other conditions on the registration.



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(8) If the regulator decides to impose conditions on the registration under subsection (7), other than subsection (7)(a), the regulator must give the applicant an information notice for the decision.

## 283 Refund of fees

(1) This section applies if an application for registration of a cathodic protection system that is a registrable system—

(a) is refused by the regulator under section 282(5); or

(b) is withdrawn before the application is decided.

(2) The amount stated in schedule 9 as the administration component of the fee paid for the application must be refunded.

## 284 Registration of system

(1) The regulator must register a cathodic protection system that is a registrable system by entering in the register of registered systems—

(a) the name and address of the owner of the system notified to the regulator; and

(b) the location of the system; and

(c) a description of the cathodically protected structure; and

(d) the conditions of registration about—

(i) the permitted maximum operating current of the system; and

(ii) for a system operating with an anode immersed in water or a marine environment—the permitted maximum operating voltage of the system; and

(e) any other conditions imposed by the regulator on the system's operation; and

(f) the date of registration.



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(2) Within 30 days after registering the system, the regulator must give the owner of the system written notice of the registration, including—

(a) the conditions about the permitted maximum operating current and, if relevant, the permitted maximum operating voltage of the system; and

(b) other conditions the regulator imposes on the system's operation; and

(c) the date of registration.

## 285 Term of registration

The registration of a registrable system is for 5 years, unless it is earlier cancelled.

## 286 Change of name and address

The owner of a registered system whose name or address changes must, within 30 days after the change, update their details in the approved form.

Maximum penalty—20 penalty units.

## 287 Cancellation of registration

(1) The regulator may cancel the registration of a registered system if—

(a) the regulator is not satisfied the system is installed or operating in accordance with this part; or

(b) the regulator has been notified by the owner of the system that the system has been removed or made permanently inoperable.

(2) On cancellation of registration of a cathodic protection system, the regulator must—

(a) enter in the register of registered systems the date of cancellation; and



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(b) give the owner of the system written notice of the cancellation within 14 days after the cancellation.

(3) If the cancellation is under subsection (1)(a), the notice must be accompanied by an information notice for the decision to cancel.

## 288 Taking away or making a registered system inoperable

If a registered system is removed or made permanently inoperable, the owner of the system must give the regulator written notice within 30 days after the removal or the making inoperable.

Maximum penalty—40 penalty units.

## 289 Change to registered system to be notified

(1) If a registered system or its method of operation is changed, the owner of the system must—

(a) immediately advise the regulator; and

(b) give the regulator written notice complying with subsection (2) within 14 days after the change.

Maximum penalty—20 penalty units.

(2) The notice must be accompanied by a plan clearly showing how the system has changed.

(3) If required by the regulator, the owner of the registered system must take all or part of the action an applicant for registration of a registrable system is required to take under this part.

Maximum penalty—40 penalty units.



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# Part 14 Incident notification and reporting

## 290 Definitions for part

In this part—

***distribution entity***, for a serious electrical incident or dangerous electrical event, see section 291.

***incident record*** see section 294(2)(b).

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

(1) The ***distribution entity*** for a serious electrical incident is—

(a) if the electrical equipment the subject of the incident is part of the works of a distribution entity—the distribution entity; or

(b) otherwise—the distribution entity that supplies electricity to the electrical equipment the subject of the incident.

(2) The ***distribution entity*** for a dangerous electrical event is the distribution entity that supplies electricity to, or has as part of its works, the electrical equipment that is—

(a) the subject of the event; or

(b) the subject of electrical work that is the subject of the event.

## 292 Serious electrical incident or dangerous electrical event—duties of person conducting business or undertaking

(1) A person who conducts a business or undertaking must ensure 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.



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Maximum penalty—100 penalty units.

(2) The notice must be given as required under this section and by the fastest possible means.

(3) The notice must be given—

(a) by telephone; or

(b) in writing.

*Example—*

The written notice can be given by facsimile, email or other electronic means.

(4) A person giving notice by telephone must—

(a) give the details of the incident or event requested by the regulator; and

(b) if required by the regulator, give a written notice of the incident or event within 48 hours after the requirement is made.

(5) A written notice must be in the approved form, or contain the details required by the regulator.

(6) If the regulator receives a notice by telephone and a written notice is not required, the regulator must give the person conducting the business or undertaking—

(a) details of the information received; or

(b) an acknowledgement of receiving the notice.

(7) A person conducting a business or undertaking must keep a record of each serious electrical incident or dangerous electrical event for at least 5 years after the day that notice of the incident or event is given to the regulator under this section.

Maximum penalty—50 penalty units.

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

(1) This section applies if—



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(a) a distribution entity is advised about the happening of a serious electrical incident or dangerous electrical event; and

(b) the distribution entity is the distribution entity for the incident or event.

(2) The distribution entity must—

(a) give the regulator written notice in the approved form of the incident or event; and

(b) ensure the written notice is received by the regulator within 24 hours after the distribution entity first becomes aware of the happening of the incident or event.

Maximum penalty—40 penalty units.

(3) If the incident or event is a serious electrical incident in which a person has been killed, the distribution entity must also advise the regulator of the incident, immediately after the distribution entity becomes aware of the happening of the incident, by telephone or by email, facsimile or other electronic means.

Maximum penalty—40 penalty units.

(4) The distribution entity is not required to comply with subsection (2) or (3) if the distribution entity knows the incident or event has already been reported to the regulator.

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

(1) This section applies if a distribution entity is advised by a consumer to whom the distribution entity supplies electricity that a person has received an electric shock.

(2) The distribution entity must—

(a) take the action necessary to be taken in the interests of the electrical safety of persons; and

(b) make a written record of the incident (the ***incident record***), in a format approved by the regulator, within 3



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days after the distribution entity is advised of the person having received the electric shock; and

(c) keep the incident record for 5 years.

Maximum penalty—40 penalty units.

## 295 Report of incident records

A distribution entity must, every 3 months, report to the regulator, in a format approved by the regulator, about the incident records made by the distribution entity in the 3 months.

Maximum penalty—20 penalty units.

## 296 Duty to preserve incident or event sites

(1) This section applies if a serious electrical incident or dangerous electrical event happens at a place.

(2) The person with management or control of the place must ensure, so far as is reasonably practicable, that the site where the incident or event occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

Maximum penalty—100 penalty units.

(3) A person must not move or otherwise interfere with any electrical equipment, or part of any electrical equipment, involved in the happening of the incident or event.

Maximum penalty— 40 penalty units.

(4) Subsections (2) and (3) do not prevent any action—

(a) to assist an injured person; or

(b) to remove a deceased person; or

(c) that is essential to make the site safe or to minimise the risk of a further serious electrical incident or dangerous electrical event; or

(d) that is associated with a police investigation; or



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(e) of a person acting under the authority of the distribution entity for the incident or event; or

(f) for which an inspector or the regulator has given permission.

(5) In this section—

***site***, where a serious electrical incident or dangerous electrical event occurs, includes any plant, substance, structure and thing associated with the incident or event.

## 297 Storage of electrical equipment after serious electrical incident

(1) This section applies if—

(a) a serious electrical incident happens at a place; and

(b) electrical equipment that is part of the works of a distribution entity is involved in the serious electrical incident.

(2) The distribution entity must ensure that, if the equipment is removed from the place, the equipment is stored securely until—

(a) an inspector takes possession of the equipment; or

(b) an inspector gives written permission to release the equipment from storage.

Maximum penalty—40 penalty units.

## 298 Requirement for distribution entity to take action in interests of electrical safety

(1) This section applies if—

(a) a person has a reasonable concern about the electrical safety of electrical equipment to which a distribution entity supplies electricity; and

(b) the person advises the distribution entity of the concern.



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(2) The distribution entity must take the action necessary to be taken in the interests of the electrical safety of persons.

Maximum penalty—40 penalty units.

# Part 15 Miscellaneous provisions

## Division 1 Electrical safety contributions

### 299 Purpose of division—Act, s 203

The purpose of this division is to prescribe, for section 203(1) of the Act, things that are necessary or convenient for establishing and operating arrangements for the payment of electrical safety contributions.

### 300 Fixing electrical safety contribution for each distribution entity for financial year

(1) The method for working out the amount of the electrical safety contribution payable by each distribution entity for a financial year is as follows—

- the regulator decides the premises figure for each distribution entity
- the regulator works out the total premises figure
- the regulator works out the unit contribution amount for the financial year
- the regulator works out the amount of the electrical safety contribution payable by each distribution entity for the financial year by multiplying the premises figure for the distribution entity by the unit contribution amount for the financial year.

(2) In this section—

***premises figure***, for a distribution entity for a financial year, means a figure that is a fair estimate of the average number of



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retail premises for the distribution entity for the previous financial year.

***total contribution amount***, for a financial year, means the amount notified, for the financial year, by gazette notice.

***total premises figure***, for a financial year, means the total of the premises figures for all distribution entities for the financial year.

***unit contribution amount***, for a financial year, means the total contribution amount for the financial year divided by the total premises figure.

### 301 Payment of electrical safety contribution by instalments

The electrical safety contribution for a distribution entity for a financial year may be paid in equal instalments.

## Division 2 Prescribed matters

### 302 Prescribed electrical equipment—Act, s 14A

(1) For section 14A(c) of the Act, water equipment is prescribed.

(2) In this section—

***water equipment*** means any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that—

(a) is operated or used for controlling, generating, supplying, transforming or transmitting electricity at extra low voltage; and

(b) can only be operated or used when connected to an external source of electricity; and

(c) is designed for use in the interior of the container of a swimming pool, paddling pool, spa pool or bathtub.



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## 303 Prescribed person for delegation by regulator—Act, s 122B

For section 122B(1) of the Act, the WHS prosecutor is prescribed.

## 304 Inspectors' identity cards—Act, s 123A

For section 123A(1) of the Act, the following matters are prescribed—

(a) a recent photograph of the inspector;

(b) a copy of the inspector's signature;

(c) the date, if any, on which the inspector's appointment ends;

(d) any conditions to which the inspector's appointment is subject, including, for example, the kinds of workplaces in relation to which the inspector may exercise the inspector's compliance powers.

## 305 Provision of information by retailer—Act, s 153

For section 153(1) of the Act, the following information is prescribed—

(a) a customer's full name;

(b) the address of the premises at which a customer receives customer retail services;

(c) a customer's postal address and telephone number;

(d) a contact person for a customer;

(e) the date a retail entity agreed to provide customer retail services to the premises of the customer;

(f) the location of a meter at the customer's premises;

(g) the number of meters at the customer's premises;

(h) the tariff applying to a meter at the customer's premises;



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(i) the identifying number of a pole or pillar used in supplying electricity to the customer's premises;

(j) information relevant to locating the customer's premises or gaining access to the premises;

(k) for premises that are a domestic residence—whether an approved safety switch is installed for the domestic residence.

### 306 Prescribed Act—Act, s 193

Each Act stated in schedule 8 is prescribed for section 193(3)(c)(ii) of the Act.

## Division 3 Other matters

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

(1) A person conducting a business or undertaking that employs a training person who has not finished 6 months of the person's apprenticeship or training program must ensure the training person does not work—

(a) in the immediate vicinity of a live high voltage exposed part; or

(b) where there is a risk the training person could come into contact with a live low voltage exposed part.

Maximum penalty—40 penalty units.

(2) However, subsection (1) does not apply to a training person performing duties as a safety observer if—

(a) the training person is a safety observer and has been capable of being a safety observer for at least 1 year immediately before the start of the training person's apprenticeship or training program; and

(b) the person conducting the business or undertaking keeps a written record of the assessment mentioned in



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schedule 10, definition *safety observer*, paragraph (a)(ii) for the training person.

(3) A person conducting a business or undertaking must ensure that a training person who performs electrical work is supervised at all times by a licensed electrical worker licensed to perform the work.

Maximum penalty—40 penalty units.

(4) The level of supervision required under subsection (3) must be appropriate, having regard to—

(a) the type of electrical work performed; and

(b) the adequacy of the training person's training; and

(c) the competency of the training person.

## 308 Inspection of entries in registers

(1) The regulator must keep each register under this regulation open for inspection, on payment of any fixed fee applying to the inspection, by members of the public during office hours on business days.

(2) A person may obtain a copy of an entry in a register on payment of any fixed fee applying to obtaining the copy.

## 309 Climbing poles of electricity entity prohibited

(1) A person must not climb a pole, standard or other structure that is part of the works of an electricity entity, or a ladder attached to a pole, standard or other structure that is part of the works of an electricity entity, if the electricity entity has not authorised the person to climb the pole, standard, other structure or ladder.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to—

(a) an inspector; or



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(b) a licensed electrical contractor or licensed electrical worker who, under section 224, de-energises and re-energises a consumer's electrical installation by—

(i) removing and replacing a fuse wedge from a service fuse; or

(ii) switching off and on a circuit breaker installed as a service line disconnector.

## 310 Electrical distribution entity may isolate powerlines in emergency

(1) An electrical distribution entity may isolate powerlines from sources of electricity—

(a) in an emergency; or

*Example for paragraph (a)—*

if there is a flood or fire

(b) to prevent an emergency from happening.

*Example for paragraph (b)—*

if there are extreme conditions with the potential to create an emergency, including, for example, sparking lines in high wind in high fire danger conditions

(2) In this section—

***emergency*** means an emergency in relation to a person or the electrical distribution entity's property or other property.

## 311 Provision of information by Residential Tenancies Authority

(1) The Residential Tenancies Authority may, if asked, give the regulator information that—

(a) the authority has obtained in the performance of its functions; and

(b) is relevant to a person's compliance with section 29.

*Example of the information that may be given—*

the address of the domestic residence



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(2) In this section—

***Residential Tenancies Authority*** means the Residential Tenancies Authority established under the *Residential Tenancies and Rooming Accommodation Act 2008*, section 465.

### 312 Fees

The fees payable under the Act are stated in schedule 9.

# Part 16 Transitional provisions

## Division 1 Preliminary

### 313 Definitions for part

In this part—

***expired regulation*** means the expired *Electrical Safety Regulation 2013*.

***former***, in relation to a provision of the expired regulation, means the provision of the expired regulation as in force immediately before the commencement.

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

## Division 2 General provisions

### 314 Applications made but not decided before commencement

(1) This section applies to an application made, but not decided, before the commencement under a former section mentioned in column 1 of the following table.



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(2) From the commencement, the application is taken to have been made under the new section mentioned in column 2 of the table opposite the former section.

(3) Anything done in relation to the application under the expired regulation is taken to have been done in relation to the application under this regulation.

| | Column 1<br>Former section | Column 2<br>New section |
|---|---|---|
| 1 | section 48(3) (Eligibility requirements for electrical contractor licence) | section 173 |
| 2 | section 58(1) (Replacement of electrical licence) | section 179(1) |
| 3 | section 154 (Application for certificate of conformity) | section 83 |
| 4 | section 157 (Modification of certificate of conformity—change of name or model) | section 86 |
| 5 | section 158 (Modification of certificate of conformity—other than a change of name or model) | section 87 |
| 6 | section 159 (Renewal of certificate of conformity) | section 88 |
| 7 | section 160 (Transfer of certificate) | section 89 |
| 8 | section 167 (Application for regulator's declaration of scheme) | section 96 |
| 9 | section 235(2) (Appointment) | section 241 |
| 10 | section 255 (Application for registration of registrable system) | section 282 |

## 315 Notices or advice required to be given to regulator

(1) This section applies if—



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(a) before the commencement, a person was required to give the regulator a notice or advice under a former section mentioned in column 1 of the following table; and

(b) immediately before the commencement—

(i) the person had not given the regulator the notice or advice; and

(ii) the period for giving the regulator the notice or advice (the ***compliance period***) had not ended.

(2) The notice or advice must be given—

(a) under the new section mentioned in column 2 of the table opposite the former section; and

(b) before the compliance period ends.

| | **Column 1** | **Column 2** |
|---|---|---|
| | **Former section** | **New section** |
| 1 | section 49 (Removal of endorsement from electrical contractor licence) | section 174 |
| 2 | section 52 (Change of name of corporation or partnership) | section 176 |
| 3 | section 53 (Change in membership of partnership) | section 177 |
| 4 | section 83 (Notice to regulator about approved safety switch and other matters) | section 27 |
| 5 | section 259 (Change of name and address) | section 286 |
| 6 | section 261 (Taking away or making a registered system inoperable) | section 288 |
| 7 | section 262 (Change to registered system to be notified) | section 289 |



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| | Column 1<br>Former section | Column 2<br>New section |
|---|---|---|
| 8 | section 265 (Duty of person conducting a business or undertaking to notify of serious electrical incident or dangerous electrical event) | section 292 |
| 9 | section 266 (Duty of distribution entity to notify of serious electrical incident or dangerous electrical event) | section 293 |

## 316 Documents required to be kept

(1) This section applies if, before the commencement—

(a) a person was required to keep a document for a stated period under a former section mentioned in column 1 of the following table; and

(b) the period had not ended.

(2) The document must be kept under the new section mentioned in column 2 of the table opposite the former section for the remainder of the period.

| | Column 1<br>Former section | Column 2<br>New section |
|---|---|---|
| 1 | section 23(2) or (3) (Record keeping) | section 204(2) or (3) |
| 2 | section 26(5) (Certificate of testing and safety) | section 208(5) |
| 3 | section 91(2) (Assessment of electrical risk) | section 41(2) |
| 4 | section 94(2) (Requirement for electrical safety inspection and test) | section 44(2) |
| 5 | section 95(4) (Requirement for approved safety switch or permanent marking for electrical circuits) | section 45(4) |



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| | Column 1<br>Former section | Column 2<br>New section |
|---|---|---|
| 6 | section 120F(2) or (3) (Record keeping) | section 36(2) or (3) |
| 7 | section 147(2) (Responsible supplier to keep evidence) | section 76(2) |
| 8 | section 148(2) (Registered responsible supplier must keep compliance folder) | section 77(2) |
| 9 | section 194(6) (Hiring electrical equipment) | section 142(7) |
| 10 | section 220(4) (Reconnection of electrical installation to electricity source) | section 220(4) |
| 11 | section 227(4) (Certificate of testing and compliance) | section 229(5) |
| 12 | section 230(2) (Keeping copy of report) | section 232(2) |
| 13 | section 248(1) (Records of tests to be kept) | section 276(1) |
| 14 | section 265(6) (Duty of person conducting a business or undertaking to notify of serious electrical incident or dangerous electrical event) | section 292(7) |
| 15 | section 267(2)(c) (Action required by distribution entity on report of electric shock) | section 294(2)(c) |

## Division 3 Licensing

### 317 Electrical licences continued

(1) This section applies to an electrical licence that was in effect under the expired regulation immediately before the commencement.

(2) From the commencement, the licence—



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(a) continues in effect as a licence of the same class under this regulation for the remaining term of the licence; and

(b) is subject to the conditions to which it was subject immediately before the commencement.

## 318 Electrical licence applications made before commencement

(1) This section applies if an application for the issue, renewal or reinstatement of an electrical licence was made, but not decided or withdrawn, before the commencement.

(2) From the commencement, the new eligibility requirements apply for the issue, renewal or reinstatement of the electrical licence.

(3) Anything done in relation to the application under the expired regulation is taken to have been done under new part 7.

(4) New section 185 applies if the application is refused or withdrawn before it is decided.

(5) In this section—

***new eligibility requirements***, for an electrical licence, means—

(a) for the issue of an electrical work licence, other an electrical work training permit—new part 7, division 3, subdivision 2; or

(b) for the issue of an electrical work training permit—new part 7, division 3, subdivision 3; or

(c) for the issue of an electrical contractor licence—new part 7, division 4; or

(d) for the renewal or reinstatement of an electrical licence—new part 7, division 5.



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## 319 Existing electrical contractor licence—endorsement of qualified business person or qualified technical person

(1) This section applies to a person who, immediately before the commencement, was endorsed under the expired regulation as a qualified business person or qualified technical person for an electrical contractor licence.

(2) From the commencement, the person is taken to be endorsed under this regulation as a qualified business person or qualified technical person for the electrical contractor licence.

## 320 Eligibility of particular persons for electrical linesperson licence

(1) This section applies to a person if—

(a) immediately before 1 October 2002, the person complied with the requirements under the repealed *Electricity Regulation 1994*, section 47(2) or (3), for the issue of a licence as an electrical linesperson; and

(b) from 1 July 2007, the repealed *Electrical Safety Regulation 2002*, section 215(2) continued to apply to the person.

*Note—*

See the repealed *Electrical Safety Regulation 2002*, sections 215 and 222.

(2) The person is taken to comply with the eligibility requirements for the issue, renewal or reinstatement of an electrical linesperson licence under this regulation.

## 321 Eligibility of particular persons for electrical jointer licence

(1) This section applies to a person if—

(a) immediately before 1 October 2002, the person complied with the requirements of the repealed *Electricity Regulation 1994*, section 46(2) or (3) for the issue of a licence as an electrical jointer; and



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(b) from 1 July 2007, the repealed *Electrical Safety Regulation 2002*, section 214(2) continued to apply to the person.

*Note—*

See the repealed *Electrical Safety Regulation 2002*, sections 214 and 221.

(2) The person is taken to comply with the eligibility requirements for the issue, renewal or reinstatement of an electrical jointer licence under this regulation.

## 322 Automatic suspension and cancellation of electrical contractor licence

(1) This section applies if, immediately before the commencement—

(a) there was no qualified business person or qualified technical person endorsed on an electrical contractor licence; and

(b) the licence was suspended under former section 50.

(2) From the commencement, new section 175 applies in relation to the licence as if it were suspended under new section 175(1) on the day the suspension mentioned in subsection (1)(b) started.

## 323 Other changes to particular electrical contractor licences

(1) This section applies if—

(a) a change mentioned in a relevant licensing provision happened in relation to an electrical contractor licence before the commencement; and

(b) immediately before the commencement, the regulator had not decided or dealt with the change to the licence as a result of the change.

*Note—*

See also section 315.



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(2) From the commencement, the corresponding section applies in relation to the change.

(3) In this section—

***corresponding section***, for a relevant licensing provision, means—

(a) for former section 49(1) or (2)—new section 174; or

(b) for former section 52(1)—new section 176; or

(c) for former section 53(1)—new section 177.

***relevant licensing provision*** means—

(a) former section 49(1) or (2); or

(b) former section 52(1); or

(c) former section 53(1).

## Division 4 In-scope electrical equipment

### 324 Existing accepted standards for level 2 or 3 in-scope electrical equipment

(1) This section applies if—

(a) before the commencement, a standard had been accepted by the regulator under former section 127 as a standard that can be readily applied to a type of level 2 or 3 in-scope electrical equipment; and

(b) immediately before the commencement, the standard had not been superseded or withdrawn.

(2) From the commencement, the standard is taken to have been accepted by the regulator as a standard that can be readily applied to the type under new section 56.



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## 325 Continued registration of responsible supplier or in-scope electrical equipment

(1) This section applies if, immediately before the commencement—

(a) a responsible supplier of in-scope electrical equipment was registered under former part 7, division 2; or

(b) a type of level 2 or 3 in-scope electrical equipment was registered under former part 7, division 2.

(2) From the commencement, the registration continues in effect under this regulation for its remaining term.

## 326 Applications for registration of responsible supplier or in-scope electrical equipment made before commencement

(1) This section applies if, before the commencement, a registration process had started but not ended under former part 7, division 2.

(2) From the commencement, the registration process must be completed under new part 4, division 2.

(3) Anything done in relation to the registration process under the expired regulation is taken to have been done in relation to the registration process under this regulation.

## 327 Approved marks continued

(1) This section applies if—

(a) before the commencement, the regulator approved a mark under former section 153; and

(b) immediately before the commencement, the approval had not been revoked.

(2) From the commencement, the mark is taken to have been approved under new section 82.



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## 328 Certificates of conformity continued

(1) This section applies if, immediately before the commencement, a certificate of conformity was in force under former section 156.

(2) From the commencement, the certificate of conformity continues in force as if it had been issued under new part 4, division 7.

## 329 Existing cancellation processes

(1) This section applies if—

(a) before the commencement, the regulator gave a person a notice (a ***cancellation notice***) under a former section mentioned in column 1 of the following table; and

(b) immediately before the commencement, the regulator had not decided whether to cancel the registration or certificate that was the subject of the cancellation notice.

(2) The cancellation notice—

(a) is taken to have been given under the new section mentioned in column 2 of the table opposite the former section; and

(b) must be decided under the new section mentioned in column 3 of the table opposite the former section.

(3) The new section mentioned in column 3 of the table applies to the decision to cancel, or not to cancel, the registration or certificate.

(4) Anything done in relation to the proposed cancellation under the expired regulation is taken to have been done in relation to the proposed cancellation under this regulation.

| | Column 1<br>Former notice section | Column 2<br>New notice section | Column 3<br>New decision section |
|---|---|---|---|
| 1 | section 140 (Procedure before cancellation) | section 69(2) | section 70 |



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| | Column 1<br>Former notice section | Column 2<br>New notice section | Column 3<br>New decision section |
|---|---|---|---|
| 2 | section 162 (Procedure before cancellation) | section 91(1) | section 91(2) and (3) |
| 3 | section 177 (Procedure before cancellation) | section 106(1) | section 106(3) and (5) |

## 330 Particular references relating to cancellation and offences

(1) Subsection (2) applies if either of the following was cancelled before the commencement under former section 141—

(a) a responsible supplier's registration;

(b) the registration of a type of level 2 or 3 in-scope electrical equipment registered in relation to a registered responsible supplier.

(2) New section 70(2) to (4) applies as if the registration had been cancelled under that section.

(3) Subsection (4) applies if, immediately before the commencement, a person was—

(a) a registered responsible supplier; or

(b) the holder of a certificate of conformity.

(4) A reference in new section 68(1)(a) or (2)(a) or 90(e) to an offence against this regulation includes a reference to an offence against the expired regulation.

## 331 Compliance with notices given before commencement

(1) This section applies if—

(a) a person was given a notice by the regulator under a former section mentioned in column 1 of the following table; and



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(b) immediately before the commencement—

(i) the person had not complied with the notice; and

(ii) the period for complying with the notice (the ***compliance period***) had not ended.

(2) The notice is taken to have been given under the new section mentioned in column 2 of the table opposite the former section.

(3) The notice must be complied with before the compliance period ends.

| | **Column 1**<br>**Former section** | **Column 2**<br>**New section** |
|---|---|---|
| 1 | section 164 (Certificate of conformity holder to return certificate if cancelled) | section 93 |
| 2 | section 179 (Reporting requirements for declaration holder) | section 108 |
| 3 | section 182 (Procedure for obtaining item of in-scope electrical equipment for testing) | section 111 |
| 4 | section 185 (Return of item of level 2 or 3 in-scope electrical equipment provided to regulator) | section 114 |

## 332 In-scope electrical equipment reclassified before the commencement

(1) This section applies if—

(a) before the commencement, a type of level 1 or 2 in-scope electrical equipment was reclassified to a higher level; and

(b) immediately before the commencement, the period mentioned in former section 150(2) has not ended.

(2) From the commencement, new section 79 applies as if the in-scope electrical equipment were reclassified to a higher



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level under that section on the day the equipment was reclassified.

## 333 Items of in-scope electrical equipment submitted to regulator for testing and examination

(1) Subsection (2) applies if—

(a) before the commencement, an item of level 3 in-scope electrical equipment was given to the regulator under former part 7, division 7; and

(b) immediately before the commencement, the item had not been collected, disposed of or destroyed under former section 185.

*Note—*

See also section 331.

(2) New section 114 applies in relation to the item as if the item had been obtained under new part 4, division 7.

(3) Subsection (4) applies if—

(a) before the commencement, an item of level 2 or 3 in-scope electrical equipment was given to the regulator for testing and examination under former part 7, division 9; and

(b) immediately before the commencement, the item had not been collected, disposed of or destroyed under former section 185.

*Note—*

See also section 331.

(4) New sections 112 to 114 apply in relation to the item as if it had been obtained under new section 111(1)(a).

## 334 Provision for recognised external certification schemes

(1) This section applies to a declared scheme that was in effect immediately before the commencement.



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(2) From the commencement, the external certification scheme is taken to be a declared scheme under new part 4, division 8.

(3) A condition imposed under a former section mentioned in column 1 of the following table is taken to have been imposed under the new section mentioned in column 2 opposite the former section.

| | Column 1<br>Former section | Column 2<br>New section |
|---|---|---|
| 1 | section 171 (Regulator may impose conditions on declared scheme) | section 100 |
| 2 | section 172 (Condition imposed by regulation) | section 101 |

(4) Subsection (5) applies if, before the commencement, the regulator had given a declaration holder a written notice under former section 174(1), but had not made a decision about amending the conditions.

(5) From the commencement, the notice is taken to have been given under new section 103(1).

## 335 Programs for certificates of suitability continued

(1) This section applies to a program that—

(a) was established, before the commencement, under former section 187; and

(b) immediately before the commencement, had not been disestablished.

(2) From the commencement, the program is taken to have been established under new section 116.



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## Division 5 Existing overhead electric lines

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

(1) This section applies to an overhead electric line built before 1 January 1995 that—

(a) immediately before 1 January 1995, complied with the clearance requirements of the repealed *Electricity Regulation 1989*; and

(b) would be in compliance with the clearance requirements mentioned in paragraph (a) if the requirements were still in effect; and

(c) was not rebuilt or replaced before the commencement.

(2) The overhead electric line is taken to comply with clearance requirements under new part 12, division 4 for overhead electric lines.

(3) This section stops applying if the overhead electric line is replaced or rebuilt.

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

(1) This section applies to a low voltage overhead service line built before 1 January 1995 that—

(a) immediately before 1 January 1995, complied with the termination requirements of the repealed *Electricity Regulation 1989*; and

(b) would be in compliance with the termination requirements mentioned in paragraph (a) if the requirements were still in effect; and

(c) was not rebuilt or replaced before the commencement.

(2) The low voltage overhead service line is taken to comply with termination requirements under new part 12, division 5 for low voltage overhead service lines.



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(3) This section stops applying if the low voltage overhead service line is replaced or rebuilt.

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

(1) This section applies to an overhead electric line built on or after 1 January 1995 but before 1 October 2002 that—

(a) immediately before 1 October 2002, complied with the clearance requirements of the repealed *Electricity Regulation 1994*; and

(b) would be in compliance with the clearance requirements of the repealed *Electricity Regulation 1994* if the requirements were still in force; and

(c) was not rebuilt or replaced before the commencement.

(2) The overhead electric line is taken to comply with clearance requirements under new part 12, division 4 for overhead electric lines.

(3) This section stops applying if the overhead electric line is replaced or rebuilt.

## Division 6 Safety management systems

### 339 Deferral of new pt 10, div 2

(1) New part 10, division 2 does not apply in relation to a prescribed electricity entity during the period—

(a) starting on the day of the commencement; and

(b) ending on 1 September 2027.

(2) During the period mentioned in subsection (1), former section 234 continues to apply as if this regulation had not been made.



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## Division 7 Miscellaneous

### 340 Existing high voltage live line work authorisations

(1) This section applies if, immediately before the commencement, a person was authorised in writing to perform high voltage live line work under former section 24.

(2) From the commencement, the authorisation is taken to have been given under new section 205.

### 341 Former s 74 continued in relation to particular defect notices

(1) This section applies if—

(a) before the commencement, a notice relating to a defect was given to a person in control of electrical equipment under former section 74; and

(b) immediately before the commencement, the person had not taken all reasonable steps to ensure the defect was fixed.

(2) From the commencement, former section 74 continues to apply to the person in relation to the notice as if this regulation had not been made.

### 342 Registers continued

The following registers kept under the expired regulation immediately before the commencement are, from the commencement, taken to be kept under this regulation—

(a) the register of electrical licences;

(b) the register of registered systems.



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## 343 Existing registrable systems

(1) This section applies if, immediately before the commencement, a registrable system was registered under former section 257.

(2) From the commencement, the registrable system is taken to be registered under new section 284.

## 344 References to expired regulation

In an instrument—

(a) a reference to the expired regulation may, if the context permits, be taken to be a reference to this regulation; and

(b) a reference to a former provision, if the context permits, may be taken to be a reference to the new provision corresponding to the former provision.



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# Schedule 1 Prescribed workplaces

section 5

| Column 1 | Column 2 |
|---|---|
| 1491 | Prefabricated wooden building manufacturing |
| 2222 | Prefabricated metal building manufacturing |
| 2311 | Motor vehicle manufacturing |
| 2312 | Motor vehicle body and trailer manufacturing |
| 2313 | Automotive electrical component manufacturing |
| 2319 | Other motor vehicle parts manufacturing |
| 2391 | Shipbuilding and repair services |
| 2392 | Boatbuilding and repair services |
| 2393 | Railway rolling stock manufacturing and repair services |
| 2394 | Aircraft manufacturing and repair services |
| 2399 | Other transport equipment manufacturing N.E.C. |
| 2412 | Medical and surgical equipment manufacturing |
| 2419 | Other professional and scientific equipment manufacturing |
| 2421 | Computer and electronic office equipment manufacturing |
| 2422 | Communication equipment manufacturing |
| 2429 | Other electronic equipment manufacturing |
| 2431 | Electric cable and wire manufacturing |
| 2432 | Electric lighting equipment manufacturing |
| 2439 | Other electrical equipment manufacturing |
| 2441 | Whiteware appliance manufacturing |



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| Column 1 | Column 2 |
|---|---|
| 2449 | Other domestic appliance manufacturing |
| 2451 | Pump and compressor manufacturing |
| 2452 | Fixed space heating, cooling and ventilation equipment manufacturing |
| 2462 | Mining and construction machinery manufacturing |
| 2463 | Machine tool and parts manufacturing |
| 2469 | Other specialised machinery and equipment manufacturing |
| 2491 | Lifting and material handling equipment manufacturing |
| 6910 | Scientific research services |
| 9421 | Domestic appliance repair and maintenance |



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# Schedule 2 Exclusion zones for overhead electric lines

section 10(2)

# Part 1 Preliminary

## 1 Definitions for sch 2

In this schedule—

***another safe system***, for the operation of operating plant, means a system of work that—

(a) has been developed in consultation with persons who are broadly representative of industrial organisations of employees whose members commonly operate operating plant of the operating plant's type; and

(b) provides, for persons and property, the same level of electrical safety as, or a greater level of electrical safety than, the level of electrical safety provided with a safety observer.

***authorised person***, for an electric line, means a person who—

(a) has enough technical knowledge and experience to do work that involves contact with, or being near to, the electric line; and

(b) either—

(i) has been approved by the person in control of the electric line to do work that involves contact with, or being near to, the electric line; or

(ii) is authorised to act for the person in control of the electric line.

***instructed person***, for an electric line, means a person who is acting under the supervision of an authorised person for the electric line.



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***safety observer***, for the operation of operating plant, means a person who—

(a) observes the operating plant; and

(b) advises the operator of the operating plant if it is likely that the operating plant will come within an exclusion zone for the operating plant for an overhead electric line.

***untrained person***, for an electric line, means a person who is not an authorised person or an instructed person for the electric line.

## 2 Authorised persons and instructed persons taken to be untrained persons in particular circumstances

(1) This section applies if operating plant is operated—

(a) by an authorised person or instructed person for an electric line; and

(b) without a safety observer or another safe system.

(2) The operating plant is taken to be operated by an untrained person for the electric line.

## 3 Exclusion zones for operating plant fitted with certain safety devices

(1) This section applies if—

(a) operating plant, operated by an authorised person or instructed person for an electric line, is fitted with a device capable of stopping the operation of the plant immediately when the operating plant is at the exclusion zone for an authorised person or instructed person for the electric line; and

(b) a safe system of work for the use of the operating plant is in place; and

(c) the safe system of work has been developed in consultation with persons who are broadly representative of industrial organisations of employees



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whose members commonly operate operating plant of the operating plant's type; and

(d) without limiting paragraph (b), the safe system of work ensures the device mentioned in paragraph (a)—

(i) is operating properly; and

(ii) is set for at least the correct exclusion zone distance.

(2) The exclusion zone for an authorised person or instructed person for the electric line applies as the exclusion zone for the operating plant for the electric line.

# Part 2 Overhead uninsulated electric lines

## Division 1 Exclusion zones for untrained persons

| Nominal phase to phase voltage of overhead uninsulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| low voltage (with consultation with person in control of electric line) | 1,000 | 3,000 | 600 |
| low voltage (without consultation with person in control of exposed electric line) | 3,000 | 3,000 | 600 |



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| Nominal phase to phase voltage of overhead uninsulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| above low voltage, up to 33kV (with consultation with person in control of exposed electric line) | 2,000 | 3,000 | 900 |
| above low voltage, up to 33kV (without consultation with person in control of electric line) | 3,000 | 3,000 | 900 |
| above 33kV up to 132kV | 3,000 | 3,000 | 2,100 |
| above 132kV up to 220kV | 4,500 | 6,000 | 2,900 |
| above 220kV up to 275kV | 5,000 | 6,000 | 2,900 |
| above 275kV up to 330kV | 6,000 | 6,000 | 3,400 |
| above 330kV up to 500kV | 6,000 | 8,000 | 4,400 |

| Nominal pole to earth dc voltage of exposed electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| +/- 25kV | 3,000 | 3,000 | 900 |
| +/- 85kV | 3,000 | 3,000 | 2,100 |



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| Nominal pole to earth dc voltage of exposed electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| +/- 150kV | 3,000 | 3,000 | 2,100 |
| +/- 270kV | 4,500 | 6,000 | 2,900 |
| +/- 350kV | 5,000 | 6,000 | 2,900 |
| +/- 400kV | 6,000 | 6,000 | 3,400 |

## Division 2 Exclusion zones for authorised or instructed persons

| Nominal phase to phase voltage of overhead uninsulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| low voltage | (no exclusion zone prescribed) | 1,000 | 600 |
| above low voltage, up to 33kV | 700 | 1,200 | 700 |
| above 33kV up to 50kV | 750 | 1,300 | 750 |
| above 50kV up to 66kV | 1,000 | 1,400 | 1,000 |
| above 66kV up to 110kV | 1,000 | 1,800 | 1,000 |

| Nominal phase to phase voltage of overhead uninsulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| above 110kV up to 132kV | 1,200 | 1,800 | 1,200 |
| above 132kV up to 220kV | 1,800 | 2,400 | 1,800 |
| above 220kV up to 275kV | 2,300 | 3,000 | 2,300 |
| above 275kV up to 330kV | 3,000 | 3,700 | 3,000 |
| above 330kV up to 400kV | 3,300 | 4,000 | 3,300 |
| above 400kV up to 500kV | 3,900 | 4,600 | 3,900 |

| Nominal pole to earth dc voltage of exposed electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| +/- 25kV | 700 | 1,200 | 700 |
| +/- 85kV | 1,000 | 1,800 | 1,000 |
| +/- 150kV | 1,200 | 1,800 | 1,200 |
| +/- 270kV | 1,800 | 2,400 | 1,800 |



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| Nominal pole to earth dc voltage of exposed electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| +/- 350kV | 2,500 | 3,200 | 2,500 |
| +/- 400kV | 2,900 | 3,600 | 2,900 |

# Part 3 Overhead insulated electric lines

## Division 1 Exclusion zone for untrained persons

| Nominal phase to phase voltage of overhead insulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| low voltage (with consultation with, and with insulation verified by, an authorised person for the electric line) | (no exclusion zone prescribed) | 1,000 | 300 |

| Nominal phase to phase voltage of overhead insulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| low voltage (without consultation with, and without insulation verified by, an authorised person for the electric line) | 3,000 | 3,000 | 600 |
| above low voltage, up to 33kV (with consultation with person in control of electric line) | 2,000 | 3,000 | 900 |
| above low voltage, up to 33kV (without consultation with person in control of electric line) | 3,000 | 3,000 | 900 |
| above 33kV up to 66kV | 3,000 | 3,000 | 2,100 |
| **Nominal pole to earth dc voltage of electric line** | | | |
| +/- 25kV | 3,000 | 3,000 | 900 |
| +/- 85kV | 3,000 | 3,000 | 2,100 |



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## Division 2 Exclusion zone for authorised or instructed persons

| Nominal phase to phase voltage of overhead insulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| low voltage (with consultation with, and with insulation verified by, another authorised person for the electric line) | (no exclusion zone prescribed) | (no exclusion zone prescribed) | (no exclusion zone prescribed) |
| low voltage (without consultation with, and without insulation verified by, another authorised person for the electric line) | (no exclusion zone prescribed) | (no exclusion zone prescribed) | 600 |
| above low voltage, up to 33kV | 700 | 700 | 700 |
| above 33kV up to 50kV | 750 | 750 | 750 |

| Nominal phase to phase voltage of overhead insulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|---|---|
| Above 50kV up to 66kV | 1,000 | 1,000 | 1,000 |
| **Nominal pole to earth dc voltage of electric line** | | | |
| +/- 25kV | 700 | 700 | 700 |
| +/- 85kV | 1,000 | 1,000 | 1,000 |



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

sections 57(4), 61(5) and 64(5)

## Part 1 Responsible supplier's declaration

Information to be included in declaration

That—

(a) each item of a type of in-scope electrical equipment when sold by the responsible supplier will—

(i) meet the relevant standard for the type as in force—

(A) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or

(B) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier; and

(ii) be electrically safe; and

(b) there is a current certificate of conformity for each plug, flexible supply cord or appliance connector, as defined in AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment) sold for use with the item.

## Part 2 Responsible supplier's level 2 in-scope electrical equipment declaration

Information to be included in declaration



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That—

(a) each item of the type of level 2 in-scope electrical equipment mentioned below when sold by the responsible supplier will—

(i) meet the relevant standard for the type as at the time the type was registered in the national register; and

(ii) be electrically safe; and

(b) the responsible supplier keeps a compliance folder for that type of equipment.

Details of the type of level 2 in-scope electrical equipment to which this declaration relates—

(*insert details*).

# Part 3 Responsible supplier's level 3 in-scope electrical equipment declaration

Information to be included in declaration

That—

(a) each item of the type of level 3 in-scope electrical equipment mentioned below when sold by the responsible supplier will—

(i) meet the relevant standard for the type as at the time the type was registered in the national register; and

(ii) be electrically safe; and

(b) the responsible supplier keeps a certificate of conformity for that type of equipment.

Details of the type of level 3 in-scope electrical equipment to which this declaration relates—

*(insert details)*.



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# Schedule 4 External licences and electrical work licence equivalents

section 189

| Column 1<br>External licence | Column 2<br>Electrical work licence |
|---|---|
| New South Wales | |
| Under the *Home Building Act 1989* (NSW)— | |
| • an endorsed contractor licence authorising the holder to do electrical wiring work | electrical mechanic licence |
| • a supervisor certificate authorising the holder to do electrical wiring work | electrical mechanic licence |
| Victoria | |
| Under the *Electricity Safety Act 1998* (Vic)— | |
| • electrician's licence | electrical mechanic licence |
| South Australia | |
| Under the *Plumbers, Gas Fitters and Electricians Act 1995* (SA)— | |
| • electrical workers registration (not subject to conditions limiting the work that may be carried out under the authority of the registration) | electrical mechanic licence |
| Tasmania | |
| Under the *Occupational Licensing Act 2005* (Tas)— | |

| Column 1<br>External licence | Column 2<br>Electrical work licence |
|---|---|
| • electrical practitioner's licence—electrician | electrical mechanic licence |
| Western Australia | |
| Under the *Electricity Act 1945* (WA)— | |
| • electrical workers' licence endorsed as an electrician's licence | electrical mechanic licence |
| • electrical worker's licence endorsed as an electrician's licence that is subject to the restriction that the holder may perform electrical fitting work only | electrical fitter licence |
| Australian Capital Territory | |
| Under the *Construction Occupations (Licensing) Act 2004* (ACT)— | |
| • unrestricted electrician licence | electrical mechanic licence |
| Northern Territory | |
| Under the *Electrical Safety Act 2022* (NT)— | |
| • unrestricted electrical mechanic and fitter licence | electrical mechanic licence and electrical fitter licence |
| • unrestricted electrical mechanic licence | electrical mechanic licence |
| • restricted electrical work licence endorsed for electrical fitter work | electrical fitter licence |
| New Zealand | |
| Under the *Electricity Act 1992* (NZ)— | |
| • practising licence, classes of registered electrician | electrical mechanic licence |



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# Schedule 5 Prescribed electricity entities

section 235

- Airtrain Citylink Limited ACN 066 543 315
- Aurizon Network Pty Ltd ACN 132 181 116
- Energex Limited ACN 078 849 055
- Ergon Energy Corporation Limited ACN 087 646 062
- Essential Energy ABN 37 428 185 226
- GoldlinQ Pty Ltd ACN 147 815 441
- Queensland Electricity Transmission Corporation Limited ACN 078 849 233 (trading as Powerlink Queensland)
- Queensland Rail Limited ACN 132 181 090
- RTA Weipa Pty Ltd ACN 137 266 285



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# Schedule 6 Clearance of conductors of overhead electric lines (other than low voltage overhead service lines)

sections 256(1)(a) and 257(1)(a)

## Part 1 Preliminary

### 1 Definitions for schedule

In this schedule—

***insulated***, for a conductor, means a conductor insulated in accordance with—

(a) AS/NZS 3560.1 (Electric cables—Cross-linked polyethylene insulated—Aerial bundled—For working voltages up to and including 0.6/1(1.2) kV); or

(b) AS/NZS 5000.1 (Electric cables—Polymeric insulated—For working voltages up to and including 0.6/1(1.2) kV).

***uninsulated***, for a conductor, means a conductor other than an insulated conductor.

***unroofed pedestrian area*** means an unroofed terrace, balcony, sun deck, paved area or similar area that—

(a) is subject to pedestrian traffic only; and

(b) has a surrounding hand rail or wall; and

(c) is an area on which a person is likely to stand.



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### 2 Application of vertical and horizontal clearances for particular conductors

(1) This section applies for a minimum clearance of a conductor stated in any of the following provisions of this schedule (each a ***prescribed clearance provision***)—

(a) part 2, item 4;

(b) part 3, item 1, 2 or 5;

(c) part 4, item 4;

(d) part 5, item 1, 2 or 5.

(2) For a prescribed clearance provision mentioned in subsection (1)(b) or (d), either the vertical clearance for the conductor, or the horizontal clearance for the conductor, stated in the provision must be maintained.

(3) In addition to a clearance mentioned in a prescribed clearance provision, in the zone outside the vertical alignment of a building, road cutting, embankment or similar place either of the following clearances must be maintained—

(a) the horizontal clearance from the vertical alignment;

(b) the vertical clearance from the horizontal level on which a person is likely to stand.

## Part 2 Low voltage conductor clearance—from ground

| | Description | Minimum distance |
|---|---|---|
| 1 | Vertical clearance from roads, in all positions | 5.5m |
| 2 (1) | Vertical clearance other than from roads | 5.5m |
| (2) | This item does not apply if item 3 or 4 applies. | |



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| | Description | Minimum distance |
|---|---|---|
| 3 | Vertical clearance over land that, because of the steepness or swampiness of its terrain, can not be crossed by traffic or mobile machinery | 4.5m |
| 4 | Horizontal clearance from road cuttings, embankments and other similar places | 1.5m |

*Note for item 4—*

See also part 1, section 2 of this schedule

# Part 3 Low voltage conductor clearance—from structures

*Note for items 1, 2 and 5—*

See also part 1, section 2 of this schedule

| | Type of clearance | Description | Minimum distance |
|---|---|---|---|
| 1 | From unroofed pedestrian areas | Vertical clearance— | |
| | | (a) insulated | 2.7m |
| | | (b) uninsulated | 3.7m |
| | | Horizontal clearance— | |
| | | (a) insulated | 1.2m |
| | | (b) uninsulated | 1.5m |



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| Type of clearance | | Description | Minimum distance |
|---|---|---|---|
| 2 | From roofs or similar structures, including parapets surrounding roofs or similar structures, that are not used for traffic or resort but on which a person is likely to stand | Vertical clearance— | |
| | | (a) insulated | 2.7m |
| | | (b) uninsulated | 3.7m |
| | | Horizontal clearance— | |
| | | (a) insulated | 0.9m |
| | | (b) uninsulated | 1.5m |
| 3 | Clearance in any direction from covered places of traffic or resort, including, for example, windows capable of being opened, roofed open verandahs and covered balconies | (a) insulated | 1.2m |
| | | (b) uninsulated | 1.5m |
| 4 | Horizontal clearance from blank walls or windows that can not be opened | (a) insulated | 0.6m |
| | | (b) uninsulated | 1.5m |



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| Type of clearance | | Description | Minimum distance |
|---|---|---|---|
| 5 | From other structures not normally accessible to persons | Vertical clearance— | |
| | | (a) insulated | 0.6m |
| | | (b) uninsulated | 2.7m |
| | | Horizontal clearance— | |
| | | (a) insulated | 0.3m |
| | | (b) uninsulated | 1.5m |



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# Part 4 High voltage conductor clearance—from ground

| | Type of clearance | Description | Minimum distance |
|---|---|---|---|
| 1 | Vertical clearance from roads | Crossing the carriageway— | |
| | | (a) more than 1,000V but not more than 132kV | 6.7m |
| | | (b) more than 132kV but not more than 275kV | 7.5m |
| | | (c) more than 275kV but not more than 330kV | 8.0m |
| | | (d) more than 330kV but not more than 500kV | 9.0m |
| | | At other places— | |
| | | (a) more than 1,000V but not more than 33kV | 5.5m |
| | | (b) more than 33kV but not more than 132kV | 6.7m |
| | | (c) more than 132kV but not more than 275kV | 7.5m |
| | | (d) more than 275kV but not more than 330kV | 8.0m |
| | | (e) more than 330kV but not more than 500kV | 9.0m |



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| Type of clearance | | | Description | | Minimum distance |
|---|---|---|---|---|---|
| 2 | (1) | Vertical clearance other than from roads | (a) | more than 1,000V but not more than 33kV | 5.5m |
| | | | (b) | more than 33kV but not more than 132kV | 6.7m |
| | (2) | This item does not apply if item 3 or 4 applies. | (c) | more than 132kV but not more than 275kV | 7.5m |
| | | | (d) | more than 275kV but not more than 330kV | 8.0m |
| | | | (e) | more than 330kV but not more than 500kV | 9.0m |
| 3 | | Vertical clearance over land that, because of the steepness or swampiness of its terrain, can not be crossed by traffic or mobile machinery | (a) | more than 1,000V but not more than 33kV | 4.5m |
| | | | (b) | more than 33kV but not more than 132kV | 5.5m |
| | | | (c) | more than 132kV but not more than 275kV | 6.0m |
| | | | (d) | more than 275kV but not more than 330kV | 6.7m |
| | | | (e) | more than 330kV but not more than 500kV | 7.5m |



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| Type of clearance | | Description | | Minimum distance |
|---|---|---|---|---|
| 4 | Horizontal clearance from road cuttings, embankments and other similar places<br>*Note for item 4—*<br>See also part 1, section 2 of this schedule. | (a) | more than 1,000V but not more than 33kV | 2.1m |
| | | (b) | more than 33kV but not more than 132kV | 4.6m |
| | | (c) | more than 132kV but not more than 275kV | 5.5m |
| | | (d) | more than 275kV but not more than 330kV | 6.0m |
| | | (e) | more than 330kV but not more than 500kV | 7.0m |

# Part 5 High voltage conductor clearance—from structures

*Note for items 1, 2 and 5—*

See also part 1, section 2 of this schedule

| Type of clearance | | Description | Minimum distance |
|---|---|---|---|
| 1 | From unroofed pedestrian areas | Vertical clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 4.6m |
| | | (b) more than 33kV but not more than 132kV | 5.5m |
| | | (c) more than 132kV but not more than 275kV | 6.5m |
| | | (d) more than 275kV but not more than 330kV | 7.0m |
| | | (e) more than 330kV but not more than 500kV | 8.0m |
| | | Horizontal clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 2.1m |
| | | (b) more than 33kV but not more than 132kV | 4.6m |
| | | (c) more than 132kV but not more than 275kV | 5.5m |
| | | (d) more than 330kV but not more than 500kV | 6.0m |



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| Type of clearance | | Description | Minimum distance |
|---|---|---|---|
| 2 | From roofs or similar structures, including parapets surrounding roofs or similar structures, that are not used for traffic or resort but on which a person is likely to stand | Vertical clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 3.7m |
| | | (b) more than 33kV but not more than 132kV | 4.6m |
| | | (c) more than 132kV but not more than 275kV | 6.0m |
| | | (d) more than 275kV but not more than 330kV | 6.5m |
| | | (e) more than 330kV but not more than 500kV | 7.5m |
| | | Horizontal clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 2.1m |
| | | (b) more than 33kV but not more than 132kV | 4.6m |
| | | (c) more than 132kV but not more than 275kV | 5.5m |
| | | (d) more than 330kV but not more than 500kV | 6.0m |



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| | Type of clearance | Description | | Minimum distance |
|---|---|---|---|---|
| 3 | Clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies | (a) | more than 1,000V but not more than 33kV | 2.1m |
| | | (b) | more than 33kV but not more than 132kV | 4.6m |
| | | (c) | more than 132kV but not more than 275kV | 5.5m |
| | | (d) | more than 275kV but not more than 330kV | 6.0m |
| 4 | Horizontal clearance from blank walls or windows that can not be opened | (a) | more than 1,000V but not more than 33kV | 1.5m |
| | | (b) | more than 33kV but not more than 132kV | 3.0m |
| | | (c) | more than 132kV but not more than 275kV | 4.6m |
| | | (d) | more than 275kV but not more than 330kV | 5.5m |
| | | (e) | more than 330kV but not more than 500kV | 6.0m |



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| Type of clearance | | Description | Minimum distance |
|---|---|---|---|
| 5 | From other structures not normally accessible to persons | Vertical clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 3.0m |
| | | (b) more than 33kV but not more than 132kV | 4.6m |
| | | (c) more than 132kV but not more than 275kV | 5.5m |
| | | (d) more than 330kV but not more than 500kV | 6.0m |
| | | Horizontal clearance— | |
| | | (a) more than 1,000V but not more than 33kV | 1.5m |
| | | (b) more than 33kV but not more than 132kV | 3.0m |
| | | (c) more than 132kV but not more than 275kV | 4.6m |
| | | (d) more than 330kV but not more than 500kV | 5.5m |
| | | (e) more than 330kV but not more than 500kV | 6.0m |



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# Schedule 7 Clearance of low voltage overhead service lines

sections 256(1)(b) and 257(1)(b)

## Part 1 Preliminary

### 1 Vertical or horizontal clearance of particular service lines to be maintained

(1) This section applies for a minimum clearance of a low voltage overhead service line stated in part 3, items 1 and 2 of this schedule.

(2) Either the vertical clearance for the service line, or the horizontal clearance for the service line, stated in the provision must be maintained.

(3) In addition to a clearance for the service line mentioned in subsection (2), in the zone outside the vertical alignment of the building or structure, either of the following clearances must be maintained—

(a) the horizontal clearance from the vertical alignment;

(b) the vertical clearance above the horizontal level on which a person is likely to stand.

### 2 Clearance does not apply to service line attached to particular part of building

(1) This section applies for a minimum clearance of a low voltage overhead service line stated in part 3, items 1, 2, 4 and 5 of this schedule.

(2) The minimum clearance for the service line applies to a service line that is not attached to any part of the building described in the provision.



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### 3 Clearance does not apply to part of service line not under tension

A minimum clearance stated in this schedule does not apply to a part of a low voltage service line that is not under tension.

### 4 Meaning of *unroofed pedestrian area*

In this schedule, ***unroofed pedestrian area*** has the meaning given by schedule 6, section 1.

## Part 2 Clearance from ground

| | Type of clearance | | Description | Minimum distance |
|---|---|---|---|---|
| 1 | Vertical clearance from roads | (a) | at centre line of the carriageway | 5.5m |
| | | (b) | at kerb line | 4.9m |
| | | (c) | at fence alignment | 3.7m |
| 2 | Vertical clearance other than from roads | (a) | private driveways and areas including elevated areas used by vehicles | 4.5m |
| | | (b) | areas not normally used by vehicles | 2.7m |
| 3 | Horizontal clearance from road cuttings, embankments and other similar places | | | 1.5m |



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# Part 3 Clearance from structures

*Notes—*

1 For items 1 and 2, see also part 1, sections 1 and 2 of this schedule.

2 For items 4 and 5, see also part 1, section 2 of this schedule.

| | Type of clearance | Description | Minimum distance |
|---|---|---|---|
| 1 | From unroofed pedestrian areas | Vertical clearance above | 2.4m |
| | | Vertical clearance below | 1.2m |
| | | Horizontal clearance | 0.9m |
| 2 | From roofs or similar structures, including parapets surrounding roofs or similar structures, that are not used for traffic or resort but on which a person is likely to stand | Vertical clearance | 0.5m |
| | | Horizontal clearance | 0.2m |
| 3 | Clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies | | 1.2m |



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| | Type of clearance | Description | Minimum distance |
|---|---|---|---|
| 4 | Horizontal clearance from blank walls or windows that can not be opened | | 0.2m |
| 5 | Clearance in any direction from other structures | | 1.2m |

# Schedule 8 Prescribed Acts—Act, section 193

section 306

*Building Act 1975*

*Coal Mining Safety and Health Act 1999*

*Coroners Act 2003*

*Electricity Act 1994*

*Fair Trading Act 1989*

*Fire Services Act 1990*

*Further Education and Training Act 2014*

*Labour Hire Licensing Act 2017*

*Mining and Quarrying Safety and Health Act 1999*

*Petroleum and Gas (Production and Safety) Act 2004*

*Police Powers and Responsibilities Act 2000*

*Queensland Building and Construction Commission Act 1991*

*Queensland Civil and Administrative Tribunal Act 2009*

*Safety in Recreational Water Activities Act 2011*

*Workers' Compensation and Rehabilitation Act 2003*

*Work Health and Safety Act 2011*



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# Schedule 9 Fees

sections 185, 243, 283 and 312

| | | Fee units |
|---|---|---|
| **In-scope electrical equipment** | | |
| 1 | Registration as responsible supplier of in-scope electrical equipment (s 57(3)(b)) | 211.60 |
| 2 | Registration of a type of level 2 in-scope electrical equipment (s 61(4)(c)) or level 3 in-scope electrical equipment (s 64(4)(c))— | |
| | (a) for 1 year | 79.30 |
| | (b) for 2 years | 158.60 |
| | (c) for 5 years | 396.50 |
| 3 | Application for certificate of conformity for a type of level 3 in-scope electrical equipment (s 83(2)(c)) | 584.70 |
| 4 | Application for modification of certificate of conformity for a type of level 3 in-scope electrical equipment— | |
| | (a) to vary the brand name or model designation (s 86(3)(b)) | 175.80 |
| | (b) relating to a modification to the equipment, other than a modification described in section 86, that would not result in the creation of a new type of equipment (s 87(3)(c)) | 442.50 |
| 5 | Application for renewal of certificate of conformity for a type of level 3 in-scope electrical equipment and the issue of a new certificate (s 88(2)(c)) | 584.70 |
| 6 | Application for amendment of certificate of conformity to refer to transferee (s 89(2)(b)(iii)) | 88.45 |
| 7 | Application for declaration of scheme as recognised external certification scheme (s 96(2)(b)(i)) | 4,555.00 |



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| | | Fee units |
|---|---|---|
| 8 | Annual fee for declaration of scheme as recognised external certification scheme (s 101(a)) | 2,601.00 |

**Electrical work licence**

| | | |
|---|---|---|
| 9 | Application for issue of electrical work licence (s 184) | 85.75 |
| 10 | Application for renewal of electrical work licence (s 184) | 85.75 |
| 11 | Application for reinstatement of electrical work licence (s 184) | 85.75 |
| 12 | Administration component of fee paid for an application under item 9, 10 or 11 (s 185(2)) | 43.05 |

*Note—*

See section 185 in relation to the refund of the administration component.

**Electrical contractor licence**

| | | |
|---|---|---|
| 13 | Application for issue of electrical contractor licence (s 184) | 409.80 |
| 14 | Application for renewal of electrical contractor licence (s 184) | 409.80 |
| 15 | Application for reinstatement of electrical contractor licence (s 184) | 409.80 |
| 16 | Administration component of fee paid for an application under item 13, 14 or 15 (s 185(2)) | 325.20 |

*Note—*

See section 185 in relation to the refund of the administration component.

**Accredited auditors**

| | | |
|---|---|---|
| 17 | Application for appointment as accredited auditor (s 241(1)(b))— | |
| | (a) for an officer of the department | nil |



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| | | Fee units |
|---|---|---|
| | (b) for any other person | 429.30 |
| 18 | Application for renewal of appointment as accredited auditor (s 241(2)(b))— | |
| | (a) for an officer of the department | nil |
| | (b) for any other person | 253.70 |
| 19 | Administration component of fee paid for an application under item 17 or 18 (s 243(2))— | |
| | (a) for an officer of the department | nil |
| | (b) for any other person | 253.70 |

*Note—*

See section 243 in relation to the refund of the administration component.

## Cathodic protection system

| | | |
|---|---|---|
| 20 | Application for registration of cathodic protection system that is a registrable system (s 282(1)(b)) | 338.00 |
| 21 | Administration component of fee paid for an application under item 20 (s 283(2)) | 50.00 |

*Note—*

See section 283 in relation to the refund of the administration component.

# Schedule 10 Dictionary

section 6

***accredited auditor*** means a person holding office as an accredited auditor under part 10, division 3 of the Act.

***active conductor*** means—

(a) in a system that has a neutral or earthed conductor—a conductor of electricity kept at a difference of potential from the neutral or earthed conductor; or

(b) in a system that does not have a neutral or earthed conductor—all conductors.

***amusement device***, for part 6, see section 123.

***amusement ride***, for part 6, see section 123.

***amusement work***, for part 6, see section 123.

***anode***, in relation to a cathodic protection system, for part 13, see section 266.

***another safe system***, for the operation of operating plant, for schedule 2, see schedule 2, section 1.

***applicant***, for an electrical contractor licence, for part 7, division 4, see section 161.

***apprenticeship*** includes employment-based training under the law of another jurisdiction that corresponds, or substantially corresponds, to the *Further Education and Training Act 2014*.

***approved safety switch*** means a residual current device that—

(a) has a Queensland or external approval; and

(b) has a rated residual current of not more than 30mA.

***approved testing entity***, in relation to performing a test or examination, means—

(a) a body accredited by NATA to perform the test or examination; or



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(b) a body accredited by another body, operating under a reciprocal agreement with NATA, to perform the test or examination; or

(c) an entity approved by the regulator or the equipment safety rules to perform the test or examination; or

(d) a body approved under a corresponding law to perform the test or examination.

***AS/NZS*** means a joint Standards Australia and Standards New Zealand standard.

***authorised person***, for an electric line, for schedule 2, see schedule 2, section 1.

***building***, for part 3, division 3, see section 31.

***Building Code of Australia***, for part 3, division 3, see section 31.

***cathodically protected structure***, for part 13, see section 266.

***cathodic protection standard***, for part 13, see section 266.

***certificate of conformity***, for part 4, see section 50.

***certificate of suitability***, for part 4, see section 50.

***competent person***, in relation to a task, means a person who has acquired, through training, qualifications, experience or a combination of these, the knowledge and skill to carry out the task.

***construction work***, for part 6, see section 123.

***consumer mains***, of a consumer, means the conductors between the consumer's consumer terminals and the consumer's main switchboard.

***consumer main switchboard***, for a consumer, means a switchboard from which the supply of electricity to the consumer's electrical installation can be controlled.

***consumer terminals***, of a consumer, means the point where the consumer's electrical installation is connected to the works of an electricity entity.



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***control measure***, for an electrical risk, means a measure to eliminate or minimise the risk.

***cord extension set*** means an assembly of—

(a) a plug intended for connection to a socket-outlet; and

(b) a sheathed flexible cord; and

(c) a cord extension socket.

***corresponding training department***, for part 7, division 3, see section 152.

***date of registration***, for registration of a responsible supplier of in-scope electrical equipment or of equipment as a type of level 2 or 3 in-scope electrical equipment, for part 4, see section 50.

***declaration holder***, for part 4, division 8, see section 95.

***declared scheme***, for part 4, division 8, see section 96(1).

***defining standard***, for part 4, see section 50.

***distribution entity***, for a serious electrical incident or dangerous electrical event, for part 14, see section 291.

***domestic residence*** see section 25.

***earthed*** means connected to the general mass of the earth.

***electrically conductive ceiling insulation***, for part 3, division 4, subdivision 2, see section 42.

***electrical portable outlet device***, for part 6, see section 123.

***electrical work***, for part 8, division 3, see section 193.

***employee***, for an applicant, for part 7, division 4, see section 161.

***enter***, in relation to a roof space, for part 3, division 3, see section 31.

***exclusion zone***, for a person or thing mentioned in section 10(1) for an overhead electric line, see section 10(2).

***false declaration***, for part 4, see section 50.

***false information***, for part 4, see section 50.



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***family***, of a type of level 1, 2 or 3 in-scope electrical equipment, for part 4, see section 50.

***fixed fee*** means a fee fixed by the regulator under section 209 of the Act.

***foreign structure***, for a cathodic protection system, for part 13, see section 266.

***foreign structure owner***, for a cathodic protection system, for part 13, see section 266.

***general purpose socket-outlet***, for part 3, division 2, see section 25.

***high voltage live line work*** means electrical work on the following electrical equipment in circumstances in which the part of the electrical equipment the subject of the electrical work is energised—

(a) exposed live high voltage conductors;

(b) exposed live parts of high voltage electrical equipment.

***impressed current cathodic protection system***, for part 13, see section 266.

***incident record***, for part 14, see section 294(2)(b).

***instructed person***, for an electric line, for schedule 2, see schedule 2, section 1.

***insulated***, for a conductor, for schedule 6, see schedule 6, section 1.

***kerb line***, of a road, means—

(a) if there is a formed footpath—the line where the formed footpath meets the carriageway; or

(b) if there is no formed footpath but a formed footpath is proposed—the line where the proposed formed footpath can reasonably be expected to meet the carriageway; or

(c) if there is no formed footpath and no formed footpath is proposed—



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(i) if widening of the existing carriageway is proposed—the line of the edge of the carriageway as proposed to be widened; or

(ii) if no widening of the existing carriageway is proposed—the line of the edge of the existing carriageway.

***level 1***, for in-scope electrical equipment, for part 4, see section 54(1).

***level 2***, for in-scope electrical equipment, for part 4, see section 54(2).

***level 3***, for in-scope electrical equipment, for part 4, see section 54(3).

***manufacturing work***, for part 6, see section 123.

***maximum operating current***, for a cathodic protection system, for part 13, see section 266.

***meets***, a relevant standard, for part 4, see section 50.

***modify***, a safety management system, for part 10, division 2, see section 237.

***NATA*** means the National Association of Testing Authorities Australia ACN 004 379 748.

***near***, in relation to electrical equipment, for part 8, division 3, see section 193.

***neutral screened cable*** means a cable complying with AS/NZS 4961 (Electric cables—Polymeric insulated—For distribution and service applications).

***new***, in relation to electrical equipment, means the equipment has not been introduced into service or otherwise used.

***non-capable circuit***, for part 3, division 4, subdivision 2, see section 42.

***non-profit organisation***, for part 6, see section 123.

***office work***, for part 6, see section 123.

***operating plant*** means plant being operated for its intended purpose, unless the operation of the plant can not materially



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affect the distance between the plant and any overhead electric line for which there is an exclusion zone under section 10.

*Examples of operating plant—*

- a tip truck tipping a load
- a fixed crane operating at a building site
- a vehicle that includes an elevated work platform being used for clearing vegetation from around overhead electric lines
- a concrete pumping truck pumping concrete
- a harvester with height changeable attachments being used to transfer grain to a truck

*Example of plant that is not operating plant—*

a furniture removal van under an overhead electric line raising or lowering the electrically or hydraulically operated platform located at the rear of the van, if neither the platform nor anything on the platform rises above the roof of the van

***owner***, of residential land, for part 3, division 2, see section 25.

***particular electrical equipment***, for part 5, division 1, see section 118.

***possession day***, for residential land, for part 3, division 2, see section 25.

***prescribed details***, for equipment that has been inspected and tested or reinspected and retested, for part 6, see section 123.

***private generating plant***, for part 9, division 3, see section 225.

***private overhead electric line***, for part 3, division 1, see section 19.

***qualification*** means—

(a) a VET qualification under the *National Vocational Education and Training Regulator Act 2011* (Cwlth); or

(b) a certificate given to a person by a training organisation outside Australia confirming that the person has achieved learning outcomes and competencies that satisfy the requirements of a qualification.



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***qualified business person***, for an applicant for an electrical contractor licence or for a licensed electrical contractor, for part 7, see section 143.

***qualified technical person***, for an applicant for an electrical contractor licence or for a licensed electrical contractor, for part 7, see section 143.

***RCM***, for part 4, see section 50.

***registered***, for part 4, see section 52.

***registered responsible supplier***, for part 4, see section 50.

***registered system***, for part 13, see section 266.

***registered training organisation*** means a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

***registrable system***, for part 13, see section 266.

***relevant assessing authority***, for part 7, division 3, see section 152.

***relevant electrical installation***, for a building, for part 3, division 3, see section 31.

***relevant employer***, in relation to an applicant for an electrical work licence, see part 7, division 3, see section 152.

***relevant person***, for part 4, see section 50.

***relevant responsible supplier***, of in-scope electrical equipment, for part 4, see section 50.

***relevant standard***, for part 4—

(a) for a type of level 1 in-scope electrical equipment, see section 55(1); or

(b) for a type of level 2 or level 3 in-scope electrical equipment, see section 56(1).

***residential land***, for part 3, division 2, see section 25.

***roof space***, of a building, for part 3, division 3, see section 31.

***rural industry work***, for part 6, see section 125.

***safety observer***—



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(a) generally, for electrical work, means a person who—

(i) is competent—

(A) to implement control measures in an emergency or to avoid an emergency; and

(B) to rescue and resuscitate a worker who is carrying out the work, if necessary; and

(ii) has been assessed in the previous 12 months as competent to rescue and resuscitate a person; or

(b) for schedule 2, for the operation of operating plant, see schedule 2, section 1.

***safety switch***, for part 6, see section 123.

***safe work method statement***, in relation to electrical work on or near energised electrical equipment, for part 8, division 3, see section 193.

***second-hand dealer***, for part 4, see section 50.

***second-hand item***, for part 4, see section 50.

***serious defect*** means a defect likely to cause a fire or a person to suffer an electric shock or other personal injury.

***service line*** means an electric line that—

(a) forms part of the works of an electricity entity; and

(b) connects consumer terminals to—

(i) other parts of the works of the electricity entity; or

(ii) the works of another electricity entity.

***service work***, for part 6, see section 123.

***short-term testing***, of a cathodic protection system, for part 13, see section 266.

***specified electrical equipment***, for part 6, see section 123.

***structure*** includes—

(a) anything attached to a structure; and

(b) anything erected or standing at a place.

***test report***, for part 4, see section 50.



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***training department*** means the department in which the *Further Education and Training Act 2014* is administered.

***training person*** means a person who is undertaking, but has not finished—

(a) an apprenticeship under the *Further Education and Training Act 2014*, in a calling that requires the person to perform electrical work; or

(b) a training program approved by the regulator that requires the person to perform electrical work.

***training plan***, for an apprentice or trainee, for part 7, division 3, see section 152.

***transfer day***, for residential land, for part 3, division 2, see section 25.

***transferee***, of residential land, for part 3, division 2, see section 25.

***transferor***, of residential land, for part 3, division 2, see section 25.

***type 1 safety switch***, for part 6, see section 123.

***type 2 safety switch***, for part 6, see section 123.

***uninsulated***, for a conductor, for schedule 6, see schedule 6, section 1.

***unroofed pedestrian area***, for schedules 6 and 7, see schedule 6, section 1.

***unsafe distance***, for a person or thing mentioned in section 11(1), in relation to an overhead electric line, see section 11.

***untrained person***, for an electric line, for schedule 2, see schedule 2, section 1.

***vehicle***, for sections 10 and 11 and schedule 2, does not include—

(a) an aircraft; or

(b) a vehicle that is operating plant.



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*Examples for paragraph (b)—*

1 A tip truck tipping a load would not be a vehicle for section 11 or schedule 2. However, a tip truck travelling between sites would be a vehicle for section 11 and schedule 2.

2 A vehicle that includes an elevated work platform being used for clearing vegetation would not be a vehicle for section 11 or schedule 2. However, when the platform is not being used for clearing vegetation, the vehicle would be a vehicle for section 11 and schedule 2.

***WHS Regulation*** means the *Work Health and Safety Regulation 2011*.

***wiring rules*** means AS/NZS 3000 (Electrical installations (known as the Australian/New Zealand Wiring Rules)).



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