

Queensland



*Electricity Act 1994*

# **ELECTRICITY REGULATION 1994**

**Reprinted as in force on 20 November 1998  
(includes amendments up to SL No. 260 of 1998)**

**Reprint No. 3A**

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## ELECTRICITY REGULATION 1994

### TABLE OF PROVISIONS

Section		Page
<b>CHAPTER 1—PRELIMINARY</b>		
1	Short title .....	19
2	Definitions—the dictionary .....	19
3	Purposes .....	19
4	How purposes are to be achieved .....	20
5	Words have the same meaning as in wiring rules .....	20
<b>CHAPTER 2—ELECTRICAL WORKERS AND CONTRACTORS</b>		
<b>PART 1—ELECTRICAL WORKERS AND CONTRACTORS BOARD</b>		
6	EWC Board a body corporate .....	21
7	Functions of EWC Board .....	22
8	General powers of EWC Board .....	22
9	Delegation by EWC Board .....	23
10	Composition of EWC Board .....	23
11	Acting chairperson .....	24
12	Deputies for members (other than chairperson) .....	24
13	Filling of casual vacancies .....	25
14	Fees and allowances .....	25
15	Conduct of meetings and other business of EWC Board .....	25
16	Times and places of meetings of EWC Board .....	25
17	Presiding at meetings of EWC Board .....	26
18	Quorum and voting at meetings of EWC Board .....	26
19	Taking part in meetings by telephone etc. ....	26
20	Resolutions without meetings .....	26

21	Minutes by EWC Board . . . . .	27
22	Executive officer of EWC Board . . . . .	27
23	Employees for purposes of EWC Board . . . . .	27
24	General fund . . . . .	27
25	Payment of EWC Board's expenses . . . . .	28
26	Accounts and audit . . . . .	28

**PART 2—REGULATION OF PERSONS WHO MAY PERFORM  
ELECTRICAL WORK**

*Division 1—Performance of electrical work*

26A	Definition for div 1 . . . . .	28
27	Electrical work to be done by holder of licence or permit . . . . .	28
28	Unlicensed person carrying on business as electrical contractor . . . . .	29
29	Liability of employer or supervisor of unauthorised person performing electrical work . . . . .	29
30	Obligations of employer about supervising apprentices and trainees . . . . .	30
31	Exemptions . . . . .	31
32	Exemptions from being electrical contractors . . . . .	32
33	EWC Board may require person to rectify defective work . . . . .	33
34	Work by assistant to electrical worker for qualifying experience . . . . .	34
35	Who may sign documents about electrical work etc. . . . .	34

*Division 2—Licences and other authorities*

36	Classes of licences . . . . .	35
37	Restricted licence . . . . .	35
38	Training permit . . . . .	36
39	Electrical work by holder of external authority . . . . .	37
40	Entitlement to licence as electrical worker . . . . .	37
41	Application for licence as electrical worker . . . . .	38
42	Consideration of application . . . . .	38
43	Qualifications of electrical fitter . . . . .	38
44	Qualifications of electrical mechanic . . . . .	39
45	Qualifications of engineering tradesperson (electrical) . . . . .	41
46	Qualifications of electrical joiner . . . . .	41
47	Qualifications of electrical linesperson . . . . .	42

---

48	Qualifications for restricted licences . . . . .	43
49	Issue of licences as electrical workers . . . . .	45
50	Term of licence for electrical workers . . . . .	45
51	Renewal of licence for electrical workers . . . . .	45
52	Electrical contractors' licences—individuals . . . . .	46
53	Consideration of application . . . . .	47
54	Electrical contractors' licences—partnerships . . . . .	47
55	Consideration of application . . . . .	48
56	Electrical contractors' licences—corporations . . . . .	48
57	Consideration of application . . . . .	49
58	Electrical contractors' licences—restricted . . . . .	49
59	Consideration of application . . . . .	50
60	Financial and insurance requirements for electrical contractors . . . . .	50
61	Term of electrical contractors' licences . . . . .	51
62	Renewal of electrical contractors' licences . . . . .	51
63	Reinstatement of electrical contractors' licences . . . . .	51
64	Surrender of electrical contractors' licences . . . . .	52
65	Change in membership or name of partnership or corporation . . . . .	52
66	Board may seek explanation from holder of licence, permit etc. . . . .	53
	<b><i>Division 3—Disciplinary action</i></b>	
67	Grounds for disciplinary action against holder of electrical worker's licence or permit . . . . .	54
68	Grounds for disciplinary action against licensed electrical contractor . . . .	54
69	Grounds for disciplinary action for person acting under external authority . . . . .	55
70	Types of disciplinary action . . . . .	56
71	Procedure for disciplinary action . . . . .	57
72	Penalty recoverable as debt . . . . .	58
	<b><i>Division 4—Recording and publication of information on licences and permits</i></b>	
73	Giving to EWC Board of a licence or permit that has been cancelled or suspended or to be endorsed . . . . .	58
74	Replacement of licences and permits . . . . .	58
75	Register of licences and permits . . . . .	59

***Division 5—Miscellaneous provisions***

76	Examinations .....	59
77	Examiners .....	60
78	Refund and remission of fees .....	60
79	Forms .....	60
80	Advertising by licensed electrical contractors .....	61
81	EWC Board to give reasons for refusal of application .....	61

***Division 6—Transitional provisions***

82	Existing electrical contractors' licences .....	61
83	Existing certificates of competency and permits .....	61
84	Applications for licences or certificates of competency .....	62
85	Existing members of EWC Board .....	62
86	Expiry of division .....	62

**CHAPTER 3—SAFETY AND TECHNICAL REQUIREMENTS****PART 1—DESIGN, BUILDING AND MAINTENANCE OF  
ELECTRIC LINES AND WORKS*****Division 1—Compliance with part***

87	Compliance with this part .....	62
----	---------------------------------	----

***Division 2—Earthing and protection***

88	Systems of earthing .....	63
89	Connection of high voltage circuits to earth .....	63
90	Protective devices for high voltage electric lines .....	64
91	Attachment of insulated conductors to supports .....	64
92	Insulation of stay wires .....	64
93	Protection of earth conductors .....	64

***Division 3—Frequency and voltage***

94	Standard frequency and voltage .....	64
95	Supply at high voltage .....	65
96	Changes of voltage at customer's consumers terminals .....	65

***Division 4—Substations***

97	Substation design, building and maintenance .....	65
98	Location, building etc. of substations .....	66
99	Warning notices .....	66

***Division 5—Electric lines and control cables***

100	Electric lines and control cables . . . . .	66
101	Clearance from metal work and separation of conductors of same circuit . . . . .	67
102	Location of overhead circuit in relation to another overhead circuit . . . . .	67
103	Clearance of overhead electric lines from ground . . . . .	67
104	Clearance of overhead electric lines from structures . . . . .	68
105	Application of ss 103 and 104 . . . . .	68
106	Measurement of distances . . . . .	68
107	Clearances for lines built before 1 January 1995 . . . . .	69
108	Building or adding to structures near electric line . . . . .	69
109	Clearance of stay wires and control cables over roads . . . . .	70

***Division 6—Service lines***

110	Service lines on customer's premises . . . . .	70
111	Termination of low voltage overhead service lines . . . . .	71
112	Low voltage service lines built before 1 January 1995 . . . . .	72
113	Fuses and disconnectors for service lines . . . . .	73
114	Disused service lines to be disconnected . . . . .	73

***Division 7—Maintenance of works***

115	Maintenance of works . . . . .	74
116	Maintenance of integrity of overhead service line . . . . .	74
116A	Clearing and lopping of trees on non-freehold land . . . . .	74
117	Trimming of trees near overhead electric lines . . . . .	75

***Division 8—Works on publicly controlled places***

118	Notice to be given to public entity . . . . .	75
119	Electricity entity must comply with public entity's requirements . . . . .	76
120	Guarding of work on publicly controlled place . . . . .	76
121	Restoration of publicly controlled place . . . . .	77
122	Electricity entity to keep publicly controlled place in good repair after work . . . . .	77
123	Warning signs on roads . . . . .	77

---

**PART 2—SAFEGUARDING OF PERSONS WORKING ON  
ELECTRIC LINES AND ELECTRICAL INSTALLATIONS**

*Division 1—Basic safety principle*

124	Basic safety principle . . . . .	78
-----	----------------------------------	----

*Division 2—Employer’s responsibilities about electrical work*

*Subdivision 1—Work on or near live electric conductors or  
electrical articles*

125	Application of subdivision . . . . .	78
126	Employer to ensure work can be performed safely . . . . .	79
127	Employer to provide competent assistant . . . . .	79

*Subdivision 2—Work on or near exposed high voltage conductors or  
electrical articles*

128	Employer to ensure work is performed in accordance with prescribed requirements . . . . .	80
129	Electrical work by direct contact with exposed high voltage conductors etc. . . . .	80
130	Electrical work by indirect contact with exposed high voltage conductors etc. . . . .	81
131	Prescribed approach limits to exposed high voltage conductors or electrical articles . . . . .	81

*Subdivision 3—Other safety requirements*

132	Rescue and resuscitation training . . . . .	82
133	Employer to provide signs about switches and disconnection points . . . . .	82
134	Scaffolding and portable ladders . . . . .	83
135	Safety observer . . . . .	83
136	Testing of safety equipment . . . . .	83
137	Employer to ensure suitability of testing instruments . . . . .	84

*Division 3—Live line work*

138	Performance of live line work . . . . .	84
-----	---	----

*Division 4—Other requirements*

139	Signs on switches and disconnection points . . . . .	85
140	Supervision of contractor by electricity entity . . . . .	86
141	Report on an accident . . . . .	87

*Division 5—Electricity Industry Safety Advisory Committee*

142	Electricity Industry Safety Advisory Committee . . . . .	87
-----	--	----



---

**PART 3—CUSTOMERS’ ELECTRICAL INSTALLATIONS**

***Division 1—Requirements before connection to source of electricity supply***

143	Electrical installation not to be connected to electricity source with serious defect . . . . .	88
144	Electrical installation not to be connected to electricity source if work not tested . . . . .	88
145	Electrical installation not to be initially connected to electricity source without examination and testing . . . . .	88
146	Electrical installation not to be reconnected to electricity source without examination . . . . .	89
147	Electrical installation not to be connected to electricity source without inspection . . . . .	89
148	Licensed electrical contractor to ensure compliance with Act before connection to electricity source . . . . .	90

***Division 2—Performing electrical installation work***

149	Licensed electrical worker to comply with regulation and wiring rules . . .	90
150	Structure supporting electric line etc. to comply with requirements . . . . .	90
151	Earthing . . . . .	91
152	Disconnection and reconnection of low voltage electrical installations . . .	91

***Division 3—Customers’ obligations about electrical installations***

153	Obligation to ensure electrical installation is free from serious defect . . . .	91
154	Obligation to ensure safety of disconnected overhead electric line . . . . .	92
155	Obligation to preserve insulation of electric line . . . . .	92
156	Obligation to comply with regulation about connecting supply . . . . .	92
157	Customer’s electrical installation and publicly controlled place . . . . .	92

***Division 4—Requirements on customers about supply***

158	Requirement for circuit-breaker in rural areas . . . . .	93
159	Power factor . . . . .	93
160	Prevention of interference by motor installations and associated starting devices . . . . .	94
161	Interference with supply of electricity . . . . .	94
162	Customer’s generating plant for emergency supply . . . . .	94
163	Customer’s generating plant for interconnection to supply network . . . . .	95

---

164	Coordination of customer's protection devices with electricity entity's protection system . . . . .	95
	<b><i>Division 5—Requirements about electrical articles</i></b>	
165	Labelling faulty electrical articles . . . . .	95
166	Inspection of customer's electrical articles . . . . .	96
	<b><i>Division 6—Testing of work</i></b>	
167	How tests to be carried out . . . . .	97
168	Certificate by licensed electrical contractor of test . . . . .	97
169	Certificate of testing and compliance . . . . .	97
170	Testing of electrical articles manufactured, assembled or repaired at industrial workplace . . . . .	98
171	Employer to ensure suitability of testing instruments . . . . .	98
	<b><i>Division 7—Examinations and tests by electricity officers</i></b>	
172	Performance of examinations and tests . . . . .	98
173	Reasons to be given for not connecting to source of electricity supply after examination . . . . .	99
174	Charge for examination and test for connection or reconnection . . . . .	99
	<b><i>Division 8—Inspections by authorised persons</i></b>	
175	Performing inspections . . . . .	99
176	Check inspection of customer's electrical installation work by authorised person for supplier . . . . .	99
177	Check inspection of electrical installation work before reconnection . . . . .	100
178	Check inspection of electrical installation if supplier considers desirable . . . . .	100
179	Check inspection of electrical installation if required by regulator . . . . .	100
180	Report on inspection . . . . .	100
181	Charge for inspections . . . . .	100
	<b><i>Division 9—Reports and records</i></b>	
182	Keeping records . . . . .	101
	<b><i>Division 10—Requests and notices</i></b>	
183	Request to supplier for examination etc. of electrical installation work . . . . .	102
184	Telling supplier of need for change to metering etc. . . . .	103
	<b><i>Division 11—Queensland Electrical Education Council</i></b>	
185	Queensland Electrical Education Council . . . . .	103

**PART 4—CATHODIC PROTECTION SYSTEMS*****Division 1—Preliminary***

186	Electrical terms apply for direct current . . . . .	104
187	Exclusion from application . . . . .	104

***Division 2—Limitation on installation of cathodic protection systems***

188	Installation of cathodic protection system only if preliminary steps taken . . . . .	104
-----	--	-----

***Division 3—Operating requirements***

189	Operation of cathodic protection system only on conditions . . . . .	105
-----	--	-----

***Division 4—Testing requirements***

190	Tests before registration or operation of system . . . . .	105
191	Procedure for interference tests . . . . .	106
192	Further tests during period of registration of system . . . . .	107
193	Further tests during operation of system . . . . .	107
194	Further tests of new foreign structures if required by the regulator . . . . .	107
195	Records of tests to be kept etc. . . . .	108
196	Testing by regulator . . . . .	108

***Division 5—System requirements***

197	Electrical limits . . . . .	108
198	Maximum potential change etc. . . . .	109
199	Tolerances . . . . .	110
200	Identification of anode groundbed . . . . .	110

***Division 6—Registration of registrable systems***

201	Register . . . . .	110
202	Application for registration of registrable system . . . . .	110
203	Registration of registrable system . . . . .	112
204	Term of registration . . . . .	112
205	Inspection of entries in register . . . . .	112
206	Change of name and address . . . . .	113
207	Cancellation of registration . . . . .	113
208	Taking away or making a registered system inoperable . . . . .	113
209	Change to registered system to be notified . . . . .	114

210	Registration of cathodic protection systems in operation on 1 January 1995 . . . . .	114
-----	--	-----

**CHAPTER 4—ELECTRICITY SUPPLY AND SALE TO CUSTOMERS**

**PART 1—DISTRIBUTION ENTITIES**

*Division 1—Obligations of distribution entities and customers*

211	Limits on obligation to provide customer connection services . . . . .	115
212	Notice if services refused . . . . .	117
213	Entity may provide services even if no obligation . . . . .	117
214	When distribution entity may refuse to connect or may disconnect . . . . .	118
215	Customer's liability for customer connection services . . . . .	119
216	Regulating customer's use etc. of electricity . . . . .	120
217	Action if notice not complied with . . . . .	121
218	Providing metering information to retail entity . . . . .	121

*Division 2—Meters and control apparatus*

219	Entity must provide meter and control apparatus . . . . .	121
220	Customer to change electrical installation for meter connection . . . . .	121
221	Customer to provide links connecting meters to incoming supply . . . . .	122
222	No breaking or interfering with meter seal or control apparatus . . . . .	122
223	Placing meter or control apparatus on customer's premises . . . . .	122
224	Change of placement if building changes or works . . . . .	122
225	Matters that may be considered for placement . . . . .	123
226	Customers to provide safe access . . . . .	123
227	Meter accuracy test at customer's request . . . . .	124
228	When meter taken to register accurately . . . . .	124
229	Extent of inaccuracy . . . . .	125
230	Report about test results . . . . .	125
231	Refund and adjustment if inaccuracy . . . . .	125
232	Referral of tested meter to regulator . . . . .	126
233	Inspection and test after referral . . . . .	126
234	Refund and adjustment after test under s 233 . . . . .	126
235	Using testing instruments . . . . .	127

***Division 3—Substations on customers’ premises***

236	Application of div 3 . . . . .	127
237	Meaning of “space for a substation” in div 3 . . . . .	128
238	Meaning of “owner” in div 3 . . . . .	128
239	Owner to provide space for substation . . . . .	128
240	Supply to other customers from substation . . . . .	129
241	Limitation of compensation . . . . .	129
242	Taking away distribution entity’s equipment . . . . .	130

***Division 4—What is not unfair or unreasonable***

244	Differing methods of charging . . . . .	130
245	Negotiated customer connection contracts . . . . .	130
246	Differing security . . . . .	130
247	Different terms that are reasonable . . . . .	131

**PART 2—RETAIL ENTITIES*****Division 1—Obligations of retail entities and customers***

248	Limits on obligation to provide customer retail services . . . . .	132
248A	Notice if services refused . . . . .	133
248B	Entity may supply even if no obligation . . . . .	134
248C	When retail entity is not obliged to provide customer retail services . . . . .	134
248D	Customer’s liability for customer retail services . . . . .	135

***Division 2—What is not unfair or unreasonable***

248F	Differing methods of charging . . . . .	136
248G	Negotiated customer sale contracts . . . . .	136
248H	Differing security . . . . .	136
248I	Different terms that are reasonable . . . . .	136

**PART 2A—DISPUTES ABOUT WHAT IS FAIR AND REASONABLE**

248IA	Dispute resolution . . . . .	137
248IB	Regulator may seek advice or information . . . . .	138
248IC	Parties to maintain secrecy of advice or information . . . . .	138

**PART 3—FINANCIAL ARRANGEMENTS ABOUT SUPPLY AND SALE**

248J	Methods of charging for electricity . . . . .	139
------	---	-----

---

248K	Meters must be read annually . . . . .	139
------	--	-----

**PART 4—ELECTRICITY RESTRICTION**

*Division 1—Preliminary*

248L	Purpose to be achieved by regulation . . . . .	140
248M	Definitions . . . . .	140

*Division 2—Electricity restriction in far north Queensland (other than the Torres Strait Islands)*

248N	Where electricity restriction applies . . . . .	141
248O	Electricity restrictions . . . . .	141

*Division 3—Electricity restriction in the Torres Strait Islands*

248P	Where electricity restriction applies . . . . .	142
248Q	Electricity restrictions . . . . .	143

*Division 4—Electricity restriction in the North Queensland Electricity Corporation supply area*

248R	Where electricity restriction applies . . . . .	144
248S	Electricity restrictions . . . . .	144

**PART 5—CONTESTABLE CUSTOMERS**

*Division 1—General declaration*

*Subdivision 1—Preliminary*

248T	Meaning of “relevant distribution entity” . . . . .	145
248TA	Meaning of “single premises” . . . . .	145

*Subdivision 2—Declaration*

248TB	Actual or estimated consumption of more than 4 GWh . . . . .	146
-------	--	-----

*Subdivision 3—Contestable customer certification*

248TC	Applying for certification . . . . .	147
248TD	Consideration of application . . . . .	147
248TDA	Issue of certification . . . . .	149
248TDB	Refusal of application . . . . .	149

*Division 2—Contestable customers in NorthPower’s area*

248TE	Contestable customers in NorthPower’s area . . . . .	150
-------	--	-----

*Division 3—Other contestable customers*

248TF	Customers declared to be contestable customers . . . . .	150
-------	--	-----

***Division 4—Resolving disputes about contestability***

248TG	Dispute resolution . . . . .	151
248TH	Dispute resolver may seek advice or information . . . . .	152
248TI	Parties to maintain secrecy of advice or information . . . . .	153
248TJ	Decision binding . . . . .	153

**PART 6—NEGOTIATED CONTRACTS BEFORE  
COMMENCEMENT OF ELECTRICITY AMENDMENT ACT  
1997**

248U	Negotiated contracts . . . . .	153
------	--------------------------------	-----

**CHAPTER 5—MARKET AND SYSTEM ARRANGEMENTS****PART 1—SYSTEM AND NETWORK CONTROL*****Division 1—Operating electrical installations***

249	Market Code to be followed . . . . .	154
250	Appointment of QETC as system control entity . . . . .	154
251	Queensland grid code to be followed . . . . .	155
252	Arrangements with other electricity entities about system control . . . . .	156
253	Additional operating instructions . . . . .	156
254	Dealings to be impartial . . . . .	156
255	Confidentiality . . . . .	156
256	Reasonable charges for services . . . . .	156

***Division 2—Network control***

257	Network operation not to interfere with Queensland system . . . . .	157
258	Market Code to be followed . . . . .	157
259	Dealings to be impartial . . . . .	157
260	Confidentiality . . . . .	157
261	Reasonable charges for services . . . . .	158

**PART 2—CONDITIONS OF AUTHORITIES AND SPECIAL  
APPROVALS**

***Division 1—Separation of industry sectors***

261A	Generation and retail sectors . . . . .	158
261B	Distribution and retail sectors . . . . .	158
261C	Retail and generation sectors . . . . .	158

***Division 2—Compliance with Market Code***

262	Compliance with Market Code instruments . . . . .	159
-----	---	-----

***Division 3—Miscellaneous***

262A	Compliance with regulator’s decisions under s 248IA . . . . .	159
262B	Retail entity must comply with prices or methodology . . . . .	159

**PART 3—ANCILLARY SERVICES**

263	Ancillary services at direction of Queensland System Operator . . . . .	160
263A	Expiry of pt 3 . . . . .	160

**PART 4—SPECIAL APPROVALS**

294	Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995 . . . . .	160
295	Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities . . . . .	161
296	Approval to connect certain generating plant with 30MW or less capacity . . . . .	161
297	Special approval holder providing electricity to customer . . . . .	161
298	Disciplinary action against special approval holder . . . . .	162
298A	NorthPower’s authorised supplier authorities . . . . .	162
298B	Special approval for QETC . . . . .	163
298C	Special approval for certain activities under s 138 of the repealed Act . . . . .	163

**CHAPTER 5A—PROHIBITED INTERESTS**

298D	Generation authorities . . . . .	164
298E	Distribution authorities . . . . .	164
298F	Retail authorities . . . . .	164

**CHAPTER 6—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY****PART 1—PRELIMINARY**

299	Secondment does not affect employment in the GOE industry . . . . .	165
300	Continuous service . . . . .	165
301	Calculation at a proportionate rate for particular employee . . . . .	165

**PART 2—TRANSFER OF EMPLOYMENT WITHIN GOE INDUSTRY**

302	Application of this part . . . . .	166
303	When there is transfer of employment within GOE industry . . . . .	166



---

304	When employment with former employer and new employer is taken to be continuous service . . . . .	166
305	Transferred employee may elect for leave entitlement to become leave entitlement with new employer . . . . .	166
306	Payment by former employer to new employer towards long service leave entitlements not accrued on transfer . . . . .	167
306A	Transferred employees not made redundant . . . . .	168
306B	Employment conditions not generally transferred . . . . .	168
<b>PART 3—RECOGNITION OF PREVIOUS SERVICE OTHER THAN ON TRANSFER</b>		
307	Application of pt 3 . . . . .	168
308	Recognition of previous service . . . . .	169
<b>PART 4—LONG SERVICE LEAVE</b>		
309	Entitlement to long service leave . . . . .	169
310	Service recognised for long service leave purposes . . . . .	170
311	Calculation of long service leave . . . . .	170
312	Minimum period . . . . .	171
313	Periods of absence without pay that count as ‘service’ . . . . .	171
314	Applications for long service leave . . . . .	171
315	Employer’s right to refuse or defer long service leave . . . . .	171
316	Employer’s right to recall an employee from leave . . . . .	172
317	Public holidays happening during long service leave . . . . .	172
318	Illness during long service leave . . . . .	172
319	Payment of cash equivalent of long service leave . . . . .	173
320	Preservation of certain existing rights . . . . .	174
<b>PART 5—LOCALITY ALLOWANCES</b>		
321	Allowance payable to a GOE industry employee with a dependent spouse or dependent child . . . . .	175
322	Allowance payable to other employees . . . . .	175
323	Allowance payable if both spouses are entitled . . . . .	176
324	Allowance payable to an employee absent from headquarters on duty . . . . .	176
325	Allowance payable to an employee on leave . . . . .	177
326	Building projects where site allowance is paid . . . . .	177

**PART 5A—OVERTIME PAYMENTS**

326A	Overtime payments .....	177
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**PART 6—PROVISIONS CONCERNING ELECTRICITY  
INDUSTRY RESTRUCTURE**

327	Continuation of employment if employer becomes a GOC .....	178
327A	Meaning of “redundant” and “redundant employee” .....	178
327B	Restriction on engaging redundant employees .....	179

**CHAPTER 7—REVIEW OF AND APPEALS AGAINST  
DECISIONS****PART 1—REVIEW OF DECISIONS**

328	Who may apply for review etc. ....	180
329	Applying for review .....	180
330	Stay of operation of decision etc. ....	181
331	Decision on review .....	181

**PART 2—APPEALS***Division 1—Appeals against decisions on what is fair and reasonable*

331A	Who may appeal .....	182
331B	Making appeal .....	182

*Division 2—Appeals against certain decisions by regulator or EWC  
Board*

332	Who may make an appeal .....	183
333	Making appeals .....	183
334	Starting appeals .....	184
335	Stay of operation of decisions .....	184
336	Powers of court on appeal .....	184
337	Effect of court’s decision on appeal .....	185
338	Procedure of court .....	185
339	Appeals .....	185

**CHAPTER 8—GENERAL PROVISIONS****PART 1—EXEMPTIONS FROM ACT***Division 1—General*

340	Exemption about certain mines and petroleum plant .....	186
341	Exemption for connection of generating plant not supplying electricity to transmission grid or supply network .....	187

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341A	Exemption from Act, s 92I(2)(a) . . . . .	187
341B	Exemption for Brisbane Airport Rail Link . . . . .	187
<b><i>Division 2—On-suppliers</i></b>		
342	Definitions for div 2 . . . . .	188
342A	Exemptions for on-suppliers . . . . .	189
342B	Charges from on-suppliers to receivers . . . . .	189
<b>PART 1A—MARKET CODE APPOINTMENTS</b>		
343	Application of pt 1A . . . . .	190
343A	NECA’s functions . . . . .	190
343B	Management company’s functions . . . . .	190
343C	Electrical regions . . . . .	191
343D	Compensation . . . . .	191
343E	Secure operating and satisfactory operating states . . . . .	191
343F	Capacity reserve . . . . .	191
343G	Operating procedures . . . . .	191
343H	Extended transmission regulation commencement . . . . .	192
343I	Jurisdictional Regulator . . . . .	192
<b>PART 2—APPLICATION OF FREEDOM OF INFORMATION ACT AND JUDICIAL REVIEW ACT TO STATE ELECTRICITY ENTITIES</b>		
344	Commercial and excluded activities for Act, s 256 . . . . .	192
<b>PART 3—DECLARED STATE ELECTRICITY ENTITIES</b>		
345	Declarations . . . . .	193
<b>PART 4—MISCELLANEOUS</b>		
346	Approved industry superannuation scheme . . . . .	193
347	Fees . . . . .	194
348	Forms . . . . .	194
<b>SCHEDULE 1 . . . . .</b>		
<b>EXTERNAL AUTHORITY FOR ELECTRICAL WORKER</b>		
<b>SCHEDULE 2 . . . . .</b>		
<b>CLEARANCE OF OVERHEAD ELECTRIC LINES (OTHER THAN LOW VOLTAGE SERVICE LINES)</b>		

	<b>SCHEDULE 3</b> .....	205
	<b>CLEARANCE OF LOW VOLTAGE OVERHEAD SERVICE LINES</b>	
	<b>SCHEDULE 3A</b> .....	209
	<b>OTHER CONTESTABLE CUSTOMERS</b>	
	<b>SCHEDULE 4</b> .....	210
	<b>REVIEW OF DECISIONS BY THE REGULATOR</b>	
	<b>SCHEDULE 5</b> .....	212
	<b>APPEALS AGAINST ADMINISTRATIVE DECISIONS TO MAGISTRATES COURT</b>	
	<b>SCHEDULE 6</b> .....	213
	<b>APPEALS AGAINST ADMINISTRATIVE DECISIONS TO INDUSTRIAL MAGISTRATES</b>	
	<b>SCHEDULE 7</b> .....	215
	<b>FEEES</b>	
	<b>SCHEDULE 8</b> .....	218
	<b>DICTIONARY</b>	
	<b>ENDNOTES</b>	
1	Index to endnotes .....	225
2	Date to which amendments incorporated .....	225
3	Key .....	226
4	Table of earlier reprints .....	226
5	Tables in earlier reprints .....	227
6	List of legislation .....	227
7	List of annotations .....	229

# ELECTRICITY REGULATION 1994

[as amended by all amendments that commenced on or before 20 November 1998]

## CHAPTER 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Electricity Regulation 1994*.

### Definitions—the dictionary

2.(1) The dictionary<sup>1</sup> in schedule 8 defines particular words used in this regulation.

(2) Definitions found elsewhere in the regulation are signposted<sup>2</sup> in the dictionary to help the reader.

### Purposes

3. The main purposes of this regulation are to—
  - (a) ensure the electrical safety of electrical workers, other workers, customers and the general public; and
  - (b) ensure a safe, secure, efficient and economic supply of electricity to customers on fair and reasonable terms; and
  - (c) prevent a person's cathodic protection system from damaging or interfering with anyone else's property; and

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<sup>1</sup> In some regulations, definitions are contained in a dictionary that appears as the last schedule and forms part of the regulation—*Acts Interpretation Act 1954*, section 14 and *Statutory Instruments Act 1992*, section 14.

<sup>2</sup> The signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the regulation and tell the reader where these definitions can be found. For example, the definition ‘“adjusted period”, in chapter 6, part 4, see section 318.’ tells the reader there is a definition of the term “adjusted period” in section 318.

- (d) prescribe certain conditions of employment for employees in the GOE industry.

### **How purposes are to be achieved**

4. The purposes of this regulation are to be mainly achieved by—
- (a) providing that electrical work may only be carried out by persons who are competent and appropriately qualified to perform the work; and
  - (b) providing for licensing of electrical workers and contractors (by the EWC Board) and recognition of licences issued in other States and New Zealand; and
  - (c) prescribing standards and procedures for the design, building and maintenance of electric lines and works, the performance of electrical work and the performance of work on customers' electrical installations; and
  - (d) prescribing standards for the operation of cathodic protection systems and a requirement for certain systems to be registered by the regulator; and
  - (e) specifying when the obligation to connect and supply a customer does not apply and conditions governing the provision of customer connection services by distribution entities; and
  - (f) specifying when the obligation to provide customer retail services does not apply and conditions governing the provision of customer retail services; and
  - (g) providing for continuity of service for leave purposes for employees transferring within the GOE industry; and
  - (h) providing for long service leave and locality allowance entitlements for GOE industry employees.

### **Words have the same meaning as in wiring rules**

5.(1) Words and expressions used in the wiring rules have the same respective meanings in this regulation.

- (2) The “**Wiring Rules**” are the Australian Standard

AS3000–1991—Electrical installations—buildings, structures and premises (known as the SAA Wiring Rules),<sup>3</sup> as changed under subsections (3) and (4).

(3) The definitions “**consumers terminals**” and “**service line**” in the wiring rules are replaced with—

“**consumers terminals**” means the point where a customer’s electrical installation is connected to a service line.

“**service line**” means an electric line, including a connection to the service fuse, servicing a customer’s premises from the point of supply on the relevant supplier’s works to the customer’s consumers terminals.

## **CHAPTER 2—ELECTRICAL WORKERS AND CONTRACTORS**

### **PART 1—ELECTRICAL WORKERS AND CONTRACTORS BOARD**

#### **EWC Board a body corporate**

**6.(1)** The Electrical Workers and Contractors Board (the “**EWC Board**”)—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

(2) Judicial notice must be taken of the imprint of the board’s common seal appearing on a document and the document must be presumed to have been properly sealed unless the contrary is proved.

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<sup>3</sup> SAA Wiring Rules may be purchased from Standards Australia.

**Functions of EWC Board**

7. The functions of the EWC Board are to—

- (a) issue licences (including restricted licences) and permits under this chapter; and
- (b) decide courses of instruction to qualify persons for a licence or a permit; and
- (c) conduct or arrange for examinations leading to qualification for a licence, restricted licence or permit; and
- (d) decide standards of competency for qualification for a licence, restricted licence or permit; and
- (e) decide the trades or callings in which a registered apprentice under the *Vocational Education, Training and Employment Act 1991* may carry out work without a licence or permit; and
- (f) receive and investigate complaints about electrical work; and
- (g) take action to ensure holders of licences and permits perform work to appropriate standards (including, for example, holding hearings and cancelling or suspending licences and permits and taking other disciplinary action); and
- (h) provide financial assistance for research, training and education about electrical work; and
- (i) report to the regulator on any issue referred to it by the regulator or on any other issue it feels should be reported to the regulator.

**General powers of EWC Board**

8. The EWC Board has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of and deal with property; and
- (c) appoint agents and attorneys; and
- (d) engage consultants; and
- (e) make charges for services provided by it.



**Delegation by EWC Board**

**9.(1)** The EWC Board may delegate its powers to—

- (a) a committee of at least 2 of its members; or
- (b) its chairperson; or
- (c) the secretary to the board; or
- (d) an officer or employee of the department.

**(2)** The board may make a delegation only if satisfied that the committee to which, or the person to whom, the delegation is proposed to be given has the expertise and experience necessary for the appropriate exercise of the powers.

**Composition of EWC Board**

**10.(1)** The EWC Board consists of a chairperson and at least 5 other members.

**(1A)** At least half of the members of the board must have the qualifications set out in subsection (2).

**(2)** The qualifications for subsection (1A) are that a person must be the holder of a licence (other than a restricted licence) as—

- (a) an electrical fitter; or
- (b) an electrical mechanic; or
- (c) an engineering tradesperson (electrical).

**(3)** One member is to be appointed from each panel of names given to the Minister by each of the following entities—

- (a) the chief executive of the training department;
- (b) distribution entities together as a group;
- (c) the regional manager for Queensland of the Insurance Council of Australia Ltd;
- (d) the Electrical Contractors Association Queensland;
- (e) the Electrical Trades Union of Employees of Australia—Queensland branch.

(4) At least 2 months before an appointment is to be made of a member of the board mentioned in subsection (3), the Minister must ask the relevant entity to give a panel of names.

(5) A panel of names must include at least 3 names.

(6) If an entity does not give a panel of names, the Governor in Council may select a person for appointment.

(7) A selection made under subsection (6) is taken to be made from an appropriate panel of names.

(8) The chairperson and other members of the board must be appointed by the Governor in Council for a term (no longer than 3 years) decided by the Governor in Council.

(9) The office of a member of the board becomes vacant if the member—

- (a) dies; or
- (b) finishes a term of office and is not reappointed; or
- (c) resigns by written notice of resignation given to the Minister; or
- (d) is absent from 3 consecutive meetings of the board without the board's leave and without reasonable excuse; or
- (e) is removed from office by the Governor in Council.

### **Acting chairperson**

11. The Governor in Council may appoint a person nominated by the regulator to act as chairperson of the EWC Board during—

- (a) any vacancy, or all vacancies, in the office of the chairperson; or
- (b) any period, or all periods, when the chairperson is absent from duty or cannot perform the duties of the office.

### **Deputies for members (other than chairperson)**

12.(1) A member of the EWC Board may, in writing, appoint a person who is eligible to be a member as a deputy to attend a meeting, and to act as

a member of the board in the member's place, in the absence of the member.

(2) The deputy may attend the meeting, and act in the place of the absent member and, for the purpose, is taken to be a member of the board.

(3) Subsection (1) does not apply to the chairperson.

### **Filling of casual vacancies**

**13.(1)** This section applies if the office of a member (the “**former member**”) of the EWC Board becomes vacant.

(2) The Governor in Council may appoint a person (the “**new member**”) to be a member for the balance of the former member's term of office.

(3) The new member must be a person who the Minister considers is appropriate to represent the interests of the entity that gave the panel of names from which the former member was appointed.

### **Fees and allowances**

**14.** The members of the EWC Board are entitled to the fees and allowances decided by the Governor in Council.

### **Conduct of meetings and other business of EWC Board**

**15.(1)** The EWC Board may conduct its business (including its meetings) in the way it considers appropriate.

(2) The board may invite a person to attend a meeting of the board to advise or inform the board on an issue.

### **Times and places of meetings of EWC Board**

**16.(1)** Meetings of the EWC Board are to be held at times and places decided by the board.

(2) However, the chairperson—

(a) may at any time call a meeting; and

(b) must call a meeting if asked by at least 3 members.

**Presiding at meetings of EWC Board**

**17.(1)** The chairperson must preside at all meetings of the EWC Board at which the chairperson is present.

**(2)** In the absence of the chairperson, a member chosen by the members present at the meeting presides.

**Quorum and voting at meetings of EWC Board**

**18.** At a meeting of the EWC Board—

- (a) 4 members form a quorum; and
- (b) a question must be decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

**Taking part in meetings by telephone etc.**

**19.(1)** The EWC Board may permit members to take part in a particular meeting, or all meetings, by telephone or closed-circuit television or another form of communication.

**(2)** A member who takes part in a meeting of the board under subsection (1) is taken to be present at the meeting.

**Resolutions without meetings**

**20.(1)** If at least a majority of members of the EWC Board sign a document containing a statement that they are in favour of a resolution stated in the document, the resolution is taken to have been passed at a meeting of the board held on the day when the last of the members forming the majority signs the document.

**(2)** Each member must immediately be advised that the resolution is taken to have been passed at a meeting of the board and be given a copy of it.

(3) In subsection (1), 2 or more separate documents containing a statement in identical terms are taken to be a single document.

### **Minutes by EWC Board**

21. The EWC Board must keep minutes of its proceedings.

### **Executive officer of EWC Board**

22. The chairperson of the EWC Board is its executive officer.

### **Employees for purposes of EWC Board**

23.(1) An officer or employee of the department must be appointed secretary to the EWC Board.

(2) Officers and employees of the department may be appointed to adequately administer this chapter.

### **General fund**

24.(1) The general fund is established.

(2) The fund consists of amounts received or recovered by the EWC Board.

(3) The costs of administering this chapter are to be paid out of the fund.

(4) The board may invest amounts from the fund not immediately needed by the board in accordance with the *Statutory Bodies Financial Arrangements Act 1982*.

(5) The board may apply amounts to encourage or help research, training and education of persons who are, or are interested in becoming, electrical workers or electrical contractors from amounts—

- (a) allocated for the purpose; or
- (b) surplus to the board's budgetary needs for a particular year.

**Payment of EWC Board's expenses**

**25.** The salaries and wages of the officers and employees appointed under section 23,<sup>4</sup> and all other administration expenses of the EWC Board, must be met by the department in the first instance and reimbursed to the department by the EWC Board out of the general fund.

**Accounts and audit**

**26.** The EWC Board must keep proper records of all financial transactions.

**PART 2—REGULATION OF PERSONS WHO MAY  
PERFORM ELECTRICAL WORK***Division 1—Performance of electrical work***Definition for div 1**

**26A.** In this division—

“**electrical work**” does not include the work of installing or repairing telecommunications cabling.

**Electrical work to be done by holder of licence or permit**

**27.(1)** A person must not—

- (a) perform electrical work; or
- (b) connect, disconnect, interfere with or remove a fixed part of an electrical installation;

unless the person acts under the authority of a licence or permit.

Maximum penalty—20 penalty units.

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<sup>4</sup> Section 23 (Employees for purposes of EWC Board)

(2) A person who holds a licence must not perform electrical work of a kind to which the licence does not relate.

Maximum penalty—20 penalty units.

(3) A person who holds a restricted licence or a permit must not perform electrical work the person is not permitted under this part to perform.

Maximum penalty—20 penalty units.

(4) Subsection (1) does not apply to a registered apprentice within the meaning of the *Vocational Education, Training and Employment Act 1991* performing electrical work in a trade or calling that the board decides requires the apprentice to perform the electrical work.

### **Unlicensed person carrying on business as electrical contractor**

**28.(1)** A person who is not a licensed electrical contractor must not—

- (a) exercise or carry on the business of electrical contracting; or
- (b) advertise, notify or state that the person exercises, or carries on, the business of electrical contracting; or
- (c) agree to perform electrical installation work; or
- (d) represent to the public that the person is willing to perform electrical installation work; or
- (e) employ a person to perform, as an employee, electrical installation work.

Maximum penalty—20 penalty units

(2) It is a defence to a prosecution for an offence against subsection (1) if the person acted as a member of a firm or partnership that, at the relevant time, was licensed as an electrical contractor.

### **Liability of employer or supervisor of unauthorised person performing electrical work**

**29.** An employer, or a person supervising the work, of an employee must not instruct, advise, cause or allow the employee to perform electrical

work contrary to section 27<sup>5</sup> knowing that the employee is not permitted under this part to perform the work.

Maximum penalty—20 penalty units.

### **Obligations of employer about supervising apprentices and trainees**

**30.(1)** In this section—

**“training person”** is a person who is undertaking, but has not finished—

- (a) an electrical apprenticeship as a registered apprentice within the meaning of the *Vocational Education, Training and Employment Act 1991* working in a trade or calling that the EWC Board decides requires the apprentice to perform electrical work; or
- (b) a training program approved by the EWC Board.

**(2)** The employer must ensure that a training person who has not finished 6 months of the apprenticeship or training program—

- (a) is not in the immediate vicinity of an exposed live high voltage conductor or apparatus; or
- (b) does not work where there is a risk that the person could come into contact with an exposed live low voltage conductor or apparatus.

Maximum penalty—20 penalty units.

**(3)** Also, an employer must not allow a training person to work at a place where there is a risk of contact with exposed live conductors or apparatus unless the employer has ensured that the training person is adequately and properly trained and assessed as competent in safe working procedures for the place.

Maximum penalty—20 penalty units.

**(4)** An employer must ensure that a training person who performs electrical work is supervised by an electrical worker licensed to perform the work to ensure electrical safety at all times.

**(5)** The level of supervision required under this section must be

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<sup>5</sup> Section 27 (Electrical work to be done by holder of licence or permit)



appropriate for—

- (a) the type of electrical work performed; and
- (b) the adequacy of the training person's training; and
- (c) an assessment of the competency of the training person.

### **Exemptions**

**31.(1)** Sections 27 and 29<sup>6</sup> do not apply to—

- (a) a person in charge of machinery but not performing electrical work; or
- (b) a person skilled in another trade practising the trade in the installation, maintenance or repair of an electrical appliance or plant that is, or may be, connected to the source of supply if the person is not employed on an electrical circuit operating at a voltage more than—
  - (i) 32 V alternating current; or
  - (ii) 115 V direct current; or
- (c) a person working on electrical equipment of a motor vehicle if the operating voltage is not more than—
  - (i) 32 V alternating current; or
  - (ii) 115 V direct current; or
- (d) a person working on an electrical installation operating at a voltage of not more than—
  - (i) 32 V alternating current; or
  - (ii) 115 V direct current; or
- (e) an electrical engineer practising the profession of electrical engineer; or
- (f) a student or other person in training performing electrical work as

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<sup>6</sup> Section 27 (Electrical work to be done by holder of licence or permit)  
Section 29 (Liability of employer or supervisor of unauthorised person performing electrical work)

part of the training under the strict supervision of a member of the teaching staff at—

- (i) a university; or
- (ii) a college, school or similar institution conducted or approved by a department of government of Queensland or the Commonwealth; or
- (iii) another training institution if the institution and the member of its staff responsible for the strict supervision of the student are approved for this section by the EWC Board.

(2) Sections 27 and 29 also do not apply to a person performing electrical work on an electrical installation for which the only source of electricity supply is private plant if the plant is used by—

- (a) a farmer on and solely for the farm; or
- (b) a grazier on and solely for the grazing property; or
- (c) an owner of a metalliferous mine within the limits of a mine.

(3) Subsection (2) applies only if—

- (a) the plant is not connected directly or indirectly to the supply network of an electricity entity; and
- (c) the capacity of the prime mover of the plant is not more than 75 kW; and
- (d) a person authorised to perform the electrical work is not reasonably available because, for example, of the remote location of the farm, property or mine.

### **Exemptions from being electrical contractors**

**32.(1)** Section 28<sup>7</sup> does not apply to a person doing a thing if the person is permitted by this section to do the thing.

(2) A licensed electrical mechanic may—

- (a) with the written approval of an authorised person who has authority to give approval in the area where the work is to be

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<sup>7</sup> Section 28 (Unlicensed person carrying on business as electrical contractor)

performed, perform electrical installation work in premises owned or genuinely occupied by, or by a near relative of, the electrical mechanic; or

- (b) make minor emergency repairs to make safe an electrical installation; or
- (c) with the written approval of an authorised person who has authority to give approval in the area where the work is to be performed, perform temporary or minor electrical work on the premises of an organisation formed for charitable purposes; or
- (e) perform work under a requirement under section 33.

(3) A person who carries on business as a builder may contract to perform building work that includes electrical installation work if the electrical installation work is performed by an electrical contractor.

(4) A person may manufacture electrical articles at an industrial workplace.

(5) A person may employ a licensed electrical mechanic in the person's business or activity (other than the business of electrical contracting) to perform electrical installation work on or connected with an electrical installation on premises used by the person in the business or activity.

(5A) A person may perform work repairing an electrical appliance, or replacing an electrical appliance with a similar type, if the person is authorised under the Act to perform the work.

(6) An approval under subsection (2) may be on reasonable conditions.

### **EWC Board may require person to rectify defective work**

**33.(1)** This section applies to a person who, when the person performed electrical installation work, was a licensed electrical contractor.

(2) The EWC Board may—

- (a) notify the person of a fault or defect in the work; and
- (b) require the person to correct the fault or defect within the time and in the way stated by the board.

(3) While performing electrical work to comply with a requirement under subsection (2), the person is taken to be the holder of an electrical

contractor's licence of the kind the person held when the person performed the electrical installation work.

(4) The person must not contravene with the notice, unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—20 penalty units.

### **Work by assistant to electrical worker for qualifying experience**

**34.(1)** If a person, to qualify as an electrical joiner under section 46,<sup>8</sup> works as an assistant in electrical jointing work to gain experience in the work of jointing and terminating cables that are not energised, the work is not electrical work.

(2) To enable a person to gain experience working up a pole on dead line work necessary for qualification as an electrical linesperson under section 47,<sup>9</sup> up to a total of 300 hours work by the person as a labourer or tradesperson's assistant on overhead electric line construction or maintenance is not electrical work.

(3) Subsection (2) only applies to work performed after the person has been employed as a labourer or tradesperson's assistant for a total period of at least 3 months.

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

**35.(1)** A person must not sign a document about electrical work required under the Act or by an electricity entity unless the person is—

- (a) an electrical contractor; or
- (b) a qualified partner under section 54;<sup>10</sup> or
- (c) a qualified person under section 56 or 58.<sup>11</sup>

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<sup>8</sup> Section 46 (Qualifications of electrical joiner)

<sup>9</sup> Section 47 (Qualifications of electrical linesperson)

<sup>10</sup> Section 54 (Electrical contractors' licences—partnerships)

<sup>11</sup> Section 56 (Electrical contractors' licences—corporations)  
Section 58 (Electrical contractors' licences—restricted)

Maximum penalty—20 penalty units.

- (2) A document may be signed by—
- (a) a licensed electrical contractor in that capacity; or
  - (b) a qualified partner for the partnership; or
  - (c) a qualified person for the corporation, person or public entity for which the person is a qualified person.

### *Division 2—Licences and other authorities*

#### **Classes of licences**

36. The following licences may be issued—

- (a) electrical fitter;
- (b) electrical mechanic;
- (c) engineering tradesperson (electrical);
- (d) electrical joiner;
- (e) electrical linesperson;
- (f) electrical contractor.<sup>12</sup>

#### **Restricted licence**

37.(1) A restricted licence may be issued allowing the holder of the licence—

- (a) to perform electrical work of a kind stated in the licence; or
- (b) to perform electrical work of a kind stated in the licence for a stated employer; or
- (c) to perform electrical work of a kind stated in the licence in a stated locality.

(2) A restricted licence may be issued for electrical work incidental or

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<sup>12</sup> The licensing provisions in this part apply subject to the *Mutual Recognition Act 1992* (Cwlth).

special to a trade or calling.

**(3)** A restricted licence—

- (a) does not entitle the holder to another licence; and
- (b) must not be taken into account in deciding whether the holder is qualified to obtain or hold a licence.

### **Training permit**

**38.(1)** A training permit may be issued to a person allowing the person to perform electrical work stated in the permit.

**(2)** The permit may be issued—

- (a) on application by the person for a licence or a restricted licence; or
- (b) after the suspension of a licence or another permit held by the person.

**(3)** The permit may be issued by—

- (a) the EWC Board; or
- (b) the chairperson of the board; or
- (c) 2 members of the board.

**(4)** A permit may be issued by the board for a term (no longer than 1 year) stated in the permit.

**(5)** A permit may be issued by the chairperson or members for a term (no longer than 1 month) stated in the permit.

**(6)** The board may, by written notice to the holder, renew a permit for a term (no longer than 1 year) stated in the notice.

**(7)** The board may renew a permit more than once.

**(8)** A permit—

- (a) does not entitle the holder to a licence; and
- (b) must not be taken into account in deciding whether the holder is qualified to obtain or hold a licence.

**(9)** A permit may have conditions stated in the permit, including, for example, a condition that the holder satisfactorily finishes a training course

or examination decided by the board.

(10) If a permit is issued without conditions, it may be renewed with conditions.

### **Electrical work by holder of external authority**

**39.(1)** An external authority stated in schedule 1 is equivalent to a licence of an electrical worker stated in the schedule for the authority.

(2) The holder of an external authority is taken to be the holder of the equivalent licence.

### **Entitlement to licence as electrical worker**

**40.(1)** An individual is entitled to a licence (including a restricted licence) if the EWC Board is, on application by the individual, satisfied that—

- (a) the applicant has the qualifications and experience required by this division for the particular licence; and
- (c) the applicant intends to perform electrical work in Queensland; and
- (d) the applicant is physically able to perform the electrical work covered by the particular licence; and
- (e) the applicant is adequately able to understand, and read and write in, the English language without the aid of an interpreter.

(1A) The board may consider the following about the individual's activities as an electrical worker—

- (a) disciplinary action taken against the individual under a law regulating the activities of electrical workers;
- (b) the individual's non-performance of an obligation under a law about electrical work and the reasons for the non-performance.

(2) An individual is entitled to a licence only if the board is satisfied the individual 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.

(3) An individual is entitled to a licence as an electrical linesperson only if

the board is satisfied the individual has been trained in, and is competent to carry out, resuscitation at the pole-top as well as on the ground on an individual who has stopped breathing or is unconscious because of electric shock.

### **Application for licence as electrical worker**

**41.(1)** An application for a licence as an electrical worker (including a restricted licence)—

- (a) must be made in the approved form; and
- (b) must be accompanied by the prescribed fee.

**(2)** An applicant for a licence (including a restricted licence) must, if asked by the EWC Board, give any further information or evidence the board needs to decide the application.

### **Consideration of application**

**42.** The EWC Board must consider an application for a licence as an electrical worker (including a restricted licence) and may issue, or refuse to issue, the licence.

### **Qualifications of electrical fitter**

**43.(1)** An applicant is entitled to be issued a licence as an electrical fitter only if the applicant complies with subsection (2), (3) or (4).

**(2)** The applicant must have—

- (a) satisfactorily finished an apprenticeship to the trade of electrical fitter or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) satisfactorily finished a course of instruction decided by the EWC Board; and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had at the trade work of an electrical fitter; and
- (d) satisfied the board the applicant is competent in the trade work of



an electrical fitter.

(3) The applicant must have—

- (a) satisfactorily finished an apprenticeship outside Queensland that is, in the board's opinion, at least equivalent to an apprenticeship mentioned in subsection (2)(a); and
- (b) satisfactorily finished a course of instruction related to the apprenticeship that is, in the board's opinion, at least equivalent to the course of instruction mentioned in subsection (2)(b); and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had at the trade work of an electrical fitter; and
- (d) satisfied the board the applicant is competent in the trade work of an electrical fitter.

(4) The applicant must satisfy the board that—

- (a) the applicant has a qualification mentioned in subsection (5); and
- (b) the applicant has complied with the board's examination requirements; and
- (c) the applicant is competent in the trade work of an electrical fitter.

(5) For subsection (4)(a), the qualifications are that the applicant—

- (a) is a licensed electrical mechanic; or
- (b) has served an apprenticeship to the trade of electrical fitter or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*, but has not satisfactorily finished the course of instruction mentioned in subsection (2)(b); or
- (c) is the holder of a tradesman's certificate within the meaning of the *Tradesmen's Rights Regulation Act 1946* (Cwlth) in the classification of electrical fitter.

### **Qualifications of electrical mechanic**

**44.(1)** An applicant is entitled to be issued a licence as an electrical mechanic only if the applicant complies with subsection (2), (3) or (4).

**(2)** The applicant must have—

- (a) satisfactorily finished an apprenticeship to the trade of electrical mechanic or engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) satisfactorily finished a course of instruction decided by the EWC Board; and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had at the trade work of an electrical mechanic; and
- (d) satisfied the board the applicant is competent in the trade work of an electrical mechanic.

**(3)** The applicant must have—

- (a) satisfactorily finished an apprenticeship outside Queensland that is, in the board's opinion, at least equivalent to an apprenticeship mentioned in subsection (2)(a); and
- (b) satisfactorily finished a course of instruction related to the apprenticeship that is, in the board's opinion, at least equivalent to the course of instruction mentioned in subsection (2)(b); and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had at the trade work of an electrical mechanic; and
- (d) satisfied the board the applicant is competent in the trade work of an electrical mechanic.

**(4)** The applicant must satisfy the board that—

- (a) the applicant has a qualification mentioned in subsection (5); and
- (b) the applicant has complied with the board's examination requirements; and
- (c) the applicant is competent in the trade work of an electrical mechanic.

**(5)** For subsection (4)(a), the qualifications are that the applicant—

- (a) is a licensed electrical fitter; or
- (b) has served an apprenticeship to the trade of electrical mechanic or

engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*, but has not satisfactorily finished the course of instruction mentioned in subsection (2)(b); or

- (c) is the holder of a tradesman's certificate within the meaning of the *Tradesmen's Rights Regulation Act 1946* (Cwlth) in the classification of electrical mechanic.

### **Qualifications of engineering tradesperson (electrical)**

**45.** An applicant is entitled to be issued a licence as an engineering tradesperson (electrical) only if the applicant—

- (a) has satisfactorily finished an apprenticeship to the trade of engineering tradesperson (electrical) under the *Vocational Education, Training and Employment Act 1991*; and
- (b) is entitled to be issued a licence as an electrical fitter or an electrical mechanic.

### **Qualifications of electrical jointer**

**46.(1)** An applicant is entitled to be issued a licence as an electrical jointer only if the applicant complies with subsection (2) or (3).

**(2)** The applicant must have—

- (a) been employed as an assistant in electrical jointing work for at least 2 years; and
- (b) satisfactorily finished a course of theoretical and practical training approved by the EWC Board; and
- (c) produced a certificate from the applicant's employer outlining the experience the applicant has had in the electrical industry; and
- (d) produced a certificate from an electrical engineer or a licensed electrical jointer that—
  - (i) the applicant has had experience for 300 hours, or a shorter period the board considers sufficient in the circumstances, in jointing and terminating cables that are not energised; and

- (ii) in the reasonable opinion of the engineer or jointer, the person can and will perform an electrical jointer's work in a safe and workmanlike manner; and
  - (e) satisfactorily finished an examination required by the board or been accepted, without examination, by the board as qualified to be an electrical jointer.
- (3)** The applicant must have—
- (a) been employed outside Queensland as an electrical jointer for at least 2 years; and
  - (b) produced a certificate from the applicant's employer outlining the experience the applicant has had in the work of an electrical jointer; and
  - (c) satisfied the board that the certificate and the experience outlined in it are appropriate and sufficient; and
  - (d) satisfactorily finished an examination required by the board or been accepted, without examination, by the board as qualified to be an electrical jointer.

### **Qualifications of electrical linesperson**

**47.(1)** An applicant is entitled to be issued a licence as an electrical linesperson only if the applicant complies with subsection (2) or (3).

- (2)** The applicant—
- (a) must—
    - (i) have been employed as a labourer or a tradesperson's assistant on overhead electric line construction or maintenance for at least 18 months; or
    - (ii) be a licensed electrical fitter or licensed electrical mechanic; and
  - (b) must have satisfactorily finished a course of theoretical and practical training approved by the EWC Board; and
  - (c) must have produced a certificate from the applicant's employer outlining the experience the applicant has had in the electrical industry; and

- (d) must have produced a certificate from an electrical engineer or a licensed electrical linesperson that—
    - (i) the applicant has had experience for 300 hours, or a shorter period the board considers sufficient in the circumstances, working up a pole on dead line work; and
    - (ii) in the reasonable opinion of the engineer or linesperson, the person can and will perform an electrical linesperson's work in a safe and workmanlike manner; and
  - (e) must have satisfactorily finished an examination required by the board or been accepted, without examination, by the board as qualified to be an electrical linesperson.
- (3) The applicant must have—
- (a) been employed outside Queensland as an electrical linesperson for at least 2 years; and
  - (b) produced a certificate from the applicant's employer outlining the experience the applicant has had in the construction and maintenance of overhead electric lines; and
  - (c) satisfied the board that the certificate and the experience outlined in it are appropriate and sufficient; and
  - (d) satisfactorily finished an examination required by the board or been accepted, without examination, by the board as qualified to be an electrical linesperson.

### **Qualifications for restricted licences**

**48.(1)** An applicant is entitled to be issued a restricted licence only if the applicant complies with subsection (2), (3), (4) or (5).

- (2) The applicant must have—
- (a) satisfactorily finished an apprenticeship under the *Vocational Education, Training and Employment Act 1991* in a trade that the EWC Board has decided under section 27(4)<sup>13</sup> requires the apprentice to perform electrical work; and

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<sup>13</sup> Section 27 (Electrical work to be done by holder of licence or permit)

- (b) satisfactorily finished a course of instruction decided by the board; and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had in performing electrical work in the trade; and
- (d) satisfied the board the applicant is competent to perform electrical work in the trade.

**(3)** The applicant must have—

- (a) satisfactorily finished an apprenticeship outside Queensland that is, in the board's opinion, at least equivalent to an apprenticeship mentioned in subsection (2)(a); and
- (b) satisfactorily finished a course of instruction related to the apprenticeship that is, in the board's opinion, at least equivalent to the course of instruction mentioned in subsection (2)(b); and
- (c) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had in performing electrical work in the trade; and
- (d) satisfied the board the applicant is competent to perform electrical work in the trade.

**(4)** The applicant must be the holder of a current licence, permit, certificate or other authority issued under a law of the Commonwealth, another State or New Zealand that the board decides is equivalent to the restricted licence.

**(5)** The applicant must have—

- (a) satisfied the board that the applicant has a qualification mentioned in subsection (6); and
- (b) satisfactorily finished a course of instruction decided by the EWC Board; and
- (c) satisfactorily finished a structured on-job training program approved by the board; and
- (d) produced to the board a written statement from the applicant's employer outlining the experience the applicant has had in performing electrical work in the trade; and

- (e) satisfied the board the applicant is competent to perform electrical work in the trade.
- (6) For subsection (5)(a), the qualifications are that the applicant—
  - (a) is the holder of a tradesperson's certificate within the meaning of the *Tradesmen's Rights Regulation Act 1946* (Cwlth) in a trade that the board has decided requires the tradesperson to perform electrical work; or
  - (b) is the holder of a tradesperson's certificate issued by the training department in another State in a trade that the board has decided requires the tradesperson to perform electrical work; or
  - (c) has equivalent qualifications in a trade that the board decides requires the person to perform electrical work.

### **Issue of licences as electrical workers**

**49.(1)** If the EWC Board is satisfied, on an application under section 41,<sup>14</sup> that the applicant is entitled to a licence (including a restricted licence), the board must issue the licence in the approved form.

**(2)** On issuing a licence as an engineering tradesperson (electrical), the board must endorse it in any of the following ways according to the training and experience of the applicant—

- (a) engineering tradesperson (electrical fitter);
- (b) engineering tradesperson (electrical mechanic);
- (c) engineering tradesperson (electrical fitter/mechanic).

### **Term of licence for electrical workers**

**50.** A licence issued under section 49 is for 5 years.

### **Renewal of licence for electrical workers**

**51.(1)** The EWC Board may renew a licence issued under section 49 if the holder applies in the approved form and pays the prescribed fee.

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<sup>14</sup> Section 41 (Application for licence as electrical worker)

(2) The renewal—

- (a) begins at the end of the day when, apart from its renewal, the licence would have ended; and
- (b) is for 5 years.

### **Electrical contractors' licences—individuals**

**52.(1)** On application by an individual for an electrical contractor's licence, the EWC Board must issue the licence if it is satisfied that the individual—

- (a) has held for at least a year (or a shorter period accepted by the board) a licence or authority stated in subsection (2); and
- (b) is a suitable person to hold the licence; and
- (c) is competent to perform electrical installation work as an electrical contractor and intends to perform the work; and
- (d) has satisfactorily finished a course of instruction or an examination required by the board; and
- (e) complies with the financial and insurance requirements for the licence under section 60.<sup>15</sup>

(2) For subsection (1)(a), a licence or authority may be any of the following—

- (a) a licence as an electrical mechanic;
- (b) a licence as an engineering tradesperson (electrical mechanic);
- (c) a licence as an engineering tradesperson (electrical fitter/mechanic);
- (d) a licence, or other authority, under a law of another State that authorises the individual to undertake contracts for electrical installation work in the other State.

(3) In deciding whether the person is a suitable person to hold the licence, the board may only consider—

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<sup>15</sup> Section 60 (Financial and insurance requirements for electrical contractors)



- (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.

(4) The individual must apply in the approved form and pay the prescribed fee.

### **Consideration of application**

**53.** The EWC Board must consider an application by an individual for a licence as an electrical contractor and may issue, or refuse to issue, the licence.

### **Electrical contractors' licences—partnerships**

**54.(1)** On application by a partnership for an electrical contractor's licence, the EWC Board must issue the licence if it is satisfied a partner of the partnership (the "**qualified partner**") complies with the requirements stated in section 52.<sup>16</sup>

(2) On issuing the licence, the board must endorse it with the name of each qualified partner.

(3) One month after the partnership ceases to have a qualified partner, the licence is cancelled unless, before then—

- (a) the partnership has a qualified partner; and
- (b) application is made to the board to endorse the name of the qualified partner on the licence; and
- (c) the board has endorsed the name of the partner on the licence.

(4) If an application is made under subsection (3)(b), the board must—

- (a) if it satisfied that the partnership has a qualified partner—endorse on the licence the name of the partner; or
- (b) if it is not satisfied—refuse to endorse the licence.

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<sup>16</sup> Section 52 (Electrical contractors' licences—individuals)

(5) For an application under subsection (1) or (3)(b), the applicant must apply in the approved form and pay the prescribed fee.

### **Consideration of application**

55. The EWC Board must consider an application by a partnership for an electrical contractor's licence and may issue, or refuse to issue, the licence.

### **Electrical contractors' licences—corporations**

56.(1) On application by a corporation for an electrical contractor's licence, the EWC Board must issue the licence if it is satisfied that—

- (a) the corporation employs an individual, or has a member who is an individual, (a “**qualified person**”) who complies with the requirements (other than the financial and insurance requirements) of section 52;<sup>17</sup> and
- (b) the corporation complies with the financial and insurance requirements under section 60;<sup>18</sup> and
- (c) an object of the corporation is to carry on business as an electrical contractor; and
- (d) electrical installation work to be carried out by the corporation is proposed to be done, or personally supervised, by a qualified person.

(2) On issuing the licence, the board must endorse it with the name of each qualified person.

(3) One month after the corporation ceases to employ or have as a member a qualified person, the licence is cancelled unless, before then—

- (a) the corporation employs, or has a member who is, a qualified person; and
- (b) application is made to the board to endorse the qualified person on the licence; and

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<sup>17</sup> Section 52 (Electrical contractors' licences—individuals)

<sup>18</sup> Section 60 (Financial and insurance requirements for electrical contractors)

(c) the board has endorsed the name of the person on the licence.

(4) If an application is made under subsection (3)(b), the board must—

(a) if it is satisfied the corporation employs, or has a member who is, a qualified person—endorse on the licence the name of the person; or

(b) if it is not satisfied—refuse to endorse the licence.

(5) For an application under subsection (1) or (3)(b), the corporation must apply in the approved form and pay the prescribed fee.

### **Consideration of application**

57. The EWC Board must consider an application by a corporation for an electrical contractor’s licence and may issue, or refuse to issue, the licence.

### **Electrical contractors’ licences—restricted**

58.(1) On application by a person or public entity for a restricted electrical contractor’s licence, the EWC Board must issue the licence if it is satisfied that—

(a) the person or entity employs an individual (a “**qualified person**”) who complies with the requirements (other than the financial and insurance requirements) mentioned in section 52;<sup>19</sup> and

(b) the person or entity carries on a business or activity that is not electrical contracting; and

(c) electrical installation work to be done by the person or entity is to be done solely for the business or activity; and

(d) electrical installation work to be done by the person or entity is proposed to be done, or personally supervised, by a qualified person.

(2) On issuing the licence, the board must endorse it with the name of

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<sup>19</sup> Section 52 (Electrical contractors’ licences—individuals)

each qualified person employed by the person or entity.

(3) The licence is only for electrical installation work done solely for the business or activity of the person or entity.

(4) One month after the person or entity ceases to employ a qualified person, the licence is cancelled unless, before then—

- (a) the person or entity employs a qualified person; and
- (b) application is made to the board to endorse the qualified person on the licence; and
- (c) the board has endorsed the name of the person on the licence.

(5) If an application is made under subsection (4)(b), the board must—

- (a) if it is satisfied that the person or entity employs a qualified person—endorse on the licence the name of the person; or
- (b) if it is not satisfied—refuse to endorse the licence.

(6) For an application under subsection (1) or (4)(b), the person or entity must apply in the approved form and pay the prescribed fee.

### **Consideration of application**

59. The EWC Board must consider an application for an electrical contractor's licence—restricted and may issue, or refuse to issue, the licence.

### **Financial and insurance requirements for electrical contractors**

60. An applicant for an electrical contractor's licence must give to the EWC Board evidence that the applicant has public liability insurance for at least \$1 000 000 and—

- (a) if the applicant is an individual or partnership—
  - (i) net realisable assets of \$5 000; or
  - (ii) a bank guarantee for \$5 000; or
- (b) if the applicant is a corporation—
  - (i) net realisable assets of \$10 000 and a guarantee by the

directors of the corporation in a form acceptable to the board;  
or

- (ii) a bank guarantee for \$10 000.

### **Term of electrical contractors' licences**

**61.** An electrical contractor's licence is for 1 year from the issue of the licence and may be renewed or reinstated.

### **Renewal of electrical contractors' licences**

**62.(1)** The EWC Board must renew an electrical contractor's licence if, before the licence ends—

- (a) the holder of the licence—
  - (i) makes application in the approved form for its renewal; and
  - (ii) pays to the board the prescribed fee; and
- (b) if the holder is not a corporation—the board receives—
  - (i) a written declaration stating that the holder is regularly performing electrical installation work as an electrical contractor; and
  - (ii) other information needed by the board to establish that the holder is regularly performing the work.

**(2)** The declaration must be made and the information must be given—

- (a) if the holder is an individual—by the individual; and
- (b) if the holder is a partnership—by a qualified partner.

**(3)** A renewal is for the 1 year from the end of the day when, apart from its renewal, the licence would have ended.

### **Reinstatement of electrical contractors' licences**

**63.(1)** The EWC Board must reinstate an electrical contractor's licence that has ended if, within a year after the licence ended—

- (a) the former holder of the licence—

- (i) makes application in the approved form for its reinstatement; and
  - (ii) pays to the board the prescribed application fee; and
- (b) the board is satisfied that the former holder is qualified to hold the licence.

(2) A reinstatement has effect from the end of the day of reinstatement and ends 1 year from the day the licence ended.

### **Surrender of electrical contractors' licences**

**64.** The holder of an electrical contractor's licence may surrender the licence by written notice given to the EWC Board.

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

**65.(1)** This section applies if there is a significant change for an electrical contractor's licence held by a partnership or corporation.

(2) There is a significant change if—

- (a) 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; or
- (b) there is a change in the name of the partnership or corporation.

(3) The remaining member or members of the partnership, or the public officer of the corporation or other person having the licence in his or her possession or power, must within a month after the significant change give written notice to the EWC Board.

(4) The notice must give full information and particulars of the significant change.

(5) The notice must be accompanied by—

- (a) the appropriate electrical contractor's licence; and
- (b) if appropriate, information about the member or employee of the partnership who complies with the requirements of section 54<sup>20</sup>

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<sup>20</sup> Section 54 (Electrical contractors' licences—partnerships)

by being a licensed electrical mechanic.

(6) On receiving the notice, the board may—

- (a) endorse the licence; or
- (b) cancel the licence and on payment of the prescribed fee issue a fresh licence in its place; or
- (c) cancel the licence.

(7) A fresh licence issued by the board must be endorsed with a memorandum stating the reasons for its issue.

(8) A licence reissued by the board with an endorsement of the change of the name of a partnership or corporation is, subject to the endorsement, taken to be the original licence.

(9) However, the board may issue a fresh licence to a person or partnership instead of a licence held by a partnership only if the board is satisfied that—

- (a) the entire business of electrical contracting work carried on by the partnership in Queensland is to be carried on by the person or partnership to whom the fresh licence is issued; and
- (b) the person or partnership to whom the fresh licence is to be issued is entitled to hold the licence.

**Board may seek explanation from holder of licence, permit etc.**

66. Without limiting section 70,<sup>21</sup> the EWC Board may call on a person who holds a licence, permit or external authority to explain—

- (a) a claimed act or omission about electrical work performed by the person; or
- (b) apparently incorrect information given to the board in the holder's application for a licence or permit.

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<sup>21</sup> Section 70 (Types of disciplinary action)

***Division 3—Disciplinary action*****Grounds for disciplinary action against holder of electrical worker’s licence or permit**

**67.** Each of the following is a ground for taking disciplinary action against the holder of an electrical worker’s licence or permit—

- (a) the holder has performed electrical work in a negligent, unsatisfactory or incompetent way;
- (b) the holder has not corrected faults or defects in electrical installation work done by the holder as an electrical contractor that the holder was required by the EWC Board to correct under section 33;<sup>22</sup>
- (c) the holder’s licence or permit was obtained by incorrect or misleading information;
- (d) the holder has contravened a condition to which the licence or permit is subject.

**Grounds for disciplinary action against licensed electrical contractor**

**68.(1)** Each of the following is a ground for taking disciplinary action against a licensed electrical contractor—

- (a) the contractor has performed electrical installation work, or caused or permitted electrical installation work to be performed, in a negligent, unsatisfactory or incompetent way;
- (b) the contractor has not given the required notice about electrical installation work performed by the contractor to the customer or supplier;
- (c) the contractor has unreasonably delayed rectifying a fault found through an inspection under the Act in electrical installation work done by the contractor or an employee of the contractor;
- (d) the contractor or an employee of the contractor has intentionally deceived, or attempted to deceive, an electricity officer or

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<sup>22</sup> Section 33 (EWC Board may require person to rectify defective work)



authorised person by—

- (i) purposely hiding inferior work or materials used in electrical installation work; or
- (ii) making a statement that is false or misleading in a material particular;
- (e) the contractor, or an employee of the contractor, has unlawfully tampered with, or broken or tampered with the seal attached to, a meter, control apparatus or a fuse belonging to a supplier;
- (f) the contractor, or an employee of the contractor, has connected an installation, or part of an installation, to a source of supply chargeable at a rate lower than the rate for which electricity supply to the installation is chargeable, without the authority of the supplier supplying electricity;
- (g) the contractor has been a party to an act mentioned in paragraphs (a) to (f) or knew of the act and did not do anything about it;
- (h) the contractor has contravened the Act;
- (i) the contractor is not, or is no longer, a suitable person to be a licensed electrical contractor;
- (j) the contractor has advised, caused or allowed a member or employee of a partnership or corporation of which the contractor is a member to perform electrical installation work knowing the member or employee was not authorised under the Act to perform the work;
- (k) the contractor's licence was obtained by incorrect or misleading information.

(2) Whether a person is, or continues to be, a suitable person is decided in the same way as whether the person would be a suitable person for the issue of a contractor's licence.

### **Grounds for disciplinary action for person acting under external authority**

69. Each of the following is a ground for taking disciplinary action

against a person who, because of an external authority, is taken to be the holder of a licence—

- (a) the person contravenes the Act;
- (b) the person contravenes a condition stated under section 39<sup>23</sup> applying to the person;
- (c) the person does, or omits to do, an act that, if done or omitted by the holder of a licence, would entitle the EWC Board under this division to take disciplinary action against the holder.

### **Types of disciplinary action**

**70.(1)** The EWC Board may take the following disciplinary action against the holder of a licence or permit—

- (a) cancel or amend the licence or permit;
- (b) suspend the licence or permit for a period decided by the board;
- (c) reprimand or caution the holder;
- (d) impose on the holder a fine of not more than 20 penalty units.

**(2)** The EWC Board may take the following disciplinary action against a person acting under an external authority—

- (a) cancel or amend the recognition of the external authority to the extent that it relates to the person;
- (b) suspend the recognition of the external authority to the extent that it relates to the person for a period decided by the board;
- (c) reprimand or caution the person;
- (d) impose on the person a fine of not more than 20 penalty units.

**(3)** A penalty may be imposed as well as other disciplinary action.

**(4)** However, if a person does not pay a penalty within the time allowed by the board, the board may take further action for the contravention for which the penalty was imposed.

**(5)** A suspension of a licence or permit or of recognition of an external

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<sup>23</sup> Section 39 (Electrical work by holder of external authority)

authority may—

- (a) be imposed for a period decided by the board; or
  - (b) be until conditions decided by the board are complied with, including, for example, a condition that the holder satisfactorily finish a stated training course or examination.
- (6) If the holder's licence or permit ends while it is suspended—
- (a) the licence or permit must not be renewed during the period of suspension; and
  - (b) the holder may only apply for a new licence or permit after the end of the period.

### **Procedure for disciplinary action**

**71.(1)** If the EWC Board considers a ground may exist to take disciplinary action against a person who holds a licence or permit or acts under an external authority, the board must, before taking the disciplinary action, give the person a written notice—

- (a) stating the board is considering taking disciplinary action against the person; and
- (b) stating the proposed disciplinary action; and
- (c) stating the grounds for the proposed disciplinary action; and
- (d) outlining the facts and circumstances forming the basis for the grounds; and
- (e) inviting the person to show, within a stated time of at least 10 days, why the proposed disciplinary action should not be taken.

(2) If, after considering all representations made by the person within the stated time, the board considers a ground exists to take the disciplinary action, the board may take the disciplinary action, and may require the person to attend before it, before making a decision about the form of the action.

(3) The board must inform the person of the decision by written notice.

(4) If the board decides to take disciplinary action against the person, the

notice must state the reasons for the decision.

(5) A decision against a person who acts under an external authority must also be published in the industrial gazette.

(6) The decision takes effect on the later of—

- (a) the day when the notice is given to the person; or
- (b) the day of effect stated in the notice.

### **Penalty recoverable as debt**

72. A penalty imposed by the EWC Board on the person under section 71<sup>24</sup> may be recovered as a debt owing to the State by the person.

### ***Division 4—Recording and publication of information on licences and permits***

### **Giving to EWC Board of a licence or permit that has been cancelled or suspended or to be endorsed**

73. The holder of a licence or a permit, or other person who has possession or control of a licence or permit, must, if required by the EWC Board, give the licence or permit to the board if the licence or permit—

- (a) has been cancelled or suspended by the board; or
- (b) has ended; or
- (c) is required to have an endorsement on it by the board.

### **Replacement of licences and permits**

74. If, on application by the holder of a licence or a permit and payment of the prescribed fee, the EWC Board is satisfied that the licence or permit has been lost, damaged or destroyed, the board may issue a new licence or permit.

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<sup>24</sup> Section 71 (Procedure for disciplinary action)

**Register of licences and permits**

**75.(1)** The EWC Board must keep a register of licences and permits.

**(2)** The register must include, for each holder of a licence or permit—

- (a) the full name and address of the holder; and
- (b) an identifying number; and
- (c) the day the licence or permit was issued and of every renewal of the licence or permit; and
- (d) disciplinary action taken by the board; and
- (e) any other particulars the board considers necessary.

**(3)** If particulars recorded in the register about a holder of a licence or permit change, the holder must, within 14 days after the change, give the board written particulars of the change.

**(4)** If a licence is not renewed, the board must remove the person's name from the register.

**(5)** If the licence is later renewed, the board must restore the name of the holder of the licence in the register.

**(6)** A person may, on payment of the prescribed fee—

- (a) inspect the register at the board's office when the office is open to the public; and
- (b) obtain a certified copy of an entry in the register.

***Division 5—Miscellaneous provisions*****Examinations**

**76.(1)** In deciding examinations for assessing a person's competency, or conditions a person must carry out under this part, the EWC Board may decide that the person must—

- (a) undertake an examination conducted by the training department for the board; or
- (b) satisfactorily finish a course of instruction recognised by the board at which the student's performance is assessed during the

course; or

- (c) undertake 1 or more examinations, oral or written tests, or practical trade tests.

(2) The examinations and tests may be conducted by or for the board.

### **Examiners**

**77.** The EWC Board may appoint examiners to conduct examinations or tests required by it at a fee approved by the regulator.

### **Refund and remission of fees**

**78.(1)** If the EWC Board does not approve any of the following applications, the fee paid with the application must be refunded—

- (a) an application for an electrical contractor's licence;
- (b) an application for renewal of an electrical contractor's licence made on or before the end of the existing licence.

(2) The board may approve the remission of the fee paid for—

- (a) an application for a licence as an electrical worker, including a restricted licence, if the application is not approved and a permit is not issued; or
- (b) the issue of a licence as an electrical worker, including a restricted licence, or a permit replacing a lost or destroyed licence or permit.

### **Forms**

**79.** The EWC Board may approve a form—

- (a) for a purpose under this chapter for which an approved form is required or authorised to be used; and
- (b) for use for any purpose in connection with the administration of this chapter.

**Advertising by licensed electrical contractors**

**80.** A licensed electrical contractor who publishes an advertisement about the electrical contractor's business must ensure the advertisement—

- (a) states the name under which the electrical contractor is licensed; and
- (b) states that the electrical contractor is licensed under the Act and the identifying number of the electrical contractor's licence.

Maximum penalty—20 penalty units.

**EWC Board to give reasons for refusal of application**

**81.** If the EWC Board decides not to approve an application made under this part, the board must give written notice of the refusal to the applicant within 30 days of the decision.

*Division 6—Transitional provisions***Existing electrical contractors' licences**

**82.** An electrical contractor's licence granted under the *Electricity Act 1976*, part 11, division 3<sup>25</sup> and in force immediately before 1 January 1995 is taken to be an electrical contractor's licence issued under this part for the balance of its term.

**Existing certificates of competency and permits**

**83.** A certificate of competency (including a restricted certificate) or permit for a particular class of electrical worker granted under the *Electricity Act 1976*, part 11, division 2<sup>26</sup> and in force immediately before 1 January 1995 is taken to be a licence or permit for the same class of electrical worker issued under this part for the balance of its term.

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<sup>25</sup> *Electricity Act 1976*, part 11, division 3 (Electrical contractors)

<sup>26</sup> *Electricity Act 1976*, part 11, division 2 (Electrical workers)

**Applications for licences or certificates of competency**

**84.** An application made under the *Electricity Act 1976*, part 11<sup>27</sup> for a licence, certificate of competency or permit and not decided before 1 January 1995 is taken to be an application for the appropriate licence, restricted licence or permit under this part.

**Existing members of EWC Board**

**85.** The persons who, immediately before 1 January 1995, are members (including the chairperson) of the EWC Board under the *Electricity Act 1976* continue, subject to this regulation, from 1 January 1995 to be the members or chairperson for the balance of their terms.

**Expiry of division**

**86.** This division expires on 1 January 1999.

## **CHAPTER 3—SAFETY AND TECHNICAL REQUIREMENTS**

### **PART 1—DESIGN, BUILDING AND MAINTENANCE OF ELECTRIC LINES AND WORKS**

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

**Compliance with this part**

**87.** A person who designs, builds, maintains or operates an electric line

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<sup>27</sup> *Electricity Act 1976*, part 11 (Electrical workers and contractors)



or works must ensure that the provisions of this part relevant to the line or works are complied with.

Maximum penalty—20 penalty units.

### *Division 2—Earthing and protection*

#### **Systems of earthing**

**88.(1)** The system of earthing used by an electricity entity for low voltage supply to customers must be the multiple earthed neutral system, or, if that system is not effective, another suitable system.

**(2)** To prevent, as far as practicable, any person suffering an electric shock, an electricity entity must ensure that—

- (a) if it uses the multiple earthed neutral system of earthing—the neutral conductor of the system is effectively earthed; and
- (b) each noncurrent carrying metal part of its electric lines and generating plant is effectively earthed.

**(3)** Each noncurrent carrying metal part of a substation must be effectively earthed.

**(4)** Subsection (2)(b) or (3) does not apply to a part if the electricity entity, in accordance with a recognised practice in the electricity industry, considers that for safety reasons the part should not be earthed.

**(5)** The system of earthing must be tested as soon as practicable after its installation to prove its effectiveness.

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

**89.(1)** Each distinct high voltage system 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 the circumstances in which the system is to operate, fuses or circuit-breakers in the system will operate during fault conditions.

**Protective devices for high voltage electric lines**

**90.** A high voltage electric line must be protected by a suitable fuse, circuit-breaker or equivalent device.

**Attachment of insulated conductors to supports**

**91.** An insulated conductor of an overhead electric line attached to a support on a pole or structure must be attached so that all reasonable precautions have been taken to ensure the support, and the device used to attach the conductor to the support, do not become energised.

**Insulation of stay wires**

**92.** A stay wire attached to a pole or structure supporting an overhead electric line, if it does not form part of an earthing system, must be insulated to prevent, as far as practicable, any person suffering an electric shock.

**Protection of earth conductors**

**93.** To prevent, as far as practicable, any person suffering an electric shock, earthing conductors installed on the outside of a pole or structure supporting an overhead electric line must be—

- (a) insulated or suitably covered by a nonconductive material; and
- (b) protected from mechanical damage from ground level to a height of at least 2.4 m.

*Division 3—Frequency and voltage***Standard frequency and voltage**

**94.(1)** Electricity for general supply must be alternating current having a nominal frequency of 50 Hz.

**(2)** The standard low voltages for electricity supplied from a 3 phase system must be—

(a) between a phase conductor and the neutral conductor—240 V; and

(b) between 2 phase conductors—415 V.

**(3)** The standard low voltages for electricity supplied from a single phase system must be—

(a) between a phase conductor and the neutral conductor—240 V; or

(b) between the phase conductors—480 V.

### **Supply at high voltage**

**95.** If an electricity entity agrees with a customer to supply electricity to the customer at high voltage, the agreed voltage is the standard voltage for the supply.

### **Changes of voltage at customer's consumers terminals**

**96.(1)** Supply of electricity by an electricity entity to a customer must be maintained at the standard voltage.

**(2)** Electricity is taken to be maintained at the standard voltage if the voltage at a customer's consumers terminals is within the allowable margin for the voltage.

**(3)** The allowable margin is—

(a) for low voltage—6% more or less than the standard voltage; or

(b) for high voltage of 22 000 V or less—5% more or less than the standard voltage; or

(c) for voltage more than 22 000 V—the margin agreed between the electricity entity and the customer.

## *Division 4—Substations*

### **Substation design, building and maintenance**

**97.(1)** Switchgear and associated apparatus in a substation must be installed to avoid danger to—

- (a) a person by a part of the body or a conductive article coming into contact with the outside of the substation container or enclosure; or
- (b) a person inspecting, operating or maintaining the substation.

(2) Safety clearances for switchgear and associated apparatus must be in accordance with AS 2067–1984—Switchgear assemblies and ancillary equipment for alternating voltages above 1 kV.

### **Location, building etc. of substations**

**98.(1)** A substation must be in a position, or built and enclosed in a way, to prevent unauthorised access to, or interference with, exposed live conductors.

(2) A substation supported on a pole must be securely fixed in place.

### **Warning notices**

**99.(1)** A warning notice must be attached to the outside of the door of every access doorway to a substation in a building.

(2) Sufficient warning notices must be attached to the outside of the enclosing fence of a substation so that a person approaching from any direction can see at least 1 notice.

## *Division 5—Electric lines and control cables*

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

**100.(1)** As far as practicable, an electric line or control cable must—

- (a) be capable of bearing without damage, the static and dynamic loadings likely to be imposed on it; and
- (b) not become unsafe or hazardous for a person to work on it; and
- (c) be built to prevent persons suffering an electric shock.

(2) Ways to prevent electric shock include use of suitable conductors and

other components and, for an underground electric line, providing suitable protection against mechanical damage.

### **Clearance from metal work and separation of conductors of same circuit**

**101.** Exposed conductors of the same circuit of an overhead electric line must be separated so that, as far as practicable, a conductor does not come in contact with or within arcing distance of—

- (a) another conductor; or
- (b) earthed metal work; or
- (c) a staywire forming part of the overhead electric line.

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

**102.(1)** Different overhead circuits of electric lines that are adjacent or cross must be placed—

- (a) for low voltage circuits—1 above the other or side by side; and
- (b) with low voltage circuits below high voltage circuits; and
- (c) for high voltage circuits—1 above the other or side by side; and
- (d) if high voltage circuits are placed 1 above the other—with lower voltage circuits below higher voltage circuits.

**(2)** Subsection (1)(b) does not apply to conductors erected on a pole transformer substation.

**(3)** Subsection (1)(d) does not apply if the electricity entity considers that, in exceptional circumstances, noncompliance would not create an unsafe or hazardous situation.

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

**103.** An electricity entity must ensure the distance from the conductors of its overhead electric lines to the ground is in accordance with—

- (a) for an overhead electric line (including a high voltage overhead service line)—schedule 2, parts 1 and 3; and
- (b) for a low voltage overhead service line—schedule 3, part 1.

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

**104.(1)** In this section—

“**structure**” means an existing structure or anything attached to the structure or anything erected or standing on premises.

(2) An electricity entity must ensure the distance from the conductors of its overhead electric lines to a structure is in accordance with—

- (a) for an overhead electric line (including a high voltage overhead service line)—schedule 2, parts 2 and 4; and
- (b) for a low voltage overhead service line—schedule 3, part 2.

### **Application of ss 103 and 104**

**105.** Sections 103 and 104<sup>28</sup> do not apply to—

- (a) scaffolding or other construction equipment on, in or at a workplace within the meaning of the *Workplace Health and Safety Act 1995* if that Act and its regulations about performance of work near overhead electric lines are complied with; and
- (b) electric cables known as aerial bundled cables installed with a clearance from the ground or from a structure decided by the electricity entity to be a safe clearance considering the nature of the cables and their location.

### **Measurement of distances**

**106.(1)** For sections 103 and 104, the distance of a conductor from a structure is the vertical, horizontal or other directional distance as stated in schedule 2, parts 2 and 4 and schedule 3, part 2.

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<sup>28</sup> Section 103 (Clearance of overhead electric lines from ground)  
Section 104 (Clearance of overhead electric lines from structures)

(2) A vertical distance is the length of a vertical line between a conductor and—

- (a) the ground; or
- (b) the point on the structure immediately below the conductor; or
- (c) for a conductor higher than the structure but not immediately above it—the horizontal projection of the nearest point on the structure.

(3) A horizontal distance is the length of a horizontal line between a conductor and—

- (a) the nearest point on the structure; or
- (b) the vertical projection of the nearest point on a verandah, balcony, road cutting, embankment or other similar thing; or
- (c) for a conductor higher than the structure but not immediately above it—the vertical projection of the nearest point on the structure.

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

**107.(1)** This section applies to an overhead electric line built before 1 January 1995 that—

- (a) immediately before 1 January 1995 complied with the *Electricity Regulation 1989*; and
- (b) continues to comply with the requirements of that regulation.

(2) Until the line is replaced or rebuilt, the line is taken to comply with sections 103 to 106.

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

**108.(1)** A person must give written notice in a form approved by the relevant electricity entity before starting work building or adding to a structure if a part of the structure or addition is likely to—

- (a) be less than the prescribed distance for clearance of a structure from an overhead electric line of the electricity entity; or

- (b) encroach on or under a road or another place under which an underground electric line of the electricity entity is placed.

(2) On the giving of the notice, the electricity entity must—

- (a) take action it considers necessary to protect its works while the work is being performed; and
- (b) relocate or change the electric line so it complies with this regulation and is accessible to the electricity entity's employees operating and maintaining it.

(3) Unless otherwise agreed between the electricity entity and the person, the person must pay the costs reasonably incurred by the electricity entity acting under subsection (2) and the costs are a debt payable by the person to the electricity entity.

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

**109.(1)** An overhead stay wire or overhead control cable crossing the carriageway of a road must have clearance from the ground of at least 5.5 m at the centre line of the carriageway and at least 4.9 m at the kerb line.

(2) If there is no formed footpath, the kerb line is—

- (a) the kerb line of a proposed footpath; or
- (b) if no footpath is proposed—the edge of the existing carriageway or of a proposed widening of the carriageway.

### ***Division 6—Service lines***

#### **Service lines on customer's premises**

**110.(1)** An electricity entity must, in accordance with recognised practice in the electricity industry—

- (a) decide the position of its fuses, circuit-breakers, disconnection links and other apparatus; and
- (b) decide the route, point of termination, number of phases, lengths, type and size of its service lines; and
- (c) provide and install or arrange for the provision and installation of



its service lines.

(2) The electricity entity must meet the cost of providing and installing the service line.

(3) However, the maximum length of a service line required to be provided and installed within a customer's premises by an electricity entity at the electricity entity's cost is—

- (a) 20 m for an overhead service line; or
- (b) 7 m for an underground service line.

(4) A service line must be measured from the customer's property alignment or, if the line does not cross the property alignment, the point of origin of the service line.

(5) However, subsection (1)(c) only applies to the provision and installation of 1 service line to a customer at particular premises, whether before or after the commencement of this regulation.

(6) The customer must provide and maintain, free of cost to the electricity entity, the facilities the entity reasonably decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line.

Examples of facilities that may be provided by a customer—

1. A service riser bracket.
2. Timber backing for the electricity entity's 'J' hook.

(7) The customer must provide suitable means for the connection of the electrical installation to the service line.

(8) The customer must provide access for the entity to install, test, maintain or take away its service line without hindrance or obstruction.

(9) The customer must pay the reasonable cost of a service line provided other than under subsection (3).

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

**111.(1)** An electricity entity must ensure low voltage overhead service lines are—

*Electricity Regulation 1994*

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- (a) secured to the customers' premises (including poles on the premises); and
- (b) insulated continuously or in another way approved by the regulator; 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 it on a customer'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) An earthing under subsection (2) is not required if—

- (a) the low voltage overhead service line is a neutral screened cable conforming to AS 3155–1986 Approval and test specification—neutral screened cables for working voltages of 0.6/1 kV 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 25 mm of other metal work on a building, pole or other structure.

**Low voltage service lines built before 1 January 1995**

**112.(1)** This section applies to a low voltage service line built before 1 January 1995 that—

- (a) immediately before 1 January 1995 complied with the *Electricity Regulation 1989*; and
- (b) continues to comply with the requirements of that regulation.

(2) Until the line is replaced or rebuilt, the line is taken to comply with section 111.<sup>29</sup>

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<sup>29</sup> Section 111 (Termination of low voltage overhead service lines)

**Fuses and disconnectors for service lines**

**113.(1)** An electricity entity must provide a fuse or circuit-breaker in each active conductor of a low voltage service line unless—

- (a) electricity to the customer's electrical installation is supplied direct from a transformer; and
- (b) the electricity entity is satisfied that the fuse or circuit-breaker of the transformer provides sufficient protection for the customer'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)** The electricity entity must install isolating links in the electric line to a customer's electrical installation supplied directly from a transformer if—

- (a) the electricity entity uses, in accordance with subsection (1), the fuse or circuit-breaker of a transformer from which the installation is supplied direct; and
- (b) another customer's electrical installation is supplied from the transformer.

**(3)** If the electricity entity is not satisfied the fuse or circuit-breaker of a transformer, from which a customer's electrical installation is supplied direct, provides sufficient protection for the customer's electrical installation, the electricity entity must provide suitable protection on the low voltage side of the transformer.

**(4)** Subsection (3) does not apply if the electricity entity is satisfied that suitable protection is provided in the customer's electrical installation.

**Disused service lines to be disconnected**

**114.** An electricity entity must ensure that a service line is disconnected and sufficiently isolated from its electric line if—

- (a) the supply of electricity to a customer's premises has been disconnected; and
- (b) the electricity entity has taken away any of its meters, control apparatus or other electrical articles from the premises.

***Division 7—Maintenance of works*****Maintenance of works**

**115.** An electricity entity must periodically inspect and maintain its works to ensure they remain electrically and mechanically safe.

**Maintenance of integrity of overhead service line**

**116.** An electricity entity must ensure the integrity of the insulation of an overhead service line is maintained—

- (a) near the point of its attachment to a structure; and
- (b) adjacent to roofs or structures where it is likely that persons (including, for example, painters and plumbers) could come into contact with the service line.

**Clearing and lopping of trees on non-freehold land**

**116A.(1)** An electricity entity may clear or lop trees growing on non-freehold land if—

- (a) it is necessary to do so to build, maintain or operate an electric line or works on the land; and
- (b) an easement, wayleave or other agreement in relation to the line or works is in place.

**(2)** Subsection (1) applies subject to—

- (a) the conditions of the easement, wayleave or agreement; and
- (b) section 118.

**(3)** Subsection (1) does not limit any rights an electricity entity has under an agreement with an owner of freehold land in relation to clearing or lopping trees on the land.

**(4)** In this section—

“clear” see *Land Act 1994*.

“lop” see *Land Act 1994*.<sup>30</sup>

“trees” see *Land Act 1994*.<sup>31</sup>

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

**117.** The owner of an overhead electric line must ensure that trees and flora are trimmed, and other measures taken, to prevent contact with the line that is likely to cause injury from electric shock to any person or damage to property.

### *Division 8—Works on publicly controlled places*

#### **Notice to be given to public entity**

**118.(1)** This section applies if an electricity entity intends to take action mentioned in subsection (2) in a publicly controlled place.

**(2)** The action is—

- (a) opening or breaking up the soil or pavement of the place; or
- (b) cutting, lopping or removing a tree or other vegetation growing in or over the place, other than for routine maintenance; or
- (c) opening or breaking up a sewer, drain or tunnel in or under the place; or
- (d) temporarily stopping or diverting traffic on or from the place; or
- (e) building a drain, excavation, subway or tunnel in or under the place.

**(3)** The electricity entity must give at least 14 days notice of its intention to the public entity that has control of the publicly controlled place unless the notice is given in accordance with another period of notice agreed between the entities.

**(4)** However, subsection (5) applies if, in the electricity entity’s opinion,

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<sup>30</sup> The *Land Act 1994*, section 253 defines “lopping”.

<sup>31</sup> “Tree” in the *Land Act 1994* currently has the same meaning as in the *Forestry Act 1959*.

there is an emergency in which—

- (a) there is an actual or a potential danger to persons or property; or
- (b) the supply of electricity to a customer has been interrupted.

(5) If this subsection applies, the electricity entity may act under section 101 of the Act<sup>32</sup> to remedy a defect, eliminate an actual or potential danger or restore the supply of electricity to a customer, without first giving the notice under subsection (3).

(6) If the electricity entity acts under subsection (5), it must give the notice mentioned in subsection (3) as soon as practicable.

### **Electricity entity must comply with public entity's requirements**

**119.(1)** If an electricity entity goes on a publicly controlled place to take action for which notice must be given under section 118,<sup>33</sup> the public entity that has control of the place may require the electricity entity to act on the days and at the times the public entity reasonably requires.

(2) The electricity entity must comply with a reasonable requirement by the public entity under subsection (1).

### **Guarding of work on publicly controlled place**

**120.(1)** An electricity entity that has opened or broken up a publicly controlled place must, at all times while the place is opened or broken up, ensure—

- (a) it is barricaded and guarded; and
- (b) signs and lights sufficient for the warning and guidance of traffic (including pedestrians) are set up and maintained against or near the place where it is opened or broken up.

(2) If required by the public entity, the electricity entity must also set up and maintain additional warning or protection devices to safeguard the public whether before or during the work.

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<sup>32</sup> Section 101 of the Act (Electricity entity may take action in publicly controlled places to provide electricity etc.)

<sup>33</sup> Section 118 (Notice to be given to public entity)

**Restoration of publicly controlled place**

**121.(1)** An electricity entity that has opened or broken up a publicly controlled place must—

- (a) with all convenient speed, finish the work; and
- (b) on finishing the work, take away from the place all plant, materials and equipment not built into the work; and
- (c) restore, as far as practicable, the place where the work was carried out and leave it tidy.

**(2)** The way action under subsection (1) is carried out by or for the electricity entity is as agreed between the electricity entity and the public entity controlling the place and in accordance with reasonable conditions and requirements stated by the public entity.

**Electricity entity to keep publicly controlled place in good repair after work**

**122.(1)** The electricity entity must keep a publicly controlled place that has been opened or broken up and reinstated by it in good repair—

- (a) for 3 months after restoring the place; and
- (b) for up to a further 9 months when the ground continues to subside.

**(2)** The way maintenance work is to be carried out by or for the electricity entity is as agreed between the electricity entity and the public entity that controls the place.

**Warning signs on roads**

**123.** If an electricity entity or its contractor is building or maintaining an electric line or other works on a road, signs and lights set up and maintained by the entity and its contractor to safeguard the public must be the appropriate official signs under the *Traffic Act 1949*.

## **PART 2—SAFEGUARDING OF PERSONS WORKING ON ELECTRIC LINES AND ELECTRICAL INSTALLATIONS**

### *Division 1—Basic safety principle*

#### **Basic safety principle**

**124.** A person engaging or preparing to engage in work on or near an electric line or electrical installation must treat exposed conductors as live until they are—

- (a) isolated and proved to be de-energised; and
- (b) if they are high voltage conductors—earthed.

### *Division 2—Employer’s responsibilities about electrical work*

#### *Subdivision 1—Work on or near live electric conductors or electrical articles*

#### **Application of subdivision**

**125.(1)** This subdivision applies if a person performs electrical work—

- (a) by indirect contact with exposed live high or low voltage conductors or exposed live parts of high or low voltage electrical articles; or
- (b) in proximity to exposed live high or low voltage conductors or exposed live parts of high or low voltage electrical articles; or
- (c) by direct contact with exposed live low voltage conductors or exposed live parts of low voltage electrical articles; or
- (d) on de-energised exposed conductors or exposed parts of electrical articles if there is a possibility of the conductors or parts becoming live.



(2) This subdivision does not apply if the work is necessary to avoid a possible danger to life or serious personal injury.

### **Employer to ensure work can be performed safely**

**126.** The employer of a person to whom this subdivision applies must take reasonable steps to ensure the person can work safely, and is suitably protected from other adjacent electric conductors or articles that are live or at a different potential, by using—

- (a) insulated tools and equipment; and
- (b) equipment and plant designed and made in accordance with recognised electricity industry practice; and
- (c) safe work practices.

Maximum penalty—20 penalty units.

### **Employer to provide competent assistant**

**127.(1)** If there is a danger of accidental direct contact with exposed live conductors or exposed live parts of electrical articles, an employer must provide an assistant who—

- (a) is competent to help in performing the electrical work; and
- (b) is competent to rescue and provide resuscitation to a person who has stopped breathing or is unconscious because of electric shock; and
- (c) the employer is satisfied has displayed a suitable knowledge of rescue and resuscitation and of the type of work to be performed.

Maximum penalty—20 penalty units.

(2) A person is competent for subsection (1) if the person has been suitably trained in the work required to be performed and has received, in the previous 6 months, training in—

- (a) resuscitation; and
- (b) releasing a person from live electrical apparatus; and
- (c) if appropriate, rescuing a person from a pole, structure or elevated

work platform; and

- (d) if appropriate, rescuing a person from a confined space.

***Subdivision 2—Work on or near exposed high voltage conductors or electrical articles***

**Employer to ensure work is performed in accordance with prescribed requirements**

**128.** An employer must ensure that electrical work (other than live line work) is not performed by direct or indirect contact with, or in proximity to, exposed high voltage conductors or exposed parts of high voltage electrical articles other than in accordance with the following sections—

- section 129 (Electrical work by direct contact with exposed high voltage conductors etc.)
- section 130 (Electrical work by indirect contact with exposed high voltage conductors etc.).

Maximum penalty—20 penalty units.

**Electrical work by direct contact with exposed high voltage conductors etc.**

**129.(1)** Electrical work (other than live line work) may be performed by direct contact with exposed high voltage conductors or exposed parts of high voltage electrical articles only if the conductors or articles are—

- (a) isolated from all sources of supply; and
- (b) tested to ensure they are isolated from all sources of supply; and
- (c) earthed.

**(2)** For a conductor or article that does not have exposed high voltage conductors or high voltage parts that can be directly contacted to prove isolation from all sources of supply, subsection (1)(b) is complied with if—

- (a) the conductor or article includes an earthing switch designed to be safely operated if the high voltage conductor or article has not been isolated from all sources of supply; and

- (b) the employer has given written instructions that if carried out will isolate the conductor or article from all sources of supply.

**Electrical work by indirect contact with exposed high voltage conductors etc.**

**130.(1)** Electrical work (other than live line work) may be performed by indirect contact with, or in proximity to, exposed high voltage conductors or exposed parts of high voltage electrical articles only if the prescribed approach limits under section 131 are complied with.

**(2)** Despite subsection (1), in the circumstances to which subsection (3) applies, a person may work within the prescribed approach limits to exposed high voltage conductors or exposed parts of high voltage electrical articles if—

- (a) the work can be performed safely; and
- (b) the person's employer has given the person written instructions, either generally or in a particular case, about the work to be performed and the precautions to be complied with.

**(3)** This subsection applies to the following circumstances—

- (a) suitable barriers or earthed metal shields are installed between the person performing the work and the conductors or electrical articles;
- (b) the work is testing and the equipment is designed so the approach limits cannot be complied with;
- (c) the work is earthing of the conductors or equipment and is performed after the exposed high voltage conductors have been isolated and proved to be de-energised.

**Prescribed approach limits to exposed high voltage conductors or electrical articles**

**131.** The prescribed approach limits for a person, an article of clothing worn by a person, or a conductive object held or carried by a person, are the limits in the following table—

**Table**  
**Approach limits to exposed high voltage conductors or electrical articles**

<b>Voltage of conductor or article</b>	<b>Approach limit</b>
more than 1 000 V and to 33 kV	0.7 m
66 kV	1.0 m
110 kV	1.4 m
132 kV	1.4 m
220 kV	1.8 m
275 kV	2.2 m
330 kV	2.8 m
more than 330 kV	4.0 m

*Subdivision 3—Other safety requirements*

**Rescue and resuscitation training**

**132.** An employer must ensure employees who are required to perform, or help in performing, electrical work are suitably trained in rescue and resuscitation in accordance with recognised practices in the electricity industry.

Maximum penalty—20 penalty units.

**Employer to provide signs about switches and disconnection points**

**133.** An employer must ensure suitable signs required under section 139(2)<sup>34</sup> are provided and used as prescribed by that subsection.

Maximum penalty—20 penalty units.

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<sup>34</sup> Section 139 (Signs on switches and disconnection points)

### **Scaffolding and portable ladders**

**134.(1)** An employer must ensure a ladder (whether a step ladder, single ladder or extension ladder) used in building or maintenance of an electric line complies with the relevant requirements of AS 1892.1–1986 Portable ladders part 1—metal or AS 1892.2–1992 part 2—timber.

(2) Also, a metal ladder, a ladder with metal reinforced stiles, or metal scaffolding, must not be used if there is a possibility of the user or the ladder contacting live electric lines or live parts of electrical articles.

### **Safety observer**

**135.(1)** This section applies if on a site the work to be performed is especially dangerous because of the likely contact with exposed high voltage conductors or exposed parts of high voltage electrical articles by ladders, piping or tools, or in any other way.

(2) The employer must ensure the supervisor appoints for the work a person (the “**safety observer**”).

Maximum penalty—20 penalty units.

(3) The safety observer must—

- (a) have a sound knowledge of the work and the relevant safe working practices; and
- (b) not perform other work while acting as safety observer; and
- (c) stop work that, in the observer’s opinion, is being performed in a way that may cause a person to suffer an electric shock or other personal injury.

(4) The safety observer must report a stoppage under subsection (3)(c) to the person in charge of the work.

Maximum penalty—20 penalty units.

### **Testing of safety equipment**

**136.(1)** An employer must ensure safety equipment for use on exposed high voltage conductors or exposed parts of high voltage electrical articles is used only if the safety equipment—

- (a) is tested for insulation at least every 6 months; and
- (b) is labelled to state the day on or before which it is next due for testing; and
- (c) is in good repair and condition.

Maximum penalty—20 penalty units.

(2) The employer must keep records of the tests performed under subsection (1)(a) for at least 2 years.

Maximum penalty—20 penalty units.

### **Employer to ensure suitability of testing instruments**

**137.** The employer of a person required under the Act to perform tests on works or safety equipment must ensure—

- (a) the test instruments used are designed for and capable of correctly performing the required tests; and
- (b) each testing instrument is tested at least every 6 months to ensure it is in proper working order; and
- (c) records of tests performed are kept for at least 2 years.

Maximum penalty—20 penalty units.

### ***Division 3—Live line work***

#### **Performance of live line work**

**138.(1)** The regulator may decide electrical work that is live line work.

(2) A person may perform live line work only if authorised in writing by an electricity entity.

Maximum penalty—20 penalty units.

(3) An electricity entity may authorise a person to perform live line work if the electricity entity is satisfied the person—

- (a) has successfully finished a course of training approved by the regulator; and

(b) has been assessed by the training entity as competent to perform the work.

(4) The voltage of the electric lines on which live line work is performed must be as stated by the electricity entity in its authorisation.

(5) The electricity entity must regularly conduct assessments of a person authorised to perform live line work to ensure the person remains competent to perform the work.

Maximum penalty—20 penalty units.

(6) The general method of, and procedure for, live line work, the type of equipment used, and the maintenance of the equipment, is as approved by the regulator.

#### *Division 4—Other requirements*

##### **Signs on switches and disconnection points**

**139.(1)** This section applies if a licensed electrical worker, to work on or in proximity to a conductor or electrical article, has made dead the conductor or electrical article by a switch, circuit-breaker or disconnection point.

(2) Unless a licensed electrical worker has the switch, circuit-breaker or disconnection point continuously within sight and under the licensed electrical worker's immediate and sole personal supervision, the licensed electrical worker must attach to the switch, circuit-breaker or disconnection point in a prominent position a suitable sign designed in accordance with AS 1319–1994 Safety signs for the occupational environment.

Maximum penalty—20 penalty units.

(3) The electrical worker must ensure a high voltage switch or circuit-breaker, when it is in the open position, is locked or other precautions are taken to prevent the switch or circuit-breaker being accidentally closed.

Maximum penalty—20 penalty units.

**Supervision of contractor by electricity entity**

**140.(1)** This section applies—

- (a) during the building of a new high voltage overhead electric line, or during the change, repair, maintenance or recovery of an existing high voltage overhead electric line, (the “**line being built**”) by a contractor for an electricity entity; and
- (b) while a conductor is being erected above or below an existing overhead electric line, or near an existing overhead electric line, so it is likely that a conductor of the line being built will come into contact with a conductor of the existing line.

**(2)** The electricity entity must ensure the work is continuously supervised by—

- (a) the electricity entity; or
- (b) a competent person employed by the contractor.

Maximum penalty—20 penalty units.

**(3)** The electricity entity must ensure appropriate earthing is provided by the contractor if personal injury could be suffered because of direct contact with an existing overhead electric line or by static or induced voltages in the electric line being built.

Maximum penalty—20 penalty units.

**(4)** If the contractor’s work is being performed under the supervision of an employee of the contractor, the electricity entity must perform regular inspections of the work to ensure the required level of supervision is being maintained and appropriate earthing provided.

Maximum penalty—20 penalty units.

**(5)** A person is a competent person for this section if the person—

- (a) is, in the electricity entity’s opinion, competent to supervise the work being performed; and
- (b) is authorised by the electricity entity to supervise the work.



**Report on an accident**

**141.** A report from an authorised person who investigates an accident and reports to the electricity entity under section 171 of the Act<sup>35</sup> must be in the approved form.

*Division 5—Electricity Industry Safety Advisory Committee***Electricity Industry Safety Advisory Committee**

**142.(1)** The Electricity Industry Safety Advisory Committee (the “committee”) is established.

(2) The committee is to be constituted as decided by the regulator.

(3) The function of the committee is to make recommendations to the regulator on issues about the safety of persons engaged in electrical work in Queensland and, in particular—

- (a) the training of employees engaged in electrical work, including the period of training and the training courses to be provided; and
- (b) the development of working procedures, including for live line work; and
- (c) the development of safety guidelines for electrical work; and
- (d) the suitability and standardisation of safety equipment and testing apparatus; and
- (e) the suitability and possible improvements to legislation affecting the safety of employees; and
- (f) the development of rescue, resuscitation and first aid procedures.

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<sup>35</sup> Section 171 of the Act (Electricity entity to ensure accident investigated and reported to regulator)

## **PART 3—CUSTOMERS' ELECTRICAL INSTALLATIONS**

### *Division 1—Requirements before connection to source of electricity supply*

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

**143.** A person must not connect an electrical installation to a source of electricity supply if the installation has a serious defect.

Maximum penalty—20 penalty units.

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

**144.(1)** A person must not connect an electrical installation on which electrical installation work or repair work has been performed to a source of electricity supply.

Maximum penalty—20 penalty units.

**(1A)** Subsection (1) does not apply if—

- (a) the work has been performed by—
  - (i) a licensed electrical mechanic under section 32(2)(a); or
  - (ii) a person under section 32(5A); or
  - (iii) under the authority of a licensed electrical contractor; and
- (b) the work has been tested in the way approved by the regulator.

**(2)** To the extent that an electricity officer acts in accordance with section 145, subsection (1) does not apply to the officer.

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

**145.** A person must not initially connect an electrical installation to a

source of electricity supply unless an electricity officer has—

- (a) examined the consumers mains and main switchboard of the electrical installation and confirmed there are no serious defects; and
- (b) carried out tests, in the way approved by the regulator, and confirmed the consumers mains and main switchboard are safe to connect to the source of electricity supply.

Maximum penalty—20 penalty units.

### **Electrical installation not to be reconnected to electricity source without examination**

**146.(1)** A person must not reconnect an electrical installation to a source of electricity supply, unless the person is authorised to do so under subsection (2) or (3).

Maximum penalty—20 penalty units.

**(2)** A person is authorised to reconnect an electrical installation to a source of electricity supply if the person is—

- (a) an electricity officer who has examined the electrical installation and confirmed there are no serious defects; or
- (b) a licensed electrical contractor who has rectified a serious defect left disconnected by an electricity officer or an authorised person.

**(3)** An electricity officer is also authorised to reconnect an electrical installation to a source of electricity supply without examining the electrical installation if—

- (a) the electrical installation was disconnected by a supplier for debt and has been disconnected for less than 1 month; and
- (b) the reconnection is to supply the same customer.

### **Electrical installation not to be connected to electricity source without inspection**

**147.(1)** A person must not connect an electrical installation to a source of electricity supply unless—

- (a) any work mentioned in subsection (2) has been inspected by an authorised person in the way approved by the regulator; and
- (b) the authorised person has confirmed there are no serious defects.

Maximum penalty—20 penalty units.

(2) The work to be inspected is—

- (a) electrical installation work forming part of a high voltage installation; and
- (b) electrical installation work located within a hazardous area.

### **Licensed electrical contractor to ensure compliance with Act before connection to electricity source**

**148.** A licensed electrical contractor must not connect an electrical installation on which electrical installation work or repair work has been performed to a source of electricity supply unless the contractor is satisfied the installation or work complies with the requirements of the Act.

Maximum penalty—20 penalty units.

### ***Division 2—Performing electrical installation work***

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

**149.** A licensed electrical worker who performs electrical installation work must perform the work in accordance with this regulation and the wiring rules.

Maximum penalty—20 penalty units.

### **Structure supporting electric line etc. to comply with requirements**

**150.(1)** A structure supporting an electric line or electrical article of a customer's electrical installation must comply with the wiring rules and any direction by the regulator.

(2) If there is a conflict between the wiring rules and a direction by the regulator, the direction prevails.

**Earthing**

**151.** The system of earthing for a low voltage electrical installation must comply with section 88.<sup>36</sup>

**Disconnection and reconnection of low voltage electrical installations**

**152.(1)** This section applies to person who—

- (a) is a licensed electrical contractor, or licensed electrical mechanic employed by an electrical contractor; and
- (b) performs electrical installation work on consumers terminals, main switchboard or consumers mains of a customer's electrical installation.

**(2)** The person may, in accordance with recognised electricity industry practice, de-energise and re-energise the electrical installation by—

- (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 disconnecter.

**(3)** The person must test to confirm the electrical installation is safe to connect to the source of electricity supply before connecting the installation to a source of electricity supply.

Maximum penalty for subsection (3)—20 penalty units.

***Division 3—Customers' obligations about electrical installations*****Obligation to ensure electrical installation is free from serious defect**

**153.** A customer must, to the best of the customer's ability and knowledge, ensure the customer's electrical installation is maintained free from serious defect while connected to the source of electricity supply.

Maximum penalty—20 penalty units.

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<sup>36</sup> Section 88 (Systems of earthing)

**Obligation to ensure safety of disconnected overhead electric line**

**154.** A customer must ensure an overhead electric line that is or was part of the customer's electrical installation, and has been disconnected from the source of electricity supply, is—

- (a) dismantled as soon as is practicable after disconnection; or
- (b) maintained so it is electrically and mechanically safe.

Maximum penalty—20 penalty units.

**Obligation to preserve insulation of electric line**

**155.** A customer must ensure the integrity of the insulation of the customer's electric line is maintained—

- (a) near the point of attachment of an overhead electric line to a structure; and
- (b) adjacent to roofs or structures where it is likely that persons (including, for example, painters and plumbers) could come into contact with the insulated wires or connectors of the line.

Maximum penalty—20 penalty units.

**Obligation to comply with regulation about connecting supply**

**156.** A customer must not connect an electrical installation to a source of electricity supply other than in accordance with this regulation.

Maximum penalty—20 penalty units.

**Customer's electrical installation and publicly controlled place**

**157.(1)** A customer may install and operate an electric line forming part of the customer's electrical installation on a publicly controlled place if—

- (a) the customer has consulted with all entities who may have an interest in the proposed location of the electric line; and
- (b) the entities have stated in writing that they have no objection to the installation of the electric line.

**(2)** The entities to be consulted include—

- (a) the relevant supplier; and
- (b) the local government or other entity with responsibility for the place.

(3) The electric line must be installed in accordance with—

- (a) the wiring rules; and
- (b) any requirement or condition imposed by an entity consulted.

(4) If an electric line forming part of a customer's electrical installation is installed on a publicly controlled place contrary to this section, the regulator may direct the customer to take away the electric line, at the customer's expense.

(5) If the customer does not comply with the direction, the regulator may take away the electric line and recover the cost of the removal from the customer as a debt payable to the State.

(6) A customer who complies with subsections (1) to (3) about an electric line does not need an authority or special approval under the Act to install or operate the line.

#### *Division 4—Requirements on customers about supply*

##### **Requirement for circuit-breaker in rural areas**

**158.** If required by the relevant supplier, a customer must ensure the customer's electrical installation in a rural area has a circuit-breaker as a main switch or a circuit-breaker instead of a fuse as part of the installation.

Maximum penalty—20 penalty units.

##### **Power factor**

**159.** A customer must comply with any requirement of its supplier directed to the customer under section 216<sup>37</sup> about the power factor of an electrical installation.

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<sup>37</sup> Section 216 (Regulating customer's use etc. of electricity)

**Prevention of interference by motor installations and associated starting devices**

**160.** A person may only connect a motor installation or associated starting device if it is designed and operated to comply with any requirements of the regulator to prevent interference with supply of electricity to other customers.

**Interference with supply of electricity**

**161.** A customer must not use electricity or an electrical article so the supply of electricity to other customers of the supplier who supplies the electricity is unreasonably interfered with.

**Customer's generating plant for emergency supply**

**162.(1)** This section applies to the installation of generating plant on a customer's place to provide a supply of electricity to the customer's electrical installation, or to the customer's electrical installation and the electrical installation of another customer, during an interruption of the supply of electricity from the relevant supplier.

**(2)** The customer must ensure that, when the plant is operating to give emergency supply, it is installed with effective isolation between—

- (a)** all conductors of the part of the electrical installation or electrical installations to which the plant is connected; and
- (b)** the part of the electrical installation still connected to the supply from the relevant supplier.

Maximum penalty—20 penalty units.

**(3)** However, if the electrical installation is earthed as part of a multiple earthed neutral system of earthing, the neutral conductor must not be broken unless approved in writing by the regulator.

Maximum penalty—20 penalty units.

**(4)** The customer must ensure the installation of the plant complies with the requirements of the wiring rules.

Maximum penalty—20 penalty units.



**Customer's generating plant for interconnection to supply network**

**163.(1)** A customer must not install generating plant for interconnection with an electricity entity's supply network without the electricity entity's agreement.

Maximum penalty—20 penalty units.

(2) The agreement must include the conditions for securing safe and stable parallel operation of the supply network and the generating plant.

**Coordination of customer's protection devices with electricity entity's protection system**

**164.(1)** An electricity entity may cause the characteristics of a customer's protection device to be changed and tested to maintain discrimination between the customer's protection equipment and the electricity entity's protection system.

(2) The electricity entity may seal the adjusted protection equipment.

(3) A person must not unlawfully break or otherwise interfere with the seal.

Maximum penalty for subsection (3)—20 penalty units.

***Division 5—Requirements about electrical articles*****Labelling faulty electrical articles**

**165.(1)** An electricity officer or authorised person who finds a serious defect in a portable electrical article in a customer's place, must attach a label to the article stating the article is electrically unsafe.

Maximum penalty—20 penalty units.

(2) A person must not take off the label or connect supply of electricity to the article unless the article is repaired—

(a) by a licensed electrical worker; or

- (b) at an industrial workplace where the primary activity is the making, assembling, changing or adapting of electrical articles.

Maximum penalty—20 penalty units.

### **Inspection of customer's electrical articles**

**166.(1)** This section applies to a supplier if the supplier is a State electricity entity.

**(2)** A customer may ask the supplier to inspect the customer's portable electrical article delivered by the customer to the supplier.

**(3)** As soon as practicable after the customer asks, the supplier must arrange for the article to be inspected by a—

- (a) licensed electrical worker; or
- (b) person who—
  - (i) has successfully finished a training course approved by the regulator; and
  - (ii) is supervised by a licensed electrical worker.

**(4)** The supplier must not charge the customer for the inspection.

**(5)** If the inspection reveals the article has a serious defect when used in the normal way, the supplier must ensure a licensed electrical worker attaches a label to the article stating the article is electrically unsafe.

**(6)** A person must not take the label off the article or connect supply of electricity to the article unless the article is repaired—

- (a) by a licensed electrical worker; or
- (b) at an industrial workplace where the primary activity is the making, assembling, changing or adapting of electrical articles.

Maximum penalty—20 penalty units.

***Division 6—Testing of work*****How tests to be carried out**

**167.** A person who carries out, or causes to be carried out, a test under this part must ensure the test is carried out in the way approved by the regulator.

Maximum penalty—20 penalty units.

**Certificate by licensed electrical contractor of test**

**168.(1)** A licensed electrical contractor who tests under section 144<sup>38</sup> electrical installation work or repair work required to be examined and tested by an electricity officer or inspected by an authorised person, must give to the relevant supplier a certificate in the approved form.

Maximum penalty—20 penalty units.

**(2)** The certificate must certify that—

- (a) the tests have been carried out in the way approved by the regulator; and
- (b) the electrical installation required to be examined, tested or inspected is ready for examination, test or inspection.

**Certificate of testing and compliance**

**169.(1)** A person who tests and connects electrical installation work or repair work under section 144 must give a certificate about the work in the approved form to the customer as soon as practicable after the connection.

Maximum penalty—20 penalty units.

**(2)** The certificate must certify that the electrical installation work or repair work—

- (a) has been tested in the way approved by the regulator; and

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<sup>38</sup> Section 144 (Electrical installation not to be connected to electricity source if work not tested)

(b) complies with the Act and this regulation.

(3) Subsection (1) does not apply to the holder of an electrical contractor's licence—restricted.

### **Testing of electrical articles manufactured, assembled or repaired at industrial workplace**

**170.** An employer whose employee manufactures, assembles or repairs an electrical article at the employer's industrial workplace must ensure the electrical article is tested to confirm it is electrically safe.

Maximum penalty—20 penalty units.

### **Employer to ensure suitability of testing instruments**

**171.** The employer of a person required under the Act to perform tests of electrical installation work or repair work must ensure—

- (a) the test instruments used are designed for, and capable of, correctly performing the required tests; and
- (b) each testing instrument is tested at least every 6 months to ensure it is in proper working order; and
- (c) records of tests carried out are kept for at least 2 years.

Maximum penalty—20 penalty units.

## *Division 7—Examinations and tests by electricity officers*

### **Performance of examinations and tests**

**172.** An electricity officer who carries out an examination or test under this part must ensure the examination or test is carried out in the way approved by the regulator.

Maximum penalty—20 penalty units.

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

**173.** If, after performing an examination and tests, an electricity officer does not connect or reconnect the electrical installation on which the electrical installation work or repair work has been performed to the source of electricity supply, the electricity officer must give to the customer a written report stating the reasons for not connecting or reconnecting the installation.

Maximum penalty—20 penalty units.

**Charge for examination and test for connection or reconnection**

**174.** The supplier may charge a customer for an initial examination or test carried out for section 145 or 146<sup>39</sup> only if, at the customer's request, the examination and test is performed outside normal working hours.

*Division 8—Inspections by authorised persons***Performing inspections**

**175.** An authorised person who performs an inspection under this part must ensure the inspection is performed in the way approved by the regulator.

**Check inspection of customer's electrical installation work by authorised person for supplier**

**176.** If asked in writing by a customer or owner or occupier of premises to which a supplier supplies electricity, the supplier must ensure an authorised person carries out a check inspection of an electrical installation on the premises as soon as practicable, but within 3 months after the request.

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<sup>39</sup> Section 145 (Electrical installation not to be initially connected to electricity source without examination and testing)  
Section 146 (Electrical installation not to be reconnected to electricity source without examination)

**Check inspection of electrical installation work before reconnection**

**177.** If an examination carried out for section 146 shows the electrical installation has a serious defect, the relevant supplier must ensure an authorised person carries out a check inspection of the installation.

**Check inspection of electrical installation if supplier considers desirable**

**178.** If a relevant supplier considers it desirable, the relevant supplier may require an authorised person to perform a check inspection of a customer's electrical installation.

**Check inspection of electrical installation if required by regulator**

**179.** If required by the regulator, a supplier must ensure an authorised person performs, or provide necessary help to enable an authorised person to perform, a check inspection of—

- (a) electrical installation work performed by a licensed electrical contractor; or
- (b) a customer's electrical installation.

**Report on inspection**

**180.(1)** After an inspection under this part, the authorised person must give an inspection report to the customer in the approved form.

**(2)** If the inspection shows a defect, the authorised person must give a copy of the report to the supplier and, if the defect is about electrical installation work, to the person whom the authorised person knows performed the electrical installation work.

**Charge for inspections**

**181.(1)** A person may charge a customer for an inspection under any of the following sections only if, at the customer's request, the inspection is carried out outside normal working hours—

- section 147 (Electrical installation not to be connected to

electricity source without inspection)

- section 177 (Check inspection of electrical installation work before reconnection)
- section 178 (Check inspection of electrical installation if supplier considers desirable)
- section 179 (Check inspection of electrical installation if required by regulator).

(2) A State authorised supplier must not charge a customer for an inspection of a portable electrical article under section 166.<sup>40</sup>

(3) The cost of the check inspection under section 176<sup>41</sup> may be recovered by the supplier from the person asking for the inspection.

(4) However, the supplier may charge a customer for the check inspection under section 176 only if—

- (a) the time actually spent by the authorised person on the inspection is more than 4 hours; or
- (b) 10 years have not elapsed since the electrical installation was last inspected by an authorised person or an installation inspector under the *Electricity Act 1976*.

(5) The supplier may require payment of an amount towards the cost of the check inspection mentioned in subsection (3) or an undertaking to pay the cost before the inspection is carried out.

### *Division 9—Reports and records*

#### **Keeping records**

**182.(1)** The employer of an authorised person must keep a copy of an inspection report made by the authorised person for at least 2 years after the report is made.

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<sup>40</sup> Section 166 (Inspection of customer's electrical articles)

<sup>41</sup> Section 176 (Check inspection of customer's electrical installation work by authorised person for supplier)

Maximum penalty—20 penalty units.

(2) A licensed electrical contractor must keep a copy of a certificate given by the contractor to a customer under section 169<sup>42</sup> for at least 2 years after the certificate is given.

Maximum penalty—20 penalty units.

(3) The regulator may direct an authorised person to require a licensed electrical contractor to give the authorised person copies of the certificates mentioned in subsection (2) asked for by the authorised person.

(4) A licensed electrical contractor must comply with a requirement under this subsection (3).

Maximum penalty—20 penalty units.

### *Division 10—Requests and notices*

#### **Request to supplier for examination etc. of electrical installation work**

**183.(1)** This section applies if electrical installation work must be examined and tested by an electricity officer, or inspected by an authorised person, before the electrical installation is connected to a source of electricity supply.

(2) A person who performs the electrical installation work (the “**installer**”) must ask the relevant supplier for the work to be examined, tested or inspected.

Maximum penalty—20 penalty units.

(3) The request may be made—

- (a) in the approved form (the “**approved form**”) certifying the finish of the work, that is given to the supplier; or
- (b) in a way approved by the supplier (the “**approved way**”).

(4) If an installer makes a request in the approved way, but not on an approved form, the installer must give the approved form to the supplier, or the person required to examine, test or inspect the electrical installation

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<sup>42</sup> Section 169 (Certificate of testing and compliance)



work, before the start of the examination, test or inspection.

(5) An electricity officer or authorised person who carries out an examination or test or inspection must start an examination or test or inspection as soon as practicable, but within 3 business days, after the giving of the approved form.

### **Telling supplier of need for change to metering etc.**

**184.** If, because of the performance of electrical installation work by an installer, there is a need to install or change metering, control apparatus or other ancillary equipment, the installer must tell the relevant supplier—

- (a) on the approved form; or
- (b) in a way approved by the supplier.

Maximum penalty—20 penalty units.

## *Division 11—Queensland Electrical Education Council*

### **Queensland Electrical Education Council**

**185.(1)** The Queensland Electrical Education Council (the “**council**”) is established.

(2) The council is to be constituted as decided by the regulator.

(3) The function of the council is to make recommendations to the regulator on issues of public electrical safety.

## **PART 4—CATHODIC PROTECTION SYSTEMS**

### *Division 1—Preliminary*

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

**186.** In this part, electrical terms are the terms as they apply for direct current.

#### **Exclusion from application**

**187.(1)** 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 off shore structure not connected with land above sea level.

**(2)** This part (other than section 197(1) and (2)<sup>43</sup>) does not apply to a cathodic protection system installed on an internal surface of an apparatus, equipment or structure to which AS 2832.4–1994 Guide to the cathodic protection of metals, part 4—internal surfaces refers.

### *Division 2—Limitation on installation of cathodic protection systems*

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

**188.** A person for whom a cathodic protection system is to be installed must ensure the system is installed only if, at least 60 days before starting installation, the person—

- (a) advises all foreign structure owners of the proposal to install the system; and

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<sup>43</sup> Section 197 (Electrical limits)

- (b) allows the foreign structure owners to examine the proposal.

Maximum penalty—20 penalty units.

### *Division 3—Operating requirements*

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

**189.(1)** An owner of a cathodic protection system must not operate the system unless—

- (a) the system is operated in accordance with this part; and
- (b) the system is tested in accordance with division 4;<sup>44</sup> and
- (c) each foreign structure owner, whom the owner of the system is required under section 188 to advise, has stated interference mitigation is satisfactory or is not required; and
- (d) for a registrable system—it is currently registered under division 6<sup>45</sup> and the system is operated in accordance with the conditions of registration.

Maximum penalty—20 penalty units.

**(2)** Despite subsection (1), a person may operate a cathodic protection system for a reasonable period to perform tests in accordance with section 190.

### *Division 4—Testing requirements*

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

**190.(1)** An owner of a registrable system must perform tests in accordance with this section within 90 days, or the longer period the Regulator allows, before application for registration of the system.

Maximum penalty—20 penalty units.

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<sup>44</sup> Division 4 (Testing requirements)

<sup>45</sup> Division 6 (Registration of registrable systems)

(2) An owner of a cathodic protection system that is not a registrable system must perform tests in accordance with this section within 90 days before starting to operate the system (other than for the tests).

Maximum penalty—20 penalty units.

(3) The tests are—

- (a) interference tests on all foreign structures; and
- (b) if the system has an anode immersed in water or a marine environment—tests to ensure it complies with section 197(2).<sup>46</sup>

(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 under section 198(2).<sup>47</sup>

(5) The owner of the cathodic protection system must make all the arrangements, provide all the facilities and equipment, and bear all costs associated with the tests.

### **Procedure for interference tests**

**191.(1)** The owner of a cathodic protection system who acts under section 190(3)(a)<sup>48</sup> must—

- (a) arrange with all foreign structure owners a mutually acceptable time for performing the interference tests; and
- (b) allow the foreign structure owners to observe the performance of the interference tests.

(2) If an application for registration is for a currently registered cathodic protection system—

- (a) interference tests need not be performed on foreign structures previously tested by the owner, if the foreign structure owner advises the owner of the system testing is not required; but
- (b) the owner of the system must perform tests to ensure any

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<sup>46</sup> Section 197 (Electrical limits)

<sup>47</sup> Section 198 (Maximum potential change etc.)

<sup>48</sup> Section 190 (Tests before registration or operation of system)

interference mitigation measures for the foreign structure are operating satisfactorily.

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

**192.(1)** An owner of a registered system must perform interference tests on all foreign structures—

- (a) when an anode forming part of the system is replaced; and
- (b) if the regulator requires it—when the system, or its method of operation, is changed.

**(2)** Also, if the system has an anode immersed in water or in a marine environment, the owner, during the third year of the registration, must perform tests to ensure it complies with section 197(2).<sup>49</sup>

**(3)** If, when the interference tests are being performed, there is a foreign structure for which interference tests have not previously been performed, the person must follow the procedure in sections 190(5) and 191<sup>50</sup> for the foreign structure.

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

**193.** An owner of an impressed current cathodic protection system (other than a registered system), or another cathodic protection system with a total anode mass greater than 25 kg, must perform interference tests on all foreign structures—

- (a) when an anode forming part of the system is replaced; and
- (b) when the system or its method of operation is changed.

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

**194.** If required by the regulator, the owner of a cathodic protection system must perform interference tests on a foreign structure not previously tested by the owner.

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<sup>49</sup> Section 197 (Electrical limits)

<sup>50</sup> Section 190 (Tests before registration or operation of system)  
Section 191 (Procedure for interference tests)

**Records of tests to be kept etc.**

**195.(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 greater than 25 kg.

Maximum penalty—8 penalty units.

**(2)** If asked by the regulator, the owner must give to the regulator copies of the records within 14 days of the request.

Maximum penalty—8 penalty units.

**Testing by regulator**

**196.(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.

**(2)** If reasonably required by the regulator, the owner of a cathodic protection system must provide access to, and facilities for the testing of, the system.

Maximum penalty—20 penalty units.

**(3)** If, on testing, a system is found not to comply with the requirements of this part, the costs reasonably 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 to the State.

***Division 5—System requirements*****Electrical limits**

**197.(1)** The maximum open circuit voltage of a cathodic protection system may be more than 50 V only if safety requirements have been made to the regulator's satisfaction.

**(2)** For an anode immersed in water or in a marine environment, the potential difference between any 2 accessible points spaced 1 m apart in the

water or marine environment must not be more than 3 V when the system is energised.

(3) In a surface area of 1000 m<sup>2</sup> measured radially about an electrode or the centre of a group of electrodes discharging current to ground as part of a cathodic protection system, the total current of 1 polarity must not be more than 100 A.

(4) In an area of surface water of 2000 m<sup>2</sup> bounded by a 100 m length of the mean low water level contour and a line displaced 20 m in a direction away from land from the contour, the total current of 1 polarity discharged to water or substrata by all electrodes in the area must not be more than 500 A.

### **Maximum potential change etc.**

**198.(1)** The change in potential, foreign structure to ground, must not be more than any of the following—

- (a) at a point 100 m radially from an anode, if there is no metallic link between the cathodically protected structure and the foreign structure, 150 mV 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, 10 mV 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, 0 mV;
- (d) for a foreign structure connected electrically to the cathodically protected structure, 500 mV in a negative going direction or, with the foreign structure owner's written agreement, 1 V in a negative going direction.

(2) However, for tests of less than a total of 30 minutes in any 7 consecutive days, 5 times the potential change stated in subsection (1)(a) or (b) and twice the potential stated in subsection (1)(d) is permitted.

(3) The potential change stated in subsection (1)(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.

### **Tolerances**

**199.** The maximum measuring instrument tolerances on figures stated in sections 197 and 198<sup>51</sup> are the following—

Voltage .....	plus or minus 5%
Current .....	plus or minus 5%
Distance and time .....	plus or minus 5%
Resistivity .....	plus or minus 25%.

### **Identification of anode groundbed**

**200.** 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.

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

### **Register**

**201.(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.

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

**202.(1)** An application for registration of a registrable system must—

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<sup>51</sup> Section 197 (Electrical limits)  
Section 198 (Maximum potential change etc.)



*Electricity Regulation 1994*

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- (a) be made in the approved form; and
  - (b) if required by the regulator—be accompanied by—
    - (i) the prescribed fee; and
    - (ii) details of the geographical location of the system; and
    - (iii) a plan indicating full particulars about the system; and
    - (iv) 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; and
  - (c) if the cathodic protection system is currently registered—be accompanied by a certificate by the owner stating any interference mitigation measures for foreign structures have been tested and are operating satisfactorily.
- (2)** The certificate in subsection (1)(b)(iv) 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 in a marine environment—the operating voltage of the system corresponding to the maximum operating current mentioned in paragraph (a); and
  - (c) the owner has complied with the requirements of sections 190 and 191.<sup>52</sup>
- (3)** If asked in writing by the regulator, the applicant must give further relevant information the regulator requires to decide the application.
- (4)** The regulator must decide the application within 60 days of 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 of the decision.
- (6)** The notice must state the reasons for the refusal.

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<sup>52</sup> Section 190 (Tests before registration or operation of system)  
Section 191 (Procedure for interference tests)

**Registration of registrable system**

**203.(1)** The regulator must register a registrable system by entering in the register—

- (a) the name and address of the owner of the system notified to the regulator; and
- (b) the location of the system; and
- (c) the description of the structure being cathodically protected; 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) other conditions imposed by the regulator on the system's operation; and
- (f) the date of registration.

**(2)** Within 30 days of registering a registrable system, the regulator must give to 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 (if any) imposed by the regulator on the system's operation; and
- (c) the date of registration.

**Term of registration**

**204.** The registration of a registrable system is for 5 years, unless it is earlier cancelled.

**Inspection of entries in register**

**205.** On payment of the prescribed fee, a person may—

- (a) inspect the register of registered systems; and
- (b) obtain a certified copy of an entry in the register.

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

**206.(1)** An owner of a registered system whose name or address changes must give written notice of the change to the regulator within 30 days of the change.

Maximum penalty—8 penalty units.

(2) The regulator must enter details of the change in the register of registered systems.

### **Cancellation of registration**

**207.(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 taken away 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
- (b) give written notice of the cancellation to the owner of the system within 14 days of the cancellation.

(3) If the cancellation is under subsection (1)(a), the notice must state the reasons for the cancellation.

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

**208.** If a registered system is taken away or made permanently

inoperable, the owner of the system must give written notice to the regulator within 30 days of the removal or the making inoperable.

Maximum penalty—8 penalty units.

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

**209.(1)** If a registered system or its method of operation is changed, the owner of the system must advise the regulator as soon as possible and also give written notice to the regulator within 14 days of the change.

Maximum penalty—20 penalty units.

(2) The notice must be accompanied by a plan clearly showing how the system has been 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—20 penalty units.

### **Registration of cathodic protection systems in operation on 1 January 1995**

**210.(1)** A registrable system that immediately before 1 January 1995 is authorised to operate under the Electricity Act 1976 is taken to be a registered system for the remaining period of its authorisation.

(2) This section expires on 1 January 2002.

## CHAPTER 4—ELECTRICITY SUPPLY AND SALE TO CUSTOMERS<sup>53</sup>

### PART 1—DISTRIBUTION ENTITIES

#### *Division 1—Obligations of distribution entities and customers*

#### **Limits on obligation to provide customer connection services**

**211.(1)** For sections 40(3) and 40E(1)(e) and (i)<sup>54</sup> of the Act, if an event stated in subsection (2) happens the distribution entity—

- (a) is not obliged to provide customer connection services to the customer; and
- (b) may disconnect the customer's premises from a supply network or refuse to connect the premises to the network.

**(2)** Subsection (1) applies if—

- (a) the customer does not ask for the services in a way approved by the entity; or
- (b) the customer asks for the services and the entity requires the customer to give the entity evidence of the customer's correct name and address—the customer does not give the evidence; or
- (c) the customer applies for the supply of electricity to the premises at a rate more than the maximum capacity of the connection to the

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<sup>53</sup> Under section 20 of the *Acts Interpretation Act 1954* (Saving of operation of repealed Act etc.), the amendments to the Act by the *Electricity Amendment Act 1997* do not affect a right that accrued under the Act before the amendment.

*Examples—*

- Accrued rights between a customer and an obligated supplier of electricity before the amendments.
- Special approvals given under this regulation or by the regulator before the amendments.

<sup>54</sup> Section 40 of the Act (Connection and supply of electricity in distribution area) Section 40E of the Act (Limitation on obligation to connect and supply)

*Electricity Regulation 1994*

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- entity's supply network; or
- (d) the customer does not give the following if required by the entity—
- (i) a reasonable advance payment for charges for providing the services;
  - (ii) a reasonable security or agreement for security to the entity for performing the customer's obligations to the entity; or
- (e) after disconnecting supply under the Act or under a customer connection contract, the entity is not reasonably satisfied the matter that caused the disconnection has been remedied, rectified or fixed; or
- (f) for supply to premises for which there is an existing agreement with the supplier for supply of electricity—
- (i) the customer does not agree on similar terms for the rest of the existing agreement; and
  - (ii) the supplier does not otherwise agree; or
- (g) for supply to premises from an electric line from which another customer is supplied under an agreement with the supplier—the customer does not agree on terms decided by the supplier that, having regard to the other customer's agreement, are not unfair for both customers; or
- (h) the customer does not provide and maintain space, equipment, access, facilities or anything else the customer must provide for the services under the Act or a customer connection contract; or

*Examples of other things under paragraph (h)—*

- meters
  - substations
  - connection of service lines.
- (i) the customer is not a party to a customer sale contract with a retail entity under which the retail entity provides customer retail services to the customer's premises; or
- (j) the obligation to provide customer connection services does not apply under the Act; or

- (k) the Act allows the entity to disconnect the customer's premises from a supply network or refuse to connect the premises to the network.

(3) Subsection (2)(c) does not apply if the customer pays an amount to the entity for works necessary to increase the maximum capacity to supply the customer at the rate the customer has applied for.

(4) The entity must give the customer a reasonable opportunity to pay an amount mentioned in subsection (3).

(5) Subsection (1) does not limit—

- (a) the right to interrupt supply of electricity under a customer connection contract; or
- (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a customer connection contract.

### **Notice if services refused**

**212.(1)** This section applies if—

- (a) a customer or retail entity asks a distribution entity in the approved way for the provision of customer connection services; and
- (b) the distribution entity decides it does not have an obligation to provide the services.

(2) The distribution entity must as soon as practicable after, but within 1 month of, receiving the request give written notice to the customer or retail entity—

- (a) that the distribution entity does not have an obligation to provide the services; and
- (b) the reasons for the decision.

### **Entity may provide services even if no obligation**

**213.(1)** A distribution entity may agree to provide customer connection services to a customer even though it has no obligation to provide them.

(2) To remove any doubt, an agreement under subsection (1) is a negotiated customer connection contract.

### **When distribution entity may refuse to connect or may disconnect**

**214.(1)** A distribution entity may refuse to connect or reconnect any premises of a customer to the entity's supply network if the customer—

- (a) contravenes the Act or this regulation in relation to the supply of electricity to any premises of the customer; or
- (b) fails to make a reasonable advance payment for charges for providing customer connection services to any premises of the customer; or
- (c) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, any customer connection contract between the customer and the distribution entity; or
- (d) is a party to a customer sale contract with a retail entity for providing customer retail services to other premises of the customer and the retail entity asks the distribution entity to disconnect the other premises from the distribution entity's supply network because the customer—
  - (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the other premises; or
  - (ii) fails to make a reasonable advance payment for charges for providing the customer retail services; or
  - (iii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer sale contract for the other premises.

(2) A distribution entity may disconnect a customer's premises from the entity's supply network if the customer—

- (a) contravenes the Act or this regulation in relation to the supply of electricity to the premises; or
- (b) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, its customer connection contract with the distribution entity for the premises; or



*Electricity Regulation 1994*

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- (c) is a party to a customer sale contract with a retail entity for providing customer retail services to the premises and the retail entity asks the distribution entity to disconnect the premises because the customer—
- (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
  - (ii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, its customer sale contract with the retail entity for the premises.

**(3)** However, the distribution entity may only disconnect if any condition under the customer connection contract or customer sale contract for disconnection has been complied with.

*Example of a condition—*

A requirement in the customer connection contract or customer sale contract for the distribution entity to give notice of its intention to disconnect under subsection (2).

- (4)** This section does not limit—
- (a) a right to interrupt supply of electricity under a customer connection contract; or
  - (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a customer connection contract.

**Customer's liability for customer connection services**

**215.(1)** A customer must pay the distribution entity for providing customer connection services to the customer's premises under the customer's customer connection contract with the entity until—

- (a) supply is disconnected by the distribution entity; or
- (b) the end of 2 business days after the customer gives the entity notice that supply is no longer needed; or
- (c) electricity is supplied to the premises by arrangement with another customer.

**(2)** The obligation under subsection (1) includes an obligation to make minimum payments under the contract.

(3) However, subsection (1) does not apply if the customer and the entity otherwise agree.

### **Regulating customer's use etc. of electricity**

**216.(1)** This section applies if, in the distribution entity's opinion—

- (a) the use or intended use of an electrical article by a customer unreasonably interferes, or is likely to unreasonably interfere, with the entity's supply of electricity to other customers; or
- (b) a customer uses or deals with electricity so the supply of electricity to other customers is, or is likely to be, unreasonably interfered with; or
- (c) a customer's motor installation or associated starting device interferes, or is likely to interfere, with supply of electricity to other customers; or
- (d) it is necessary to regulate the power factor of a customer's electrical installation.

(2) The entity may, by written notice to the customer, require the customer to—

- (a) regulate the use of the electrical article; or
- (b) use or deal with electricity supplied in a stated way; or
- (c) ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the regulator under section 160;<sup>55</sup> or
- (d) ensure the power factor of an electrical installation measured over any 30 minutes at the customer's consumers terminals—
  - (i) is at least 0.8 lagging; and
  - (ii) is not a leading power factor unless the entity agrees.

(3) The notice must state—

- (a) when it must be complied with; and

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<sup>55</sup> Section 160 (Prevention of interference by motor installations and associated starting devices)

- (b) that the customer may apply to the regulator to review the decision.

### **Action if notice not complied with**

**217.** If a customer does not comply with a notice under section 216, the distribution entity may—

- (a) refuse to provide customer connection services to the customer's electrical installation until the customer complies with the notice; or
- (b) if the customer agrees to comply with the entity's requirements—provide the service.

### **Providing metering information to retail entity**

**218.** If a retail entity asks, a distribution entity must promptly provide the retail entity with meter data information for mutual customers.

## *Division 2—Meters and control apparatus*

### **Entity must provide meter and control apparatus**

**219.** The distribution entity must provide, install and maintain the following equipment for supply of electricity to a customer unless the entity and the customer otherwise agree—

- (a) a meter (other than the base of a plug-in meter) used or to be used to measure or record electricity supplied by the entity to the customer;
- (b) control apparatus (other than a meter), that the entity considers necessary.

Maximum penalty—20 penalty units.

### **Customer to change electrical installation for meter connection**

**220.** A distribution entity may require a customer to make changes to the

customer's electrical installation necessary to allow connection of the entity's meter to measure consumption of electricity.

### **Customer to provide links connecting meters to incoming supply**

**221.(1)** If a distribution entity requires, a customer must provide suitable links for connecting more than 1 meter to an incoming supply.

(2) The distribution entity may seal the links.

### **No breaking or interfering with meter seal or control apparatus**

**222.** A person must not break or interfere with a seal on a meter or control apparatus or links provided under an agreement with a distribution entity unless the entity permits the person to do so.

Maximum penalty—20 penalty units.

### **Placing meter or control apparatus on customer's premises**

**223.(1)** A customer must, at the customer's expense—

- (a) provide on the customer's premises space, housing, mounting and connecting facilities for each meter and control apparatus provided under an agreement with a distribution entity; and
- (b) maintain the facilities in a safe and sound condition.

(2) The facilities must be in a position that meets the entity's reasonable requirements.

### **Change of placement if building changes or works**

**224.(1)** This section applies if the position of a meter or control apparatus no longer meets the distribution entity's requirements because of building changes or similar works.

(2) The customer must, at the customer's expense—

- (a) provide space, housing, mounting and connecting facilities in

another position on the customer's premises that meets the entity's reasonable requirements; and

- (b) relocate the meter and control apparatus to the position.

### **Matters that may be considered for placement**

**225.** In deciding placement of a meter or control apparatus the distribution entity may consider—

- (a) safe access; and
- (b) protection against damage from—
  - (i) mechanisms; or
  - (ii) vibration; or
  - (iii) the effects of weather; or
  - (iv) corrosive atmosphere.

### **Customers to provide safe access**

**226.(1)** This section applies if a customer does not provide safe access to read a meter and install, test, maintain or take away the supplier's works without hindrance or obstruction to—

- (a) the distribution entity; or
- (b) an electricity officer of the entity; or
- (c) a person authorised by the entity.

**(2)** The entity may, by written notice to the customer, require the customer to provide the access within a stated period of a least 1 month.

**(3)** If the customer does not comply with the notice, the entity may—

- (a) install alternative metering or other equipment to enable the consumption of electricity to be measured by remote or other suitable ways; or
- (b) disconnect supply of electricity to the customer's premises and refuse to reconnect supply until the customer provides safe access.

(4) Subsection (3)(b) does not limit another remedy the entity has against the customer.

(5) The entity's costs reasonably incurred in acting under subsection (3) are a debt payable by the customer to the entity and may be recovered in a court of competent jurisdiction.

### **Meter accuracy test at customer's request**

**227.(1)** A customer or a retail entity may ask the distribution entity to test the accuracy of the distribution entity's meter installed on the customer's premises.

(2) The distribution entity may require the request to be written.

(3) The distribution entity may require the customer or retail entity to pay the distribution entity before testing—

(a) a charge for electricity or another amount owing to the distribution entity by the customer for customer connection services; and

(b) the prescribed test fee for each meter to be tested.

(4) The meter must be tested where it is installed.

(5) However, for high voltage or current transformer metering, the meter may be taken away for testing at a place decided by the distribution entity.

(6) The distribution entity must advise the customer or retail entity when and where the test is to be performed.

(7) The customer or retail entity, or that person's nominee, may be present during the test.

### **When meter taken to register accurately**

**228.(1)** A meter measuring consumption of electricity supplied to a customer registers incorrectly only if it registers outside the prescribed margin of the correct amount of electricity supplied, whether greater or less.

(2) The prescribed margin is 2.5%.

(3) However, for electricity supplied to a contestable customer, the

prescribed margin may be the margin agreed between the customer, the distribution entity and the retail entity.

### **Extent of inaccuracy**

**229.** If a properly conducted test shows a meter registers incorrectly, the meter is taken to be registering incorrectly to the extent to which the registration falls outside the prescribed margin.

### **Report about test results**

**230.(1)** If a meter is tested under section 227, the distribution entity must give written notice to the customer or retail entity of the test results as soon as possible.

**(2)** If the request was made by a retail entity, the retail entity must give a written notice to its customer of the test results as soon as possible after it receives the results.

**(3)** If the test shows the meter is registering incorrectly, the notice must state the extent to which the registration falls outside the prescribed margin.

### **Refund and adjustment if inaccuracy**

**231.(1)** If a test under section 227 shows the meter is registering incorrectly, the distribution entity must—

- (a) refund the test fee to the person making the request; and
- (b) if action is not taken under section 232—adjust the previous relevant electricity accounts to reflect the actual or a reasonable estimation of the electricity supplied.

**(2)** If a refund or adjustment is in favour of a retail entity, the retail entity must—

- (a) for a refund—pay the amount of the test fee to its customer; and
- (b) for an adjustment—make a similar adjustment to the previous relevant electricity accounts for its customer.

**Referral of tested meter to regulator**

**232.(1)** This section applies if the customer or retail entity receives the results of a test on a meter from a distribution entity under section 227.<sup>56</sup>

(2) The customer or retail entity may by written notice within 7 days require the distribution entity to refer the issue to the regulator for an inspection and test of the meter by an authorised person.

(3) The customer or retail entity must pay the distribution entity the prescribed fee before the inspection and test.

(4) On receiving the notice and prescribed fee, the distribution entity—

- (a) must refer the issue and give the fee to the regulator; and
- (b) must not interfere with the meter until the inspection and test by the authorised person is finished.

**Inspection and test after referral**

**233.(1)** On referral of an issue under section 232 and receipt of the prescribed fee, the regulator must—

- (a) arrange for an authorised person to inspect and test the meter; and
- (b) give written notice to the distribution entity and the customer or retail entity of the test results.

(2) If a retail entity made the request, the retail entity must give a written notice to its customer of the test results as soon as possible after it receives the results.

(3) If the test shows the meter is registering incorrectly, the notice must state the extent to which the registration falls outside the prescribed margin.

**Refund and adjustment after test under s 233**

**234.(1)** If a test under section 233 shows the meter is registering incorrectly by a margin substantially greater than the original test showed, the distribution entity must—

- (a) refund to the customer or retail entity fees paid to the distribution

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<sup>56</sup> Section 227 (Meter accuracy test at customer's request)



entity under section 227<sup>57</sup> for testing the meter not already refunded; and

- (b) pay the customer or retail entity the amount of the fee paid under section 232 for the inspection and test; and
- (c) adjust the previous relevant electricity accounts to reflect the actual or a reasonable estimation of the electricity supplied.

(2) If a refund or adjustment is in favour of a retail entity, the retail entity must—

- (a) for a refund—pay the amount of the test fee to its customer; and
- (b) for an adjustment—make a similar adjustment to the previous relevant electricity accounts of its customer.

### **Using testing instruments**

**235.(1)** A distribution entity must ensure each testing instrument used for a test under this division is—

- (a) appropriate for the test; and
- (b) tested each year to ensure it is accurate and in proper working order.

(2) The entity must keep a record of each test under subsection (1)(b) for at least 2 years.

### ***Division 3—Substations on customers' premises***

#### **Application of div 3**

**236.(1)** This division applies if the supply of electricity required by customers in premises is more than, or is reasonably estimated by the distribution entity to be more than, a total maximum demand of 100kV.A worked out under the Wiring Rules.

(2) This division also applies to supply of electricity to customers in premises if the regulator, in special circumstances, approves its application.

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<sup>57</sup> Section 227 (Meter accuracy test at customer's request)

**Meaning of “space for a substation” in div 3**

**237.** In this division—

**“space for a substation”** means—

- (a) necessary or suitable floor or foundation, walls or enclosure, ceiling and access doors in the part of the premises where the substation is to be located and installed, with the walls or enclosure, ceiling and access doors being suitably painted; and
- (b) necessary or suitable places for entry and exit of electric lines and cables for the substation; and
- (c) if required by the distribution entity—suitable lighting and general power outlets.

**Meaning of “owner” in div 3**

**238.** In this division—

**“owner”**, of premises, includes a person who is the proprietor, lessee or occupier of the premises or part of the premises.

**Owner to provide space for substation**

**239.(1)** This section applies if, to meet an existing or likely demand for supply of electricity by customers who are, or in the future may be, in premises, the distribution entity reasonably considers it is necessary to install a substation on the premises.

**(2)** The entity may require the owner of the premises to—

- (a) provide, free of cost to the entity, the space for a substation; and
- (b) give a right of way to the entity for its electric lines and cables to and from the substation; and
- (c) provide to the entity, or persons authorised by it, access to the entity’s equipment on the premises at all times to allow the entity to install, maintain or take away its equipment without hindrance or obstruction.

**(3)** The owner must also provide permanent handling facilities, segregated access passageways or ventilating ducts if they are needed

because of the location the owner proposes to provide for the substation.

(4) An owner who provides space for a substation under this section must—

- (a) maintain the floor or foundation, walls or enclosure, ceiling and access door of the space in sound condition; and
- (b) repair damage to or deterioration of the space, other than damage or deterioration directly attributable to the use of the space by the entity.

(5) Repairs must be done within the time and to the extent reasonably directed by the entity.

(6) If the owner does not comply with subsection (4), the entity may—

- (a) do anything necessary to carry out the maintenance or repair; and
- (b) recover the reasonable cost from the owner as a debt owing to the distribution entity in a court of competent jurisdiction.

### **Supply to other customers from substation**

**240.(1)** A distribution entity may only use an electric line or equipment installed by it on premises under this division for providing customer connection service to customers not within the premises if the owner of the premises agrees.

(2) An agreement under subsection (1) or the *Electricity Act 1976*, section 173<sup>58</sup> remains in force while electricity is supplied and consumed or required in the premises of the owner irrespective of change in maximum demand by the customers in the premises.

(3) The agreement may be changed by agreement between its parties.

### **Limitation of compensation**

**241.** Unless agreed between the owner and distribution entity, an owner of premises for a substation is not entitled to compensation from the distribution entity for—

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<sup>58</sup> *Electricity Act 1976*, section 173 (Substations on consumers' premises)

- (a) the installation of the substation; or
- (b) complying with a requirement under section 239;<sup>59</sup> or
- (c) carrying out an obligation imposed on the owner under section 239.

### **Taking away distribution entity's equipment**

**242.** If supply of electricity to an owner's premises is no longer needed, the distribution entity must take away, at its own cost, its electric lines, cables and equipment from the premises if the owner asks.

### *Division 4—What is not unfair or unreasonable*

#### **Differing methods of charging**

**244.** The mere use by a distribution entity, of differing methods of charging for the provision of customer connection services to different customers is not unfair or unreasonable.

#### **Negotiated customer connection contracts**

**245.** The mere making of, or compliance with, a negotiated customer connection contract by a distribution entity is not unfair or unreasonable.

#### **Differing security**

**246.(1)** The mere requiring of differing security by a distribution entity is not unfair or unreasonable.

**(2)** In subsection (1)—

**“differing security”** means an agreement, advance payment or amount as security for performance of the customer's obligations to the entity under a customer connection contract that is—

- (a) different to an agreement, payment or security the entity requires

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<sup>59</sup> Section 239 (Owner to provide space for substation)

- of another customer; and
- (b) not manifestly unfair to the customer.

**Different terms that are reasonable**

**247.(1)** This section applies if a distribution entity provides customer connection services on different terms to different customers or types of customers.

**(2)** The mere imposition of the different terms is not unfair or unreasonable if—

- (a) the circumstances required for providing the services are different; and
- (b) the terms reasonably reflect the impact on the entity of the—
- (i) differences between the customers or types of customers; or
- (ii) different circumstances; or
- (iii) provisions of the Act, this regulation or any code that applies.

*Examples of different circumstances—*

- The different nature of the plant or equipment required to provide the services
- Different geographical and electrical locations of the relevant connections
- Different periods for which the services are to be provided
- The electricity supply capacity required to provide the services
- The characteristics of the relevant load or generation
- The performance characteristics at which the services are to be provided.

## **PART 2—RETAIL ENTITIES**

### *Division 1—Obligations of retail entities and customers*

#### **Limits on obligation to provide customer retail services**

**248.(1)** For sections 49(3) and 53(c)<sup>60</sup> of the Act, a retail entity is not obliged to provide customer retail services to a customer if—

- (a) the customer does not ask for the provision of the services in a way approved by the retail entity; or
- (b) the customer asks for the services and the entity requires the customer to give the entity evidence of the customer's correct name and address—the customer does not give the evidence; or
- (c) the customer does not give the following if required by the entity—
  - (i) a reasonable advance payment for charges for providing the services;
  - (ii) a reasonable security or agreement for security to the entity for performing the customer's obligations to the entity; or
- (d) for customer retail services to premises for which there is an existing negotiated contract with the entity for customer retail services—
  - (i) the customer does not agree on similar terms for the rest of the existing agreement; and
  - (ii) the supplier does not otherwise agree; or
- (e) the customer does not provide and maintain space, equipment, access, facilities or anything else the customer must provide for the services under the Act or a customer sale contract; or

*Examples of other things under paragraph (e)—*

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<sup>60</sup> Section 49 of the Act (Obligation to provide customer retail services to non-contestable customers)  
Section 53 of the Act (Limitations on obligation to sell)

*Electricity Regulation 1994*

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- meters
  - substations
  - connection of service lines.
- (f) the entity does not provide for the connection and supply of electricity to the customer's premises—a customer connection contract is not in force with a distribution entity under which the distribution entity provides customer connection services to the customer's premises; or
- (g) the entity provides for the connection and supply of electricity to the customer's premises and the distribution entity—
- (i) is not obliged to provide customer connection services to a customer; and
  - (ii) may disconnect the customer's premises from a supply network or refuse to connect the premises to the network; or
- (h) the Act allows the entity not to provide customer retail services.
- (2)** Subsection (1) does not limit—
- (a) a right to interrupt supply of electricity as agreed in a customer sale contract; or
  - (b) a right or obligation to—
    - (i) disconnect premises, or refuse to connect or reconnect premises under a customer sale contract; or
    - (ii) refuse to provide customer retail services under a customer sale contract.

**Notice if services refused**

**248A.(1)** This section applies if—

- (a) a customer asks a retail entity in the approved way for the provision of customer retail services; and
- (b) the entity decides it does not have an obligation to provide the services.

**(2)** The retail entity must as soon as practicable after, but within 1 month of, receiving the request give written notice to the customer—

- (a) that the retail entity does not have an obligation to provide the services; and
- (b) the reasons for the decision.

**Entity may supply even if no obligation**

**248B.(1)** A retail entity may agree to provide customer retail services to a customer even though it has no obligation to provide them.

**(2)** To remove any doubt, a contract referred to in subsection (1) is a negotiated customer sale contract.

**When retail entity is not obliged to provide customer retail services**

**248C.(1)** A retail entity is not under an obligation to provide customer retail services to premises of a customer if the customer—

- (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to any premises of the customer; or
- (b) fails to make a reasonable advance payment for charges for providing customer retail services to any premises of the customer; or
- (c) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, any customer sale contract between the customer and the retail entity.

**(2)** If subsection (1) applies, the retail entity may ask its distribution entity to refuse to connect or reconnect any premises of the customer to the distribution entity's supply network.

**(3)** Also, if there is a customer sale contract between a customer and a retail entity for a premises of the customer, the retail entity is not under an obligation to continue to provide customer retail services to the premises if the customer—

- (a) contravenes the Act or this regulation in relation to the supply or sale of electricity to the premises; or
- (b) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer's customer sale contract with the retail entity for the premises.



(4) If subsection (3) applies, the retail entity may ask its distribution entity to disconnect the customer's premises from the distribution entity's supply network.

(5) However, the distribution entity may only disconnect if any condition under the customer sale contract for disconnection has been complied with.

*Example of a condition—*

A requirement in the customer sale contract for the retail entity to give notice of its intention to ask the distribution entity to disconnect under subsection (4).

(6) This section does not limit—

- (a) a right to interrupt supply of electricity under a customer sale contract; or
- (b) a right or obligation to—
  - (i) disconnect premises, or refuse to connect or reconnect premises, under a customer sale contract; or
  - (ii) refuse to provide customer retail services under a customer sale contract.

### **Customer's liability for customer retail services**

**248D.(1)** A customer must pay the retail entity for electricity sold to the customer's premises under the customer's customer sale contract with the entity until—

- (a) supply is disconnected by the distribution entity; or
- (b) the end of 2 business days after the customer gives the entity notice that supply is no longer needed; or
- (c) electricity is supplied to the premises by arrangement with another customer.

(2) The obligation under subsection (1) includes an obligation to make minimum payments under the contract.

(3) However, subsection (1) does not apply if the customer and the entity otherwise agree.

***Division 2—What is not unfair or unreasonable*****Differing methods of charging**

**248F.** The mere use by a retail entity of differing methods of charging for the provision of customer retail services to different customers is not unfair or unreasonable.

**Negotiated customer sale contracts**

**248G.** The mere making of, or compliance with, a negotiated customer sale contract by a retail entity is not unfair or unreasonable.

**Differing security**

**248H.(1)** The mere requiring of differing security by a retail entity is not unfair or unreasonable.

**(2)** In subsection (1)—

**“differing security”** means an agreement, advance payment or amount as security for performance of the customer’s obligations to the entity under a customer sale contract that is—

- (a) different to an agreement, payment or security the entity requires of another customer; and
- (b) not manifestly unfair to the customer.

**Different terms that are reasonable**

**248I.(1)** This section applies if a retail entity provides customer retail services on different terms to different customers or types of customers.

**(2)** The mere imposition of the different terms is not unfair or unreasonable if—

- (a) the circumstances required for providing the services are different; and
- (b) the terms reasonably reflect the impact on the entity of the—
  - (i) differences between the customers or types of customers; or

- (ii) different circumstances; or
- (iii) provisions of the Act, this regulation or any code that applies.

*Examples of different circumstances—*

- The quantities of electricity purchased by the customers or types of customers
- The geographical location of the customers or types of customers
- The periods for which the services are to be provided
- If the services include arranging for customer connection services—any of the matters referred to in section 247 that are relevant to the provision of the services.

## **PART 2A—DISPUTES ABOUT WHAT IS FAIR AND REASONABLE**

### **Dispute resolution**

**248IA.(1)** This section applies if—

- (a) the Act or this regulation requires an electricity entity to do something on fair and reasonable terms or on a fair and reasonable basis; and
- (b) there is a dispute about fairness or reasonableness; and
- (c) the dispute is not an access dispute under the *Queensland Competition Authority Act 1997*, section 112(2).<sup>61</sup>

**(2)** A party to the dispute may ask the regulator to resolve the dispute.

**(3)** The regulator may—

- (a) give instructions about procedures the parties must follow to attempt to resolve the dispute before the regulator takes steps to resolve it; or

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<sup>61</sup> *Queensland Competition Authority Act 1997*, section 112 (Giving dispute notice)

(b) require a party to give the regulator information the regulator considers necessary to enable the dispute to be resolved.

(4) The regulator must give each party a reasonable opportunity to make representations before making the decision.

(5) After considering any representations, the regulator must decide the issue in dispute.

(6) The regulator must inform the parties of the decision by written notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that either party may appeal against the decision to a District Court within 28 days.

### **Regulator may seek advice or information**

**248IB.(1)** This section applies if, under section 248IA(2), the regulator has been asked to resolve a dispute.

(2) To help resolve the dispute, the regulator may seek advice or information from any other person.

(3) The regulator may take the advice or information into account in resolving the dispute.

(4) If the regulator seeks information or advice or takes into account advice or information the regulator has been given for any other dispute, the regulator must—

- (a) if the advice or information is written—give a copy of it to the parties; or
- (b) if the advice or information is oral—disclose the substance of the advice to the parties.

### **Parties to maintain secrecy of advice or information**

**248IC.(1)** This section applies if under section 248IB(4) the regulator gives advice or information, or discloses the substance of advice or information, to a person who is a party to the dispute.

(2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—

- (a) the resolution of the dispute; or
- (b) an appeal against the regulator's decision on the dispute.

## **PART 3—FINANCIAL ARRANGEMENTS ABOUT SUPPLY AND SALE**

### **Methods of charging for electricity**

**248J.** An electricity entity may use methods of charging for electricity supplied or sold by the entity to customers the entity considers appropriate, including, for example—

- (a) giving an account based on meter readings; or
- (b) giving an assessed account; or
- (c) giving an estimated account; or
- (d) payment in advance by using a credit meter.

### **Meters must be read annually**

**248K.** Each electricity entity must ensure each meter recording each of its customer's consumption of electricity is read at least once each year.

## **PART 4—ELECTRICITY RESTRICTION**

### *Division 1—Preliminary*

#### **Purpose to be achieved by regulation**

**248L.** The purpose of this part is to ensure a regular, economically efficient and constant supply of electricity within the available supply capacity of certain supply networks, or parts of them.<sup>62</sup>

#### **Definitions**

**248M.** In this part—

**“contactor”** means a contactor described in AS3947.1—1993 Low voltage switchgear and controlgear, part 1—general rules.

**“direct on-line starting”**, for an electric motor, means a way of starting the motor by connecting the full supply voltage across the motor terminals in 1 step.

**“electric range”** means a domestic use electrical article that is designed to operate at low voltage and has 1 or more of the following—

- (a) a cooking compartment;
- (b) a cooking hob fitted with at least 1 radiant or electromagnetic induction type heating unit.

**“electric water heater”** means an electric water heater described in AS3142—1994 Approval and test specification—electric water heaters.

**“instantaneous water heater”** means an instantaneous water heater described in AS3142—1994 Approval and test specification—electric water heaters.

**“low voltage release”** means a low voltage release described in AS3947.1—1993 Low voltage switchgear and controlgear,

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<sup>62</sup> Under section 123 of the Act, an electricity restriction regulation expires 5 years after the day on which it is made, unless it is earlier repealed.

part 1—general rules.

**“refrigerated room airconditioner”** means a refrigerated room airconditioner described in AS/NZS 3179:1993 Approval and test specification—refrigerated room airconditioners.

**“sequential starting”** for an electric motor means consecutive (rather than simultaneous) starting.

**“welding power source”** means a welding power source described in AS1966.1—1985 Electric arc welding power sources, part 1—transformer type.

*Division 2—Electricity restriction in far north Queensland (other than the Torres Strait Islands)*

**Where electricity restriction applies**

**248N.** The electricity restrictions in this division apply to electricity supplied by the Far North Queensland Electricity Corporation to the following localities through the corporation’s supply network—

- (a) Coen;
- (b) Wasaga;
- (c) Aurukun;
- (d) Bamaga;
- (e) Doomadgee;
- (f) Gununa;
- (g) Kowanyama;
- (h) Lockhart River;
- (i) Palm Island;
- (j) Pormpuraaw.

**Electricity restrictions**

**248O.(1)** The use of the following electrical articles by customers is

prohibited—

- (a) welding power sources;
- (b) electric motors with a rating of more than 11 kW;
- (c) instantaneous water heaters with a rating of more than 2.4 kW.

(2) Subsection (1) does not apply—

- (a) to the following welding power sources—
  - (i) 415V, 3 phase input light industrial welding power sources; and
  - (ii) 250V, single phase limited input welding power sources; or
- (b) to an electric motor installed before 16 October 1992 and driving the air compressor in the fibreglass factory at Doomadgee; or
- (c) to electric motors that are part of a public water supply system or a community sewerage system installed and operated in the way required by the corporation; or
- (d) if a customer satisfies the corporation, by the written advice of a doctor, that a stated electrical article must be used to reduce a threat to a person's life.

### *Division 3—Electricity restriction in the Torres Strait Islands*

#### **Where electricity restriction applies**

**248P.** The electricity restrictions in this division apply to electricity supplied by the Far North Queensland Electricity Corporation in the following islands through the corporation's supply network—

- (a) Badu;
- (b) Boigu;
- (c) Coconut;
- (d) Darnley;
- (e) Dauan;
- (f) Hammond;



- (g) Mabuiag;
- (h) Moa (Kubin and St Pauls communities);
- (i) Murray;
- (j) Saibai;
- (k) Stephens;
- (l) Warraber;
- (m) Yam;
- (n) Yorke.

**Electricity restrictions**

**248Q.(1)** The use of the following electrical articles by customers is prohibited—

- (a) welding power sources;
- (b) electric motors with a rating of more than 4 kW;
- (c) electric water heaters;
- (d) electric ranges;
- (e) refrigerated room airconditioners installed in dwellings.

**(2)** Subsection (1) does not apply—

- (a) to the following welding power sources—
  - (i) 415V, 3 phase input light industrial welding power sources; and
  - (ii) 250V, single phase limited input welding power sources; or
- (b) to the electric motor forming part of the refrigerating equipment at the seafood processing plant on Yorke Island; or
- (c) to electric motors that are part of a public water supply system or a community sewerage system installed and operated in the way required by the corporation; or
- (d) if a customer satisfies the corporation, by the written advice of a doctor, that a stated electrical article must be used to reduce a threat to a person's life.

***Division 4—Electricity restriction in the North Queensland Electricity Corporation supply area***

**Where electricity restriction applies**

**248R.** The electricity restrictions in this division apply to electricity supplied by the North Queensland Electricity Corporation to the towns of Boulia, Burketown, and Camooweal through the corporation's supply network.

**Electricity restrictions**

**248S.(1)** The use of the following electrical articles by customers is prohibited—

- (a) welding power sources;
- (b) instantaneous water heaters with a rating of more than 2.4 kW;
- (c) electric water heaters not controlled by a time switch or similar control unit supplied by the corporation;
- (d) single phase electric motors with a rating of more than 1.5 kW;
- (e) 3 phase electric motors with a rating of more than 1.5 kW that—
  - (i) are not controlled by a contactor fitted with a suitable low voltage release with either a manual reset or an automatic reset with time delay; or
  - (ii) are wired to the 1 control point with 1 or more other motors with a rating of more than 1.5 kW and not arranged for sequential starting;
- (f) 3 phase electric motors with a rating of more than 2.2 kW and used with direct on-line starting;
- (g) 3 phase electric motors with a rating of more than 7.5 kW;
- (h) 2 or more refrigerated room airconditioners not arranged for sequential starting and on the same phase supplied from the 1 consumer's terminals.

**(2)** Subsection (1) does not apply—

- (a) to the following welding power sources—
  - (i) 415V, 3 phase input light industrial welding power sources; and
  - (ii) 250V, single phase limited input welding power sources; or
- (b) to electric motors that are part of a public water supply system or a community sewerage system installed and operated in the way required by the corporation; or
- (c) if a customer satisfies the corporation, by the written advice of a doctor, that a stated electrical article must be used to reduce a threat to a person's life.

## **PART 5—CONTESTABLE CUSTOMERS**

### *Division 1—General declaration*

#### *Subdivision 1—Preliminary*

#### **Meaning of “relevant distribution entity”**

**248T.** In this division—

**“relevant distribution entity”**, for single premises, means the distribution entity in whose distribution area the premises are located.

#### **Meaning of “single premises”**

**248TA.(1)** In this division, a **“single premises”**, of a customer, means any of the following if owned or occupied by the customer and used by the customer for the same business or enterprise—

- (a) the whole of any single building or structure;
- (b) a part of any single building or structure;
- (c) 2 or more adjoining parts of any single building or structure;

- (d) the whole of 2 or more buildings or structures that are on—
  - (i) the same lot of land; or
  - (ii) 2 or more adjoining lots of land.

(2) In this section—

**“same business or enterprise”** means a business or enterprise carried out under the same name, other than a business or enterprise made up of parts carried out under different names.

### *Subdivision 2—Declaration*

#### **Actual or estimated consumption of more than 4 GWh**

**248TB.(1)** A customer is declared to be a contestable customer for the supply of electricity to any single premises of the customer if—

- (a) the customer—
  - (i) has certification for the premises under section 248TDA(1); or
  - (ii) is, under section 248TG(7), taken to have the certification;<sup>63</sup> and
- (b) the customer—
  - (i) has entered into a negotiated customer sale contract with a retail entity for the supply of electricity to the premises; or
  - (ii) is, under the Market Code, chapter 2,<sup>64</sup> registered as a ‘Market Participant’ under the category ‘Market Customer’.

(2) The declaration takes effect on the later of the following—

- (a) if subsection (1)(b)(i) applies—the time immediately before the time for the supply of electricity to the premises to start under the contract;

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<sup>63</sup> Section 248TDA (Issue of certification)  
Section 248TG (Dispute resolution)

<sup>64</sup> Chapter 2 (Code participants and registration)

- (b) if subsection (1)(b)(ii) applies—the time for the customer to start taking supply as a ‘Market Customer’ under the Market Code;<sup>65</sup>
- (c) 1 October 1998.

(3) The customer continues to be a contestable customer for the premises after the declaration takes effect despite the actual consumption of electricity for the premises.

### *Subdivision 3—Contestable customer certification*

#### **Applying for certification**

**248TC.(1)** A customer may apply to the relevant distribution entity for contestable customer certification for any single premises of the customer.

- (2) The application must—
- (a) be written; and
  - (b) state the applicant’s name and the premises to which the application relates; and
  - (c) be supported by enough other information, reasonably decided by the entity, to enable the entity to consider the application.

#### **Consideration of application**

**248TD.(1)** The relevant distribution entity must either grant or refuse the application within 14 days after receiving all necessary information relevant to the application.

- (2) The entity must grant the application if satisfied—
- (a) the customer has arranged for the provision of a ‘metering installation’ under the market code, chapter 7<sup>66</sup> for the premises; and

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<sup>65</sup> For the provisions of the Market Code concerning supply to a ‘Market Customer’, see the code, chapter 3 (Market rules).

<sup>66</sup> Chapter 7 (Metering). For the meaning of ‘metering installation’ under the Market Code, see chapter 10 (Glossary), definition “metering installation”.

*Electricity Regulation 1994*

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- (b) either—
- (i) the consumption for the premises during a consumption period was more than 4 GWh; or
  - (ii) the estimated consumption for the premises in a future consumption period is more than 4 GWh; and—
    - (A) the premises did not consume electricity before 1 October 1997; or
    - (B) if the premises consumed electricity before 1 October 1997—the premises or the customer’s business or enterprise for which the customer used the premises were expanded after 1 October 1997 and the expansion caused the estimate to be more than 4 GWh; and
- (c) if the premises is supplied from multiple electrical lines—the customer has arranged for the consumption of electricity from each of the lines to be read and added together.

(3) If the entity does not grant the application within the relevant period, it is taken to have—

- (a) refused the application; and
- (b) given the applicant a notice under section 248TDB(1) of refusal of the application at the end of the period.

(4) In this section—

**“consumption”**, for the premises during a consumption period, means the electricity, decided by the relevant distribution entity, that was—

- (a) consumed for the premises during the period; or
- (b) charged under section 342B<sup>67</sup> by an on-supplier for the premises during the period.

**“consumption period”** means any period of 1 year beginning on or after 1 July 1996.

**“estimated consumption”**, for the premises during a future consumption period, means the electricity the relevant distribution entity estimates will be—

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<sup>67</sup> Section 342B (Charges from on-suppliers to receivers)

- (a) consumed for the premises during the period; or
- (b) charged under section 342B<sup>68</sup> by an on-supplier for the premises during the period.

**“future consumption period”** means any period of 1 year, whether beginning before, on or after the commencement, that has not ended.

**“relevant period”** means the first of the following periods to end—

- (a) 14 days after the entity receives all necessary information relevant to the application;
- (b) 1 month after the application was made.

### **Issue of certification**

**248TDA.(1)** If the relevant distribution entity grants the application, it must give the certification applied for to the customer as soon as practicable after the application is granted.

**(2)** The certification must be written and state the following—

- (a) the customer’s name;
- (b) the single premises of the customer to which the certification relates;
- (c) that the entity was satisfied under section 248TD(2).

### **Refusal of application**

**248TDB.(1)** If the relevant distribution entity decides to refuse the application, the entity must give the applicant written notice of refusal of the application as soon as practicable after making the decision.

**(2)** The notice must state the following—

- (a) that the entity has refused the application;
- (b) the reasons for the refusal;

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<sup>68</sup> Section 342B (Charges from on-suppliers to receivers)

- (c) that the applicant may, under section 248TG,<sup>69</sup> ask the Minister to decide whether the application ought to have been granted.

### *Division 2—Contestable customers in NorthPower’s area*

#### **Contestable customers in NorthPower’s area**

**248TE.(1)** A customer is declared to be a contestable customer for premises of the customer if—

- (a) the premises are within NorthPower’s area; and
- (b) the customer would, if the premises were in New South Wales, be a ‘non-franchise customer’ under any order in force under the *Electricity Supply Act 1995* (NSW), section 92(1).<sup>70</sup>

**(2)** For the purpose of deciding whether a person is a contestable customer under subsection (1), a function or power under an order may be exercised by—

- (a) a person given a corresponding function or power under the Act; or
- (b) if no person has a corresponding function or power under the Act—the Minister or a person appointed by the Minister.

### *Division 3—Other contestable customers*

#### **Customers declared to be contestable customers**

**248TF.** Each of the customers mentioned in schedule 3A is declared to be a contestable customer at the premises set out opposite in the schedule.

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<sup>69</sup> Section 248TG (Dispute resolution)

<sup>70</sup> The *Electricity Supply Act 1995* (NSW), section 92(1) provides—

‘(1) The Minister may, by order published in the Gazette, declare any specified person, or any specified class of persons, to be non-franchise customers for the purposes of this Act.’



***Division 4—Resolving disputes about contestability*****Dispute resolution**

**248TG.(1)** This section applies if—

- (a) a customer’s application under section 248TC for contestable customer certification has been refused or is, under section 248TD(3), taken to have been refused and the customer disputes the refusal; or
- (b) there is a dispute about whether a customer is a contestable customer for a premises under section 248TE.<sup>71</sup>

**(2)** The customer may ask the Minister, or a person appointed by the Minister, (the “**dispute resolver**”) to resolve the dispute.

**(3)** The dispute resolver may—

- (a) give instructions about procedures the parties to the dispute must follow to attempt to resolve the dispute before the dispute resolver attempts to resolve it; or
- (b) require a party to give the dispute resolver information the dispute resolver considers necessary to enable the dispute to be resolved.

**(4)** The dispute resolver must give each party a reasonable opportunity to make representations before making the decision.

**(5)** After considering any representations, the dispute resolver must decide—

- (a) for a dispute mentioned in subsection (1)(a)—whether the application ought to have been granted; or
- (b) for a dispute mentioned in subsection (1)(b)—whether the customer is a contestable customer for the premises to which the dispute relates.

**(6)** The dispute resolver must inform the parties of the decision by written notice stating the—

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<sup>71</sup> Section 248TC (Applying for certification)  
Section 248TD (Consideration of application)  
Section 248TE (Contestable customers in Northpower’s area)

- (a) decision; and
- (b) reasons for the decision.

(7) If, under subsection (5)(a), the dispute resolver decides the application ought to have been granted, certification is taken to have been given under section 248TDA(1)<sup>72</sup> to the customer for the premises to which the application relates when the decision was made.

(8) If, under subsection (5)(b), the dispute resolver decides the customer is a contestable customer for the premises to which the dispute relates, the customer is taken to have been a contestable customer for the premises from when the decision was made.

### **Dispute resolver may seek advice or information**

**248TH.(1)** This section applies if, under section 248TG(2), a dispute resolver has been asked to resolve a dispute.

(2) To help resolve the dispute, the dispute resolver may seek advice or information from any other person.

Example—

If there is a dispute under section 248TE(1)(b) about whether the customer would be a non-franchise customer under the New South Wales law mentioned in that section, the dispute resolver may seek advice or information to help resolve the dispute from—

- (a) the department; or
- (b) a department of government of New South Wales that administers the New South Wales law.

(3) The dispute resolver may take the advice or information into account in deciding whether the customer is a contestable customer.

(4) If the dispute resolver seeks information or advice or takes into account advice or information the dispute resolver has been given for any other dispute, the dispute resolver must—

- (a) if the advice or information is written—give a copy of it to the parties; or

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<sup>72</sup> Section 248TDA (Issue of certification)

- (b) if the advice or information is oral—disclose the substance of the advice to the parties.

### **Parties to maintain secrecy of advice or information**

**248TI.(1)** This section applies if under section 248TH(4) the dispute resolver gives advice or information, or discloses the substance of the advice or information, to a person who is a party to the dispute.

(2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—

- (a) the resolution of the dispute; or  
(b) an appeal against the dispute resolver’s decision on the dispute.

### **Decision binding**

**248TJ.(1)** The dispute resolver’s decision under section 248TH binds each party to the dispute.

(2) A party may not apply for a review of, or appeal against, the order other than under the *Judicial Review Act 1991*.

## **PART 6—NEGOTIATED CONTRACTS BEFORE COMMENCEMENT OF ELECTRICITY AMENDMENT ACT 1997**

### **Negotiated contracts**

**248U.(1)** This section applies to a negotiated contract entered into before the *Electricity Amendment Act 1997* commenced ( the “**commencement**”) under section 243 of this regulation, as that section applied before the commencement.

(2) From the commencement the negotiated contract is taken to be a negotiated customer sale contract.

## **CHAPTER 5—MARKET AND SYSTEM ARRANGEMENTS**

### **PART 1—SYSTEM AND NETWORK CONTROL**

#### *Division 1—Operating electrical installations*

##### **Market Code to be followed**

**249.** A person must comply with the Market Code in operating an electrical installation if the installation—

- (a) is connected directly to a transmission grid that is part of the Queensland system; or
- (b) is connected to a part of a supply network stated by the Queensland System Operator in a Market Code instrument to be relevant to the security and reliability of the Queensland system; or
- (c) includes facilities for the provision of ancillary services stated by the Queensland System Operator in a Market Code instrument to be relevant to the security and reliability or the economic operation of the Queensland system.

Maximum penalty—20 penalty units.

##### **Appointment of QETC as system control entity**

**250.(1)** QETC is appointed the system control entity to carry out the function of system control for the power system.

(2) QETC must perform its functions, including administrative and financial activities for those functions, as the system control entity separate

from its functions in any other capacity.

(3) QETC has the powers necessary to do any of the things mentioned in sections 7 and 92(2) of the Act but does not have power to do anything that would prevent Queensland Transitional Power Trading Corporation from complying with its obligations under clause 7 of the Interconnection and power pooling agreement mentioned in the State agreement under the Gladstone Power Station Agreement Act 1993.

### **Queensland grid code to be followed**

**251.(1)** The system control entity must carry out the function of system control in accordance with part C (System and network control) of the Queensland grid code to the extent permitted under section 250(3).

(2) An electricity entity operating generating plant, a transmission grid or supply network that is part of the power system must comply with part C (System and network control) of the Queensland grid code in operating the plant, transmission grid or supply network.

Maximum penalty—20 penalty units.

(3) A special approval holder operating generating plant, a transmission grid or supply network that is part of the power system must comply, to the extent stated in or as a condition of its special approval, with part C (System and network control) of the Queensland grid code in operating the plant, transmission grid or supply network.

Maximum penalty—20 penalty units.

(4) An operator of an electrical installation that—

- (a) is connected directly to a transmission grid that is part of the power system; or
- (b) is connected to a part of a supply network specified by the system control entity to be relevant to the integrity of the power system; or
- (c) includes facilities for the provision of ancillary services relevant to the integrity or economic operation of the power system;

must comply with part C (System and network control) of the Queensland grid code in operating the electrical installation.

Maximum penalty—20 penalty units.

### **Arrangements with other electricity entities about system control**

**252.** The system control entity may agree with other electricity entities about the control, operation and supervision of their works to help the achievement of efficient system control or for the supply of other services.

### **Additional operating instructions**

**253.** The system control entity, whether or not at the request of an electricity entity, may issue written operating procedures or conditions to be followed by all electricity entities or a stated electricity entity to achieve the safe and secure operation of the power system.

### **Dealings to be impartial**

**254.** The system control entity must be impartial in its dealings as the system control entity with all electricity entities, special approval holders, contestable customers and other customers.

### **Confidentiality**

**255.(1)** The system control entity may publish or release to a person information acquired by it in carrying out system control functions, and that gives or is likely to give the person a material commercial advantage over anyone else, only if the giving of the information is for another lawful purpose and any commercial advantage is merely incidental to the purpose.

**(2)** Subsection (1) does not apply to the giving to a person information about the person or, with the person's written permission, to anyone else.

### **Reasonable charges for services**

**256.** The system control entity may charge electricity entities, special approval holders and contestable customers for the reasonable cost

(including a reasonable return on assets used) of carrying out its system control functions for the entity, holder or customer.

### *Division 2—Network control*

#### **Network operation not to interfere with Queensland system**

**257.(1)** A distribution entity must not operate its supply network in a way that interferes with the performance of the Queensland system without the agreement of the Queensland System Operator.

Maximum penalty—20 penalty units.

**(2)** In subsection (1)—

“**operate**” includes providing network control.

#### **Market Code to be followed**

**258.** A person must comply with the Market Code in operating an electrical installation if the installation—

- (a) is connected directly to a supply network that is part of the Queensland system; or
- (b) includes facilities for the provision of ancillary services to the supply network.

Maximum penalty—20 penalty units.

#### **Dealings to be impartial**

**259.** An electricity entity must be impartial in its dealings in carrying out network control with all other electricity entities, special approval holders, contestable customers and other customers.

#### **Confidentiality**

**260.(1)** An electricity entity may publish or release to a person information acquired by the entity in carrying out network control, and that gives or is likely to give the person a material commercial advantage over

anyone else, only if the giving of the information is for another lawful purpose and any commercial advantage is merely incidental to the purpose.

(2) Subsection (1) does not apply to the giving to a person information about the person or, with the person's written permission, to anyone else.

### **Reasonable charges for services**

**261.** An electricity entity may charge electricity entities, special approval holders and contestable customers for the reasonable cost of carrying out its network control functions for the entity, holder or customer.

## **PART 2—CONDITIONS OF AUTHORITIES AND SPECIAL APPROVALS**

### *Division 1—Separation of industry sectors*

#### **Generation and retail sectors**

**261A.** It is a condition of a generation authority that its holder must not hold a retail authority with a retail area.

#### **Distribution and retail sectors**

**261B.** It is a condition of a distribution authority that its holder must not hold a retail authority.

#### **Retail and generation sectors**

**261C.** It is a condition of a retail authority with a retail area that its holder must not hold a generation authority.



***Division 2—Compliance with Market Code*****Compliance with Market Code instruments**

**262.(1)** This section applies to the holder of an authority or special approval if the holder is a code participant.

(2) It is a condition of an authority or special approval that its holder must comply with all Market Code instruments that apply to the activities authorised by the authority or special approval.

(3) In this section—

“**authority**” means a generation authority, transmission authority, distribution authority or retail authority.

***Division 3—Miscellaneous*****Compliance with regulator’s decisions under s 248IA**

**262A.(1)** It is a condition of an electricity entity’s authority that the entity must comply with a decision by the regulator under section 248IA<sup>73</sup> about a dispute to which the entity was a party.

(2) However, the condition does not apply if the decision has been stayed.

**Retail entity must comply with prices or methodology**

**262B.(1)** This section applies if the Minister has—

- (a) decided the prices, or the methodology to fix the prices, that a retail entity may charge for the sale of electricity it sells or for other services it provides to non-contestable customers; and
- (b) given written notice of the prices or the methodology to the retail entity.

(2) It is a condition of the retail entity’s retail authority that it must charge

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<sup>73</sup> Section 248IA (Dispute resolution)

the prices, or prices fixed under the methodology, decided by the Minister.

(3) This section expires when the *Electricity Amendment Act (No. 3) 1997*, section 34<sup>74</sup> commences.

## PART 3—ANCILLARY SERVICES

### Ancillary services at direction of Queensland System Operator

263.(1) Ancillary services that, immediately before 1 October 1997 were provided or agreed to be provided, must continue to be provided by generation entities and other entities.

(2) The ancillary services must be provided under—

- (a) the direction of the Queensland System Operator; and
- (b) the Market Code.

### Expiry of pt 3

263A. This part expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

## PART 4—SPECIAL APPROVALS

### Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995

294.(1) Capricornia Electricity Corporation, Far North Queensland Electricity Corporation, or North Queensland Electricity Corporation (the “**relevant corporation**”), has a special approval authorising the relevant

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<sup>74</sup> The *Electricity Amendment Act (No. 3) 1997*, section 34 (Replacement of ch 4, pt 2 (Market and system arrangements and pricing))

corporation to connect the generating plant installed before 1 January 1995 and vested in the relevant corporation on 1 January 1995 to the transmission grid or supply network to which it is connected on 1 January 1995.

(2) Section 27(a) and (c) of the Act<sup>75</sup> applies to a relevant corporation acting under the special approval as if the corporation were a generation entity.

### **Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities**

**295.(1)** A distribution entity has a special approval to connect mobile generating plant to its supply network to supply electricity during an emergency or maintenance work on the supply network.

(2) Section 27(a) and (c) of the Act applies to a distribution entity acting under the special approval as if the supplier were a generation entity.

### **Approval to connect certain generating plant with 30MW or less capacity**

**296.(1)** A person who operates generating plant with a capacity of 30 MW or less has a special approval to connect the generating plant to a transmission grid or supply network if electricity generated is not sold, other than to the retail entity in whose retail area the generation plant is located.

(2) Section 27(a) and (c)<sup>76</sup> of the Act applies to the person acting under the special approval as if the person were a generation entity.

### **Special approval holder providing electricity to customer**

**297.** For chapter 2, part 2<sup>77</sup> of the Act, the holder of a special approval authorising the holder to provide electricity to a customer is to be treated as an electricity entity.

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<sup>75</sup> Section 27 of the Act (Conditions of generation authority)

<sup>76</sup> Section 27 of the Act (Conditions of generation authority)

<sup>77</sup> Chapter 2 (The electricity industry), part 2 (Customers and contestable customers) of the Act

**Disciplinary action against special approval holder**

**298.** For chapter 5, part 4<sup>78</sup> of the Act, the holder of a special approval under this part is to be treated as an electricity entity.

**NorthPower's authorised supplier authorities**

**298A.(1)** NorthPower has a special approval until this section expires.

**(2)** The approval is subject to the conditions—

- (a) under the Act that apply to a distribution authority and a retail authority; and
- (b) stated in the authorised supplier authorities issued to NorthPower by QTSC as if a reference in the authorities to QTSC is a reference to the regulator.

**(3)** While the approval is in force, NorthPower is taken to be a distribution entity for section 10(3)(b).<sup>79</sup>

**(4)** The approval authorises NorthPower to carry out an activity—

- (a) it could, immediately before the commencement, have carried out under the authorities; and
- (b) that would otherwise require it to be a distribution entity or retail entity.

**(5)** A reference in the authorities to the supply of electricity includes the supply of electricity using a supply network and the sale of electricity.

**(6)** This section expires on the happening of the earlier of the following—

- (a) 30 June 1998;
- (b) NorthPower is issued with a distribution authority and a retail authority.

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<sup>78</sup> Chapter 5, part 4 (Disciplinary action against electricity entities)

<sup>79</sup> Section 10 (Composition of EWC Board)

### Special approval for QETC

**298B.** QETC has a special approval to generate and sell electricity for a purpose or function mentioned in section 33(2)<sup>80</sup> of the Act.

### Special approval for certain activities under s 138 of the repealed Act

**298C.(1)** This section applies to a person who immediately before the expiry of section 285<sup>81</sup> of the Act (“**the expiry**”) is the holder of a special approval under that section (the “**expired approval**”).

(2) The person has a special approval (the “**new approval**”) from the expiry until whichever of the following happens first—

- (a) 1 July 1998;
- (b) the end of the term of the licence under section 138 of the repealed Act to which the expired approval relates;
- (c) the new approval is surrendered or revoked.

(3) The new approval authorises the person to carry out any activity that—

- (a) the person could, immediately before the expiry, have carried out under the expired approval; and
- (b) would otherwise require the person to be a generation entity, transmission entity, distribution entity or retail entity.

(4) For subsection (3), if the expired approval authorised the supply of electricity by the person and the supply is by way of sale, the new approval also authorises the sale of the electricity authorised to be supplied.

(5) The approval is subject to the conditions that—

- (a) if the person would otherwise be required to be a generation entity—apply to a generation authority; or
- (b) if the person would otherwise be required to be a transmission entity—apply to a transmission authority; or

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<sup>80</sup> Section 33 (Additional condition not to buy and sell electricity) of the Act

<sup>81</sup> Section 285 (Licences under s 138 of repealed Act) of the Act. That section expired on 1 January 1998 (see section 285(3)).

- (c) if the person would otherwise be required to be a distribution entity—apply to a distribution authority; or
  - (d) if the person would otherwise be required to be a retail entity—apply to a retail authority.
- (6) This section expires on 2 July 1998.

## **CHAPTER 5A—PROHIBITED INTERESTS**

### **Generation authorities**

**298D.** Holding a retail authority with a retail area is a prohibited interest for a generation entity.

### **Distribution authorities**

**298E.** Holding a retail authority is a prohibited interest for a distribution entity.

### **Retail authorities**

**298F.** Holding a generation authority is a prohibited interest for a retail entity that holds a retail authority with a retail area.

## CHAPTER 6—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY

### PART 1—PRELIMINARY

#### Secondment does not affect employment in the GOE industry

**299.** A person employed by a State electricity entity is taken, while performing duties on secondment to another entity, to continue to be employed by the State electricity entity.

#### Continuous service

**300.** If an employee works, takes authorised leave, or is paid for an absence under the *WorkCover Queensland Act 1996* for an injury sustained by the employee, a period when the employee is or would be rostered for work is a period of continuous service by the employee.

Examples of continuous service—

1. A full-time employee has a fortnight of continuous service, even though a rostered day off is taken in the fortnight.
2. A part-time employee has a fortnight of continuous service if the employee works the days rostered for the employee in the fortnight.

#### Calculation at a proportionate rate for particular employee

**301.(1)** If this chapter provides, for a part-time employee, a quantity or amount (the “**proportionate amount**”) to be a proportion of another quantity or amount relating to a full-time employee (the “**regular amount**”), the proportionate amount must be worked out as follows—

**regular amount x work hours**

**36.25.**

(2) In subsection (1)—

“**work hours**” means the period (in hours and, if necessary, a fraction of an hour) for which the part-time employee is scheduled to work.

## **PART 2—TRANSFER OF EMPLOYMENT WITHIN GOE INDUSTRY**

### **Application of this part**

**302.** This part applies to a person who transfers employment within the GOE industry (the “**transferred employee**”).

### **When there is transfer of employment within GOE industry**

**303.(1)** In this part, a person employed in the GOE industry transfers employment within the GOE industry if the person resigns from employment with a State electricity entity (the “**former employer**”) to be employed by another State electricity entity (the “**new employer**”).

**(2)** The transfer is effective when the employee starts employment with the new employer (the “**transfer day**”).

### **When employment with former employer and new employer is taken to be continuous service**

**304.(1)** This section applies if the transfer day is not more than 1 month after the transferred employee ends employment with the former employer.

**(2)** To decide leave entitlements of the transferred employee as an employee of the new employer—

- (a)** the employee’s continuous service in the GOE industry immediately before ending employment with the former employer is taken to be service continuous with service with the new employer from the transfer day; and
- (b)** the entitlement is reduced by leave accrued (or a pro rata amount for leave not yet accrued) during the service and taken or paid for by an employer of the employee.

### **Transferred employee may elect for leave entitlement to become leave entitlement with new employer**

**305.(1)** This section applies if a transferred employee is entitled to



payment by the former employer of an amount as cash equivalent for accrued leave (or a pro rata amount for leave not yet accrued).

(2) Before the transfer day, the employee may, by written notice to the former employer, elect for payment not to be made to the employee and, instead, an equivalent amount of leave to be treated as leave accrued by the employee as an employee of the new employer or, for the pro rata amount, as service with the new employer.

(3) The election may be for all or part of the payment.

(4) On the making of the election, the former employer must pay the amount stated in the notice not to the employee but to the new employer and give to the new employer a certificate of the amount of the leave, or service for which a pro rata amount would have been paid, to which the payment relates.

(5) The new employer must treat the employee as having accrued the leave or, for the pro rata amount, having the service with the new employer.

### **Payment by former employer to new employer towards long service leave entitlements not accrued on transfer**

**306.(1)** This section applies if—

- (a) at the transfer day, the transferred employee did not have accrued long service leave entitlements; and
- (b) the employee later accrues a long service leave entitlement by counting service with the former employer as service with the new employer.

(2) If asked by the new employer, the former employer must pay to the new employer an amount for the long service leave entitlements that would have accrued to the former employee because of the employee's service with the former employer had there been no limit on the employee's period of service before the leave entitlement accrued.

(3) The amount is the amount the employee would have been paid by the former employer if the employee had, immediately before the transfer day, taken the proportion of the leave accrued relating to the service up to the transfer day.

**Transferred employees not made redundant**

**306A.** A transferred employee is not made redundant merely because of the transfer.

**Employment conditions not generally transferred**

**306B.** A transfer of employment within the GOE industry does not transfer any employment conditions or entitlements to the employment with the new employer, other than as provided under an Act.

**PART 3—RECOGNITION OF PREVIOUS SERVICE  
OTHER THAN ON TRANSFER****Application of pt 3**

**307.(1)** This part applies to a person who was formerly employed in the GOE industry or the Queensland electricity supply industry within the meaning of the *Electricity Act 1976* (the “**former employment**”), and is later employed in the GOE industry (the “**new employment**”), if the person—

- (a) had been compulsorily retired from the former employment because of ill health, or voluntarily finished employment because of ill health, and the former employer certifies accordingly; or
- (b) resigned the former employment within 3 months before starting the new employment; or
- (c) is not a redundant employee.

**(2)** For subsection (1)(b), an employee finishes employment on the day when all leave entitlements for which the employee was paid a cash equivalent on finishing the employment would have ended if the entitlements had been taken as leave.

**Recognition of previous service**

**308.(1)** The new employer must recognise the period of service of the former employment in working out the period of service in the new employment.

(2) An employer may recognise, or agree to recognise, previous service of an employee for leave or other purposes only if—

- (a) section 307<sup>82</sup> applies; or
- (b) the employer is satisfied special circumstances exist in the particular case.

(3) Subsection (2) is subject to any Act, law or award binding on the employer providing for recognition of the previous service of the employee on conditions more favourable to the employee than the conditions in the subsection.

(4) An employee in the GOE industry is entitled to any leave or other entitlement accruing because of the recognition of service under this part, but leave or other entitlement availed of, or for which the employee was paid a cash equivalent, must be deducted from the accrued entitlement.

(5) An appeal does not lie against a decision of the employer about the existence or otherwise of special circumstances under subsection (2)(b).

**PART 4—LONG SERVICE LEAVE****Entitlement to long service leave**

**309.(1)** A GOE industry employee is entitled to long service leave under this part if—

- (a) the employee has at least 10 years continuous service; or
- (b) the person dies or resigns and has at least 5 years continuous service ending when the person died or resigned.

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<sup>82</sup> Section 307 (Application of this part)

(2) Subsection (1)(b) only applies to an employee who resigns before reaching 55 if the employee gives to the employer a certificate, from an appropriate doctor, stating the person cannot continue in the person's present employment because of the employee's ill health.

(3) In subsection (2)—

**“appropriate doctor”** means a doctor who the employer is satisfied has the appropriate expertise to decide whether or not the person is able to continue in the person's present employment.

### **Service recognised for long service leave purposes**

**310.** For this part, continuous service for a GOE industry employee means—

- (a) service that is actually continuous; and
- (b) a period of former service that, under section 308,<sup>83</sup> is recognised for working out the period of service of the employee in the GOE industry; and
- (c) for an employee who became a GOE industry employee on 1 January 1995 because of the *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the *Government Owned Corporations (QTSC Corporatisation) Regulation 1994* under the GOC Act—previous service, including broken service, recognised as service for long service leave purposes under the *Electricity Act 1976*.

### **Calculation of long service leave**

**311.(1)** Long service leave is calculated at the rate of 1.3 weeks on the appropriate pay for each year of the employee's continuous service.

(2) The appropriate pay is—

- (a) for a full-time employee—at the full pay rate; and
- (b) for a part-time employee—at a proportionate amount of full pay rate.

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<sup>83</sup> Section 308 (Recognition of previous service)

**Minimum period**

**312.** The minimum period of long service leave that may be granted at a time is 2 weeks.

**Periods of absence without pay that count as ‘service’**

**313.** In this part, an employee’s absence without pay from employment is only counted as the employee’s service if—

- (a) the absence is as sick leave for not more than 3 months; or
- (b) the employee is paid for the absence under the *WorkCover Queensland Act 1996* for an injury sustained by the employee; or
- (c) the absence is for leave (other than sick leave) of not more than 2 weeks granted by the employer; or
- (d) the employer has approved the inclusion of the period of the absence in the employee’s period of service for this part.

**Applications for long service leave**

**314.** An employee who has an entitlement to long service leave and wishes to take long service leave must make written application to the employer for the leave giving timely notice of the wish to start the leave.

**Employer’s right to refuse or defer long service leave**

**315.(1)** An employer may refuse an employee’s application for long service leave if—

- (a) timely notice was not given; or
- (b) the granting of the leave applied for would be unreasonably detrimental to the work of the branch or section in which the applicant is employed.

**(2)** If an application is refused, the employer must arrange with the employee for the leave applied for to be taken as soon as is mutually convenient.

**Employer's right to recall an employee from leave**

**316.(1)** If special circumstances exist, an employer may cancel long service leave already granted or recall an employee to duty from long service leave.

**(2)** If an employer acts under subsection (1), the employee has a discretion—

- (a) to agree with the employer to take the long service leave, or the balance of long service leave, at a mutually convenient time; or
- (b) to require the employer to credit the leave or balance of leave to undrawn long service leave entitlement.

**Public holidays happening during long service leave**

**317.** If an employee is entitled under the employee's terms of employment to a particular public holiday and the public holiday happens during a period when the employee is absent on long service leave, a day is added to the employee's period of leave.

**Illness during long service leave**

**318.(1)** This section applies if, for a period of at least 1 week while an employee is on long service leave the employee, if the employee had not been on leave, could not have performed the employee's normal duties because of illness or injury.

**(2)** The employer must approve the granting of sick leave instead of long service leave for the period of the inability to perform normal duties if—

- (a) the employee makes written application for the leave; and
- (b) the employee produces a medical certificate from a doctor stating the employee, if the employee had not been on leave, could not have performed the employee's normal duties because of illness or injury; and
- (c) the entire period mentioned in subsection (1) is covered by the medical certificate produced.

**(3)** Subsection (2) may apply to more than 1 period of sick leave if subsection (2) is complied with for each period.

(4) The period of sick leave granted instead of long service leave under subsection (2) (the “**adjusted period**”) is the period for which the employee would have been absent on sick leave had the employee not been on long service leave.

(5) If an employee is granted a period of sick leave under subsection (2)—

- (a) the day the employee is to resume duties after the long service leave is not affected; and
- (b) the adjusted period is added to the employee’s entitlement to long service leave.

(6) As soon as practicable after being granted a period of sick leave under subsection (2), the employee may ask the employer for an extension of the period for which the employee is currently absent on long service leave.

(7) If the employer agrees to the request—

- (a) the period for which the employee is currently absent on long service leave is extended by the adjusted period; and
- (b) the employee’s entitlement to long service leave is not affected.

(8) This section applies despite section 312<sup>84</sup> but subject to the following sections—

- section 315 (Employer’s right to refuse or defer long service leave)
- section 316 (Employer’s right to recall an employee from leave).

### **Payment of cash equivalent of long service leave**

**319.(1)** This section applies if, on the day an employee’s employment ends (the “**last day**”), the employee is entitled to a period of long service leave.

(2) The employer must make a payment instead of granting the employee the period of long service leave.

(3) The amount of the payment is an amount equal to the amount that

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<sup>84</sup> Section 312 (Minimum period)

*Electricity Regulation 1994*

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would have been paid to the employee if the employee had, on the last day, taken all long service leave to which the employee was entitled on the last day.

(4) If the employee has not died, the employer must pay the amount to the employee on the last day.

(5) If the employee has died, the employer must pay the amount as soon as is practicable—

- (a) to the persons (if any) who, the employer is satisfied, are completely or substantially dependent on the earnings of the employee; or
- (b) in other cases—to the employee’s personal representative.

**Preservation of certain existing rights**

**320.(1)** This section applies to an employee (the “**affected employee**”) who became a GOE industry employee on 1 January 1995 because of the *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the *Government Owned Corporations (QTSC Corporatisation) Regulation 1994* under the GOC Act and who, under the long service leave arrangements of the *Electricity Act 1976*, would have been entitled—

- (a) to a greater period of long service leave than the entitlement under this regulation; or
- (b) to an amount of cash equivalent of long service leave greater than the amount of cash equivalent of long service leave to which the employee is entitled under this part; or
- (c) either, to long service leave or to a cash equivalent of long service leave under the arrangements and is not entitled to long service leave or a cash equivalent of long service leave under this part.

(2) If the affected employee complies with the appropriate sections of this part, the employee is entitled to be granted the greater period of long service leave or the long service leave or to be paid the amount of cash equivalent of long service leave that is greater in amount or the cash equivalent of long service leave to which the employee would have been entitled if the long service leave arrangements had remained in force.



(3) The granting of long service leave or the payment of a cash equivalent of long service leave under this section is otherwise subject to this part.

## **PART 5—LOCALITY ALLOWANCES**

### **Allowance payable to a GOE industry employee with a dependent spouse or dependent child**

**321.(1)** A State electricity entity must pay a locality allowance to its employee who—

- (a) is stationed at a centre stated in the PSME schedule other than a centre opposite the name of which the expression ‘0.00’ appears; and
- (b) proves to the satisfaction of the employer that the employee has a dependent spouse or dependent child.

(2) The locality allowance is payable—

- (a) for a full-time employee—at the appropriate rate set out in the PSME schedule; and
- (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).

(3) Subsection (2) is subject to section 323.<sup>85</sup>

(4) An employee who is paid the locality allowance must notify the employer immediately an event affecting the entitlement to receive the allowance happens.

### **Allowance payable to other employees**

**322.(1)** A State electricity entity must pay a locality allowance to its employee (other than an employee who has a dependent spouse or dependent child) who is stationed at a centre stated in the PSME schedule

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<sup>85</sup> Section 323 (Allowance payable if both spouses are entitled)

other than a centre opposite the name of which the expression '0.00' appears.

(2) The locality allowance is payable—

- (a) for a full-time employee—at one-half the appropriate rate set out in the PSME schedule; and
- (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).

(3) If the State electricity entity is satisfied special circumstances exist, the entity may pay to the employee a greater locality allowance, not more than the locality allowance payable to an employee who has a dependent spouse or dependent child stationed at the same centre.

### **Allowance payable if both spouses are entitled**

**323.(1)** This section applies to a GOE industry employee who—

- (a) is entitled to be paid a locality allowance under this part; and
- (b) has a spouse who—
  - (i) is also entitled to be paid a locality allowance under this part; or
  - (ii) is employed by the State or a State instrumentality and is also entitled to be paid a locality allowance under an Act.

(2) The locality allowance payable to the GOE employee is as stated in section 322 and not as stated in section 321.<sup>86</sup>

(3) This section applies whether or not the employee has a dependent child.

### **Allowance payable to an employee absent from headquarters on duty**

**324.** The locality allowance for a GOE industry employee must not be reduced because the employee is necessarily absent from headquarters

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<sup>86</sup> Section 321 (Allowance payable to a GOE industry employee with a dependent spouse or dependent child)

overnight on duty and is given free board and accommodation or paid an away from home allowance in place of board and accommodation.

### **Allowance payable to an employee on leave**

**325.(1)** The locality allowance for a GOE industry employee must not be reduced because the employee is absent on recreation leave, sick leave or long service leave.

(2) If the employee is absent on special leave, the employer may pay the allowance to the employee.

(3) No locality allowance is payable to an employee who is absent on leave without pay.

### **Building projects where site allowance is paid**

**326.** If a GOE industry employee is stationed at a building project site and is paid a site allowance for employment at the site, the employer must, instead of paying the locality allowance prescribed by this part, pay to the employee—

- (a) the divisional allowance or district parity allowance, or both, generally applying at the building project site under awards of the Industrial Relations Commission; and
- (b) the site allowance payable; and
- (c) so much of the locality allowance prescribed by this part (if any) that is more than the total of the amounts under paragraphs (a) and (b).

## **PART 5A—OVERTIME PAYMENTS**

### **Overtime payments**

**326A.(1)** This section applies to a GOE industry employee or AUSTA Energy Corporation employee who is employed—

- (a) by an employer declared by the Governor in Council; and
- (b) for a salary of more than the amount declared by the Governor in Council.

(2) The working of overtime by the employee, and the rate at which payment for the overtime is paid, is in the employer's discretion.

## **PART 6—PROVISIONS CONCERNING ELECTRICITY INDUSTRY RESTRUCTURE**

### **Continuation of employment if employer becomes a GOC**

**327.(1)** This section applies to a person if—

- (a) the person was a GOE industry employee immediately before the commencement; and
- (b) the person's employer becomes a GOC under the—
  - (i) *Government Owned Corporations (QTSC Restructure—Stage 2) Regulation 1997*; or
  - (ii) *Government Owned Corporations (QGC Restructure—Stage 2) Regulation 1997*; and
- (c) the person continues to be employed by the GOC after the employer becomes a GOC.

(2) To remove any doubt, the person's employment is taken to have continued with the same employer despite—

- (a) the employer becoming a GOC; or
- (b) any change to the employer's share capital, shareholding, legal personality or functions.

### **Meaning of “redundant” and “redundant employee”**

**327A.(1)** An employee becomes “**redundant**” if the person's employer no longer needs or has a substantially diminished need for services of a

particular kind performed by the person.

(2) A person is a “**redundant employee**” if—

- (a) immediately before the commencement the person was employed by a State electricity entity; and
- (b) the person’s employment with the entity ends within 1 year of the commencement; and
- (c) the employment ended because the person was redundant; and
- (d) the person receives a redundancy payment from the entity.

### **Restriction on engaging redundant employees**

**327B.(1)** A State electricity entity or AUSTA Energy Corporation must not engage a redundant employee within the employee’s redundancy payment period unless—

- (a) the engagement is approved by the Minister; or
- (b) the employee has paid the Treasurer the reimbursement amount worked out under subsection (3).

Maximum penalty—20 units.

(2) The redundancy payment period—

- (a) begins when the employee became redundant; and
- (b) is the number of weeks used to calculate the employee’s redundancy payment.

(3) The formula for working out the reimbursement amount is—

$$\mathbf{a = b - (c \times d)}$$

where—

“**a**” is the reimbursement amount.

“**b**” is the redundancy payment.

“**c**” is the number of weeks from the employee’s redundancy to when the employee is next engaged by a State electricity entity.

“**d**” is the weekly rate of pay used in calculating the employee’s redundancy payment.

(4) An approval under subsection (1)(a) may be given on conditions.

(5) In this section—

**“engage”**, a redundant employee, means employing or engaging—

- (a) the employee to perform services; or
- (b) another as a contractor, other than by public tender, to perform services if the other person directly or indirectly employs or engages the employee to perform the whole or part of the services.

**“redundancy payment”** means a payment made to a person because the person became redundant, other than a payment for external training, leave entitlements or time-in-lieu of overtime.

## **CHAPTER 7—REVIEW OF AND APPEALS AGAINST DECISIONS**

### **PART 1—REVIEW OF DECISIONS**

#### **Who may apply for review etc.**

**328.(1)** A person whose interests are affected by a decision mentioned in schedule 4 may apply to the regulator for a review of the decision.

(2) A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.

#### **Applying for review**

**329.(1)** An application by a person for review of a decision must be made within 28 days after notice of the decision is given to the person.

(2) However, if—

- (a) the notice did not state reasons for the decision; and
- (b) the person asked for a statement of reasons for the decision

within the period mentioned in subsection (1);

the person may make the application within 28 days after the person is given the statement of reasons.

(3) In addition, the regulator may extend the period for making an application for review.

(4) An application for review must be written and state in detail the grounds on which the applicant seeks review of the decision.

### **Stay of operation of decision etc.**

**330.(1)** If an application is made under this part for review of a decision, the applicant may immediately apply for a stay of the decision to the Magistrates Court.

(2) The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.

(3) A stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(4) The period of a stay under this section must not extend past the time when the regulator reviews the decision and any later period the court allows the applicant to enable the applicant to appeal against the regulator's decision.

(5) The making of an application under this part for review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

### **Decision on review**

**331.(1)** This section applies to an application under this part for review of a decision (the “**disputed decision**”).

(2) The regulator may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the applicant's representations.

(3) The regulator must immediately give the applicant written notice of the regulator's decision on the application.

(4) If the decision is not the decision sought by the applicant, the notice must state—

- (a) the reasons for the decision; and
- (b) that the applicant may appeal against the decision to a Magistrates Court within 28 days.

(5) If the regulator was not the decision maker and the regulator amends the decision or substitutes a new decision, the amended or substituted decision is, for this regulation (other than this part) taken to be a decision of the decision maker.

## PART 2—APPEALS

### *Division 1—Appeals against decisions on what is fair and reasonable*

#### **Who may appeal**

**331A.** If the regulator makes a decision under section 248IA,<sup>87</sup> any party to the dispute may appeal against the decision.

#### **Making appeal**

**331B.** An appeal under section 331A must be made to a District Court as if the appeal was to a District Court under chapter 10, part 2<sup>88</sup> of the Act.

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<sup>87</sup> Section 248IA (Dispute resolution)

<sup>88</sup> Chapter 10, part 2 (Appeals) of the Act.



***Division 2—Appeals against certain decisions by regulator or EWC Board***

**Who may make an appeal**

**332.(1)** A person whose interests are affected by a decision of the regulator mentioned in schedule 5 may appeal against the decision to a Magistrates Court.

**(2)** A person whose interests are affected by a decision of the EWC Board or the person's employer mentioned in schedule 6 may appeal against the decision to an Industrial Magistrates Court.

**(3)** In this part—

**“decision maker”** means the entity whose decision is appealed against.

**Making appeals**

**333.(1)** An appeal under this part must be made within—

- (a) for an appeal against a decision of the regulator or the EWC Board—28 days after the notice of the decision is given to the person; or
- (b) for an appeal against a decision of the person's employer under chapter 8, part 3—3 months after the notice of the decision is given to the person.

**(2)** However, if—

- (a) the notice did not state reasons for the decision; and
- (b) the person asked for a statement of reasons for the decision within the appropriate period mentioned in subsection (1);

the person may make the application within 28 days after the person is given the statement of reasons.

**(3)** In addition, the court may extend the period for making an appeal, even though the time for making the appeal has ended.

**Starting appeals**

**334.(1)** An appeal is started by filing a written notice of appeal with the court.

(2) A copy of the notice must be served on the decision maker.

(3) An appeal may be made to the Magistrates Court or Industrial Magistrates Court nearest the place where the applicant resides or carries on business.

**Stay of operation of decisions**

**335.(1)** A court may grant a stay of the decision to secure the effectiveness of the appeal.

(2) A stay—

(a) may be given on the conditions the court considers appropriate; and

(b) operates for the period fixed by the court; and

(c) may be revoked or amended by the court.

(3) The period of a stay under this section must not extend past the time when the court decides the appeal.

(4) An appeal against a decision affects the decision, or carrying out of the decision, only if the decision is stayed.

**Powers of court on appeal**

**336.(1)** In deciding an appeal, a court—

(a) has the same powers as the decision maker; and

(b) is not bound by the rules of evidence; and

(c) must comply with natural justice; and

(d) may hear the appeal in court or in chambers.

(2) An appeal is by way of rehearing.

(3) The court may—

(a) confirm the decision; or

- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the decision maker with the directions the court considers appropriate.

### **Effect of court's decision on appeal**

**337.** If the court substitutes another decision, the substituted decision is, for this regulation (other than this chapter), taken to be the decision maker's decision.

### **Procedure of court**

**338.(1)** In this section—

“**authorising Act**” means—

- (a) for a Magistrates Court—the *Magistrates Courts Act 1921*; or
- (b) for an Industrial Magistrates Court—the *Workplace Relations Act 1997*.

(2) The power to make rules of court for a court under its authorising Act includes power to make rules of court for appeals to the court under this part.

(3) The procedure for appeal to a court under this part is—

- (a) in accordance with its rules of court; or
- (b) in the absence of relevant rules, as directed by a magistrate or industrial magistrate.

(4) The court may make any order about costs it considers just.

### **Appeals**

**339.(1)** An appeal to a District Court from a decision of a Magistrates Court may be made only on a question of law.

(2) An appeal to the Industrial Court from a decision of an Industrial Magistrates Court may be made only on a question of law.

## CHAPTER 8—GENERAL PROVISIONS

### PART 1—EXEMPTIONS FROM ACT

#### *Division 1—General*

#### **Exemption about certain mines and petroleum plant**

**340.(1)** In this section—

**“mine”** means—

- (a) a mine within the meaning of the *Coal Mining Act 1925* or the *Mines Regulation Act 1964*; or
- (b) a quarry or other excavation taken to be a mine (other than a place taken not to be a mine) under the *Mines Regulation Act 1964*.

**“petroleum plant”** means private plant or an electrical installation subject to inspection under the *Petroleum Act 1923*.

**(2)** The provisions of the Act and this regulation mentioned in subsection (3) do not apply to—

- (a) an electric line or works within the limits of a mine (other than an electrical article or cathodic protection system); or
- (b) petroleum plant (other than an electrical article or cathodic protection system).

**(3)** Subsection (2) applies to the following provisions—

- section 167 of the Act (Occupier to give notice of electrical accident)
- section 174 of the Act (Examination, inspection and testing of certain electrical installation work)
- section 175 of the Act (Safety standards for works and electrical installation to be complied with)
- section 177 of the Act (Making unsafe things safe)
- chapter 3, part 1 (Design, building and maintenance of electric

lines and works)

- chapter 3, part 3 (Customers' electrical installations).

(4) Subsection (2) does not apply to electrical work.

### **Exemption for connection of generating plant not supplying electricity to transmission grid or supply network**

**341.** Section 87 of the Act<sup>89</sup> does not apply to the connection of a standby generating plant to a transmission grid or supply network if—

- (a) the connection is only when the operation of the plant is tested; and
- (b) electricity is not supplied by the plant into the grid or network.

### **Exemption from Act, s 92I(2)(a)**

**341A.(1)** A retail entity or a special approval holder that purchases electricity to sell in Northpower's area is exempted from section 92I(2)(a)<sup>90</sup> of the Act.

(2) This section expires when the *Electricity Amendment Act (No. 3) 1997*, section 34<sup>91</sup> commences.

### **Exemption for Brisbane Airport Rail Link**

**341B.(1)** Queensland Rail is exempted from sections 88A and 89<sup>92</sup> of the Act in relation to the supply and sale of electricity to Airtrain Citylink Limited (ACN 066 543 315) for electricity used—

- (a) in connection with the building or use of electrical installations and other works by Airtrain Citylink Limited, as part of a system

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<sup>89</sup> Section 87 of the Act (Connection of generating plant to transmission grid or supply network only if authorised)

<sup>90</sup> See section 92I (Registration with Queensland System Operator) of the Act.

<sup>91</sup> The *Electricity Amendment Act (No. 3) 1997*, section 34 (Replacement of ch 4, pt 2 (Market and system arrangements and pricing)

<sup>92</sup> Sections 88A (Prohibition on operating supply network unless authorised) and 89 (Restriction on sale of electricity) of the Act

of electric traction or for signalling purposes, on the Brisbane Airport Rail Link; or

- (b) for powering electric rolling stock and railway signals on the Brisbane Airport Rail Link.

(2) Airtrain Citylink Limited is exempted from the Act in relation to the building or use of electrical installations and other works by it, as part of a system of electric traction or for signalling purposes, on the Brisbane Airport Rail Link.

(3) In this section—

“**Airtrain Citylink Limited**” includes its successors and assigns.

“**Brisbane Airport Rail Link**” means the proposed railway shown on CMPS&F Pty Limited Drawing No. RQ0159-C029 (F)<sup>93</sup>—

- starting at a point 0.313 km from Queensland Rail’s north coast rail line (defined on the drawing as the “**ownership transfer point**”)
- finishing at the domestic terminal of Brisbane Airport.’.

### *Division 2—On-suppliers*

#### **Definitions for div 2**

**342.** In this division—

“**on-supplier**” means a person who—

- (a) is the owner or occupier of premises or has the right to use premises; and
- (b) supplies and sells electricity for use in the premises.

*Examples of persons under paragraph (a)—*

1. An owner, occupier or a person who has a right to use a caravan park, exhibition centre, hostel, hotel, industrial park, lodging house, marina, market arcade, motel or shopping centre.

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<sup>93</sup> A copy of the drawing is available for inspection at the offices of Queensland Transport, Level 12, Capital Hill Building, 85 George Street, Brisbane.

*Electricity Regulation 1994*

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2. A body corporate manager under the *Body Corporate and Community Management Act 1997*.

3. A body corporate under the following Acts—

- the Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1980
- the *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*
- the *Sanctuary Cove Resort Act 1985*
- the *Integrated Resort Development Act 1987*
- the *Mixed Use Development Act 1993*
- the *Body Corporate and Community Management Act 1997*.

“**receiver**” means a person who owns, occupies or has the right to use premises and to whom electricity is supplied and sold by an on-supplier for the premises.

### **Exemptions from on-suppliers**

**342A.(1)** An on-supplier is exempted from sections 88A and 89<sup>94</sup> of the Act.

**(2)** The exemption is given on the condition that the on-supplier complies with section 342B(2) and (3).

### **Charges from on-suppliers to receivers**

**342B.(1)** An on-supplier may charge each receiver for electricity supplied or sold to the receiver by the on-supplier in a way decided by the on-supplier.

**(2)** However, if the on-supplier decides to charge a receiver on the basis of the receiver’s electricity consumption measured by a meter, the amount the on-supplier charges the receiver must be calculated in either of the following ways—

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<sup>94</sup> Section 88A (Prohibition on operating supply network unless authorised) of the Act  
Section 89 (Restriction on sale of electricity) of the Act

- (a) the amount obtained by multiplying the quantity of electricity used by the receiver by the average price for each kW.h paid by the on-supplier for the electricity;
- (b) the amount the receiver would have paid at the lowest appropriate tariff for the receiver's electricity usage if the receiver had been a customer of the retail entity in whose area the receiver's premises are located for the electricity.

(3) Also, if the on-supplier is charging several receivers for electricity supplied by the on-supplier on a premises on the basis of metered consumption, the amount each receiver is charged must be calculated in the same way.

## **PART 1A—MARKET CODE APPOINTMENTS**

### **Application of pt 1A**

**343.** This part applies to the appointment of a person to exercise powers and perform functions under the Market Code.

### **NECA's functions**

**343A.(1)** The functions of National Electricity Code Administrator Ltd (ACN 073 942 775) (“NECA”) must be performed by the Minister or a person appointed by the Minister.

(2) An appointment under subsection (1) may be made on conditions.

(3) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Management company's functions**

**343B.(1)** The functions of National Electricity Market Management Company Ltd (ACN 072 010 327) must be performed by the Queensland System Operator.



(2) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Electrical regions**

**343C.** The Minister must decide the number and configuration of electrical regions.

### **Compensation**

**343D.(1)** NECA may decide compensation for scheduling errors under the market rules under the Market Code.

(2) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Secure operating and satisfactory operating states**

**343E.(1)** The Queensland System Operator must decide what is a ‘secure operating state’ and a ‘satisfactory operating state’ under the Market Code.

(2) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Capacity reserve**

**343F.(1).** The Queensland System Operator must decide the capacity reserve standards and the appropriate levels of contingency capacity reserves that apply to the Queensland System.

(2) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Operating procedures**

**343G.(1)** The Queensland System Operator must decide the power system operating procedures for the Market Code.

(2) This section expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **Extended transmission regulation commencement**

**343H.** The Minister may fix any extended transmission regulation commencement date for the State under the Market Code.

### **Jurisdictional Regulator**

**343I.** The Jurisdictional Regulator for the State is to be the Queensland Competition Authority.

## **PART 2—APPLICATION OF FREEDOM OF INFORMATION ACT AND JUDICIAL REVIEW ACT TO STATE ELECTRICITY ENTITIES**

### **Commercial and excluded activities for Act, s 256**

**344.(1)** For the definition “excluded activities” in section 256 of the Act,<sup>95</sup> a community service obligation for the charging of customers by an electricity entity that is a State electricity entity in accordance with price equalisation, or at a price fixed by the Minister, is a prescribed community service obligation.

(2) For section 256 of the Act, negotiations between the shareholding Ministers of an electricity entity that is a State authorised supplier and the electricity entity about costs and charges for the provision of electricity as a community service obligation is a commercial activity of the electricity entity.

(3) For section 256 of the Act, negotiations between electricity entities and State electricity entities about costs and charges for the provision of

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<sup>95</sup> Section 256 of the Act (Application of Freedom of Information Act and Judicial Review Act)

electricity as a community service obligation is a commercial activity of electricity entities and State electricity entities.

(4) For section 256(2) of the Act, the activities of the Queensland System Operator are declared to be activities conducted on a commercial basis.

(5) Subsection (3) expires when the *Electricity—National Scheme (Queensland) Act 1997* commences.

### **PART 3—DECLARED STATE ELECTRICITY ENTITIES**

#### **Declarations**

**345.(1)** AUSTA Energy Corporation is declared to be a State electricity entity for sections 256(2), 262 and 299<sup>96</sup> of the Act.

(2) QGC and Queensland Transitional Power Trading Corporation are declared to be State electricity entities for sections 256(2) and 299 of the Act.

### **PART 4—MISCELLANEOUS**

#### **Approved industry superannuation scheme**

**346.** On and from 1 July 1995 the Electricity Supply Industry Superannuation Fund (Qld) is an approved industry superannuation scheme.

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<sup>96</sup> Sections 256 (Application of Freedom of Information Act and Judicial Review Act), 262 (Membership of certain superannuation schemes continued) and 299 (Directions to State electricity entities) of the Act

**Fees**

**347.** The fees payable for the Act and this regulation are in schedule 7.

**Forms**

**348.** The regulator may approve forms for use under the Act.

**SCHEDULE 1****EXTERNAL AUTHORITY FOR ELECTRICAL  
WORKER**

section 39

<b>External authority</b>	<b>Equivalent licence</b>
Energy Authority of New South Wales—	
• electrician's licence endorsed 'AT' or 'LE'	electrical mechanic
• 'A' grade electrical mechanic's licence endorsed 'AT' or 'LE'	electrical mechanic
New South Wales Department of Energy—	
• 'A' grade electrical mechanic's licence endorsed 'AT' or 'LE'	electrical mechanic
State Electricity Commission of Victoria—	
• 'A' grade electrical mechanic's licence endorsed 'AT' or 'LE'	electrical mechanic
Electricity Trust of South Australia—	
• 'A' grade electrical worker's licence endorsed 'AT' or 'LE'	electrical mechanic
Hydro-Electric Commission of Tasmania—	
• 'A' grade electrical mechanic's licence endorsed 'AT' or 'LE'	electrical mechanic
State Energy Commission of Western Australia Electrical Workers' Board—	
• 'A' grade electrical worker's licence endorsed 'All Electrical Work'	electrical fitter and electrical mechanic

## SCHEDULE 1 (continued)

<ul style="list-style-type: none"> <li>• 'B' grade electrical worker's licence as an electrical mechanic endorsed 'AT' or 'LE'</li> </ul>	electrical mechanic
<ul style="list-style-type: none"> <li>• 'B' grade electrical worker's licence as an electrical fitter</li> </ul>	electrical fitter
<p>Australian Capital Territory Electricity Authority—</p>	
<ul style="list-style-type: none"> <li>• electrician's licence grade 'A' endorsed 'AT' or 'LE'</li> </ul>	electrical mechanic
<p>Electrical Workers and Contractors Licensing Board, Northern Territory of Australia—</p>	
<ul style="list-style-type: none"> <li>• 'A' grade electrical worker's licence as an electrical mechanic endorsed 'AT' or 'LE'</li> </ul>	electrical mechanic
<ul style="list-style-type: none"> <li>• 'A' grade electrical worker's licence as an electrical fitter</li> </ul>	electrical fitter
<p>Electrical Registration Board of New Zealand—</p>	
<ul style="list-style-type: none"> <li>• certificate of registration as an electrician</li> </ul>	electrical mechanic
<ul style="list-style-type: none"> <li>• certificate of registration as an electrical technician</li> </ul>	electrical fitter and electrical mechanic

**SCHEDULE 2****CLEARANCE OF OVERHEAD ELECTRIC LINES  
(OTHER THAN LOW VOLTAGE SERVICE LINES)**

sections 103 and 104

**PART 1—LOW VOLTAGE CONDUCTOR  
CLEARANCE—FROM GROUND****Vertical clearance from roads**

1. The minimum vertical clearance from roads must be—
- |                               |       |
|-------------------------------|-------|
| (a) crossing the carriageway— |       |
| (i) insulated . . . . .       | 5.5 m |
| (ii) uninsulated . . . . .    | 5.5 m |
| (b) at other positions—       |       |
| (i) insulated . . . . .       | 5.5 m |
| (ii) uninsulated . . . . .    | 5.5 m |

**Vertical clearance from other than roads**

- 2.(1) The minimum vertical clearance from other than roads must be—
- |                           |       |
|---------------------------|-------|
| (a) insulated . . . . .   | 5.5 m |
| (b) uninsulated . . . . . | 5.5 m |
- (2) This item does not apply if item 3 or 4 applies.

**Vertical clearance over nontrafficable land**

3. The minimum vertical clearance over land that, because of the steepness or swampiness of its terrain, cannot be crossed by traffic or mobile machinery must be—
- |                           |       |
|---------------------------|-------|
| (a) insulated . . . . .   | 4.5 m |
| (b) uninsulated . . . . . | 4.5 m |

## SCHEDULE 2 (continued)

**Horizontal clearance from road cuttings and embankments etc.**

4. The minimum horizontal clearance (in accordance with note 2) from road cuttings, embankments and other similar things must be—

- |                           |       |
|---------------------------|-------|
| (a) insulated . . . . .   | 1.5 m |
| (b) uninsulated . . . . . | 1.5 m |

## PART 2—LOW VOLTAGE CONDUCTOR CLEARANCE—FROM STRUCTURES

**Clearance from unroofed terraces, balconies and sun decks etc.**

1. The minimum clearance (in accordance with note 2) for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a hand rail or wall surrounding the area and on which a person is likely to stand must be—

- |                            |       |
|----------------------------|-------|
| (a) vertically—            |       |
| (i) insulated . . . . .    | 2.7 m |
| (ii) uninsulated . . . . . | 3.7 m |
| (b) horizontally—          |       |
| (i) insulated . . . . .    | 1.2 m |
| (ii) uninsulated . . . . . | 1.5 m |

**Clearance from roofs or similar structures not used for traffic**

2. The minimum clearance vertically and horizontally (in accordance with note 2) for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and a parapet surrounding such a roof and on which a person is likely to stand, must be—



## SCHEDULE 2 (continued)

(a) vertically—	
(i) insulated .....	2.7 m
(ii) uninsulated .....	3.7 m
(b) horizontally—	
(i) insulated .....	0.9 m
(ii) uninsulated .....	1.5 m

**Clearance from covered places of traffic**

**3.** The minimum clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies must be—

(a) insulated .....	1.2 m
(b) uninsulated .....	1.5 m

**Horizontal clearance from blank walls or windows**

**4.** The minimum clearance horizontally from blank walls or windows that cannot be opened must be—

(a) insulated .....	0.6 m
(b) uninsulated .....	1.5 m

**Clearance from structures not normally accessible to persons**

**5.** The minimum clearance from other structures not normally accessible to persons must be (in accordance with note 2)—

(a) vertically—	
(i) insulated .....	0.6 m
(ii) uninsulated .....	2.7 m
(b) horizontally—	
(i) insulated .....	0.3 m
(ii) uninsulated .....	1.5 m

## SCHEDULE 2 (continued)

### PART 3—HIGH VOLTAGE CONDUCTOR CLEARANCE—FROM GROUND

#### Vertical clearance from roads

1. The minimum vertical clearance from roads must be—

- |  |       |
|--|-------|
| (a) crossing the carriageway—                        |       |
| (i) more than 1 000 V but not more than 33 kV . . .  | 6.7 m |
| (ii) more than 33 kV but not more than 66 kV . . . . | 6.7 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 6.7 m |
| (iv) more than 132 kV but not more than 275 kV . .   | 7.5 m |
| (v) more than 275 kV but not more than 330 kV . .    | 8.0 m |
| (vi) more than 330 kV but not more than 500 kV . .   | 9.0 m |
| (b) at other places—                                 |       |
| (i) more than 1 000 V but not more than 33 kV . .    | 5.5 m |
| (ii) more than 33 kV but not more than 66 kV . . . . | 6.7 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 6.7 m |
| (iv) more than 132 kV but not more than 275 kV . .   | 7.5 m |
| (v) more than 275 kV but not more than 330 kV . .    | 8.0 m |
| (vi) more than 330 kV but not more than 500 kV . .   | 9.0 m |

#### Vertical clearance from other than roads

2.(1) The minimum vertical clearance from other than roads must be—

- |   |       |
|---|-------|
| (a) more than 1 000 V but not more than 33 kV . . . . . | 5.5 m |
| (b) more than 33 kV but not more than 66 kV . . . . .   | 6.7 m |
| (c) more than 66 kV but not more than 132 kV . . . . .  | 6.7 m |
| (d) more than 132 kV but not more than 275 kV . . . . . | 7.5 m |
| (e) more than 275 kV but not more than 330 kV . . . . . | 8.0 m |
| (f) more than 330 kV but not more than 500 kV . . . . . | 9.0 m |

(2) This item does not apply if item 3 or 4 applies.

#### Vertical clearance over nontrafficable land

3. The minimum vertical clearance over land that, because of the steepness or swampiness of its terrain, cannot be crossed

## SCHEDULE 2 (continued)

by traffic or mobile machinery must be—

(a) more than 1 000 V but not more than 33 kV . . . . .	4.5 m
(b) more than 33 kV but not more than 66 kV . . . . .	5.5 m
(c) more than 66 kV but not more than 132 kV . . . . .	5.5 m
(d) more than 132 kV but not more than 275 kV . . . . .	6.0 m
(e) more than 275 kV but not more than 330 kV . . . . .	6.7 m
(f) more than 330 kV but not more than 500 kV . . . . .	7.5 m

**Horizontal clearance from road cuttings and embankments etc.**

4. The minimum horizontal clearance (in accordance with note 2) from road cuttings, embankments and other similar places must be—

(a) more than 1 000 V but not more than 33 kV . . . . .	2.1 m
(b) more than 33 kV but not more than 66 kV . . . . .	4.6 m
(c) more than 66 kV but not more than 132 kV . . . . .	4.6 m
(d) more than 132 kV but not more than 275 kV . . . . .	5.5 m
(e) more than 275 kV but not more than 330 kV . . . . .	6.0 m
(f) more than 330 kV but not more than 500 kV . . . . .	7.0 m

**PART 4—HIGH VOLTAGE CONDUCTOR  
CLEARANCE—FROM STRUCTURES**

**Clearance from unroofed terraces, balconies and sun decks etc.**

1. The minimum clearance (in accordance with note 2) for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a hand rail or wall surrounding the area and on which a person is likely to stand must be—

## SCHEDULE 2 (continued)

(a) vertically—	
(i) more than 1 000 V but not more than 33 kV ..	4.6 m
(ii) more than 33 kV but not more than 66 kV . . . .	5.5 m
(iii) more than 66 kV but not more than 132 kV . . .	5.5 m
(iv) more than 132 kV but not more than 275 kV ..	5.5 M
(v) more than 275 kV but not more than 330 kV ..	7.0 m
(vi) more than 330 kV but not more than 500 kV ..	8.0 m
(b) horizontally—	
(i) more than 1 000 V but not more than 33 kV ..	2.1 m
(ii) more than 33 kV but not more than 66 kV . . . .	4.6 m
(iii) more than 66 kV but not more than 132 kV . . .	4.6 m
(iv) more than 132 kV but not more than 275 kV ..	5.5 m
(v) more than 275 kV but not more than 330 kV ..	5.5 m
(vi) more than 330 kV but not more than 500 kV ..	6.0 m

**Clearance from roofs or similar structures not used for traffic**

2. The minimum clearance vertically and horizontally (in accordance with note 2) for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and a parapet surrounding such a roof and on which a person is likely to stand, must be—

(a) vertically—	
(i) more than 1 000 V but not more than 33 kV ..	3.7 m
(ii) more than 33 kV but not more than 66 kV . . . .	4.6 m
(iii) more than 66 kV but not more than 132 kV . . .	4.6 m
(iv) more than 132 kV but not more than 275 kV ..	5.5 m
(v) more than 275 kV but not more than 330 kV ..	5.5 m
(vi) more than 330 kV but not more than 500 kV ..	6.0 m
(b) horizontally—	
(i) more than 1 000 V but not more than 33 kV ..	1.5 m
(ii) more than 33 kV but not more than 66 kV . . . .	4.6 m
(iii) more than 66 kV but not more than 132 kV . . .	4.6 m
(iv) more than 132 kV but not more than 275 kV ..	5.5 m

## SCHEDULE 2 (continued)

(v) more than 275 kV but not more than 330 kV ..	5.5 m
(vi) more than 330 kV but not more than 500 kV ..	6.0 m

**Clearance from covered places of traffic**

**3.** The minimum clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies must be—

(a) more than 1 000 V but not more than 33 kV .....	2.1 m
(b) more than 33 kV but not more than 66 kV .....	4.6 m
(c) more than 66 kV but not more than 132 kV .....	4.6 m
(d) more than 132 kV but not more than 275 kV .....	5.5 m
(e) more than 275 kV but not more than 330 kV .....	5.5 m
(f) more than 330 kV but not more than 500 kV .....	6.0 m

**Horizontal clearance from blank walls or windows**

**4.** The minimum clearance horizontally from blank walls or windows that cannot be opened must be—

(a) more than 1 000 V but not more than 33 kV .....	1.5 m
(b) more than 33 kV but not more than 66 kV .....	3.0 m
(c) more than 66 kV but not more than 132 kV .....	4.6 m
(d) more than 132 kV but not more than 275 kV .....	5.5 m
(e) more than 275 kV but not more than 330 kV .....	5.5 m
(f) more than 330 kV but not more than 500 kV .....	6.0 m

**Clearance from structures not normally accessible to persons**

**5.** The minimum clearance from other structures not normally accessible to persons must be (in accordance with note 2)—

(a) vertically—	
(i) more than 1 000 V but not more than 33 kV ..	3.0 m
(ii) more than 33 kV but not more than 66 kV ...	3.0 m
(iii) more than 66 kV but not more than 132 kV ...	4.6 m
(iv) more than 132 kV but not more than 275 kV ..	5.5 m
(v) more than 275 kV but not more than 330 kV ..	5.5 m

## SCHEDULE 2 (continued)

(vi) more than 330 kV but not more than 500 kV . .	6.0 m
(b) horizontally—	
(i) more than 1 000 V but not more than 33 kV . .	1.5 m
(ii) more than 33 kV but not more than 66 kV . . . .	3.0 m
(iii) more than 66 kV but not more than 132 kV . . .	4.6 m
(iv) more than 132 kV but not more than 275 kV . .	5.5 m
(v) more than 275 kV but not more than 330 kV . .	5.5 m
(vi) more than 330 kV but not more than 500 kV . .	6.0 m

**Note 1—**

Insulated means insulated in accordance with AS 3116–1990 Approval and test specification—Electric cables—Elastomer insulated—For working voltages up to and including 0.6/1 kV or AS 3147–1992 Approval and test specification—Electric cables—Thermoplastic insulated—For working voltages up to and including 0.6/1 kV.

**Note 2—**

Either the vertical clearance or the horizontal clearance stated must be maintained. Also, in the zone outside the vertical alignment of the building, road cutting, embankments and similar places, either the horizontal clearance from the vertical alignment or the vertical clearance from the horizontal level on which a person is likely to stand must be maintained.

**SCHEDULE 3****CLEARANCE OF LOW VOLTAGE OVERHEAD SERVICE LINES**

sections 103 and 104

**PART 1—CLEARANCE FROM GROUND****Neutral  
screened and  
insulated cables  
(note 3)****Vertical clearance from roads**

1. The minimum vertical clearance from roads must be—

(a) at centre line of the carriageway . . . . .	5.5 m
(b) at kerb line (see note 4) . . . . .	4.9 m
(c) at fence alignment . . . . .	3.7 m

**Vertical clearance from other than roads**

2. The minimum vertical clearance from other than roads must be—

(a) private driveways and areas including elevated areas used by vehicles . . . . .	4.5 m
(b) areas not normally used by vehicles . . . . .	2.7 m

**Horizontal clearance from road cuttings and embankments etc.**

3. The minimum horizontal clearance from road cuttings, embankments and other similar places . . . . . 1.5 m

## SCHEDULE 3 (continued)

**PART 2—CLEARANCE FROM STRUCTURES****Neutral  
screened and  
insulated cables  
(note 3)****Clearance from unroofed terraces, balconies and  
sundecks etc.**

**1.** The minimum clearance (in accordance with note 1) for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a hand rail or wall surrounding the area and on which a person is likely to stand (see note 2) must be—

(a) vertically above .....	2.4 m
(b) vertically below .....	1.2 m
(c) horizontally .....	0.9 m

**Clearance from roofs or similar structures not  
used for traffic**

**2.** The minimum clearance (in accordance with note 1) for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and a parapet surrounding such a roof and on which a person is likely to stand (see note 2) must be—

(a) vertically .....	0.5 m
(b) horizontally .....	0.2 m

**Clearance from covered places of traffic**

**3.** The minimum clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies must be .....

1.2 m



## SCHEDULE 3 (continued)

**Horizontal clearance from blank walls or windows**

**4.** The minimum clearance horizontally from blank walls or windows that cannot be opened (see note 2) must be ..... 0.2 m

**Clearance from structures not normally accessible to persons**

**5.** The minimum clearance in any direction from other structures not normally accessible to persons must be (in accordance with note 2) ..... 1.2 m

**Note 1—**

Either the vertical clearance or the horizontal clearance stated must be maintained. Also, in the zone outside the vertical alignment of the building or structure, either the horizontal clearance from the vertical alignment or the vertical clearance above the horizontal level on which a person is likely to stand must be maintained.

**Note 2—**

The clearance stated applies for the service line not attached to the part of the building described.

**Note 2A—**

The clearance stated does not apply to the part of a low voltage overhead service line not under tension.

**Note 3—**

**“insulated cable”** means an insulated aerial cable complying with AS 3116–1990 Approval and test specification—Electric cables—Elastomer insulated—for working voltages up to and including 0.6/1 kV or AS 3147–1992 Approval and test specification—Electric cables—thermoplastic insulated—for working voltages up to and including 0.6/1 kV.

## SCHEDULE 3 (continued)

**“neutral screened cable”** means a cable complying with AS 3155–1986 Approval and test specification—Neutral screened cables for working voltages of 0.6/1 kV.

**Note 4—**

If there is no formed footpath, the **“kerb line”** means—

- (a) the kerb line of a proposed footpath; or
- (b) if no footpath is proposed—the edge of the existing carriageway or of any proposed widening of it.

**SCHEDULE 3A****OTHER CONTESTABLE CUSTOMERS**

section 248TF

<u>Customer</u>	<u>Premises</u>
Australian Magnesium Corporation Pty Ltd (ACN 058 918 175)	Magnesium metal demonstration plant at Reid Road, Gladstone
CS Energy Limited (ACN 078 848 745)	Callide A and B power stations Middle Ridge power station Swanbank power station
Queensland Transitional Power Trading Corporation	Gladstone power station
Stanwell Corporation Limited (ACN 078 848 674)	Barron Gorge power station Kareeya power station Mackay gas turbine facility Rockhampton gas turbine facility Stanwell power station
Sun Metals Corporation Pty Ltd (ACN 074 241 982)	Townsville zinc smelter
Tarong Energy Limited (ACN 078 848 736)	Tarong power station Wivenhoe power station.

**SCHEDULE 4****REVIEW OF DECISIONS BY THE REGULATOR**

section 328

<b>Section</b>	<b>Description of decision</b>
110	Facilities electricity entity decides are necessary to attach an overhead service line to the customer's premises or for the entrance, support, protection and termination of an underground service line
212(1)	Decision by distribution entity that it does not have an obligation to provide customer connection services to a customer
216(2)(a)	Requirement by distribution entity for customer to regulate the use of an electrical article
216(2)(b)	Requirement by distribution entity for customer to use or deal with electricity supplied in the stated way
216(2)(c)	Requirement by distribution entity for customer to ensure a motor installation or starting device connected to a source of electricity supply complies with the requirements of the Regulator
216(2)(d)	Requirement by distribution entity for customer about the power factor of an electrical installation
217	Refusal to connect or reconnect supply, or disconnection of supply, to electrical installation by distribution entity
220	Requirement by distribution entity for changes to a customer's electrical installation
221	Requirement by distribution entity for provision of links for connecting meters to an incoming supply
223 and	Requirement by distribution entity about space, housing,

## SCHEDULE 4 (continued)

- 224 mounting and connecting facilities for a meter or control apparatus
- 226(2) Requirement by distribution entity for provision of safe access
- 226(3) Action by distribution entity to install remote measuring or other equipment or to disconnect supply of electricity to a customer's premises
- 231 Adjustment by distribution entity or retail entity of electricity accounts
- 234 Adjustment by distribution entity of electricity accounts after test under section 234.
- 239 Requirement by distribution entity for provision of space for a substation, a right of way or access to the supplier's equipment
- 248A(1) Decision by retail entity that it does not have an obligation to provide customer retail services.

**SCHEDULE 5****APPEALS AGAINST ADMINISTRATIVE DECISIONS  
TO MAGISTRATES COURT**

section 332(1)

<b>Section</b>	<b>Description of decision</b>
157(4)	Direction by the regulator to customer to take away electric line on publicly controlled place
195(2)	Request by the regulator for copies of records of tests about a cathodic protection system
196(2)	Requirement by the regulator for cathodic protection system owner to provide access to, and facilities for, testing of the system
202(3)	Request by the regulator for information about application for registration of a registrable cathodic protection system
202(5)	Refusal by the regulator to register a registrable cathodic protection system
203	Imposition by the regulator of conditions on registration of a registrable cathodic protection system
207(1)(a)	Cancellation by the regulator of registration of a cathodic protection system
331	Decision by the regulator on review

**SCHEDULE 6****APPEALS AGAINST ADMINISTRATIVE DECISIONS  
TO INDUSTRIAL MAGISTRATES**

section 332(2)

<b>Section</b>	<b>Description of decision</b>
42	Refusal of EWC Board to issue licence sought by applicant
53	Refusal of EWC Board to issue electrical contractor's licence—individual sought by applicant
54	Refusal of EWC Board to endorse name of partner on electrical contractor's licence—partnership
55	Refusal of EWC Board to issue electrical contractor's licence—partnership sought by applicant
56	Refusal of EWC Board to endorse name of qualified person on electrical contractor's licence—corporation
57	Refusal of EWC Board to issue electrical contractor's licence—corporation sought by applicant
58	Refusal of EWC Board to endorse name of qualified person on electrical contractor's licence—restricted
59	Refusal of EWC Board to issue electrical contractor's licence—restricted sought by applicant
70	Disciplinary action taken by EWC Board
308(1)	Decision of new employer on recognition of previous service by GOE industry employee
chapter 8, part 3	Statement in assignment certificate by employer of salary classification of employee not reflecting position equivalent to previous position

## SCHEDULE 6 (continued)

- |                      |  |
|----------------------|--|
| chapter 8,<br>part 3 | Statement in assignment certificate by employer of standard working hours for the employee   |
| chapter 8,<br>part 3 | Statement in assignment certificate by employer recognising leave entitlements (including annual leave, sick leave, long service leave and credits for time worked when not rostered for work) |
| chapter 8,<br>part 3 | Statement in assignment certificate by employer recognising service of employee as continuous service  |
| chapter 8,<br>part 3 | Refusal of employer to give employee an assignment certificate   |



**SCHEDULE 7**

**FEES**

section 347

**PART 1—REGULATOR**

The fees specified in this part are payable to the regulator.

	\$
1. Application for generation authority (section 179 of the Act) . . . . .	250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued
2. Application for transmission authority (section 188 of the Act) .	250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued
3. Application for distribution authority (section 196 of the Act) . . . . .	250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued
4. Application for retail authority (sections 204 and 207D of the Act)	250.00 plus reasonable costs incurred by the regulator in investigating whether the authority should be issued
5. Application for special approval (section 209 of the Act) . . . . .	250.00 plus reasonable costs incurred by the regulator in investigating whether the approval should be issued

## SCHEDULE 7 (continued)

6.	Application for registration of an impressed current cathodic protection system (section 202) . . . . .	150.00
7.	Inspection of register of impressed current cathodic protection systems (section 205) . . . . .	10.00
8.	Certified copy of 1 entry in register of impressed current cathodic protection systems (section 205) . .	20.00

## **PART 2—THE ELECTRICAL WORKERS AND CONTRACTORS BOARD**

The fees specified in this part are payable to the EWC Board.

	\$	
1.	Application for a licence as an electrical worker, including a restricted licence (section 41) . . . . .	25.00
2.	Application for renewal of a licence as an electrical worker, including a restricted licence (section 51) . . . . .	25.00
3.	Application for an electrical contractor's licence (sections 52, 54, 56 and 58) . . . . .	200.00
4.	Application for renewal of an electrical contractor's licence (section 62) . . . . .	200.00
5.	Application for reinstatement of an electrical contractor's licence (section 63) . . . . .	200.00
6.	Issue of fresh electrical contractor's licence (section 65) . . . . .	20.00
7.	Issue of a licence or permit because a licence or permit has been lost, damaged or destroyed (section 74) . . . . .	20.00
8.	Inspection of the register of licences and permits (section 75) . . . . .	10.00

## SCHEDULE 7 (continued)

- |    |  |       |
|----|--|-------|
| 9. | Certified copy of 1 entry in register of licences and permits (section 75) . . . . . | 20.00 |
|----|--|-------|

**PART 3—ELECTRICITY ENTITIES**

The fees specified in this part are payable to the distribution entity.

\$

- |    |  |                     |
|----|--|---------------------|
| 1. | Disconnection and reconnection of supply of electricity to a customer after disconnection because of debt— |                     |
|    | (a) if the reconnection is made during ordinary working hours . . . . .                                    | not more than 25.00 |
|    | (b) if the reconnection is made outside ordinary working hours at the customer's request . . . . .         | not more than 60.00 |
| 2. | Testing of a meter by the distribution entity (section 227) . . . . .                                      | 10.00               |
| 3. | Inspection and testing of a meter by an authorised person (section 232) . . . . .                          | 100.00              |

**SCHEDULE 8****DICTIONARY**

section 2

**“active”** or **“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.

**“adjusted period”**, in chapter 6, part 4, see section 318.

**“affected employee”**, in chapter 6, part 4, see section 320.

**“anode”**, in chapter 3, part 4, means a part of a cathodic protection system that is an electrical conductor placed in contact with ground or water and connected electrically to a cathodically protected structure in contact with ground or water so that a current flows between the conductor and the structure.

**“appropriate doctor”**, in chapter 6, part 4, see section 309.

**“AS”** means a standard rule, code or specification published by the Standards Association of Australia.

**“assigned employee”**, in chapter 8, part 3, see section 343(a).

**“assigned employer”** in chapter 8, part 3, see section 343(b).

**“assignment certificate”**, in chapter 8, part 3, see section 344.

**“by direct contact with”** means in contact with an exposed conductor or an exposed part of an electrical article with bare hands or another part of the body or by a conductive tool.

**“by indirect contact with”** means in contact with an exposed conductor or an exposed part of an electrical article by an insulated tool or insulating equipment.

## SCHEDULE 8 (continued)

**“cathodically protected structure”** means a structure, other than the anode and connecting electrical cables, forming part of the conducting circuit of a cathodic protection system.

**“check inspection”** of an electrical installation means an inspection to find out whether the electrical installation—

- (a) is free from a serious defect; and
- (b) is installed in accordance with generally accepted principles of sound and safe practice to ensure against mechanical and electrical failure under ordinary use.

**“contestable customer”**.<sup>97</sup>

**“customer’s generating plant for emergency supply”** means a private plant installed on a customer’s premises as part of the customer’s electrical installation to provide a supply of electricity to the electrical installation if the supply of electricity from a supplier is interrupted.

**“distribution entity”**, for an electrical installation or premises, means the distribution entity who provides customer connection services to the electrical installation or premises.

**“earthed”** means connected to the general mass of the earth.

**“electrical fitter”** means a person who supervises or performs electrical work, whether in a workshop or on site, of building, manufacturing, fitting, assembling, erecting, operating or repairing electrical articles.

**“electrical installation”** includes part of an electrical installation.

**“electrical joiner”** means a person who supervises or performs electrical work of installing, jointing or terminating covered cables that requires specialised knowledge and skill.

**“electrical linesperson”** means a person who supervises or performs—

- (a) electrical work in the building and maintenance of—
  - (i) overhead electric lines; or

---

<sup>97</sup> At the commencement of the regulation, no customer has been declared to be a contestable customer under section 23(2) of the Act.

## SCHEDULE 8 (continued)

(ii) street lighting connected to overhead or underground electric lines; or

(b) tests to ensure overhead electric lines are correctly connected.

**“electrical mechanic”** means a person who supervises or performs the electrical work of—

(a) installing or changing an electric line or electrical installation; or

(b) maintaining, repairing or connecting to a source of supply an electrical article.

**“electrical worker”** means—

(a) an electrical fitter; or

(b) an electrical jointer; or

(c) an electrical linesperson; or

(d) an electrical mechanic; or

(e) an engineering tradesperson (electrical); or

(f) someone else performing electrical work under the Act that is performed by a person mentioned in paragraphs (a) to (e).

**“employer”**, for electrical work, includes a person who performs the work whether alone or by having in service an electrical worker.

**“engineering tradesperson (electrical)”** means a person who supervises or performs electrical work of an electrical fitter or electrical mechanic.

**“EWC Board”** means the Electrical Workers and Contractors Board.

**“exposed”** means bare, not effectively insulated or not effectively guarded by either a fixed barrier or an earthed metal shield.

**“external authority”** means a current licence, permit, certificate or other authority—

(a) issued under a law of the Commonwealth, another State or New Zealand; and

(b) authorising the holder to perform electrical work a licensed electrical worker is authorised to perform.

## SCHEDULE 8 (continued)

**“foreign structure”**, in chapter 3, part 4, for a cathodic protection system, means a structure—

- (a) normally continuous and electrically conducting; and
- (b) laid in ground or water, but not electrically connected to or forming part of the primary circuit of the cathodic protection system; and
- (c) likely to be adversely affected by the system.

**“foreign structure owner”**, in chapter 3, part 4, means, for a cathodic protection system, a person who owns a foreign structure.

**“former employer”**, in chapter 6, part 2, see section 303(1).

**“former employment”**, in chapter 6, part 3, see section 307(1).

**“GOE industry”** means all State electricity entities collectively.

**“GOE industry employee”** means a person employed by a State electricity entity in a full-time or part-time capacity, including the chief executive officer of a State electricity entity.

**“high voltage”** means a voltage of more than 1 000 V.

**“impressed current cathodic protection system”**, in chapter 3, part 4, means a cathodic protection system in which the current flowing between the cathodically protected structure and the anode is supplied by an external source.

**“industrial workplace”** means premises registered as an industrial workplace under the *Workplace Health and Safety Regulation 1995*.

**“in proximity to”** means—

- (a) outside the prescribed approach limits under section 131 for an exposed high voltage conductor or an exposed part of a high voltage electrical article, but at a distance from the exposed conductor or exposed part within which caution should be exercised to avoid harm from the conductor or article; or
- (b) within reach of an exposed low voltage conductor or exposed part of a low voltage electrical article.

**“last day”**, in chapter 6, part 4, see section 319(1).

## SCHEDULE 8 (continued)

**“licence”** means a licence issued under chapter 2, part 2, division 2.

**“licensed electrical fitter”** means a person who is licensed under chapter 2 as—

- (a) an electrical fitter; or
- (b) an engineering tradesperson (electrical fitter); or
- (c) an engineering tradesperson (electrical fitter/mechanic).

**“licensed electrical jointer”** means a person who is licensed under chapter 2 as an electrical jointer.

**“licensed electrical linesperson”** means a person who is licensed under chapter 2 as an electrical linesperson.

**“licensed electrical mechanic”** means a person who is licensed under chapter 2 as—

- (a) an electrical mechanic; or
- (b) an engineering tradesperson (electrical mechanic); or
- (c) an engineering tradesperson (electrical fitter/mechanic).

**“live line work”** means electrical work on exposed live high voltage conductors or exposed live parts of electrical articles that may be performed only by appropriately trained persons authorised under section 138.

**“locality allowance”** means an allowance payable to an employee stationed in a centre distant from Brisbane to assist in offsetting the disadvantages associated with residence in the centre.

**“low voltage”** means a voltage of not more than 1000 V.

**“Market Code instrument”** means a guideline, power system operating procedure or other procedure, protocol or standard made under the Market Code.

**“maximum operating current”**, in chapter 3, part 4, means the maximum value of the fixed, manually variable or automatically variable current at which a cathodic protection system will operate at all times other than the value of current permitted during short term testing under section 198(2).



## SCHEDULE 8 (continued)

“**mine**” see section 340(1).

“**new employer**”, in chapter 6, part 2, see section 303(1).

“**new employment**”, in chapter 6, part 3, see section 307(1).

“**NorthPower’s area**” means NorthPower’s—

- (a) former supply areas described in NorthPower’s authorised supplier authorities numbered 17/97 and 18/97; or<sup>98</sup>
- (b) distribution area under any distribution authority issued to it.

“**owner**”, in chapter 4, part 1, division 3, see section 236.

“**permit**” means a permit issued under chapter 2, part 2, division 2.

“**private plant**” means generating plant not used by an electricity entity or special approval holder in accordance with an authority or special approval.

“**proportionate amount**”, in chapter 6, see section 301(1).

“**PSME schedule**” means the schedule in the determination under the *Public Service Management and Employment Regulation 1988*, section 41.

“**redundant**”, in chapter 6, see section 327A.

“**redundant employee**”, in chapter 6, see section 327A.

“**registered system**”, in chapter 3, part 4, means a registrable system registered under that Part.

“**registrable system**”, in chapter 3, part 4, means an impressed current cathodic protection system the converter of which is capable of delivering a current greater than 0.25 A.

“**regular amount**”, in chapter 6, see section 301(1).

“**relevant distribution entity**”, for chapter 4, part 5, division 1, see section 248T.

“**relevant supplier**” means the distribution entity or the special approval

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<sup>98</sup> Copies of maps of the areas may inspected at the department’s office at 61 Mary Street, Brisbane.

## SCHEDULE 8 (continued)

holder who provides customer connection services to the electrical installation or premises.

**“restricted licence”** means a restricted licence issued under chapter 2, part 2, division 2.

**“retail entity”**, for an electrical installation or premises, means the retail entity who provides customer retail services to the electrical installation or premises.

**“serious defect”** means a defect likely to cause a fire or a person to suffer an electric shock or other personal injury.

**“single premises”**, for chapter 4, part 5, division 1, see section 248TA.

**“space for a substation”** see section 235.

**“spouse”**, in chapter 6, part 5, includes a de facto spouse.

**“supplier”** means a distribution entity or special approval holder who provides customer connection services to an electrical installation or premises.

**“training department”** means the department that deals with matters about employment, vocational education and training.

**“transfer day”**, in chapter 6, part 2, see section 303(2).

**“transferred employee”**, in chapter 6, part 2, see section 302.

**“work hours”**, in chapter 6, see section 301(2).

**ENDNOTES****1 Index to endnotes**

	Page
2 Date to which amendments incorporated . . . . .	225
3 Key . . . . .	226
4 Table of earlier reprints . . . . .	226
5 Tables in earlier reprints . . . . .	227
6 List of legislation . . . . .	227
7 List of annotations . . . . .	229

**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 November 1998. Future amendments of the Electricity Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	25 January 1995
2	to SL No. 289 of 1995	21 December 1995
2A	to SL No. 130 of 1996	29 July 1996
2B	to SL No. 253 of 1996	6 November 1996
2C	to SL No. 17 of 1997	9 May 1997
2D	to SL No. 224 of 1997	1 August 1997
2E	to SL No. 313 of 1997	21 October 1997
3	to SL No. 53 of 1998	1 April 1998

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1

## 6 List of legislation

### **Electricity Regulation 1994 SL No. 468**

made by the Governor in Council on 15 December 1994  
 notfd gaz 16 December 1994 pp 1792–7  
 commenced on commencement of Act (see AIA, s 17)  
exp 15 December 2004 (see SIA, s 54)

as amended by—

### **Electricity Amendment Regulation (No. 1) 1995 SL No. 208**

notfd gaz 22 June 1995 pp 1281A–D  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 1995 (see s 2)

### **Electricity Amendment Regulation (No. 2) 1995 SL No. 221**

notfd gaz 30 June 1995 pp 1475–6  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 1995 (see s 2)

### **Electricity Amendment Regulation (No. 3) 1995 SL No. 235**

notfd gaz 18 August 1995 pp 2084–6  
 commenced on date of notification

### **Electricity Amendment Regulation (No. 4) 1995 SL No. 289**

notfd gaz 20 October 1995 pp 753–4  
 commenced on date of notification

### **Electricity Amendment Regulation (No. 5) 1995 SL No. 375**

notfd gaz 15 December 1995 pp 1560–5  
 ss 1, 3 commenced on date of notification  
 remaining provisions commenced 1 January 1996 (see s 3)

### **Electricity Amendment Regulation (No. 1) 1996 SL No. 86**

notfd gaz 3 May 1996 pp 462–3  
 commenced on date of notification

### **Electricity Amendment Regulation (No. 2) 1996 SL No. 130**

notfd gaz 14 June 1996 pp 987–9  
 commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1996 SL No. 253**

notfd gaz 27 September 1996 pp 347–9  
commenced on date of notification

**Electricity Amendment Regulation (No. 1) 1997 SL No. 7**

notfd gaz 24 January 1997 pp 284–5  
commenced on date of notification

**WorkCover Queensland Regulation 1997 SL No. 17 ss 1–2, 47 sch 6**

notfd gaz 31 January 1997 pp 376–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 February 1997 (see s 2)

**Electricity Amendment Regulation (No. 2) 1997 SL No. 157**

notfd gaz 20 June 1997 pp 879–82  
commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1997 SL No. 179**

notfd gaz 27 June 1997 pp 1004–1010  
commenced on date of notification

**Electricity Amendment Regulation (No. 4) 1997 SL No. 220**

notfd gaz 18 July 1997 pp 1351–2  
commenced on date of notification

**Electricity Amendment Regulation (No. 5) 1997 SL No. 224**

notfd gaz 25 July 1997 pp 1462–3  
commenced on date of notification

**Electricity Amendment Regulation (No. 6) 1997 SL No. 300**

notfd gaz 12 September 1997 pp 160–1  
commenced on date of notification

**Electricity Amendment Regulation (No. 7) 1997 SL No. 313**

notfd gaz 26 September 1997 pp 354–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 1997 (see s 2)

**Electricity Amendment Regulation (No. 8) 1997 SL No. 473**

notfd gaz 19 December 1997 pp 1770–77  
s 16 never proclaimed into force and rep 1998 SL No. 17 s 4  
remaining provisions commenced on date of notification

**Electricity Legislation Amendment Regulation (No. 1) 1998 SL No. 17**

notfd gaz 27 February 1998 pp 884–6  
commenced on date of notification

**Electricity Amendment Regulation (No. 1) 1998 SL No. 53**

notfd gaz 27 March 1998 pp 1310–12  
commenced on date of notification

**Electricity Amendment Regulation (No. 2) 1998 SL No. 251**

notfd gaz 11 September 1998 pp 145–7  
commenced on date of notification

**Electricity Amendment Regulation (No. 3) 1998 SL No. 260**

notfd gaz 25 September 1998 pp 327–9

commenced on date of notification

**7 List of annotations****Purposes**

s 3 amd 1997 SL No. 313 s 4; 1997 SL No. 473 s 4

**How purposes are to be achieved**

s 4 amd 1997 SL No. 179 s 3; 1997 SL No. 313 s 5

**Words have the same meaning as in wiring rules**

s 5 amd 1997 SL No. 220 s 3

**Composition of EWC Board**

s 10 amd 1997 SL No. 179 s 4; 1997 SL No. 220 s 4

**Deputies for members (other than chairperson)**

s 12 amd 1995 SL No. 289 s 3

**General fund**

s 24 amd 1997 SL No. 157 s 3

**Definition for div 1**

s 26A ins 1997 SL No. 220 s 5

**Electrical work to be done by holder of licence or permit**

s 27 amd 1997 SL No. 220 s 6

**Exemptions from being electrical contractors**

s 32 amd 1997 SL No. 220 s 7

**Classes of licences**

s 36 amd 1995 SL No. 289 s 4

**Training permit**

prov hdg sub 1995 SL No. 289 s 5

s 38 amd 1995 SL No. 289 s 5

**Entitlement to licence as electrical worker**

s 40 amd 1995 SL No. 289 s 6; 1996 SL No. 130 s 3

**Qualifications of electrical jointer**

s 46 amd 1996 SL No. 253 s 3

**Qualifications of electrical linesperson**

s 47 amd 1996 SL No. 253 s 4

**Electrical contractors' licences—individuals**

s 52 amd 1996 SL No. 253 s 5

**Grounds for disciplinary action against holder of electrical worker's licence or permit**

s 67 amd 1997 SL No. 220 s 8

**Advertising by licensed electrical contractors**

s 80      amd 1997 SL No. 220 s 9

**Division 6—Transitional provisions**div 6 (ss 82–86) exp 1 January 1999 (see s 86)**Clearing and lopping of trees on non-freehold land**

s 116A    ins 1997 SL No. 220 s 10

**Prescribed approach limits to exposed high voltage conductors or electrical articles**

s 131      amd 1997 SL No. 220 s 11

**Signs on switches and disconnection points**

s 139      amd 1997 SL No. 220 s 12

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

s 144      amd 1997 SL No. 220 s 13

**Power factor**

s 159      amd 1997 SL No. 179 s 5; 1997 SL No. 313 s 6

**Inspection of customer's electrical articles**

s 166      sub 1997 SL No. 179 s 6

**Certificate of testing and compliance**

prov hdg    amd 1997 SL No. 220 s 14(1)

s 169      amd 1997 SL No. 220 s 14(2)

**Registration of cathodic protection systems in operation on 1 January 1995**s 210      exp 1 January 2002 (see s 210(2))**CHAPTER 4—ELECTRICITY SUPPLY AND SALE TO CUSTOMERS**

ch hdg      sub 1997 SL No. 179 s 7

**PART 1—DISTRIBUTION ENTITIES**

pt hdg      sub 1997 SL No. 179 s 8

**Division 1—Obligations of distribution entities and customers**

div hdg      sub 1997 SL No. 179 s 8

**Limits on obligations to provide customer connection services**

s 211      sub 1997 SL No. 179 s 8

amd 1997 SL No. 473 s 5

**Notice if services refused**

s 212      sub 1997 SL No. 179 s 8

**Entity may provide services even if no obligation**

s 213      sub 1997 SL No. 179 s 8

**When distribution entity may refuse to connect or may disconnect**

s 214      sub 1997 SL No. 179 s 8; 1997 SL No. 473 s 6

**Customer's liability for customer connection services**

s 215      sub 1997 SL No. 179 s 8



**Regulating customer's use etc. of electricity**

s 216 sub 1997 SL No. 179 s 8

**Action if notice not complied with**

s 217 sub 1997 SL No. 179 s 8

**Providing metering information to retail entity**

s 218 sub 1997 SL No. 179 s 8

**Division 2—Meters and control apparatus**

div hdg sub 1997 SL No. 179 s 8

**Entity must provide meter and control apparatus**

s 219 sub 1997 SL No. 179 s 8

**Customer to change electrical installation for meter connection**

s 220 sub 1997 SL No. 179 s 8

**Customer to provide links connecting meters to incoming supply**

s 221 sub 1997 SL No. 179 s 8

**No breaking or interfering with meter seal or control apparatus**

s 222 sub 1997 SL No. 179 s 8

**Placing meter or control apparatus on customer's premises**

s 223 sub 1997 SL No. 179 s 8

**Change of placement if building changes or works**

s 224 sub 1997 SL No. 179 s 8

**Matters that may be considered for placement**

s 225 sub 1997 SL No. 179 s 8

**Customers to provide safe access**

s 226 sub 1997 SL No. 179 s 8

**Meter accuracy test at customer's request**

s 227 sub 1997 SL No. 179 s 8

**When meter taken to register accurately**

s 228 sub 1997 SL No. 179 s 8

**Extent of inaccuracy**

s 229 sub 1997 SL No. 179 s 8

**Report about test results**

s 230 sub 1997 SL No. 179 s 8

**Refund and adjustment if inaccuracy**

s 231 sub 1997 SL No. 179 s 8

**Referral of tested meter to regulator**

s 232 sub 1997 SL No. 179 s 8

**Inspection and test after referral**

s 233 sub 1997 SL No. 179 s 8

**Refund and adjustment after test under s 233**

s 234 sub 1997 SL No. 179 s 8

**Using testing instruments**

s 235 sub 1997 SL No. 179 s 8

**Division 3—Substations on customers' premises**

div hdg sub 1997 SL No. 179 s 8

**Application of div 3**

s 236 sub 1997 SL No. 179 s 8

**Meaning of “space for a substation” in div 3**

s 237 sub 1997 SL No. 179 s 8

**Meaning of “owner” in div 3**

s 238 sub 1997 SL No. 179 s 8

**Owner to provide space for substation**

s 239 sub 1997 SL No. 179 s 8

**Supply to other customers from substation**

s 240 sub 1997 SL No. 179 s 8

**Limitation of compensation**

s 241 sub 1997 SL No. 179 s 8

**Taking away distribution entity's equipment**

s 242 sub 1997 SL No. 179 s 8

**Division 4—Amending standard customer connection contracts**

div hdg ins 1997 SL No. 179 s 8

om 1997 SL No. 473 s 7

**Amendments must be approved by Minister**

s 243 sub 1997 SL No. 179 s 8

om 1997 SL No. 473 s 7

**Division 4—What is not unfair or unreasonable**

div hdg prev div 5 hdg ins 1997 SL No. 179 s 8

prev div 5 hdg om 1997 SL No. 473 s 8

pres div 4 hdg ins 1997 SL No. 473 s 8

**Differing methods of charging**

s 244 sub 1997 SL No. 179 s 8

amd 1997 SL No. 473 s 9

**Negotiated customer connection contracts**

s 245 sub 1997 SL No. 179 s 8

amd 1997 SL No. 473 s 9

**Differing security**

s 246 sub 1997 SL No. 179 s 8

amd 1997 SL No. 473 s 9

**Different terms that are reasonable**

- s 247 sub 1997 SL No. 179 s 8  
amd 1997 SL No. 473 s 10

**PART 2—RETAIL ENTITIES**

- pt hdg sub 1997 SL No. 179 s 8

**Division 1—Obligations of retail entities and customers**

- div hdg ins 1997 SL No. 179 s 8

**Limits on obligation to provide customer retail services**

- s 248 sub 1997 SL No. 179 s 8  
amd 1997 SL No. 473 s 11; 1998 SL No. 53 s 3

**Notice if services refused**

- s 248A prev s 248A renum as s 248L 1997 SL No. 179 s 9  
pres s 248A ins 1997 SL No. 179 s 8

**Entity may supply even if no obligation**

- s 248B prev s 248B renum as s 248M 1997 SL No. 179 s 9  
pres s 248B ins 1997 SL No. 179 s 8

**When retail entity is not obliged to provide customer retail services**

- s 248C prev s 248C renum as s 248N 1997 SL No. 179 s 9  
pres s 248C ins 1997 SL No. 179 s 8  
sub 1997 SL No. 473 s 12

**Customer's liability for customer retail services**

- s 248D prev s 248D renum as s 248O 1997 SL No. 179 s 9  
pres s 248D ins 1997 SL No. 179 s 8

**Division 2—Amending standard customer sale contracts**

- div hdg ins 1997 SL No. 179 s 8  
om 1997 SL No. 473 s 13

**Amendments must be approved by Minister**

- s 248E prev s 248E renum as s 248P 1997 SL No. 179 s 9  
pres s 248E ins 1997 SL No. 179 s 8  
om 1997 SL No. 473 s 13

**Division 2—What is not unfair or unreasonable**

- div hdg prev div 3 hdg ins 1997 SL No. 179 s 8  
prev div 3 hdg om 1997 SL No. 473 s 14  
pres div 2 hdg ins 1997 SL No. 473 s 14

**Differing methods of charging**

- s 248F prev s 248F renum as s 248Q 1997 SL No. 179 s 9  
pres s 248F ins 1997 SL No. 179 s 8  
amd 1997 SL No. 473 s 9

**Negotiated customer sale contracts**

- s 248G prev s 248G renum as s 248R 1997 SL No. 179 s 9  
pres s 248G ins 1997 SL No. 179 s 8  
amd 1997 SL No. 473 s 9

**Differing security**

- s 248H** prev s 248H renum as s 248S 1997 SL No. 179 s 9  
 pres s 248H ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 9

**Different terms that are reasonable**

- s 248I** prev s 248I renum as s 248T 1997 SL No. 179 s 9  
 pres s 248I ins 1997 SL No. 179 s 8  
 amd 1997 SL No. 473 s 10

**PART 2A—DISPUTES ABOUT WHAT IS FAIR AND REASONABLE**

- pt hdg** ins 1997 SL No. 473 s 15

**Dispute resolution**

- s 248IA** ins 1997 SL No. 473 s 15

**Regulator may seek advice or information**

- s 248IB** ins 1997 SL No. 473 s 15

**Parties to maintain secrecy of advice or information**

- s 248IC** ins 1997 SL No. 473 s 15

**PART 3—FINANCIAL ARRANGEMENTS ABOUT SUPPLY AND SALE**

- pt hdg** sub 1997 SL No. 179 s 8

**Methods of charging for electricity**

- s 248J** ins 1997 SL No. 179 s 8

**Meters must be read annually**

- s 248K** ins 1997 SL No. 179 s 8

**PART 4—ELECTRICITY RESTRICTION**

- pt hdg** ins 1995 SL No. 375 s 4

**Division 1—Preliminary**

- div hdg** ins 1995 SL No. 375 s 4

**Purpose to be achieved by regulation**

- s 248L** (prev s 248A) ins 1995 SL No. 375 s 4  
 renum 1997 SL No. 179 s 9

**Definitions**

- s 248M** (prev s 248B) ins 1995 SL No. 375 s 4  
 renum 1997 SL No. 179 s 9

**Division 2—Electricity restriction in far north Queensland (other than the Torres Strait Islands)**

- div hdg** ins 1995 SL No. 375 s 4

**Where electricity restriction applies**

- s 248N** (prev s 248C) ins 1995 SL No. 375 s 4  
 renum 1997 SL No. 179 s 9

**Electricity restrictions**

- s 248O** (prev s 248D) ins 1995 SL No. 375 s 4  
 renum 1997 SL No. 179 s 9

**Division 3—Electricity restriction in the Torres Strait Islands****div hdg** ins 1995 SL No. 375 s 4**Where electricity restriction applies****s 248P** (prev s 248E) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9**Electricity restrictions****s 248Q** (prev s 248F) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9**Division 4—Electricity restriction in the North Queensland Electricity Corporation supply area****div hdg** ins 1995 SL No. 375 s 4**Where electricity restriction applies****s 248R** (prev s 248G) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9**Electricity restrictions****s 248S** (prev s 248H) ins 1995 SL No. 375 s 4  
renum 1997 SL No. 179 s 9**PART 5—CONTESTABLE CUSTOMERS****pt hdg** ins 1997 SL No. 7 s 3  
sub 1997 SL No. 313 s 7; 1997 SL No. 473 s 6; 1998 SL No. 17 s 3; 1998  
SL No. 251 s 3**Division 1—Large consumption customers****div hdg** ins 1997 SL No. 313 s 7  
sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3**Subdivision 1—Preliminary****sdiv hdg** ins 1998 No. 251 s 3**Meaning of “relevant distribution entity”****s 248T** (prev s 248I) ins 1997 SL No. 7 s 3  
renum 1997 SL No. 179 s 9  
sub 1997 SL No. 313 s 7; 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998  
SL No. 251 s 3**Meaning of “single premises”****s 248TA** ins 1997 SL No. 313 s 7  
sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3**Subdivision 2—Declaration****sdiv hdg** ins 1998 No. 251 s 3**Actual or estimated consumption of more than 4 GWh****s 248TB** ins 1997 SL No. 313 s 7  
sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3  
amd 1998 SL No. 53 s 4  
sub 1998 SL No. 251 s 3

**Division 2—Other contestable customers****div hdg** om 1997 SL No. 473 s 16**Subdivision 3—Contestable customer certification****sdiv hdg** ins 1998 No. 251 s 3**Applying for certification****s 248TC** ins 1997 SL No. 313 s 7

sub 1997 SL No. 473 s 16; 1998 SL No. 17 s 3; 1998 SL No. 251 s 3

**Consideration of application****s 248TD** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

amd 1998 SL No. 53 s 5

sub 1998 SL No. 251 s 3

**Issue of certification****s 248TDA** ins 1998 No. 251 s 3**Refusal of application****s 248TDB** ins 1998 SL No. 251 s 3**Division 2—Contestable customers in NorthPower's area****div hdg** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

**Contestable customers in NorthPower's area****s 248TE** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

**Division 3—Other contestable customers****div hdg** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3; 1998 SL No. 53 s 6

**Customers declared to be contestable customers****div hdg** sub 1998 SL No. 53 s 6**s 248TF** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3; 1998 SL No. 53 s 6

**Division 4—Resolving disputes about contestability****div hdg** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

**Dispute resolution****s 248TG** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

amd 1998 SL No. 251 s 4

**Dispute resolver may seek advice or information****s 248TH** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

**Parties to maintain secrecy of advice or information****s 248TI** ins 1997 SL No. 473 s 16

sub 1998 SL No. 17 s 3

**Decision binding**

s 248TJ ins 1997 SL No. 473 s 16  
sub 1998 SL No. 17 s 3

**PART 6—NEGOTIATED CONTRACTS BEFORE COMMENCEMENT OF ELECTRICITY AMENDMENT ACT 1997**

pt hdg ins 1997 SL No. 179 s 10

**Negotiated contracts**

s 248U ins 1997 SL No. 179 s 10

**CHAPTER 5—MARKET AND SYSTEM ARRANGEMENTS**

ch hdg sub 1997 SL No. 313 s 8

**Division 1—Operating electrical installations**

div hdg sub 1997 SL No. 313 s 9

**Market Code to be followed**

s 249 sub 1997 SL No. 313 s 9

**Appointment of QETC as system control entity**

s 250 amd 1997 SL No. 224 s 3

**Network operation not to interfere with Queensland system**

s 257 sub 1997 SL No. 313 s 10

**Market Code to be followed**

s 258 sub 1997 SL No. 313 s 10

**PART 2—CONDITIONS OF AUTHORITIES AND SPECIAL APPROVALS**

pt hdg sub 1997 SL No. 313 s 11

**Division 1—Separation of industry sectors**

div hdg ins 1997 SL No. 473 s 17

**Generation and retail sectors**

s 261A ins 1997 SL No. 473 s 17

**Distribution and retail sectors**

s 261B ins 1997 SL No. 473 s 17

**Retail and generation sectors**

s 261C ins 1997 SL No. 473 s 17

**Division 2—Compliance with Market Code**

div hdg ins 1997 SL No. 473 s 17

**Compliance with Market Code instruments**

s 262 sub 1997 SL No. 313 s 11

**Division 2—Conditions of transmission authorities**

div hdg om 1997 SL No. 313 s 11

**Division 3—Miscellaneous**

div hdg ins 1997 SL No. 473 s 18

**Compliance with regulator's decisions under s 248IA**

s 262A ins 1997 SL No. 473 s 18

**Retail entity must comply with prices or methodology**

- s 262B** ins 1997 SL No. 473 s 18  
exp when the Electricity Amendment Act (No. 3) 1997 s 34 commences  
 (see s 262B(3))

**PART 3—ANCILLARY SERVICES**

- pt hdg** sub 1997 SL No. 313 s 11  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 263A)

**Ancillary services at direction of Queensland System Operator**

- s 263** sub 1997 SL No. 313 s 11  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 263A)

**Expiry of pt 3**

- s 263A** ins 1997 SL No. 473 s 19  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 263A)

**Division 3—Conditions of distribution authorities**

- div hdg** sub 1997 SL No. 179 s 11  
 om 1997 SL No. 313 s 11

**Condition to comply with Queensland grid code**

- s 264** sub 1997 SL No. 179 s 11  
 om 1997 SL No. 313 s 11

**Division 4—Conditions of retail authorities**

- div hdg** sub 1997 SL No. 179 s 11  
 om 1997 SL No. 313 s 11

**Condition to comply with Queensland grid code**

- s 265** sub 1997 SL No. 179 s 11  
 om 1997 SL No. 313 s 11

**Division 5—Conditions of special approvals**

- om 1997 SL No. 313 s 11

**Condition to comply with Queensland grid code**

- s 266** om 1997 SL No. 313 s 11

**Division 6—Exemption from complying with Queensland grid code**

- div hdg** ins 1997 SL No. 220 s 15  
 om 1997 SL No. 313 s 11

**Regulator may exempt from Queensland grid code**

- s 266A** ins 1997 SL No. 220 s 15  
 om 1997 SL No. 313 s 11

**Application of this part**

- s 267** amd 1995 SL No. 235 s 3; 1997 SL No. 220 s 16; 1997 SL No. 224 s 4



**Trade if generation less than 30 MW net capacity only with retail entity etc.****prov hdg** amd 1997 SL No. 268 s 12(1)**s 268** amd 1997 SL No. 268 s 12(2)**Amount payable for electricity bought by wholesale trade****s 271** sub 1995 SL No. 208 s 4

amd 1996 SL No. 86 s 3

**Network services to comply with Queensland grid code****s 272** amd 1997 SL No. 179 s 13**Seller in retail trade to meet cost of network services etc.****s 273** amd 1997 SL No. 179 s 14**Sellers and buyers in wholesale trade to meet cost of network services etc.****s 274** amd 1997 SL No. 179 s 15**Transmission entity and distribution entity responsible for metering system****prov hdg** amd 1997 SL No. 179 s 16(1)**s 275** amd 1997 SL No. 179 s 16(2)**Electricity generated by hydro-electric generating plant****s 280** sub 1996 SL No. 86 s 4**Treatment of electricity generated by pumped storage generating plant****s 281** amd 1996 SL No. 86 s 5**Allocation of electrical losses in transmission grid and supply networks****s 284** amd 1997 SL No. 179 s 17**Working out of electricity taken by distribution entity****prov hdg** amd 1997 SL No. 179 s 18(1)**s 286** amd 1997 SL No. 179 s 18(2)**Appointment of QETC as settlements entity****s 287** amd 1997 SL No. 179 s 19**Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995****s 294** amd 1997 SL No. 179 s 20**Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities****prov hdg** amd 1997 SL No. 179 s 21(1)**s 295** amd 1997 SL No. 179 s 21(2)–(3)**Approval to connect certain generating plant with 30MW or less capacity****prov hdg** amd 1997 SL No. 179 s 22(1)**s 296** amd 1997 SL No. 179 s 22(2)–(3)**Special approval holder providing electricity to customer****s 297** prev s 297 exp 1 January 1996 (see s 297(4))

pres s 297 ins 1997 SL No. 220 s 17

**NorthPower's authorised supplier authorities**

- s 298A** ins 1997 SL No. 179 s 23  
 exp 27 December 1997 (see s 298A(6))  
 amd 1997 SL No. 473 s 20  
exp on the happening of the earlier—30 June 1998 or NorthPower is  
 issued with a distribution authority and a retail authority (see  
 s 298A(6))

**Special approval for QETC**

- s 298B** ins 1997 SL No. 179 s 23  
 prev s 298B om 1997 SL No. 313 s 12  
 new s 298B ins 1997 SL No. 473 s 21

**Special approval for certain activities under s 138 of the repealed Act**

- s 298C** ins 1997 SL No. 473 s 21  
exp 2 July 1998 (see s 298C(6))

**CHAPTER 5A—PROHIBITED INTERESTS**

- ch hdg** ins 1997 SL No. 473 s 22

**Generation authorities**

- s 298D** ins 1997 SL No. 473 s 22

**Distribution authorities**

- s 298E** ins 1997 SL No. 473 s 22

**Retail authorities**

- s 298F** ins 1997 SL No. 473 s 22

**Continuous service**

- s 300** amd 1997 SL No. 17 s 47 sch 6

**Transferred employees not made redundant**

- s 306A** ins 1997 SL No. 179 s 24

**Employment conditions not generally transferred**

- s 306B** ins 1997 SL No. 179 s 24

**Application of pt 3**

- prov hdg** amd 1997 SL No. 179 s 25(1)  
**s 307** amd 1997 SL No. 179 s 25(2)

**Periods of absence without pay that count as 'service'**

- s 313** amd 1997 SL No. 17 s 47 sch 6

**PART 5A—OVERTIME PAYMENTS**

- pt hdg** ins 1997 SL No. 300 s 3

**Overtime payments**

- s 326A** ins 1997 SL No. 300 s 3

**PART 6—PROVISIONS CONCERNING ELECTRICITY INDUSTRY  
RESTRUCTURE**

- pt hdg** sub 1997 SL No. 179 s 26

**Continuation of employment if employer becomes a GOC**

s 327 sub 1997 SL No. 179 s 26

**Meaning of “redundant” and “redundant employee”**

s 327A ins 1997 SL No. 179 s 26

**Restriction on engaging redundant employees**s 327B ins 1997 SL No. 179 s 26  
amd 1997 SL No. 224 s 5**Division 1—Appeals against decisions on what is fair and reasonable**div hdg ins 1997 SL No. 313 s 13  
sub 1997 SL No. 473 s 23**Who may appeal**s 331A ins 1997 SL No. 313 s 13  
sub 1997 SL No. 473 s 23**Making appeal**s 331B ins 1997 SL No. 313 s 13  
sub 1997 SL No. 473 s 23**Division 2—Appeals against certain decisions by regulator or EWC Board**

div hdg ins 1997 SL No. 313 s 13

**Procedure of court**

s 338 amd 1997 SL No. 300 s 4

**Division 1—General**

div hdg ins 1997 SL No. 313 s 14

**Exemption from Act, s 92I(2)(a)**s 341A ins 1997 SL No. 473 s 24  
exp when the Electricity Amendment Act (No. 3) 1997 s 34 commences  
(see s 341A(2))**Exemption for Brisbane Airport Rail Link**

s 341B ins 1998 SL No. 260 s 3

**Division 2—On-suppliers**

div hdg ins 1997 SL No. 313 s 15

**Definitions for div 2**s 342 prev s 342 renum as s 344 1997 SL No. 179 s 28(4)  
pres s 342 ins 1997 SL No. 179 s 27  
sub 1997 SL No. 313 s 15**Exemptions for on-suppliers**

s 342A ins 1997 SL No. 313 s 15

**Charges from on-suppliers to receivers**

s 342B ins 1997 SL No. 313 s 15

**PART 1A—MARKET CODE APPOINTMENTS**

pt hdg ins 1997 SL No. 313 s 16

**Application of pt 1A**

- s 343** prev s 343 exp 1 July 1995 (see s 350)  
 pres s 343 ins 1997 SL No. 179 s 27  
 sub 1997 SL No. 313 s 16

**NECA's functions**

- s 343A** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 25  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343A(3))

**Management company's functions**

- s 343B** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 26  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343B(2))

**Electrical regions**

- s 343C** ins 1997 SL No. 313 s 16

**Compensation**

- s 343D** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 26  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343D(2))

**Secure operating and satisfactory operating states**

- s 343E** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 26  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343E(2))

**Capacity reserve**

- s 343F** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 26  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343F(2))

**Operating procedures**

- s 343G** ins 1997 SL No. 313 s 16  
 amd 1997 SL No. 473 s 26  
exp on commencement of Electricity—National Scheme (Queensland)  
Act 1997 (see s 343G(2))

**Extended transmission regulation commencement**

- s 343H** ins 1997 SL No. 313 s 16

**Jurisdictional Regulator**

- s 343I** ins 1997 SL No. 313 s 16

**Commercial and excluded activities for Act, s 256****prov hdg** sub 1997 SL No. 313 s 17**s 344** prev s 344 exp 1 July 1995 (see s 350)  
pres s 344 (prev s 342) amd 1997 SL No. 179 s 28(1)–(3)  
renum 1997 SL No. 179 s 28(4)  
amd 1997 SL No. 313 s 17; 1997 SL No. 473 s 27  
(3) exp on commencement of Electricity—National Scheme  
(Queensland) Act 1997 (see s 344(5))**PART 3—DECLARED STATE ELECTRICITY ENTITIES****pt hdg** prev pt 3 hdg exp 1 July 1995 (see s 350)

pres pt 3 hdg ins 1997 SL No. 179 s 29

**Declarations****s 345** prev s 345 exp 1 July 1995 (see s 350)

new s 345 ins 1997 SL No. 179 s 29

amd 1997 SL No. 300 s 5

(2) exp 27 June 1998 (see s 345(3))

pres s 345 ins 1998 SL No. 251 s 5

**Approved industry superannuation scheme****s 346** prev s 346 exp 1 July 1995 (see s 350)

pres s 346 (prev s 351A) ins 1995 SL No. 221 s 5

renum 1997 SL No. 179 s 30

**Fees****s 347** prev s 347 exp 1 July 1995 (see s 350)

pres s 347 (prev s 352) renum 1997 SL No. 179 s 30

**Forms****s 348** prev s 348 exp 1 July 1995 (see s 350)

pres s 348 (prev s 353) renum 1997 SL No. 179 s 30

**Amended certificate at any time****s 349** exp 1 July 1995 (see s 350)**Expiry of Part****s 350** exp 1 July 1995 (see s 350)**Repeals of regulations and orders in council****s 351** exp 1 January 1996 (see s 351(3))

amd 1995 SL No. 221 s 4

**SCHEDULE 2—CLEARANCE OF OVERHEAD ELECTRIC LINES (OTHER THAN LOW VOLTAGE SERVICE LINES)**

amd 1997 SL No. 220 s 18

**SCHEDULE 3—CLEARANCE OF LOW VOLTAGE OVERHEAD SERVICE LINES**

amd 1997 SL No. 220 s 19

**SCHEDULE 3A—OTHER CONTESTABLE CUSTOMERS**

ins 1998 SL No. 53 s 7

**SCHEDULE 4—REVIEW OF DECISIONS BY THE REGULATOR**

sub 1997 SL No. 179 s 31

**SCHEDULE 7—FEES****sch** amd 1997 SL No. 473 s 28(1)**PART 1—REGULATOR**

sub 1997 SL No. 473 s 28(2)

**PART 3—ELECTRICITY ENTITIES**

sub 1997 SL No. 473 s 28(3)

**SCHEDULE 8—DICTIONARY**def **“approved connections”** ins 1997 SL No. 473 s 29(2)

om 1998 SL No. 251 s 6(1)

def **“approved supply”** ins 1997 SL No. 473 s 29(2)

om 1998 SL No. 251 s 6(1)

def **“connection”** ins 1997 SL No. 473 s 29(2)

om 1998 SL No. 251 s 6(1)

def **“customer connection services”** ins 1997 SL No. 179 s 32(2)

om 1997 SL No. 473 s 29(1)

def **“customer retail services”** ins 1997 SL No. 179 s 32(2)

om 1997 SL No. 473 s 29(1)

def **“distribution entity”** ins 1997 SL No. 179 s 32(2)def **“Market Code instrument”** ins 1997 SL No. 313 s 18(2)def **“NorthPower’s area”** ins 1997 SL No. 473 s 29(2)def **“Queensland grid code”** om 1997 SL No. 313 s 18(1)def **“redundant”** ins 1997 SL No. 179 s 32(2)def **“redundant employee”** ins 1997 SL No. 179 s 32(2)def **“relevant distribution entity”** ins 1998 SL No. 251 s 6(2)def **“relevant supplier”** ins 1997 SL No. 179 s 32(2)def **“retail entity”** ins 1997 SL No. 179 s 32(2)def **“retail trade”** amd 1997 SL No. 179 s 32(3)

om 1997 SL No. 313 s 18(1)

def **“single premises”** ins 1998 SL No. 251 s 6(2)def **“supplier”** sub 1997 SL No. 179 s 32(1)–(2)def **“trade in electricity”** om 1997 SL No. 313 s 18(1)def **“trading participant”** amd 1997 SL No. 179 s 32(4)

om 1997 SL No. 313 s 18(1)

def **“wholesale trade”** amd 1997 SL No. 179 s 32(5)

om 1997 SL No. 313 s 18(1)