

Queensland



Electricity Act 1994

ELECTRICITY REGULATION 1994

**Reprinted as in force on 5 March 1999
(includes amendments up to SL No. 349 of 1998)**

Reprint No. 4

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 5 March 1999. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

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
CHAPTER 1—PRELIMINARY		
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
CHAPTER 2—ELECTRICAL WORKERS AND CONTRACTORS		
PART 1—ELECTRICAL WORKERS AND CONTRACTORS BOARD		
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)	25
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
26	Accounts and audit	28
26AA	Annual report	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	30
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	40
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	46
51	Renewal of licence for electrical workers	46
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	50
59	Consideration of application	51
60	Financial and insurance requirements for electrical contractors	51
61	Term of electrical contractors' licences	51
62	Renewal of electrical contractors' licences	51
63	Reinstatement of electrical contractors' licences	52
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.	54
	<i>Division 3—Disciplinary action</i>	
67	Grounds for disciplinary action against holder of electrical worker's licence or permit	54
68	Grounds for disciplinary action against licensed electrical contractor	55
69	Grounds for disciplinary action for person acting under external authority	56
70	Types of disciplinary action	56
71	Procedure for disciplinary action	57
72	Penalty recoverable as debt	58
	<i>Division 4—Recording and publication of information on licences and permits</i>	
73	Giving to EWC Board of a licence or permit that has been cancelled or suspended or to be endorsed	59
74	Replacement of licences and permits	59
75	Register of licences and permits	59

Division 5—Miscellaneous provisions

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

Division 6—Transitional provisions

83	Existing certificates of competency and permits	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	78

**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	82

Subdivision 3—Other safety requirements

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

Division 3—Live line work

138	Performance of live line work	85
-----	---	----

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 Health and Safety Council

142	Electricity Health and Safety Council	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	89
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	90
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	91
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	92
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	93
157	Customer’s electrical installation and publicly controlled place	93
157A	Operation of electricity line beyond person’s property—Act, s 227	94

Division 4—Requirements on customers about supply

158	Requirement for circuit-breaker in rural areas	94
159	Power factor	94
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	95
163	Customer’s generating plant for interconnection to supply network	95

164	Coordination of customer's protection devices with electricity entity's protection system	96
	<i>Division 5—Requirements about electrical articles</i>	
165	Labelling faulty electrical articles	96
166	Inspection of customer's electrical articles	96
	<i>Division 6—Testing of work</i>	
167	How tests to be carried out	97
168	Certificate by licensed electrical contractor of test	98
169	Certificate of testing and compliance	98
170	Testing of electrical articles manufactured, assembled or repaired at industrial workplace	99
171	Employer to ensure suitability of testing instruments	99
	<i>Division 7—Examinations and tests by electricity officers</i>	
172	Performance of examinations and tests	99
173	Reasons to be given for not connecting to source of electricity supply after examination	100
174	Charge for examination and test for connection or reconnection	100
	<i>Division 8—Inspections by authorised persons</i>	
175	Performing inspections	100
176	Check inspection of customer's electrical installation work by authorised person for supplier	100
177	Check inspection of electrical installation work before reconnection	101
178	Check inspection of electrical installation if supplier considers desirable	101
179	Check inspection of electrical installation if required by regulator	101
180	Report on inspection	101
181	Charge for inspections	101
	<i>Division 9—Reports and records</i>	
182	Keeping records	102
	<i>Division 10—Requests and notices</i>	
183	Request to supplier for examination etc. of electrical installation work	103
184	Telling supplier of need for change to metering etc.	104
	<i>Division 11—Queensland Electrical Education Council</i>	
185	Queensland Electrical Education Council	104

PART 4—CATHODIC PROTECTION SYSTEMS
Division 1—Preliminary

186	Electrical terms apply for direct current	105
187	Exclusion from application	105

Division 2—Limitation on installation of cathodic protection systems

188	Installation of cathodic protection system only if preliminary steps taken	105
-----	--	-----

Division 3—Operating requirements

189	Operation of cathodic protection system only on conditions	106
-----	--	-----

Division 4—Testing requirements

190	Tests before registration or operation of system	106
191	Procedure for interference tests	107
192	Further tests during period of registration of system	108
193	Further tests during operation of system	108
194	Further tests of new foreign structures if required by the regulator	109
195	Records of tests to be kept etc.	109
196	Testing by regulator	109

Division 5—System requirements

197	Electrical limits	110
198	Maximum potential change etc.	110
199	Tolerances	111
200	Identification of anode groundbed	111

Division 6—Registration of registrable systems

201	Register	112
202	Application for registration of registrable system	112
203	Registration of registrable system	113
204	Term of registration	114
205	Inspection of entries in register	114
206	Change of name and address	114
207	Cancellation of registration	114
208	Taking away or making a registered system inoperable	115
209	Change to registered system to be notified	115

210	Registration of cathodic protection systems in operation on 1 January 1995	116
-----	--	-----

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	116
212	Notice if services refused	118
213	Entity may provide services even if no obligation	119
214	When distribution entity may refuse to connect or may disconnect	119
215	Customer's liability for customer connection services	121
216	Regulating customer's use etc. of electricity	121
217	Action if notice not complied with	122
218	Providing metering information to retail entity	122

Division 2—Meters and control apparatus

219	Entity must provide meter and control apparatus	123
220	Customer to change electrical installation for meter connection	123
221	Customer to provide links connecting meters to incoming supply	123
222	No breaking or interfering with meter seal or control apparatus	123
223	Placing meter or control apparatus on customer's premises	124
224	Change of placement if building changes or works	124
225	Matters that may be considered for placement	124
226	Customers to provide safe access	125
227	Meter accuracy test at customer's request	125
228	When meter taken to register accurately	126
229	Extent of inaccuracy	126
230	Report about test results	126
231	Refund and adjustment if inaccuracy	127
232	Referral of tested meter to regulator	127
233	Inspection and test after referral	127
234	Refund and adjustment after test under s 233	128
235	Using testing instruments	128

Division 3—Substations on customers’ premises

236	Application of div 3	129
237	Meaning of “space for a substation” in div 3	129
238	Meaning of “owner” in div 3	129
239	Owner to provide space for substation	130
240	Supply to other customers from substation	131
241	Limitation of compensation	131
242	Taking away distribution entity’s equipment	131

Division 4—What is not unfair or unreasonable

244	Differing methods of charging	132
245	Negotiated customer connection contracts	132
246	Differing security	132
247	Different terms that are reasonable	132

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

248	Limits on obligation to provide customer retail services	133
248A	Notice if services refused	135
248B	Entity may supply even if no obligation	135
248C	When retail entity is not obliged to provide customer retail services	135
248D	Customer’s liability for customer retail services	137

Division 2—What is not unfair or unreasonable

248F	Differing methods of charging	137
248G	Negotiated customer sale contracts	137
248H	Differing security	137
248I	Different terms that are reasonable	138

PART 2A—DISPUTES ABOUT WHAT IS FAIR AND REASONABLE

248IA	Dispute resolution	139
248IB	Regulator may seek advice or information	140
248IC	Parties to maintain secrecy of advice or information	140

PART 3—FINANCIAL ARRANGEMENTS ABOUT SUPPLY AND SALE

248J	Methods of charging for electricity	141
------	---	-----

248K	Meters must be read annually	141
------	--	-----

PART 4—ELECTRICITY RESTRICTION

Division 1—Preliminary

248L	Purpose to be achieved by regulation	141
248M	Definitions	142

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

248N	Where electricity restriction applies	143
248O	Electricity restrictions	143

Division 3—Electricity restriction in the Torres Strait Islands

248P	Where electricity restriction applies	144
248Q	Electricity restrictions	145

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

248R	Where electricity restriction applies	145
248S	Electricity restrictions	146

PART 5—CONTESTABLE CUSTOMERS

Division 1—General declaration

Subdivision 1—Preliminary

248T	Meaning of “relevant distribution entity”	147
248TA	Meaning of “single premises”	147

Subdivision 2—Declaration

248TB	Actual or estimated consumption of more than 4 GWh	148
-------	--	-----

Subdivision 3—Contestable customer certification

248TC	Applying for certification	149
248TD	Consideration of application	149
248TDA	Issue of certification	151
248TDB	Refusal of application	151

Division 2—Contestable customers in NorthPower’s area

248TE	Contestable customers in NorthPower’s area	152
-------	--	-----

Division 3—Other contestable customers

248TF	Customers declared to be contestable customers	152
-------	--	-----

Division 4—Resolving disputes about contestability

248TG	Dispute resolution	152
248TH	Dispute resolver may seek advice or information	154
248TI	Parties to maintain secrecy of advice or information	155
248TJ	Decision binding	155

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

248U	Negotiated contracts	155
------	----------------------------	-----

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

249	Market Code to be followed	156
-----	----------------------------------	-----

Division 2—Network control

257	Network operation not to interfere with Queensland system	156
258	Market Code to be followed	157
259	Dealings to be impartial	157
260	Confidentiality	157
261	Reasonable charges for services	157

**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	158
-----	---	-----

Division 3—Miscellaneous

262A	Compliance with regulator's decisions under s 248IA	159
------	---	-----

PART 4—SPECIAL APPROVALS

294	Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995	159
295	Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities	159

296	Approval to connect certain generating plant with 30MW or less capacity	160
297	Special approval holder providing electricity to customer	160
298	Disciplinary action against special approval holder	160
298A	NorthPower's authorised supplier authorities	160
298B	Special approval for QETC	161
CHAPTER 5A—PROHIBITED INTERESTS		
298D	Generation authorities	161
298E	Distribution authorities	161
298F	Retail authorities	162
CHAPTER 6—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY		
PART 1—PRELIMINARY		
299	Secondment does not affect employment in the GOE industry	162
300	Continuous service	162
301	Calculation at a proportionate rate for particular employee	162
PART 2—TRANSFER OF EMPLOYMENT WITHIN GOE INDUSTRY		
302	Application of this part	163
303	When there is transfer of employment within GOE industry	163
304	When employment with former employer and new employer is taken to be continuous service	163
305	Transferred employee may elect for leave entitlement to become leave entitlement with new employer	164
306	Payment by former employer to new employer towards long service leave entitlements not accrued on transfer	164
306A	Transferred employees not made redundant	165
306B	Employment conditions not generally transferred	165
PART 3—RECOGNITION OF PREVIOUS SERVICE OTHER THAN ON TRANSFER		
307	Application of pt 3	165
308	Recognition of previous service	166
PART 4—LONG SERVICE LEAVE		
309	Entitlement to long service leave	166
310	Service recognised for long service leave purposes	167

311	Calculation of long service leave	167
312	Minimum period	168
313	Periods of absence without pay that count as ‘service’	168
314	Applications for long service leave	168
315	Employer’s right to refuse or defer long service leave	168
316	Employer’s right to recall an employee from leave	169
317	Public holidays happening during long service leave	169
318	Illness during long service leave	169
319	Payment of cash equivalent of long service leave	171
320	Preservation of certain existing rights	171

PART 5—LOCALITY ALLOWANCES

321	Allowance payable to a GOE industry employee with a dependent spouse or dependent child	172
322	Allowance payable to other employees	173
323	Allowance payable if both spouses are entitled	173
324	Allowance payable to an employee absent from headquarters on duty	174
325	Allowance payable to an employee on leave	174
326	Building projects where site allowance is paid	174

PART 5A—OVERTIME PAYMENTS

326A	Overtime payments	175
------	-----------------------------	-----

**PART 6—PROVISIONS CONCERNING ELECTRICITY
INDUSTRY RESTRUCTURE**

327	Continuation of employment if employer becomes a GOC	175
327A	Meaning of “redundant” and “redundant employee”	176
327B	Restriction on engaging redundant employees	176

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

PART 1—REVIEW OF DECISIONS

328	Who may apply for review etc.	177
329	Applying for review	178
330	Stay of operation of decision etc.	178
331	Decision on review	179

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

331A	Who may appeal	179
331B	Making appeal	180

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

332	Who may make an appeal	180
333	Making appeals	180
334	Starting appeals	181
335	Stay of operation of decisions	181
336	Powers of court on appeal	181
337	Effect of court’s decision on appeal	182
338	Procedure of court	182
339	Appeals	183

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

340	Exemption about certain mines and petroleum plant	183
341	Exemption for connection of generating plant not supplying electricity to transmission grid or supply network	184
341B	Exemption for Brisbane Airport Rail Link	185

Division 2—On-suppliers

342	Definitions for div 2	186
342A	Exemptions for on-suppliers	187
342B	Charges from on-suppliers to receivers	187

PART 1A—MARKET CODE APPOINTMENTS

343	Application of pt 1A	188
343H	Extended transmission regulation commencement	188
343I	Jurisdictional Regulator	188

PART 2—APPLICATION OF FREEDOM OF INFORMATION ACT AND JUDICIAL REVIEW ACT TO STATE ELECTRICITY ENTITIES

344	Commercial and excluded activities for Act, s 256	188
-----	---	-----

PART 3—DECLARED STATE ELECTRICITY ENTITIES	
345	Declarations 189
PART 4—MISCELLANEOUS	
346	Approved industry superannuation scheme 189
347	Fees 189
348	Forms 190
PART 5—FINALISING THE POOL	
349	Definitions 190
350	Approval of transitional Market Code 190
351	Administrator’s function—regional system control 191
352	Transitional Market Code to be open for inspection 191
353	Complying with transitional Market Code 191
354	When part expires 192
SCHEDULE 1 193	
EXTERNAL AUTHORITY FOR ELECTRICAL WORKER	
SCHEDULE 2 195	
CLEARANCE OF OVERHEAD ELECTRIC LINES (OTHER THAN LOW VOLTAGE SERVICE LINES)	
SCHEDULE 3 203	
CLEARANCE OF LOW VOLTAGE OVERHEAD SERVICE LINES	
SCHEDULE 3A 207	
OTHER CONTESTABLE CUSTOMERS	
SCHEDULE 4 208	
REVIEW OF DECISIONS BY THE REGULATOR	
SCHEDULE 5 210	
APPEALS AGAINST ADMINISTRATIVE DECISIONS TO MAGISTRATES COURT	
SCHEDULE 6 211	
APPEALS AGAINST ADMINISTRATIVE DECISIONS TO INDUSTRIAL MAGISTRATES	
SCHEDULE 7 213	
FEEES	

SCHEDULE 8	216
DICTIONARY	

ENDNOTES

1	Index to endnotes	224
2	Date to which amendments incorporated	224
3	Key	224
4	Table of earlier reprints	225
5	Tables in earlier reprints	225
6	List of legislation	225
7	List of annotations	227

ELECTRICITY REGULATION 1994

[as amended by all amendments that commenced on or before 5 March 1999]

CHAPTER 1—PRELIMINARY

Short title

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

Definitions—the dictionary

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

(2) Definitions found elsewhere in the regulation are signposted 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
 - (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),¹ 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.

¹ 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 Minister on any issue referred to it by the Minister or on any other issue it feels should be reported to the Minister.

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 6 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 Queensland Utilities and Services Industry Training Advisory Board;
- (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 of Queensland;

- (e) the Electrical Trades Union of Employees of Australia—Queensland branch;
- (f) any other entities, together as a group, that the Minister decides represent the interests of customers.

(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, as soon as practicable, 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.

Accounts and audit

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

Annual report

26AA. The EWC Board must, as soon as practicable after the end of each financial year, give to the Minister a copy of its annual report for the financial year.

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.

(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 27² 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.

² Section 27 (Electrical work to be done by holder of licence or permit)

(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 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 29³ 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

³ 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)

- (e) an electrical engineer practising the profession of electrical engineer; or
- (f) a student or other person in training performing electrical work as 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 28⁴ does not apply to a person doing a thing if the person is permitted by this section to do the thing.

⁴ Section 28 (Unlicensed person carrying on business as electrical contractor)

(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 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 article, or replacing an electrical article 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 46,⁵ 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 47,⁶ 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;⁷ or

⁵ Section 46 (Qualifications of electrical joiner)

⁶ Section 47 (Qualifications of electrical linesperson)

⁷ Section 54 (Electrical contractors' licences—partnerships)

- (c) a qualified person under section 56 or 58.⁸

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.⁹

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

⁸ Section 56 (Electrical contractors' licences—corporations)
Section 58 (Electrical contractors' licences—restricted)

⁹ The licensing provisions in this part apply subject to the *Mutual Recognition Act 1992* (Cwlth).

(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 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)¹⁰ requires the apprentice to perform electrical work; and
- (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

¹⁰ Section 27 (Electrical work to be done by holder of licence or permit)

- (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 41,¹¹ 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).

¹¹ Section 41 (Application for licence as electrical worker)

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—

- (a) the holder—
 - (i) applies in the approved form; and
 - (ii) pays the prescribed fee; and
 - (iii) gives to the board evidence that the holder has successfully finished a course of electrical safety and resuscitation training approved by the board; and
- (b) the board is satisfied the holder is qualified under the regulation to hold the licence.

(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 60.¹²

(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—

- (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

¹² Section 60 (Financial and insurance requirements for electrical contractors)

the partnership (the “**qualified partner**”) complies with the requirements stated in section 52.¹³

(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 is 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.

(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; and

¹³ Section 52 (Electrical contractors’ licences—individuals)

- (b) the corporation complies with the financial and insurance requirements under section 60;¹⁴ 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
- (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.

¹⁴ Section 60 (Financial and insurance requirements for electrical contractors)

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;¹⁵ 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 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.

¹⁵ Section 52 (Electrical contractors' licences—individuals)

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.(1) 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 \$5 000 000 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.

(2) The public liability insurance must be by way of a contract of insurance approved by the EWC Board.

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) applies in the approved form for its renewal; and
 - (ii) pays to the board the prescribed fee; and

- (iii) gives to the board evidence that the holder has successfully finished a course of business and technical training approved by the board; and
 - (b) the board is satisfied the holder is qualified under the regulation to hold the licence.
- (3) A renewal is for 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
 - (iii) gives to the board evidence that the holder has successfully finished a course of business and technical training approved by the board; 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 54¹⁶ 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

¹⁶ Section 54 (Electrical contractors' licences—partnerships)

- (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 70,¹⁷ 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.

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;¹⁸
- (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.

¹⁷ Section 70 (Types of disciplinary action)

¹⁸ Section 33 (EWC Board may require person to rectify defective work)

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 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 39¹⁹ 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.

¹⁹ Section 39 (Electrical work by holder of external authority)

(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 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 71²⁰ may be recovered as a debt owing to the State by the person.

²⁰ Section 71 (Procedure for disciplinary action)

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.

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 certificates of competency and permits**

83.(1) 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 2²¹ 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.

(2) Despite subsection (1), the term of a licence or permit to which subsection (1) applies is extended until the first birthday of the holder of the licence or permit that happens after 30 June 1999.

Expiry of division

86. This division expires on 1 July 2000.

**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 or works must ensure that the provisions of this part relevant to the line or

²¹ *Electricity Act 1976*, part 11, division 2 (Electrical workers)

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—

Electricity Regulation 1994

- (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 104²² 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.

²² 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

- (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 111.²³

²³ 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*.²⁴

“trees” see *Land Act 1994*.²⁵

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.

²⁴ The *Land Act 1994*, section 253 defines “lopping”.

²⁵ “Tree” in the *Land Act 1994* currently has the same meaning as in the *Forestry Act 1959*.

(4) However, subsection (5) applies if, in the electricity entity's opinion, 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 101²⁶ of the Act 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 118,²⁷ 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.

²⁶ Section 101 (Electricity entity may take action in publicly controlled places to provide electricity etc.) of the Act

²⁷ Section 118 (Notice to be given to public entity)

(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.

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**

Voltage of conductor or article	Approach limit
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)²⁸ are provided and used as prescribed by that subsection.

Maximum penalty—20 penalty units.

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—

- (a) AS/NZS 1892.1–1996 (Portable ladders—metal); or
- (b) AS 1892.2–1992 (Portable ladders—timber); or
- (c) AS/NZS 1892.3–1996 (Portable ladders—reinforced plastic).

(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

²⁸ Section 139 (Signs on switches and disconnection points)

- (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 171²⁹ of the Act must be in the approved form.

Division 5—Electricity Health and Safety Council

Electricity Health and Safety Council

142.(1) The name of the Electricity Safety Advisory Committee is changed to the Electricity Health and Safety Council (the “**council**”).³⁰

(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 health and safety matters relating to the electricity industry 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

²⁹ Section 171 (Electricity entity to ensure accident investigated and reported to regulator) of the Act

³⁰ The Electricity Safety Advisory Committee was established under the previous section 142(1).

- (e) the suitability and possible improvements to legislation affecting the safety of employees; and
- (f) the development of rescue, resuscitation and first aid procedures.

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 88.³¹

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.

³¹ Section 88 (Systems of earthing)

(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.

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.

Operation of electricity line beyond person's property—Act, s 227

157A. A person, other than an electricity entity or special approval holder, must not operate an electric line beyond the person's property unless the person has written approval from the regulator to 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 216³² about the power factor of an electrical installation.

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.

³² Section 216 (Regulating customer's use etc. of electricity)

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.

Electricity Regulation 1994

(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 144³³ 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 connects an electrical installation on which electrical installation work or repair work has been performed to a source of electricity supply must give a certificate about the test done under section 144(1A)(b)³⁴ to the customer as soon as practicable after the connection.

(1A) The certificate must state the following—

- (a) the name and address of the customer;
- (b) the electrical installation work or repair work tested;
- (c) the day the work electrical installation or repair work was tested;
- (d) the number of the electrical contractor's licence under which the electrical installation work or repair work was tested.

Maximum penalty—20 penalty units.

(2) The certificate must certify that the electrical installation work or repair work—

³³ Section 144 (Electrical installation not to be connected to electricity source if work not tested)

³⁴ Section 144 (Electrical installation not to be connected to electricity source if work not tested)

- (a) has been tested in the way approved by the regulator; and
- (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 146³⁵ 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.

³⁵ 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 166.³⁶

(3) The cost of the check inspection under section 176³⁷ 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.

³⁶ Section 166 (Inspection of customer's electrical articles)

³⁷ 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 169³⁸ 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 either—

- (a) copies of the certificates mentioned in subsection (2) asked for by the authorised person; or
- (b) a list of the electrical installation work or repair work tested by the contractor under section 144(1A)(b)³⁹ in the last 2 years.

(4) A licensed electrical contractor must comply with a requirement under 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—

³⁸ Section 169 (Certificate of testing and compliance)

³⁹ Section 144 (Electrical installation not to be connected to electricity source if work not tested)

- (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 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)⁴⁰) 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

⁴⁰ 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;⁴¹ 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 6⁴² 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.

⁴¹ Division 4 (Testing requirements)

⁴² 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).⁴³

(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).⁴⁴

(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)⁴⁵ 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

⁴³ Section 197 (Electrical limits)

⁴⁴ Section 198 (Maximum potential change etc.)

⁴⁵ Section 190 (Tests before registration or operation of system)

- (b) the owner of the system must perform tests to ensure any 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, at least once in every 3 years after the day of registration, must perform tests to ensure it complies with section 197(2).⁴⁶

(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 191⁴⁷ 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.

⁴⁶ Section 197 (Electrical limits)

⁴⁷ Section 190 (Tests before registration or operation of system)
Section 191 (Procedure for interference tests)

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.

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 m² 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 m² 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 that is not 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 198⁴⁸ 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.

⁴⁸ Section 197 (Electrical limits)
Section 198 (Maximum potential change etc.)

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—

- (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 191.⁴⁹

(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.

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—

⁴⁹ Section 190 (Tests before registration or operation of system)
Section 191 (Procedure for interference tests)

- (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 CUSTOMERS⁵⁰**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)⁵¹ 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.

⁵⁰ 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.

⁵¹ Section 40 (Connection and supply of electricity in distribution area) of the Act Section 40E (Limitation on obligation to connect and supply) of the Act

(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 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

Electricity Regulation 1994

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

Electricity Regulation 1994

- (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
- (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;⁵² 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
 - (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.

⁵² Section 160 (Prevention of interference by motor installations and associated starting devices)

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 227.⁵³

(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—

⁵³ Section 227 (Meter accuracy test at customer's request)

- (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 entity under section 227⁵⁴ 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

⁵⁴ Section 227 (Meter accuracy test at customer's request)

(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.

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 173⁵⁵ 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—

- (a) the installation of the substation; or
- (b) complying with a requirement under section 239;⁵⁶ 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.

⁵⁵ *Electricity Act 1976*, section 173 (Substations on consumers' premises)

⁵⁶ Section 239 (Owner to provide space for substation)

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 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)⁵⁷ 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

⁵⁷ Section 49 (Obligation to provide customer retail services to non-contestable customers) of the Act
Section 53 (Limitations on obligation to sell) of the Act

Electricity Regulation 1994

- (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)—

- 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

Electricity Regulation 1994

- (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).⁵⁸

(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
- (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.

⁵⁸ *Queensland Competition Authority Act 1997*, section 112 (Giving dispute notice)

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.⁵⁹

⁵⁹ 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.

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, 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;⁶⁰ 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 2,⁶¹ 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;
- (b) if subsection (1)(b)(ii) applies—the time for the customer to start taking supply as a ‘Market Customer’ under the Market Code;⁶²
- (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.

⁶⁰ Section 248TDA (Issue of certification)
Section 248TG (Dispute resolution)

⁶¹ Chapter 2 (Code participants and registration)

⁶² For the provisions of the Market Code concerning supply to a ‘Market Customer’, see the code, chapter 3 (Market rules).

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 7⁶³ for the premises; and
- (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

⁶³ Chapter 7 (Metering). For the meaning of ‘metering installation’ under the Market Code, see chapter 10 (Glossary), definition “metering installation”.

- (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 342B⁶⁴ 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—
- (a) consumed for the premises during the period; or
- (b) charged under section 342B⁶⁵ 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.

⁶⁴ Section 342B (Charges from on-suppliers to receivers)

⁶⁵ Section 342B (Charges from on-suppliers to receivers)

“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;
 - (c) that the applicant may, under section 248TG,⁶⁶ ask the Minister to decide whether the application ought to have been granted.

⁶⁶ Section 248TG (Dispute resolution)

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).⁶⁷

(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.

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

248TG.(1) This section applies if—

⁶⁷ 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.’.

Electricity Regulation 1994

- (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.⁶⁸.
- (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—
- (a) decision; and
 - (b) reasons for the decision.

⁶⁸ Section 248TC (Applying for certification)
Section 248TD (Consideration of application)
Section 248TE (Contestable customers in Northpower's area)

(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)⁶⁹ 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
- (b) if the advice or information is oral—disclose the substance of the advice to the parties.

⁶⁹ Section 248TDA (Issue of certification)

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.

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 248IA⁷⁰ about a dispute to which the entity was a party.

(2) However, the condition does not apply if the decision has been stayed.

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 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)⁷¹ of the Act 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.

⁷⁰ Section 248IA (Dispute resolution)

⁷¹ Section 27 (Conditions of generation authority) of the Act

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)⁷² 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 2⁷³ 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.

Disciplinary action against special approval holder

298. For chapter 5, part 4⁷⁴ 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.

⁷² Section 27 (Conditions of generation authority) of the Act

⁷³ Chapter 2 (The electricity industry), part 2 (Customers and contestable customers) of the Act

⁷⁴ Chapter 5, part 4 (Disciplinary action against electricity entities)

(3) While the approval is in force, NorthPower is taken to be a distribution entity for section 10(3)(b).⁷⁵

(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.

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)⁷⁶ of the Act.

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.

⁷⁵ Section 10 (Composition of EWC Board)

⁷⁶ Section 33 (Additional condition not to buy and sell electricity) of the Act

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 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.

(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 308,⁷⁷ 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

⁷⁷ Section 308 (Recognition of previous service)

- (b) for a part-time employee—at a proportionate amount of full pay rate.

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 312⁷⁸ 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).

⁷⁸ Section 312 (Minimum period)

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 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 in relation to which a locality allowance is payable under a directive issued under the *Public Service Act 1996*; 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 directive; 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 323.⁷⁹

⁷⁹ Section 323 (Allowance payable if both spouses are entitled)

(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 in relation to which a locality allowance is payable under a directive issued under the *Public Service Act 1996*.

(2) The locality allowance is payable—

- (a) for a full-time employee—at one-half the appropriate rate set out in the directive; 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 321.⁸⁰

⁸⁰ Section 321 (Allowance payable to a GOE industry employee with a dependent spouse or dependent child)

(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 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,⁸¹ any party to the dispute may appeal against the decision.

⁸¹ Section 248IA (Dispute resolution)

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 2⁸² 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);

⁸² Chapter 10, part 2 (Appeals) of the Act.

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 87⁸³ of the Act 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)⁸⁴ of the Act.*

⁸³ Section 87 (Connection of generating plant to transmission grid or supply network only if authorised) of the Act

⁸⁴ See section 92I (Registration with Queensland System Operator) of the Act.

(2) This section expires when the *Electricity Amendment Act (No. 3) 1997*, section 34⁸⁵ commences.⁸⁶

Exemption for Brisbane Airport Rail Link

341B.(1) Queensland Rail is exempted from sections 88A and 89⁸⁷ 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 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)⁸⁸—

- 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.’.

⁸⁵ The *Electricity Amendment Act (No. 3) 1997*, section 34 (Replacement of ch 4, pt 2 (Market and system arrangements and pricing))

⁸⁶ This section has expired and is included for informational purposes only. It will be omitted in the next reprint.

⁸⁷ Sections 88A (Prohibition on operating supply network unless authorised) and 89 (Restriction on sale of electricity) of the Act

⁸⁸ A copy of the drawing is available for inspection at the offices of Queensland Transport, Level 12, Capital Hill Building, 85 George Street, Brisbane.

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.

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 for on-suppliers

342A.(1) An on-supplier is exempted from sections 88A and 89⁸⁹ 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—

- (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.

⁸⁹ Section 88A (Prohibition on operating supply network unless authorised) of the Act
Section 89 (Restriction on sale of electricity) of the Act

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.

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 256⁹⁰ of the Act, 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

⁹⁰ Section 256 (Application of Freedom of Information Act and Judicial Review Act) of the Act

community service obligation is a commercial activity of the electricity entity.

(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 299⁹¹ 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.

Fees

347. The fees payable for the Act and this regulation are in schedule 7.

⁹¹ 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

Forms

348. The regulator may approve forms for use under the Act.

PART 5—FINALISING THE POOL**Definitions**

349. In this part—

“administrator” means Queensland Electricity Transmission Corporation Limited (ACN 078 849 233).

“Market Code” means the Queensland Interim Market Code in force under section 92F(1) of the Act immediately before the commencement of this section.

“pool” means the pool in existence under the Act immediately before the commencement of this section.

“transitional Market Code” means the Transitional Queensland Interim Market Code approved under section 350.

Approval of transitional Market Code

350.(1) The Minister may approve a code of conduct called the Transitional Queensland Interim Market Code to finalise the administration of the pool.

(2) The Minister must notify the approval of the transitional Market Code by gazette notice.

(3) The approval takes effect—

- (a) on the day the notice is gazetted; or
- (b) a later day stated in the notice.

Administrator’s function—regional system control

351.(1) The administrator has the function of administering the transitional Market Code.

(2) The function mentioned in subsection (1) is a prescribed function under section 7(d) of the Act.

Transitional Market Code to be open for inspection

352.(1) The regulator must keep a copy of the transitional Market Code available for inspection at the office of the regulator at any time when the regulator’s office is open for public business.⁹²

(2) The regulator must give a copy of the transitional Market Code to anyone on payment of an amount that—

- (a) the regulator considers reasonable; and
- (b) is not more than the reasonable cost of providing the copy.

Complying with transitional Market Code

353.(1) This section applies to an authority or special approval if the holder of the authority or approval is an entity that, immediately before the commencement of this section, was a code participant as defined by the Act immediately before 13 December 1998.

(2) The authority or special approval is taken to include a condition that the holder must comply with—

- (a) the transitional Market Code; and
- (b) a direction that the administrator gives the holder under the transitional Market Code.

(3) In this section—

“**authority**” means a generation authority, transmission authority, distribution authority or retail authority.

⁹² The regulator’s office is at 61 Mary Street, Brisbane. However, the code is also accessible on the web site www.qeru.qld.gov.au.

When part expires

354. This part expires 3 months after it commences.

SCHEDULE 1**EXTERNAL AUTHORITY FOR ELECTRICAL
WORKER**

section 39

External authority	Equivalent licence
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"> • 'B' grade electrical worker's licence as an electrical mechanic endorsed 'AT' or 'LE' 	electrical mechanic	
<ul style="list-style-type: none"> • 'B' grade electrical worker's licence as an electrical fitter 	electrical fitter	
Australian Capital Territory Electricity Authority—		
<ul style="list-style-type: none"> • electrician's licence grade 'A' endorsed 'AT' or 'LE' 	electrical mechanic	
Electrical Workers and Contractors Licensing Board, Northern Territory of Australia—		
<ul style="list-style-type: none"> • 'A' grade electrical worker's licence as an electrical mechanic endorsed 'AT' or 'LE' 	electrical mechanic	
<ul style="list-style-type: none"> • 'A' grade electrical worker's licence as an electrical fitter 	electrical fitter	
Electrical Registration Board of New Zealand—		
<ul style="list-style-type: none"> • certificate of registration as an electrician 	electrical mechanic	
<ul style="list-style-type: none"> • certificate of registration as an electrical technician 	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.

SCHEDULE 2 (continued)

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) 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

SCHEDULE 2 (continued)

(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
(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)—

SCHEDULE 2 (continued)

(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
(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

Section	Description of decision
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)

Section	Description of decision
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)

Section	Description of decision
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,
part 3 | Statement in assignment certificate by employer of standard working hours for the employee |
| chapter 8,
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,
part 3 | Statement in assignment certificate by employer recognising service of employee as continuous service |
| chapter 8,
part 3 | Refusal of employer to give employee an assignment certificate |

SCHEDULE 7

FEEES

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
6. Application for registration of an impressed current cathodic protection system (section 202)	200.00

SCHEDULE 7 (continued)

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
9.	Certified copy of 1 entry in register of licences and permits (section 75)	20.00

SCHEDULE 7 (continued)

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 Standards Australia standard.

“AS/NZS” means a joint Standards Australia and Standards New Zealand standard.

“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.

SCHEDULE 8 (continued)

“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.

“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”.⁹³

“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 jointer” means a person who supervises or performs electrical work of installing, jointing or terminating covered cables that requires specialised knowledge and skill.

⁹³ 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)

“electrical linesperson” means a person who supervises or performs—

- (a) electrical work in the building and maintenance of—
 - (i) overhead electric lines; or
 - (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 joiner; 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—

SCHEDULE 8 (continued)

- (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.

“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*.

SCHEDULE 8 (continued)

“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).

“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.

SCHEDULE 8 (continued)

“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).

“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; or⁹⁴
- (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.

⁹⁴ Copies of maps of the areas may inspected at the department’s office at 61 Mary Street, Brisbane.

SCHEDULE 8 (continued)

- “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 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).

SCHEDULE 8 (continued)

“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	224
3	Key	224
4	Table of earlier reprints	225
5	Tables in earlier reprints	225
6	List of legislation	225
7	List of annotations	227

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 5 March 1999. 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
3A	to SL No. 260 of 1998	20 November 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

Electricity Amendment Regulation (No. 4) 1998 SL No. 327

notfd gaz 11 December 1998 pp 1376–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 13 December 1998 (see s 2)

Electricity Amendment Regulation (No. 5) 1998 SL No. 349

notfd gaz 18 December 1998 pp 1551–7
 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

Functions of EWC Board

s 7 amd 1998 SL No. 349 s 3

Composition of EWC Board

s 10 amd 1997 SL No. 179 s 4; 1997 SL No. 220 s 4; 1998 SL No. 349 s 4

Deputies for members (other than chairperson)

s 12 amd 1995 SL No. 289 s 3

Resolutions without meetings

s 20 amd 1998 SL No. 349 s 5

General fund

s 24 amd 1997 SL No. 157 s 3

Payment of EWC Board's expenses

s 25 om 1998 SL No. 349 s 6

Definition for div 1

s 26A ins 1997 SL No. 220 s 5

Annual report

s 26AA ins 1998 SL No. 349 s 7

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; 1998 SL No. 349 s 8

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

Renewal of licence for electrical workers

s 51 amd 1998 SL No. 349 s 9

Electrical contractors' licences—individuals

s 52 amd 1996 SL No. 253 s 5

Financial and insurance requirements for electrical contractors

s 60 amd 1998 SL No. 349 s 10

Renewal of electrical contractors' licences

s 62 amd 1998 SL No. 349 s 11

Reinstatement of electrical contractors' licences

s 63 amd 1998 SL No. 349 s 12

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 hdg exp 1 July 2000 (see s 86)

Existing electrical contractors' licences

s 82 om 1998 SL No. 349 s 13

Existing certificates of competency and permits

s 83 amd 1998 SL No. 349 s 14

exp 1 July 2000 (see s 86)

Applications for licences or certificates of competency

s 84 om 1998 SL No. 349 s 13

Existing members of EWC Board

s 85 om 1998 SL No. 349 s 13

Expiry of division

s 86 amd 1998 SL No. 349 s 15

exp 1 July 2000 (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

Scaffolding and portable ladders

s 134 amd 1998 SL No. 349 s 16

Signs on switches and disconnection points

s 139 amd 1997 SL No. 220 s 12

Division 5—Electricity Health and Safety Council

div hdg sub 1998 SL No. 349 s 17

Electricity Health and Safety Council

prov hdg sub 1998 SL No. 349 s 18(1)

s 142 amd 1998 SL No. 349 s 18(2)–(4)

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

s 144 amd 1997 SL No. 220 s 13

Operation of electricity line beyond person's property—Act, s 227

s 157A ins 1998 SL No. 349 s 19

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); 1998 SL No. 349 s 20**Keeping records****s 182** amd 1998 SL No. 349 s 21**Further tests during period of registration of system****s 192** amd 1998 SL No. 349 s 22**Maximum potential change etc.****s 198** amd 1998 SL No. 349 s 23**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 contractsdiv 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 servicess 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 regulations 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 appliess 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 appliess 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 appliess 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 areadiv 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
 om 1997 SL No. 313 s 9

Queensland grid code to be followed

s 251 om 1997 SL No. 313 s 9

Arrangements with other electricity entities about system control

s 252 om 1997 SL No. 313 s 9

Additional operating instructions

s 253 om 1997 SL No. 313 s 9

Dealings to be impartial

s 254 om 1997 SL No. 313 s 9

Confidentiality

s 255 om 1997 SL No. 313 s 9

Reasonable charges for services

s 256 om 1997 SL No. 313 s 9

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 13 December 1998 (see s 262B(3))

PART 3—ANCILLARY SERVICES

pt hdg sub 1997 SL No. 313 s 11
exp 23 May 1998 (see s 263A)

Ancillary services at direction of Queensland System Operator

s 263 sub 1997 SL No. 313 s 11
exp 23 May 1998 (see s 263A)

Expiry of pt 3

s 263A ins 1997 SL No. 473 s 19
exp 23 May 1998 (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

Allowance payable to a GOE industry employee with a dependent spouse or dependent child

s 321 amd 1998 SL No. 349 s 24

Allowance payable to other employees

s 322 amd 1998 SL No. 349 s 25

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 13 December 1998 (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 23 May 1998 (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 23 May 1998 (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 23 May 1998 (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 23 May 1998 (see s 343E(2))

Capacity reserve

- s 343F** ins 1997 SL No. 313 s 16
 amd 1997 SL No. 473 s 26
 exp 23 May 1998 (see s 343F(2))

Operating procedures

- s 343G** ins 1997 SL No. 313 s 16
 amd 1997 SL No. 473 s 26
 exp 23 May 1998 (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 23 May 1998 (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

PART 5—FINALISING THE POOL

- ch hdg** ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

Definitions

- s 349** prev s 349 exp 1 July 1995 (see s 350)
 pres s 349 ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

Approval of transitional Market Code

- s 350** prev s 350 exp 1 July 1995 (see s 350)
 pres s 350 ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

Administrator's function—regional system control

- s 351** prev s 351 amd 1995 SL No. 221 s 4
 exp 1 January 1996 (see s 351(3))
 pres s 351 ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

Transitional Market Code to be open for inspection

- s 352** ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

Complying with transitional Market Code

- s 353** ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

When part expires

- s 354** ins 1998 SL No. 327 s 4
exp 13 March 1999 (see s 354)

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 hdg** amd 1997 SL No. 473 s 28(1)**PART 1—REGULATOR**

sub 1997 SL No. 473 s 28(2)

amd 1998 SL No. 349 s 26

PART 3—ELECTRICITY ENTITIES

sub 1997 SL No. 473 s 28(3)

SCHEDULE 8—DICTIONARYdef “**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 “**AS**” sub 1998 SL No. 349 s 27def “**AS/NZS**” ins 1998 SL No. 349 s 27(2)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 “**PSME schedule**” om 1998 SL No. 349 s 27(1)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)

© State of Queensland 1999