

Queensland



Electricity Act 1994

ELECTRICITY REGULATION 1994

**Reprinted as in force on 15 December 2000
(includes amendments up to SL No. 315 of 2000)**

Reprint No. 5D

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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.**

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ELECTRICITY REGULATION 1994

[as amended by all amendments that commenced on or before 15 December 2000]

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; and
 - (i) providing for award conditions and entitlements of employment for State electricity entities and their electricity 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) However, for this regulation, the expressions 'point of supply' and

‘service line’ in the wiring rules have the same meanings, respectively, as ‘consumers terminals’ and ‘service line’ have in this regulation.

(3) In this section—

“**wiring rules**” means the Australian/New Zealand Standard AS/NZS 3000—Electrical installations (known as the Australian/New Zealand Wiring Rules).¹

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.

Functions of EWC Board

7. The functions of the EWC Board are to—

- (a) issue licences (including restricted licences) and permits under

¹ AS/NZS 3000—Electrical installations may be purchased from Standards Australia.

- 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 can not 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

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

under this part to perform the work.

Maximum penalty—20 penalty units.

Obligations of employer about supervising apprentices and trainees

30.(1) In this section—

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

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

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

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

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

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

³ Sections 27 (Electrical work to be done by holder of licence or permit) and 29 (Liability of employer or supervisor of unauthorised person performing electrical work)

- (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
- (b) the capacity of the prime mover of the plant is not more than 75 kW; and
- (c) 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.

(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

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

- (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
- (d) 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 jointer 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
- (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

⁵ Section 46 (Qualifications of electrical jointer)

⁶ Section 47 (Qualifications of electrical linesperson)

⁷ Section 54 (Electrical contractors' licences—partnerships)

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

- (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
- (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

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

- (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
- (b) the applicant intends to perform electrical work in Queensland; and
- (c) the applicant is physically able to perform the electrical work covered by the particular licence; and
- (d) 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

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

performing electrical work in the trade; and

- (d) satisfied the board the applicant is competent to perform electrical work in the trade.

(3) The applicant must have—

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

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

(5) The applicant must have—

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

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

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

Issue of licences as electrical workers

49.(1) If the EWC Board is satisfied, on an application under section 41,¹¹ 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).

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

¹¹ Section 41 (Application for licence as electrical worker)

- (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);

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

- (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 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

¹³ Section 52 (Electrical contractors' licences—individuals)

(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
- (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—

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

- (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.

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

¹⁵ Section 52 (Electrical contractors' licences—individuals)

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.

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.

(2) 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
- (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.

¹⁶ Section 54 (Electrical contractors' licences—partnerships)

¹⁷ Section 70 (Types of disciplinary action)

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

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

- (a) the holder has performed electrical work in a negligent, unsatisfactory or incompetent way;
- (b) the holder has not corrected faults or defects in electrical installation work done by the holder as an electrical contractor that the holder was required by the EWC Board to correct under section 33;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.

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

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

authorised person by—

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

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

Grounds for disciplinary action for person acting under external authority

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

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

- (a) the person contravenes the Act;
- (b) the person contravenes a condition stated under section 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.

(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

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

authority may—

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

Procedure for disciplinary action

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

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

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

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

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

notice must state the reasons for the decision.

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

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

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

Penalty recoverable as debt

72. A penalty imposed by the EWC Board on the person under section 71²⁰ may be recovered as a debt owing to the State by the person.

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

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

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

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

Replacement of licences and permits

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

²⁰ Section 71 (Procedure for disciplinary action)

Register of licences and permits

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

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

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

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

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

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

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

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

Division 5—Miscellaneous provisions**Examinations**

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

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

course; or

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

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

Examiners

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

Refund and remission of fees

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

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

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

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

Forms

79. The EWC Board may approve a form—

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

Advertising by licensed electrical contractors

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

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

Maximum penalty—20 penalty units.

EWC Board to give reasons for refusal of application

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

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 works are complied with.

Maximum penalty—20 penalty units.

Division 2—Earthing and protection**Systems of earthing**

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

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

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

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

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

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

Connection of high voltage circuits to earth

89.(1) Each distinct high voltage system must be connected to earth by direct connection or through a resistance or a reactance.

(2) All reasonable precautions must be taken to ensure that, for the circumstances in which the system is to operate, fuses or circuit-breakers in the system will operate during fault conditions.

Protective devices for high voltage electric lines

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

Attachment of insulated conductors to supports

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

Insulation of stay wires

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

Protection of earth conductors

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

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

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

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

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

- (a) between a phase conductor and the neutral conductor—240 V; and
- (b) between 2 phase conductors—415 V.

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

- (a) between a phase conductor and the neutral conductor—240 V; or
- (b) between the phase conductors—480 V.

Supply at high voltage

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

Changes of voltage at customer's consumers terminals

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

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

(3) The allowable margin is—

- (a) for low voltage—6% more or less than the standard voltage; or
- (b) for high voltage of 22 000 V or less—5% more or less than the standard voltage; or
- (c) for voltage more than 22 000 V—the margin agreed between the electricity entity and the customer.

Division 4—Substations

Substation design, building and maintenance

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

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

(2) Safety clearances for switchgear and associated apparatus must be in

accordance with AS 2067–1984—Switchgear assemblies and ancillary equipment for alternating voltages above 1 kV.

Location, building etc. of substations

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

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

Warning notices

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

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

Division 5—Electric lines and control cables

Electric lines and control cables

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

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

(2) Ways to prevent electric shock include use of suitable conductors and other components and, for an underground electric line, providing suitable protection against mechanical damage.

Clearance from metal work and separation of conductors of same circuit

101. Exposed conductors of the same circuit of an overhead electric line

must be separated so that, as far as practicable, a conductor does not come in contact with or within arcing distance of—

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

Location of overhead circuit in relation to another overhead circuit

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

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

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

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

Clearance of overhead electric lines from ground

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

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

Clearance of overhead electric lines from structures

104.(1) In this section—

“**structure**” means an existing structure or anything attached to the

structure or anything erected or standing on premises.

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

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

Application of ss 103 and 104

105. Sections 103 and 104²¹ 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.

(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.

²¹ Sections 103 (Clearance of overhead electric lines from ground) and 104 (Clearance of overhead electric lines from structures)

(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—

- (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 111.²²

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.

²² Section 111 (Termination of low voltage overhead service lines)

(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*.²³

“trees” see *Land Act 1994*.²⁴

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.

²³ *Land Act 1994*, section 253 defines “lopping”.

²⁴ “Tree” in the *Land Act 1994* currently has the same meaning as in the *Forestry Act 1959*.

Division 8—Works on publicly controlled places**Notice to be given to public entity**

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

(2) The action is—

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

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

(4) However, subsection (5) applies if, in the electricity entity's opinion, 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 101²⁵ 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.

²⁵ Section 101 (Electricity entity may take action in publicly controlled places to provide electricity etc.) of the Act

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 118,²⁶ the public entity that has control of the place may require the electricity entity to act on the days and at the times the public entity reasonably requires.

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

Guarding of work on publicly controlled place

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

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

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

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

²⁶ Section 118 (Notice to be given to public entity)

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 *Transport Operations (Road Use Management) Act 1995*.

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

Division 1—Basic safety principle

Basic safety principle

124.(1) 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.

(2) In this section—

“**high voltage**”, for a mine, means a voltage of more than 1 200 V.

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 can not 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)²⁷ are provided and used as prescribed by that subsection.

Maximum penalty—20 penalty units.

²⁷ Section 139 (Signs on switches and disconnection points)

Scaffolding and portable ladders

134.(1) An employer must ensure a ladder (whether a step ladder, single ladder or extension ladder) used in building or maintenance of an electric line complies with—

- (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
- (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 171²⁸ 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**”).²⁹

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

²⁸ Section 171 (Electricity entity to ensure accident investigated and reported to regulator) of the Act

²⁹ The Electricity Safety Advisory Committee was established under the previous section 142(1).

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 88.³⁰

Disconnection and reconnection of low voltage electrical installations

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

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

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

- (a) removing and replacing a fuse wedge from a service fuse; or
- (b) switching off and on a circuit-breaker installed as a service line disconnecter.

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

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

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

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

Maximum penalty—20 penalty units.

³⁰ Section 88 (Systems of earthing)

Obligation to ensure safety of disconnected overhead electric line

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

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

Maximum penalty—20 penalty units.

Obligation to preserve insulation of electric line

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

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

Maximum penalty—20 penalty units.

Obligation to comply with regulation about connecting supply

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

Maximum penalty—20 penalty units.

Customer's electrical installation and publicly controlled place

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

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

(2) The entities to be consulted include—

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

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

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

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

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

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

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

157A.(1) 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.

(2) The regulator may approve the operation of the line only if satisfied—

- (a) the person has consulted with each person (“**affected person**”) whose interests may be affected by its operation; and
- (b) each affected person has stated in writing they have no objection to its operation; and
- (c) its installation and operation will comply with the safety requirements under the Act.

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 216³¹ 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.

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

³¹ Section 216 (Regulating customer's use etc. of electricity)

supply of electricity from the relevant supplier.

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

- (a) all conductors of the part of the electrical installation or electrical installations to which the plant is connected; and
- (b) the part of the electrical installation still connected to the supply from the relevant supplier.

Maximum penalty—20 penalty units.

(3) However, if the electrical installation is earthed as part of a multiple earthed neutral system of earthing, the neutral conductor must not be broken unless approved in writing by the regulator.

Maximum penalty—20 penalty units.

(4) The customer must ensure the installation of the plant complies with the requirements of the wiring rules.

Maximum penalty—20 penalty units.

Customer's generating plant for interconnection to supply network

163.(1) A customer must not install generating plant for interconnection with an electricity entity's supply network without the electricity entity's agreement.

Maximum penalty—20 penalty units.

(2) The agreement must include the conditions for securing safe and stable parallel operation of the supply network and the generating plant.

Coordination of customer's protection devices with electricity entity's protection system

164.(1) An electricity entity may cause the characteristics of a customer's protection device to be changed and tested to maintain discrimination between the customer's protection equipment and the electricity entity's protection system.

(2) The electricity entity may seal the adjusted protection equipment.

(3) A person must not unlawfully break or otherwise interfere with the seal.

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

Division 5—Requirements about electrical articles

Labelling faulty electrical articles

165.(1) An electricity officer or authorised person who finds a serious defect in a portable electrical article in a customer's place, must attach a label to the article stating the article is electrically unsafe.

Maximum penalty—20 penalty units.

(2) A person must not take off the label or connect supply of electricity to the article unless the article is repaired—

- (a) by a licensed electrical worker; or
- (b) at an industrial workplace where the primary activity is the making, assembling, changing or adapting of electrical articles.

Maximum penalty—20 penalty units.

Inspection of customer's electrical articles

166.(1) This section applies to a supplier if the supplier is a State electricity entity.

(2) A customer may ask the supplier to inspect the customer's portable electrical article delivered by the customer to the supplier.

(3) As soon as practicable after the customer asks, the supplier must arrange for the article to be inspected by a—

- (a) licensed electrical worker; or
- (b) person who—
 - (i) has successfully finished a training course approved by the regulator; and
 - (ii) is supervised by a licensed electrical worker.

(4) The supplier must not charge the customer for the inspection.

(5) If the inspection reveals the article has a serious defect when used in the normal way, the supplier must ensure a licensed electrical worker attaches a label to the article stating the article is electrically unsafe.

(6) A person must not take the label off the article or connect supply of electricity to the article unless the article is repaired—

- (a) by a licensed electrical worker; or
- (b) at an industrial workplace where the primary activity is the making, assembling, changing or adapting of electrical articles.

Maximum penalty—20 penalty units.

Division 6—Testing of work

How tests to be carried out

167. A person who carries out, or causes to be carried out, a test under this part must ensure the test is carried out in the way approved by the regulator.

Maximum penalty—20 penalty units.

Certificate by licensed electrical contractor of test

168.(1) A licensed electrical contractor who tests under section 144³² 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

³² Section 144 (Electrical installation not to be connected to electricity source if work not tested)

- (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)³³ 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—

- (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.

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

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 146³⁴ 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.

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.

³⁴ Section 145 (Electrical installation not to be initially connected to electricity source without examination and testing) or 146 (Electrical installation not to be reconnected to electricity source without examination)

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 166.³⁵

³⁵ Section 166 (Inspection of customer's electrical articles)

(3) The cost of the check inspection under section 176³⁶ 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.

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 169³⁷ 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

³⁶ Section 176 (Check inspection of customer's electrical installation work by authorised person for supplier)

³⁷ Section 169 (Certificate of testing and compliance)

- (b) a list of the electrical installation work or repair work tested by the contractor under section 144(1A)(b)³⁸ 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—

- (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.

³⁸ Section 144 (Electrical installation not to be connected to electricity source if work not tested)

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)³⁹) 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
- (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;⁴⁰ and

³⁹ Section 197 (Electrical limits)

⁴⁰ Chapter 3, part 4, division 4 (Testing requirements)

- (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 6⁴¹ 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.

(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).⁴²

(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

⁴¹ Chapter 3, part 4, division 6 (Registration of registrable systems)

⁴² Section 197 (Electrical limits)

during short term testing under section 198(2).⁴³

(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)⁴⁴ must—

- (a) arrange with all foreign structure owners a mutually acceptable time for performing the interference tests; and
- (b) allow the foreign structure owners to observe the performance of the interference tests.

(2) If an application for registration is for a currently registered cathodic protection system—

- (a) interference tests need not be performed on foreign structures previously tested by the owner, if the foreign structure owner advises the owner of the system testing is not required; but
- (b) the owner of the system must perform tests to ensure any 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

⁴³ Section 198 (Maximum potential change etc.)

⁴⁴ Section 190 (Tests before registration or operation of system)

registration, must perform tests to ensure it complies with section 197(2).⁴⁵

(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 191⁴⁶ for the foreign structure.

Further tests during operation of system

193. An owner of an impressed current cathodic protection system (other than a registered system), or another cathodic protection system with a total anode mass greater than 25 kg, must perform interference tests on all foreign structures—

- (a) when an anode forming part of the system is replaced; and
- (b) when the system or its method of operation is changed.

Further tests of new foreign structures if required by the regulator

194. If required by the regulator, the owner of a cathodic protection system must perform interference tests on a foreign structure not previously tested by the owner.

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.

⁴⁵ Section 197 (Electrical limits)

⁴⁶ Sections 190 (Tests before registration or operation of system) and 191 (Procedure for interference tests)

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 198⁴⁷ 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%.

⁴⁷ Sections 197 (Electrical limits) and 198 (Maximum potential change etc.)

Identification of anode groundbed

200. If a registrable system is installed on land or premises not owned by the owner of the system, the owner of the system must identify the location of each anode groundbed of the system by erecting as close as practicable to the anode groundbed a clearly visible, durable sign suitably and indelibly inscribed with the location of the anode groundbed and the name of the owner of the system.

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

201.(1) The regulator must keep a register of registered systems.

(2) The register may be kept in the form (whether or not a documentary form) the regulator considers appropriate.

Application for registration of registrable system

202.(1) An application for registration of a registrable system must—

- (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 191.⁴⁸

(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

⁴⁸ Sections 190 (Tests before registration or operation of system) and 191 (Procedure for interference tests)

(f) the date of registration.

(2) Within 30 days of registering a registrable system, the regulator must give to the owner of the system written notice of the registration, including—

- (a) the conditions about the permitted maximum operating current and, if relevant, the permitted maximum operating voltage of the system; and
- (b) other conditions (if any) imposed by the regulator on the system's operation; and
- (c) the date of registration.

Term of registration

204. The registration of a registrable system is for 5 years, unless it is earlier cancelled.

Inspection of entries in register

205. On payment of the prescribed fee, a person may—

- (a) inspect the register of registered systems; and
- (b) obtain a certified copy of an entry in the register.

Change of name and address

206.(1) An owner of a registered system whose name or address changes must give written notice of the change to the regulator within 30 days of the change.

Maximum penalty—8 penalty units.

(2) The regulator must enter details of the change in the register of registered systems.

Cancellation of registration

207.(1) The regulator may cancel the registration of a registered system if—

- (a) the regulator is not satisfied the system is installed or operating in accordance with this part; or
- (b) the regulator has been notified by the owner of the system that the system has been taken away or made permanently inoperable.

(2) On cancellation of registration of a cathodic protection system, the regulator must—

- (a) enter in the register of registered systems the date of cancellation; and
- (b) give written notice of the cancellation to the owner of the system within 14 days of the cancellation.

(3) If the cancellation is under subsection (1)(a), the notice must state the reasons for the cancellation.

Taking away or making a registered system inoperable

208. If a registered system is taken away or made permanently inoperable, the owner of the system must give written notice to the regulator within 30 days of the removal or the making inoperable.

Maximum penalty—8 penalty units.

Change to registered system to be notified

209.(1) If a registered system or its method of operation is changed, the owner of the system must advise the regulator as soon as possible and also give written notice to the regulator within 14 days of the change.

Maximum penalty—20 penalty units.

(2) The notice must be accompanied by a plan clearly showing how the system has been changed.

(3) If required by the regulator, the owner of the registered system must take all or part of the action an applicant for registration of a registrable system is required to take under this part.

Maximum penalty—20 penalty units.

Registration of cathodic protection systems in operation on 1 January 1995

210.(1) A registrable system that immediately before 1 January 1995 is authorised to operate under the *Electricity Act 1976* is taken to be a registered system for the remaining period of its authorisation.

(2) This section expires on 1 January 2002.

CHAPTER 4—ELECTRICITY SUPPLY AND SALE TO CUSTOMERS⁴⁹**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)⁵⁰ 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.

⁴⁹ 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.

⁵⁰ Sections 40 (Connection and supply of electricity in distribution area) and 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

Examples of other things under paragraph (h)—

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- meters
 - substations
 - connection of service lines.
- (i) the customer is not a party to a customer sale contract with a retail entity under which the retail entity provides customer retail services to the customer's premises; or
- (j) the obligation to provide customer connection services does not apply under the Act; or
- (k) the Act allows the entity to disconnect the customer's premises from a supply network or refuse to connect the premises to the network.

(3) Subsection (2)(c) does not apply if the customer pays an amount to the entity for works necessary to increase the maximum capacity to supply the customer at the rate the customer has applied for.

(4) The entity must give the customer a reasonable opportunity to pay an amount mentioned in subsection (3).

(5) Subsection (1) does not limit—

- (a) the right to interrupt supply of electricity under a customer connection contract; or
- (b) a right or obligation to disconnect premises, or refuse to connect or reconnect premises, under a customer connection contract.

Notice if services refused

212.(1) This section applies if—

- (a) a customer or retail entity asks a distribution entity in the approved way for the provision of customer connection services; and
- (b) the distribution entity decides it does not have an obligation to provide the services.

(2) The distribution entity must as soon as practicable after, but within 1 month of, receiving the request give written notice to the customer or retail entity—

- (a) that the distribution entity does not have an obligation to provide the services; and
- (b) the reasons for the decision.

Entity may provide services even if no obligation

213.(1) A distribution entity may agree to provide customer connection services to a customer even though it has no obligation to provide them.

(2) To remove any doubt, an agreement under subsection (1) is a negotiated customer connection contract.

When distribution entity may refuse to connect or may disconnect

214.(1) A distribution entity may refuse to connect or reconnect any premises of a customer to the entity's supply network if the customer—

- (a) contravenes the Act or this regulation in relation to the supply of electricity to any premises of the customer; or
- (b) fails to make a reasonable advance payment for charges for providing customer connection services to any premises of the customer; or
- (c) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, any customer connection contract between the customer and the distribution entity; or
- (d) is a party to a customer sale contract with a retail entity for providing customer retail services to other premises of the customer and the retail entity asks the distribution entity to disconnect the other premises from the distribution entity's supply network because the customer—
 - (i) contravenes the Act or this regulation in relation to the supply or sale of electricity to the other premises; or
 - (ii) fails to make a reasonable advance payment for charges for providing the customer retail services; or
 - (iii) fails to pay an amount the customer owes the retail entity under, or otherwise breaches, the customer sale contract for the other premises.

(2) A distribution entity may disconnect a customer's premises from the entity's supply network if the customer—

- (a) contravenes the Act or this regulation in relation to the supply of electricity to the premises; or
- (b) fails to pay an amount the customer owes the distribution entity under, or otherwise breaches, its customer connection contract with the distribution entity for the premises; or
- (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;⁵¹ 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.

Division 2—Meter and control apparatus requirements if customer is non-contestable for premises

Application of div 2

218A. This division applies to the supply of electricity to a premises of a

⁵¹ Section 160 (Prevention of interference by motor installations and associated starting devices)

customer, other than the supply to a premises for which the customer is a contestable customer.⁵²

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.

⁵² For the supply to a premises for which a customer is a contestable customer, see section 248TK (Customer's metering obligation).

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
- (c) the customer does not give the following if required by the entity—

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

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- (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
- (b) fails to make a reasonable advance payment for charges for providing customer retail services to any premises of the customer; or

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- (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 the 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 RESTRICTIONS

Division 1—Preliminary

Purpose of pt 4

248L. The purpose of this part is 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 Section 123 of the Act provides: 'an electricity restriction regulation expires 5 years after the day on which it is made, unless it is earlier repealed'.

Definition for pt 4

248M. In this part—

“welding power source” means a welding power source described in AS1966.1—1985 Electric arc welding power sources—Part 1—Transformer type.

Division 2—Restrictions in Ergon Energy distribution area (other than Mapoon and Torres Strait Islands)

Where restrictions apply

248N. The electricity restrictions in section 248O apply to electricity supplied by Ergon Energy in the following localities through its supply network—

- (a) Aurukun;
- (b) Bamaga;
- (c) Boulia;
- (d) Burketown;
- (e) Camooweal;
- (f) Coen;
- (g) Doomadgee;
- (h) Gununa;
- (i) Kowanyama;
- (j) Lockhart River;
- (k) Palm Island;
- (l) Pormpuraaw;
- (m) Wasaga.

Restrictions

248O.(1) The use of the following electrical articles by customers is

prohibited—

- (a) electric motors with a rating greater than—
 - (i) the rating stated for the relevant locality in schedule 3AA, part 1; and
 - (ii) if the motor is not installed and operated in accordance with the guidelines published by Ergon Energy—1.5kW;⁶⁰
- (b) instantaneous water heaters with a rating of more than 2.4kW;
- (c) welding power sources.

(2) Subsection (1) does not apply—

- (a) to the following welding power sources—
 - (i) 415V, 3 phase input light industrial welding power sources;
 - (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 the 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.

(3) In this section—

“instantaneous water heater” means an instantaneous water heater described in AS3142—1994 Approval and test specification—Electric water heaters.

⁶⁰ Ergon Energy's *Guidelines for Connection of Electrical Installations at Isolated Systems* are available from the Ergon Energy offices at 109 Lake Street, Cairns, 34 Dalrymple Road, Garbutt, Townsville and the corner of Fitzroy Street and Alma Street, Rockhampton.

Division 3—Restrictions in the Ergon Energy distribution area (Mapoon and Torres Strait Islands)**Where restrictions apply**

248P. The electricity restrictions in section 248Q apply to electricity supplied by Ergon Energy in the following localities through its supply network—

- (a) Badu Island;
- (b) Boigu Island;
- (c) Coconut Island;
- (d) Darnley Island;
- (e) Dauan Island;
- (f) Hammond Island;
- (g) Mabuiag Island;
- (h) Mapoon;
- (i) Moa Island (Kubin and St Pauls communities);
- (j) Murray Island;
- (k) Saibai Island;
- (l) Stephens Island;
- (m) Warraber Island;
- (n) Yam Island;
- (o) Yorke Island.

Restrictions

248Q.(1) The use of the following electrical articles by customers is prohibited—

- (a) airconditioners installed in dwellings;
- (b) electric motors with a rating greater than—
 - (i) the rating stated for the relevant locality in schedule 3AA,

part 2; and

(ii) if the motor is not installed and operated in accordance with the guidelines published by Ergon Energy—1.5kW;

- (c) electric ranges;
- (d) electric water heaters;
- (e) welding power sources.

(2) Subsection (1) does not apply—

- (a) to the following welding power sources—
 - (i) 415V, 3 phase input light industrial welding power sources;
 - (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) to electrical articles at Mapoon installed before 1 December 1998; or
- (d) if the 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.

(3) In this section—

“airconditioner” means an airconditioner described in AS/NZS 3350.2.40:1997 Safety of household and similar electrical appliances—Part 2.40: Particular requirements—Electrical heat pumps, airconditioners and dehumidifiers.

“electric range” means a domestic use electrical article designed to operate at low voltage and which 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.

PART 5—CONTESTABLE CUSTOMERS

Division 1—General declarations

Subdivision 1—Preliminary

Definitions for div 1

248T. In this division—

“lot” includes a parcel of land.

“registered owner”, of a lot, means—

- (a) the person recorded in the freehold land register under the *Land Title Act 1994* as the person entitled to the fee simple interest in the lot; or
- (b) a lessee (other than a sublessee), licensee (other than a sublicencee) or permittee of the lot under the *Land Act 1994*.

“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—Declarations

Actual or estimated consumption of more than 0.2 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;⁶¹ 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 2,⁶² 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;⁶³

⁶¹ Section 248TDA (Issue of certification)
Section 248TG (Dispute resolution)

⁶² The Market Code, chapter 2 (Code participants and registration)

⁶³ For the provisions of the Market Code concerning supply to a ‘Market Customer’, see the code, chapter 3 (Market rules).

New or replacement single premises of same registered owner

248TBA.(1) This section applies if—

- (a) under section 248TB, a customer is declared to be a contestable customer for the supply of electricity to a single premises (the “**original premises**”) of the customer; and
- (b) the customer is the registered owner of the lot or all of the lots that the original premises are on.

(2) The customer is also declared to be a contestable customer for the supply of electricity to—

- (a) a single premises on the lot or lots that replaces, or substantially replaces, the original premises; and
- (b) any other single premises on the lot or lots, other than a premises—
 - (i) that existed before the declaration took effect; and
 - (ii) for which the customer was not declared to be a contestable customer under the declaration.

Subsequent registered owner

248TBB.(1) This section applies if—

- (a) under section 248TB, a customer (the “**original customer**”) is declared to be a contestable customer for the supply of electricity to a single premises of the customer; and
- (b) the customer was, when the declaration took effect, the registered owner of the lot or all of the lots that the single premises are on; and
- (c) another person (the “**new customer**”) becomes the registered owner of the lot or all of the lots.

(2) The new customer is declared to be a contestable customer for the supply of electricity to each single premises on the lot or lots, other than a single premises—

- (a) that existed before the new customer became the registered owner of the lot or all of the lots; and

- (b) for which the original customer was not a contestable customer under the declaration.

Declarations continue despite consumption or use

248TBC. If a customer is declared under this subdivision to be a contestable customer for a premises, the declaration continues despite—

- (a) the actual consumption of electricity for the premises; or
- (b) the purpose for which the premises are used.

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 1 month 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 7⁶⁴ for each electrical line to the premises; and

(b) either—

(i) the consumption for the premises during a consumption period was more than 0.2 GWh; or

(ii) the estimated consumption for the premises in a future consumption period is more than 0.2 GWh; and—

(A) the premises did not consume electricity before 1 July 1998; or

(B) if the premises consumed electricity before 1 July 1998—the premises or the customer's business or enterprise for which the customer used the premises were expanded after 1 July 1998 and the expansion caused the estimate to be more than 0.2 GWh.

(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 342B⁶⁵ 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

⁶⁴ The Market Code, chapter 7 (Metering). For the meaning of 'metering installation' under the Market Code, see chapter 10 (Glossary), definition "metering installation".

⁶⁵ Section 342B (On-supply agreements)

period, means the electricity the relevant distribution entity estimates will be—

- (a) consumed for the premises during the period; or
- (b) charged under section 342B by an on-supplier for the premises during the period.

“future consumption period” means any period of 1 year, whether beginning before, on or after the commencement, that has not ended.

“relevant period” means the first of the following periods to end—

- (a) 1 month after the entity receives all necessary information relevant to the application;
- (b) 3 months 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.

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.

⁶⁶ Section 248TG (Dispute resolution)

⁶⁷ *Electricity Supply Act 1995* (NSW), section 92(1) provides—
‘**(1)** The Minister may, by order published in the Gazette, declare any specified person, or any specified class of persons, to be non-franchise customers for the purposes of this Act.’.

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

248TG.(1) This section applies if—

- (a) a customer’s application under section 248TC for contestable customer certification has been refused or is, under section 248TD(3), taken to have been refused and the customer disputes the refusal; or
- (b) there is a dispute about whether a customer is a contestable customer for a premises under section 248TE.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—

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

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

(7) If, under subsection (5)(a), the dispute resolver decides the application ought to have been granted, certification is taken to have been given under section 248TDA(1)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 making a decision under section 248TG(5).

(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

⁶⁹ Section 248TDA (Issue of certification)

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

Parties to maintain secrecy of advice or information

248TI.(1) This section applies if under section 248TH(4) the dispute resolver gives advice or information, or discloses the substance of the advice or information, to a person who is a party to the dispute.

(2) The person must not disclose the advice or information to another person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) It is a reasonable excuse for a person to disclose the advice or information if the disclosure is for—

- (a) the resolution of the dispute; or
(b) an appeal against the dispute resolver’s decision on the dispute.

Decision binding

248TJ.(1) The dispute resolver’s decision under section 248TH binds each party to the dispute.

(2) A party may not apply for a review of, or appeal against, the order other than under the *Judicial Review Act 1991*.

Division 5—Metering obligation if customer is contestable for premises

Customer’s metering obligation

248TK.(1) This section applies if a customer is a contestable customer for the supply of electricity to a premises of the customer.

(2) The customer must provide, install and maintain a ‘metering installation’ under the Market Code, chapter 7⁷⁰ for each electric line to the

⁷⁰ The Market Code, chapter 7 (Metering). For the meaning of ‘metering installation’ under the Market Code, see the Market Code, chapter 10 (Glossary), definition “metering installation”.

premises in the way required of a ‘Market Customer’ under that chapter.

Maximum penalty—20 penalty units.

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 248IA⁷¹ about a dispute to which the entity was a party.

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

⁷¹ Section 248IA (Dispute resolution)

PART 4—SPECIAL APPROVALS

Approval to connect for generation plant of certain State electricity entities installed immediately before 1 January 1995

294.(1) Ergon Energy has a special approval authorising it to connect the generating plant installed before 1 January 1995 and vested in Capricornia Electricity Corporation, Far North Queensland Electricity Corporation or North Queensland Electricity Corporation as at 1 January 1995 to the transmission grid or supply network to which the generating plant was connected on 1 January 1995.

(2) Section 27(a) and (c)⁷² of the Act applies to Ergon Energy acting under the special approval as if it were a generation entity.

Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities

295.(1) A distribution entity has a special approval to connect mobile generating plant to its supply network to supply electricity during an emergency or maintenance work on the supply network.

(2) Section 27(a) and (c) of the Act applies to a distribution entity acting under the special approval as if the supplier were a generation entity.

Approval to connect certain generating plant with 30 MW 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)⁷³ of the Act applies to the person acting under the special approval as if the person were a generation entity.

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

⁷³ Section 27 (Conditions of generation authority) of the Act

Special approval holders treated as electricity entities—Act, s 59(2)

297.(1) A special approval holder stated in schedule 3B, column 1, is to be treated as an electricity entity for the provisions of the Act stated in schedule 3B, column 2, opposite the special approval holder.

(2) To remove any doubt, it is declared that if a special approval holder is mentioned in more than 1 item in schedule 3B, each of the items in which the holder is mentioned applies to the holder.

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)⁷⁴ 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.

Retail authorities

298F. Holding a generation authority is a prohibited interest for a retail entity that holds a retail authority with a retail area.

⁷⁴ Section 33 (Additional condition not to buy and sell electricity) of the Act

CHAPTER 6—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY

PART 1—GENERAL EMPLOYMENT CONDITIONS AND ENTITLEMENTS

Division 1—Preliminary

Definitions for pt 1

298G. In this part—

“EGTS award” means the Electricity Generation Transmission and Supply Award—State.

“electricity industry employee”, for a state electricity entity, means a person—

- (a) who is employed by the entity; and
- (b) whose employment is—
 - (i) in, or relates to, the electricity industry; and
 - (ii) under a classification and salary level or point mentioned in the ESIE award or EGTS award.⁷⁵

“ESIE award” means the Electricity Supply Industry Employees Award—State.

“industrial instrument” means an industrial instrument under the Industrial Relations Act.

“relevant award” see section 298J.

“translation principles” means part 3.2 of the document called *Implementation Guide for Award Restructuring in the Queensland*

⁷⁵ See the ESIE award, part 3 (Definition, wages, allowances) and the EGTS award, part 3 (Definitions, salaries, allowances).

Electricity Supply Industry, issued by the former Queensland Electricity Commission on 21 November 1994.⁷⁶

Division 2—Award conditions and entitlements for electricity industry employees

Purpose of div 2

298H. This division provides for the conditions and entitlements of employment for State electricity entities and their electricity industry employees by reference to an award under the Industrial Relations Act.

Application of div 2 to Ergon Energy Pty Ltd

298I. This division does not apply to the State electricity entity Ergon Energy Pty Ltd (A.C.N. 078 875 902) and its electricity industry employees until 6 months after this section commences.

Relevant award

298J.(1) This section fixes the award (the “**relevant award**”) that contains the conditions and entitlements for an electricity industry employee of a State electricity entity.

(2) If the employee has, under the translation principles, chosen to be bound by the ESIE award, the ESIE award is the relevant award.

(3) Otherwise, the EGTS award is the relevant award.

Relevant award is binding

298K. The relevant award for an electricity industry employee of a State electricity entity binds the entity and the employee.

⁷⁶ ‘Implementation Guide for Award Restructuring in the Queensland Electricity Supply Industry’, part 3.2 (Translation principles). For where the principles may be inspected, see section 298N (State electricity entity must display translation principles).

Relevant award subject to Industrial Relations Act

298L. Subject to section 298M, the Industrial Relations Act applies to the relevant award for an electricity industry employee of a State electricity entity as if the relevant award were an award under that Act that binds the entity and the employee.⁷⁷

Division 3—Miscellaneous**Chapter 6 prevails over industrial instruments**

298M. If there is any inconsistency between this chapter and the relevant award or another industrial instrument that applies to electricity industry employees of State electricity entities, this chapter prevails to the extent of the inconsistency.

State electricity entity must display translation principles

298N.(1) This section applies to a workplace where a relevant award has application.⁷⁸

(2) A State electricity entity bound by the relevant award must display the translation principles in a conspicuous place at the workplace where they may easily be read by the entity's electricity industry employees in the workplace.

(3) However, a contravention of this section is not an offence.

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.

⁷⁷ The Industrial Relations Act provides for the making, amendment and repeal of awards and for their relationship with other types of industrial instruments. Generally, see chapters 5 (Awards) and 6 (Agreements), and also section 165 (Certified agreement's effect on awards, agreements or orders) of that Act.

⁷⁸ See also the Industrial Relations Act, section 697 (Copy of award and certified agreement to be displayed).

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—

$$\frac{\text{regular amount} \times \text{work hours}}{36.25}$$

(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 can not 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 308,⁷⁹ is recognised for working out the period of service of the employee in the GOE industry; and
- (c) for an employee who became a GOE industry employee on 1 January 1995 because of the *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the *Government Owned Corporations (QTSC Corporatisation) Regulation 1994* under the GOC Act—previous service, including broken service, recognised as service for long service leave purposes under the *Electricity Act 1976*.

Calculation of long service leave

311.(1) Long service leave is calculated at the rate of 1.3 weeks on the appropriate pay for each year of the employee's continuous service.

(2) The appropriate pay is—

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

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—

⁷⁹ Section 308 (Recognition of previous service)

- (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 312⁸⁰ but subject to the following sections—

- section 315 (Employer's right to refuse or defer long service leave)
- section 316 (Employer's right to recall an employee from leave).

Payment of cash equivalent of long service leave

319.(1) This section applies if, on the day an employee's employment ends (the "**last day**"), the employee is entitled to a period of long service leave.

(2) The employer must make a payment instead of granting the employee the period of long service leave.

(3) The amount of the payment is an amount equal to the amount that 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

⁸⁰ Section 312 (Minimum period)

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 323.⁸¹

(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

⁸¹ Section 323 (Allowance payable if both spouses are entitled)

- (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 321.⁸²

(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

⁸² Section 321 (Allowance payable to a GOE industry employee with a dependent spouse or dependent child)

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 Limited ACN 078 848 781 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 Limited ACN 078 848 781 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,⁸³ any party to the dispute may appeal against the decision.

Making appeal

331B. An appeal under section 331A must be made to the District Court as if the appeal was to the District Court under chapter 10, part 2⁸⁴ 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.

⁸³ Section 248IA (Dispute resolution)

⁸⁴ Chapter 10, part 2 (Appeals) of the Act

(3) In this part—

“**decision maker**” means the entity whose decision is appealed against.

Making appeals

333.(1) An appeal under this part must be made within—

- (a) for an appeal against a decision of the regulator or the EWC Board—28 days after the notice of the decision is given to the person; or
- (b) for an appeal against a decision of the person’s employer under chapter 8, part 3—3 months after the notice of the decision is given to the person.

(2) However, if—

- (a) the notice did not state reasons for the decision; and
- (b) the person asked for a statement of reasons for the decision within the appropriate period mentioned in subsection (1);

the person may make the application within 28 days after the person is given the statement of reasons.

(3) In addition, the court may extend the period for making an appeal, even though the time for making the appeal has ended.

Starting appeals

334.(1) An appeal is started by filing a written notice of appeal with the court.

(2) A copy of the notice must be served on the decision maker.

(3) An appeal may be made to the Magistrates Court or Industrial Magistrates Court nearest the place where the applicant resides or carries on business.

Stay of operation of decisions

335.(1) A court may grant a stay of the decision to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on the conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(3) The period of a stay under this section must not extend past the time when the court decides the appeal.

(4) An appeal against a decision affects the decision, or carrying out of the decision, only if the decision is stayed.

Powers of court on appeal

336.(1) In deciding an appeal, a court—

- (a) has the same powers as the decision maker; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in court or in chambers.

(2) An appeal is by way of rehearing.

(3) The court may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the decision maker with the directions the court considers appropriate.

Effect of court's decision on appeal

337. If the court substitutes another decision, the substituted decision is, for this regulation (other than this chapter), taken to be the decision maker's decision.

Procedure of court

338.(1) In this section—

“authorising Act” means—

- (a) for a Magistrates Court—the *Magistrates Courts Act 1921*; or
- (b) for an Industrial Magistrates Court—the *Workplace Relations Act 1997*.

(2) The power to make rules of court for a court under its authorising Act includes power to make rules of court for appeals to the court under this part.

(3) The procedure for appeal to a court under this part is—

- (a) in accordance with its rules of court; or
- (b) in the absence of relevant rules, as directed by a magistrate or industrial magistrate.

(4) The court may make any order about costs it considers just.

Appeals

339.(1) An appeal to the 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 87⁸⁵ 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 for Brisbane Airport Rail Link

341B.(1) Queensland Rail is exempted from sections 88A and 89⁸⁶ 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.

⁸⁵ Section 87 (Connection of generating plant to transmission grid or supply network only if authorised) of the Act

⁸⁶ Sections 88A (Prohibition on operating supply network unless authorised) and 89 (Restriction on sale of electricity) of the Act

“Brisbane Airport Rail Link” means the proposed railway shown on CMPS&F Pty Limited Drawing No. RQ0159-C029 (F)⁸⁷—

- 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.

Exemption for Ergon Energy

341C.(1) The regulator is exempted from sections 196A and 197(2) and (5)⁸⁸ of the Act in relation to an application for a distribution authority by Ergon Energy and the issue of the authority.

(2) Subsection (1) applies only for the purposes of a distribution authority issued to Ergon Energy for commencement on 30 June 1999.

Division 2—On-suppliers

Subdivision 1—Preliminary

Definitions for div 2

342. In this division—

“anniversary”, of an on-supply agreement, means—

- (a) each anniversary of the day the agreement was made; or
- (b) if the agreement was made on 29 February in a leap year—28 February.

“common area”, of an on-supplier’s premises, means a part of the premises that the on-supplier and each lessee or other person the on-supplier has given a right to use the premises have agreed is a

⁸⁷ A copy of the drawing is available for inspection at the offices of Queensland Transport, Level 12, Capital Hill Building, 85 George Street, Brisbane.

⁸⁸ Sections 196A (Publication about application for distribution authority) and 197 (Consideration of application of authority) of the Act

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common area of the premises.

Examples of a part of an on-supplier's premises that may be a common area—

- community, entertainment, information and leisure facilities in a caravan park
- elevators, escalators and stairways
- fountains and gardens
- malls and walkways
- parking areas
- rest rooms and toilets.

“common area consumption”, for an on-supplier's premises, means the whole or part of the electricity consumed in a common area of the on-supplier's premises.

“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*.

“on-supplier's premises”, for a person who is an on-supplier, means the premises for which the person is an on-supplier.

“on-supply agreement” means an agreement made under section 342B.

“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.

“year”, of an on-supply agreement, means—

- (a) if the agreement is in force for a period of less than 12 months—that period; or
- (b) if the agreement is in force for 12 months or more—
 - (i) the period starting on the day the agreement was made and ending on the first anniversary of that day; and
 - (ii) each subsequent period of 12 months or less during which the agreement is in force, starting on each subsequent anniversary of that day and ending on—
 - (A) the next anniversary of that day; or
 - (B) if the agreement ends before the next anniversary—the day the agreement ended.

Subdivision 2—Exemptions

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 subdivisions 3 to 7.

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

Subdivision 3—On-supply agreements**On-supply agreements**

342B.(1) An on-supplier and a receiver may agree about how—

- (a) the on-supplier is to supply electricity to the receiver; or
- (b) the on-supplier may charge the receiver for common area consumption for the on-supplier’s premises.

(2) The agreement may provide for a stated charge or for no charge for the supply or common area consumption.

(3) The agreement may be—

- (a) written or oral; or
- (b) made in any way permitted by law; or
- (c) incorporated in a lease or other agreement between the on-supplier and the receiver.

Regulation prevails over on-supply agreement

342C. If there is an inconsistency between an on-supply agreement and this regulation, this regulation prevails to the extent of the inconsistency.

Subdivision 4—Preliminary disclosure requirements about common area charges**Application of sdiv 4**

342D. This subdivision applies if—

- (a) a person (the “**prospective on-supplier**”) proposes to enter into an on-supply agreement as an on-supplier; and
- (b) under the agreement, the on-supplier will charge another (the “**prospective receiver**”) for common area consumption for the on-supplier’s premises.

Preliminary consumption estimate

342E.(1) The prospective on-supplier must, within a reasonable period before making the on-supply agreement, give the prospective receiver an estimate of the common area consumption for the first year of the agreement.

(2) In deciding what is reasonable for subsection (1), regard must be had to whether the period was enough to allow the prospective receiver to estimate his or her liability for the common area consumption for the first year.

Required contents for on-supply agreement

342F.(1) The prospective on-supplier must not enter into the on-supply agreement unless it provides for—

- (a) how the common area consumption is to be worked out; and
- (b) if the receiver is only required to pay part of the common area consumption—how that part is to be worked out.

(2) Subject to section 342G, a failure to comply with subsection (1) does not invalidate the agreement.

Consequence of not complying with sdiv 4

342G.(1) This section applies if the prospective on-supplier—

- (a) does not comply with section 342E(1) before entering into the on-supply agreement; or
- (b) enters into an on-supply agreement in contravention of section 342F.

(2) The receiver under the agreement, may by written notice to the on-supplier, terminate any liability that the receiver would, other than for this section, have had for common area consumption to which the agreement applies.

(3) However, the notice may be given only within 2 months after the agreement is made.

(4) A termination under this section ends any liability for common area

consumption accrued or incurred under the agreement or otherwise at any time before or after the termination.

(5) To remove any doubt, it is declared that a termination under this section does not, of itself, affect any other liability of the receiver to the on-supplier under the agreement or another agreement.

(6) This section does not limit section 342A(2).

Subdivision 5—Individual metering

Individual metering option

342H.(1) This section applies if an on-supply agreement between an on-supplier and a receiver is in force.

(2) The receiver may, at any time—

- (a) elect, by written notice to the on-supplier, to be charged on the basis of the receiver's consumption of electricity supplied from the on-supplier, as measured by a meter; and
- (b) install the meter, at the receiver's expense.

(3) However, the election has effect only if the installation—

- (a) complies with this regulation; and
- (b) is done in a way—
 - (i) that complies with any reasonable written directions the on-supplier gives the receiver within 5 business days after the giving of the notice; or
 - (ii) if no written directions are given within the 5 business days—that is reasonable.

(4) In deciding what is reasonable for subsection (3), regard must be had to the interests of the on-supplier and anyone who is an occupier of the on-supplier's premises.

Compensation for installation damage

342I.(1) This section applies if—

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- (a) a receiver has, under section 342H, given an on-supplier a written notice of election; and
- (b) the receiver installs a meter for electricity supplied from the on-supplier to the receiver; and
- (c) either—
 - (i) no written direction was given by the on-supplier under section 342H; or
 - (ii) the installation was done in a way that does not comply with the on-supplier's reasonable written directions under that section; or
 - (iii) the installation was not done in a way that is reasonable; and
- (d) a person as follows (the “**claimant**”) suffers damage to property because of the installation—
 - (i) the on-supplier;
 - (ii) anyone who is an occupier of the on-supplier's premises.

(2) Compensation for the damage is payable by the receiver to the claimant.

(3) The compensation may be claimed and recovered in a proceeding brought in a court of competent jurisdiction.

(4) A court may order payment of the compensation only if it is just to make the order in the circumstances of the particular case.

(5) In making the order the court must have regard to—

- (a) whether it was reasonable for the claimant to give the receiver an opportunity to fix the damage; and
- (b) if paragraph (a) applies—whether the receiver was given a reasonable period to fix the damage.

(6) This section does not limit a civil right or remedy that exists apart from this section, whether at common law or otherwise.

Maximum charge for metered supply

342J.(1) This section applies if electricity supplied from an on-supplier to

a receiver is charged on the basis of the receiver's electricity consumption as measured by a meter.

(2) If there is a relevant retail entity for the supply, the rate of the charge must not be more than the lowest rate that the receiver would have paid for the consumption had the receiver been a non-contestable customer of the entity.

(3) If there is no relevant retail entity for the supply, the rate of charge must not be more than the lowest rate that the receiver would have paid for the consumption had the receiver been a non-contestable customer of the retail entity that sells electricity to the on-supplier.

(4) In working out the lowest rate for subsections (2) and (3), any cost of connecting the receiver's premises to a supply network to allow the supply of electricity from the network to the premises must be disregarded.

(5) The on-supplier can not recover an amount for the consumption to the extent the amount has been worked out at a rate that is more than the lowest rate allowed under subsection (2) or (3).

(6) In this section—

“relevant retail entity”, for the supply, means a retail entity whose retail authority states an area in which the receiver's premises are located.

Subdivision 6—Disclosure requirements for common area consumption charges

Application of sdiv 6

342K. This subdivision applies if, under an on-supply agreement, the on-supplier may charge for common area consumption.

Periodic consumption estimates

342L.(1) The on-supplier must, for each year of the agreement after its first year, give the receiver an estimate of the common area consumption for the on-supplier's premises during the year.

(2) The first estimate must be given at least 1 month before the second anniversary of the agreement.

(3) Each subsequent estimate must be given at least 1 month before the next anniversary of the agreement.

Annual audited statements

342M.(1) The on-supplier must, for each year of the agreement, give the receiver audited statements of the common area consumption.

(2) Each statement must—

- (a) comply with section 342N; and
- (b) be given within 3 months after each anniversary of the agreement.

Content requirements for audited statement

342N. Each audited statement under section 342M must—

- (a) comply with the standards in the statements of accounting and auditing standards made by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia; and
- (b) be prepared by a person (the “**auditor**”) who is—
 - (i) registered, or taken to be registered, as an auditor under the Corporations Law; or
 - (ii) a member of, and holds a practising certificate from, the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia.
- (c) contain the auditor’s opinion about whether the statement presents fairly the on-supplier’s charges for the common area consumption during the period to which it relates, in accordance with the on-supplier’s financial records; and
- (d) compare each relevant estimates given under this division with the amount actually spent by the on-supplier on the common area consumption during the period; and
- (e) compare the total amount actually spent by the on-supplier on common area consumption during the period with the amount

actually paid for the period by anyone for the on-supplier's premises.

Subdivision 7—On-sellers who operate a private network

Market Code exemption required

342O. An on-supplier must be exempt from the requirement under the Market Code, clause 2.5,⁹⁰ to be registered as a network service provider if the on-seller—

- (a) operates a supply network located solely within the on-supplier's premises; and
- (b) supplies electricity using the network or sells electricity from the network.

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.

Electrical regions

343C. The Minister must decide the number and configuration of electrical regions.

Extended transmission regulation commencement

343H. The Minister may fix any extended transmission regulation commencement date for the State under the Market Code.

⁹⁰ The Market Code, clause 2.5 (Network service provider)

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 256⁹¹ 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 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.

⁹¹ Section 256 (Application of Freedom of Information Act and Judicial Review Act) of the Act

PART 3—DECLARED STATE ELECTRICITY ENTITIES

Declarations

345.(1) AUSTA Energy Corporation Limited ACN 078 848 781 is declared to be a State electricity entity for sections 256(2), 262 and 299⁹² of the Act.

(2) Queensland Transitional Power Trading Corporation is declared to be a State electricity entity 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.(1) The fees payable under the Act are in schedule 7.

(2) Schedule 7, part 1 states the fees payable to the regulator for the matters stated in the part.

(3) Schedule 7, part 2 states the fees payable to the Electrical Workers and Contractors Board for the matters stated in the part.

(4) Schedule 7, part 3 states the maximum fees payable to an electricity entity for the matters stated in the part.

⁹² 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.

Levy on electricity entities—Act, s 64AA

348A.(1) For section 64AA⁹³ of the Act, the total levy for the financial year ending 30 June 2001 is \$720 000.

(2) The levy must be paid by an electricity entity by periodic instalments in advance within 14 days after the date of the notice given to the entity by the chief executive for the period.

(3) The periodic instalments payable by an electricity entity mentioned in schedule 7A, column 1, are stated in the schedule, columns 2 to 4, opposite the name or description of the entity.

PART 5—TRANSITIONAL PROVISIONS FOR ELECTRICITY AMENDMENT REGULATION (No. 2) 2000

Existing decisions or agreements about on-supply charging

349.(1) This section applies to the following in force immediately before the day this section commenced—

- (a) a decision by an on supplier about a way of charging made under section 342B as it was in force immediately before the commencement; or
- (b) an agreement between an on-supplier and a receiver about how the receiver is to be supplied electricity by the on-supplier, made in any way allowed under section 342B as in force immediately after the commencement (the “**current section 342**”).

⁹³ Section 64AA (Funding for dispute resolution and complaint investigation functions) of the Act

(2) On the commencement, the decision or agreement is taken to be an on-supply agreement made under the current section 342B.

Existing agreements about common area consumption

350. Chapter 8, part 1, division 2, subdivisions 4 and 6 do not apply to an on-supply agreement made before the day this section commenced.

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, can not 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 can not 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, can not 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

SCHEDULE 2 (continued)

person is likely to stand must be—

- | | |
|--|-------|
| (a) vertically— | |
| (i) more than 1 000 V but not more than 33 kV .. | 4.6 m |
| (ii) more than 33 kV but not more than 66 kV | 5.5 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 5.5 m |
| (iv) more than 132 kV but not more than 275 kV .. | 5.5 M |
| (v) more than 275 kV but not more than 330 kV .. | 7.0 m |
| (vi) more than 330 kV but not more than 500 kV .. | 8.0 m |
| (b) horizontally— | |
| (i) more than 1 000 V but not more than 33 kV .. | 2.1 m |
| (ii) more than 33 kV but not more than 66 kV | 4.6 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 4.6 m |
| (iv) more than 132 kV but not more than 275 kV .. | 5.5 m |
| (v) more than 275 kV but not more than 330 kV .. | 5.5 m |
| (vi) more than 330 kV but not more than 500 kV .. | 6.0 m |

Clearance from roofs or similar structures not used for traffic

2. The minimum clearance vertically and horizontally (in accordance with note 2) for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and a parapet surrounding such a roof and on which a person is likely to stand, must be—

- | | |
|--|-------|
| (a) vertically— | |
| (i) more than 1 000 V but not more than 33 kV .. | 3.7 m |
| (ii) more than 33 kV but not more than 66 kV | 4.6 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 4.6 m |
| (iv) more than 132 kV but not more than 275 kV .. | 5.5 m |
| (v) more than 275 kV but not more than 330 kV .. | 5.5 m |
| (vi) more than 330 kV but not more than 500 kV .. | 6.0 m |
| (b) horizontally— | |
| (i) more than 1 000 V but not more than 33 kV .. | 1.5 m |
| (ii) more than 33 kV but not more than 66 kV | 4.6 m |
| (iii) more than 66 kV but not more than 132 kV . . . | 4.6 m |
| (iv) more than 132 kV but not more than 275 kV .. | 5.5 m |

SCHEDULE 2 (continued)

(v) more than 275 kV but not more than 330 kV . .	5.5 m
(vi) more than 330 kV but not more than 500 kV . .	6.0 m

Clearance from covered places of traffic

3. The minimum clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies must be—

(a) more than 1 000 V but not more than 33 kV	2.1 m
(b) more than 33 kV but not more than 66 kV	4.6 m
(c) more than 66 kV but not more than 132 kV	4.6 m
(d) more than 132 kV but not more than 275 kV	5.5 m
(e) more than 275 kV but not more than 330 kV	5.5 m
(f) more than 330 kV but not more than 500 kV	6.0 m

Horizontal clearance from blank walls or windows

4. The minimum clearance horizontally from blank walls or windows that can not be opened must be—

(a) more than 1 000 V but not more than 33 kV	1.5 m
(b) more than 33 kV but not more than 66 kV	3.0 m
(c) more than 66 kV but not more than 132 kV	4.6 m
(d) more than 132 kV but not more than 275 kV	5.5 m
(e) more than 275 kV but not more than 330 kV	5.5 m
(f) more than 330 kV but not more than 500 kV	6.0 m

Clearance from structures not normally accessible to persons

5. The minimum clearance from other structures not normally accessible to persons must be (in accordance with note 2)—

(a) vertically—	
(i) more than 1 000 V but not more than 33 kV . .	3.0 m
(ii) more than 33 kV but not more than 66 kV	3.0 m
(iii) more than 66 kV but not more than 132 kV . . .	4.6 m
(iv) more than 132 kV but not more than 275 kV . .	5.5 m

SCHEDULE 2 (continued)

(v) more than 275 kV but not more than 330 kV . .	5.5 m
(vi) more than 330 kV but not more than 500 kV . .	6.0 m
(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 can not 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

SCHEDULE 3 (continued)

specification—Electric cables—thermoplastic insulated—for working voltages up to and including 0.6/1 kV.

“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 3AA**MAXIMUM PERMITTED RATING OF ELECTRIC MOTORS**

sections 248O(1) and 248Q(1)

**PART 1—ERGON ENERGY DISTRIBUTION AREA
(OTHER THAN MAPOON AND TORRES STRAIT
ISLANDS)**

Locality	Maximum rating
Aurukun	16kW
Bamaga	38kW
Boulia	16kW
Burketown	8kW
Camooweal	8kW
Coen	13kW
Doomadgee	33kW
Gununa	16kW
Kowanyama	16kW
Lockhart River	16kW
Palm Island	38kW
Pormpuraaw	16kW
Wasaga	16kW

SCHEDULE 3AA (continued)

**PART 2—ERGON ENERGY DISTRIBUTION AREA
(MAPOON AND TORRES STRAIT ISLANDS)**

Locality	Maximum rating
Badu Island	11kW
Boigu Island	10kW
Coconut Island	10kW
Darnley Island	5kW
Dauan Island	5kW
Hammond Island	4kW
Mabuiag Island	4kW
Mapoon	9kW
Moa Island (Kubin and St Pauls communities)	10kW
Murray Island	10kW
Saibai Island	5kW
Stephens Island	4kW
Warraber Island	4kW
Yam Island	10kW
Yorke	10kW

SCHEDULE 3A**OTHER CONTESTABLE CUSTOMERS**

section 248TF

Customer	Premises
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 3B**SPECIAL APPROVAL HOLDERS TREATED AS
ELECTRICITY ENTITIES**

section 297

Column 1 Special approval holder	Column 2 Provisions of Act
1. The holder of a special approval authorising the holder to provide electricity to a customer	chapter 2, part 2 ²
2. The holder of a special approval under chapter 5, part 4 of this regulation	chapter 5, part 4 ³
3. NorthPower, under special approval no. SA 21/98	section 64AA and chapter 5, parts 1 and 1C ⁴

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

SCHEDULE 4 (continued)

- 223 and 224 Requirement by distribution entity about space, housing, 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
157A(2)	Refusal by the regulator to approve the operation of an electric line beyond a person's property
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

SCHEDULE 7**FEEES**

section 347

PART 1—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
7. Inspection of register of impressed current cathodic protection systems (section 205)	10.00

SCHEDULE 7 (continued)

- | | | |
|----|--|-------|
| 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

- | | \$ | |
|----|---|--------|
| 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

	\$
1. Disconnection and reconnection of supply of electricity to a customer after disconnection because of debt—	
(a) if the reconnection is made during ordinary business hours	27.45
(b) if the reconnection is made outside ordinary business hours at the customer's request	65.85
2. Testing of a meter by the distribution entity (section 227)	10.95
3. Inspection and testing of a meter by an authorised person (section 232)	109.80

SCHEDULE 7A**PERIODIC INSTALMENTS FOR LEVY**

section 348A

Column 1 Electricity entity	Column 2 Period ending 31 December 2000	Column 3 Period ending 31 March 2001	Column 4 Period ending 30 June 2001
	\$	\$	\$
Energex Limited ACN 078849055	44 360	59 000	95 100
Energex Retail Pty Ltd ACN 078848549	29 480	39 400	63 400
Ergon Energy C o r p o r a t i o n Limited ACN 087646062	23 890	31 800	51 100
Ergon Energy Pty Ltd ACN 078875902	15 820	21 200	34 200
NorthPower under special approval no. 21/98	850	1 100	1 800
a retailer without a retail area	850	1 100	1 800

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.

“anniversary”, of an on-supply agreement, for chapter 8, part 1, division 2, see section 342.

“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.

“by direct contact with” means in contact with an exposed conductor or an exposed part of an electrical article with bare hands or another part of the body or by a conductive tool.

“by indirect contact with” means in contact with an exposed conductor or an exposed part of an electrical article by an insulated tool or insulating equipment.

SCHEDULE 8 (continued)

“cathodically protected structure” means a structure, other than the anode and connecting electrical cables, forming part of the conducting circuit of a cathodic protection system.

“check inspection” of an electrical installation means an inspection to find out whether the electrical installation—

- (a) is free from a serious defect; and
- (b) is installed in accordance with generally accepted principles of sound and safe practice to ensure against mechanical and electrical failure under ordinary use.

“common area”, of an on-supplier’s premises, for chapter 8, part 1, division 2, see section 342.

“common area consumption”, for chapter 8, part 1, division 2, see section 342.

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

“contestable customer”.⁹⁴

“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.

“EGTS award”, for chapter 6, part 1, see section 298G.

“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.

⁹⁴ 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 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.

“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 jointer; or
- (c) an electrical linesperson; or
- (d) an electrical mechanic; or
- (e) an engineering tradesperson (electrical); or
- (f) someone else performing electrical work under the Act that is performed by a person mentioned in paragraphs (a) to (e).

“electricity industry employee”, for a State electricity entity, see section 298G.

“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.

SCHEDULE 8 (continued)

“Ergon Energy” means Ergon Energy Corporation Limited (ACN 087 646 062).

“ESIE award”, for chapter 6, part 1, see section 298G.

“EWC Board” means the Electrical Workers and Contractors Board.

“exposed” means bare, not effectively insulated or not effectively guarded by either a fixed barrier or an earthed metal shield.

“external authority” means a current licence, permit, certificate or other authority—

- (a) issued under a law of the Commonwealth, another State or New Zealand; and
- (b) authorising the holder to perform electrical work a licensed electrical worker is authorised to perform.

“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

SCHEDULE 8 (continued)

between the cathodically protected structure and the anode is supplied by an external source.

“industrial instrument”, for chapter 6, part 1, see section 298G.

“Industrial Relations Act” means the *Industrial Relations Act 1999*.

“industrial workplace” means premises registered as an industrial workplace under the *Workplace Health and Safety Regulation 1995*.

“in proximity to” means—

- (a) outside the prescribed approach limits under section 131 for an exposed high voltage conductor or an exposed part of a high voltage electrical article, but at a distance from the exposed conductor or exposed part within which caution should be exercised to avoid harm from the conductor or article; or
- (b) within reach of an exposed low voltage conductor or exposed part of a low voltage electrical article.

“last day”, in chapter 6, part 4, see section 319(1).

“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

SCHEDULE 8 (continued)

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

“live line work” means electrical work on exposed live high voltage conductors or exposed live parts of electrical articles that may be performed only by appropriately trained persons authorised under section 138.

“locality allowance” means an allowance payable to an employee stationed in a centre distant from Brisbane to assist in offsetting the disadvantages associated with residence in the centre.

“low voltage” means a voltage of not more than 1000 V.

“Market Code instrument” means a guideline, power system operating procedure or other procedure, protocol or standard made under the Market Code.

“maximum operating current”, in chapter 3, part 4, means the maximum value of the fixed, manually variable or automatically variable current at which a cathodic protection system will operate at all times other than the value of current permitted during short term testing under section 198(2).

“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;⁹⁵ or
- (b) distribution area under any distribution authority issued to it.

“on-supplier’s premises”, for a person who is an on-supplier, for chapter 8, part 1, division 2, see section 342.

⁹⁵ Copies of maps of the areas may inspected at the department’s office at 61 Mary Street, Brisbane.

SCHEDULE 8 (continued)

- “**on-supply agreement**”, for chapter 8, part 1, division 2, means an agreement of a type allowed under section 342B.
- “**owner**”, in chapter 4, part 1, division 3, see section 238.
- “**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).
- “**prospective on-supplier**”, for chapter 8, part 1, division 2, subdivision 4, see section 342D(a).
- “**prospective receiver**”, for chapter 8, part 1, division 2, subdivision 4, see section 342D(b).
- “**PSME schedule**” means the schedule in the determination under the *Public Service Management and Employment Regulation 1988*, section 41.
- “**redundant**”, in chapter 6, see section 327A.
- “**redundant employee**”, in chapter 6, see section 327A.
- “**registered system**”, in chapter 3, part 4, means a registrable system registered under that part.
- “**registrable system**”, in chapter 3, part 4, means an impressed current cathodic protection system the converter of which is capable of delivering a current greater than 0.25 A.
- “**regular amount**”, in chapter 6, see section 301(1).
- “**relevant award**”, for chapter 6, part 1, see section 298J.
- “**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.

SCHEDULE 8 (continued)

- “**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.
- “**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.
- “**single premises**”, for chapter 4, part 5, division 1, see section 248TA.
- “**space for a substation**” for chapter 4, part 1, division 3, see section 237.
- “**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.
- “**translation principles**”, for chapter 6, part 1, see section 298G.
- “**transfer day**”, in chapter 6, part 2, see section 303(2).
- “**transferred employee**”, in chapter 6, part 2, see section 302.
- “**welding power source**”, for chapter 4, part 4, see section 248M.
- “**wiring rules**” see section 5.
- “**work hours**”, in chapter 6, see section 301(2).
- “**year**”, of an on-supply agreement, for chapter 8, part 1, division 2, see section 342.

ENDNOTES**1 Index to endnotes**

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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 15 December 2000. 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)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

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.]

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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
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4C	to SL No. 286 of 1999	14 February 2000

5	to SL No. 35 of 2000	4 April 2000
5A	to SL No. 149 of 2000	11 July 2000
5B	to SL No. 262 of 2000	18 October 2000
5C	to SL No. 309 of 2000	6 December 2000

5 Tables in earlier reprints

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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 (1 January 1995 (see AIA s 17))

exp 1 September 2005 (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

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notfd gaz 14 June 1996 pp 987–9
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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
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WorkCover Queensland Regulation 1997 SL No. 17 ss 1–2, 47 sch 6

notfd gaz 31 January 1997 pp 376–8
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notfd gaz 20 June 1997 pp 879–82
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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
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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

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s 16 never proclaimed into force and rep 1998 SL No. 17 s 4
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notfd gaz 27 February 1998 pp 884–6
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Electricity Amendment Regulation (No. 1) 1998 SL No. 53

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notfd gaz 11 December 1998 pp 1376–7
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remaining provisions commenced 13 December 1998 (see s 2)

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notfd gaz 18 December 1998 pp 1551–7
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7 List of annotations

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Division 2—Trade for generation less than 30 MW**div hdg** om 1997 SL No. 313 s 11**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)

om 1997 SL No. 313 s 11

Division 3—Basis of trade in electricity**div hdg** om 1997 SL No. 313 s 11**Written agreements required****s 269** om 1997 SL No. 313 s 11**Payments for retail trade decided by parties****s 270** om 1997 SL No. 313 s 11**Amount payable for electricity bought by wholesale trade****s 271** sub 1995 SL No. 208 s 4

amd 1996 SL No. 86 s 3

om 1997 SL No. 313 s 11

Division 4—Network services and metering**div hdg** om 1997 SL No. 313 s 11**Network services to comply with Queensland grid code****s 272** amd 1997 SL No. 179 s 13

om 1997 SL No. 313 s 11

Seller in retail trade to meet cost of network services etc.**s 273** amd 1997 SL No. 179 s 14

om 1997 SL No. 313 s 11

Sellers and buyers in wholesale trade to meet cost of network services etc.**s 274** amd 1997 SL No. 179 s 15

om 1997 SL No. 313 s 11

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)

om 1997 SL No. 313 s 11

Division 5—Scheduling of generating plant operation**div hdg** om 1997 SL No. 313 s 11**System control entity to schedule in accordance with principles of economic dispatch****s 276** om 1997 SL No. 313 s 11**Generation participants to advise system control entity of operating costs****s 277** om 1997 SL No. 313 s 11**Retention of cost records****s 278** om 1997 SL No. 313 s 11

Commitment and dispatch to be decided on costs as advised

s 279 om 1997 SL No. 313 s 11

Electricity generated by hydro-electric generating plants 280 sub 1996 SL No. 86 s 4
om 1997 SL No. 313 s 11**Treatment of electricity generated by pumped storage generating plant**s 281 amd 1996 SL No. 86 s 5
om 1997 SL No. 313 s 11**Division 6—Ancillary services**

div hdg om 1997 SL No. 313 s 11

Ancillary services at direction of system control entity

s 282 om 1997 SL No. 313 s 11

Division 7—Grid and network losses

div hdg om 1997 SL No. 313 s 11

Grid and network losses to be considered in commitment and dispatch

s 283 om 1997 SL No. 313 s 11

Allocation of electrical losses in transmission grid and supply networkss 284 amd 1997 SL No. 179 s 17
om 1997 SL No. 313 s 11**Adjustments for interconnected transmission grids and supply networks**

s 285 om 1997 SL No. 313 s 11

Working out of electricity taken by distribution entityprov hdg amd 1997 SL No. 179 s 18(1)
s 286 amd 1997 SL No. 179 s 18(2)
om 1997 SL No. 313 s 11**Division 8—Settlements**

div hdg om 1997 SL No. 313 s 11

Appointment of QETC as settlements entitys 287 amd 1997 SL No. 179 s 19
om 1997 SL No. 313 s 11**General powers of settlements entity**

s 288 om 1997 SL No. 313 s 11

System control entity responsible for collection and verification of data

s 289 om 1997 SL No. 313 s 11

Obligations of trading participants to settlements entity in working out fixed charges

s 290 om 1997 SL No. 313 s 11

Access to data by trading participants

s 291 om 1997 SL No. 313 s 11

Retention of data

s 292 om 1997 SL No. 313 s 11

Audit of data

s 293 om 1997 SL No. 313 s 11

PART 4—SPECIAL APPROVALS**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
sub 1999 SL No. 141 s 7

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 30 MW 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 holders treated as electricity entities—Act, s 59(2)

s 297 prev s 297 exp 1 January 1996 (see s 297(4))
pres s 297 ins 1997 SL No. 220 s 17
sub 2000 SL No. 309 s 3

Disciplinary action against special approval holder

s 298 om 2000 SL No. 309 s 3

NorthPower's authorised supplier authorities

s 298A ins 1997 SL No. 179 s 23
amd 1997 SL No. 473 s 20
exp 30 June 1998 (see s 298A(6))

Special approval for QETC

s 298B prev s 298B ins 1997 SL No. 179 s 23
om 1997 SL No. 313 s 12
pres 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

CHAPTER 6—EMPLOYMENT IN GOVERNMENT OWNED ELECTRICITY INDUSTRY**PART 1—GENERAL EMPLOYMENT CONDITIONS AND ENTITLEMENTS****pt hdg** sub 2000 SL No. 35 s 4**Division 1—Preliminary****div hdg** ins 2000 SL No. 35 s 4**Definitions for pt 1****s 298G** ins 2000 SL No 35 s 4**Division 2—Award conditions and entitlements for electricity industry employees****div hdg** ins 2000 SL No. 35 s 4**Purpose of div 2****s 298H** ins 2000 SL No. 35 s 4**Application of div 2 to Ergon Energy Pty Ltd****s 298I** ins 2000 SL No. 35 s 4**Relevant award****s 298J** ins 2000 SL No. 35 s 4**Relevant award is binding****s 298K** ins 2000 SL No. 35 s 4**Relevant award subject to Industrial Relations Act****s 298L** ins 2000 SL No. 35 s 4**Division 3—Miscellaneous****div hdg** ins 2000 SL No. 35 s 4**Chapter 6 prevails over industrial instruments****s 298M** ins 2000 SL No. 35 s 4**State electricity entity must display translation principles****s 298N** ins 2000 SL No. 35 s 4**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 paymentss 326A ins 1997 SL No. 300 s 3
amd 1999 SL No. 42 s 4**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 employeess 327B ins 1997 SL No. 179 s 26
amd 1997 SL No. 224 s 5; 1999 SL No. 42 s 5**CHAPTER 7—REVIEW OF AND APPEALS AGAINST DECISIONS****PART 2—APPEALS****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
amd 2000 SL No. 250 s 13**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

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s 339 amd 2000 SL No. 250 s 13

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

Exemption for Ergon Energy

s 341C ins 1999 SL No. 141 s 8

Division 2—On-suppliers

div hdg ins 1997 SL No. 313 s 15

Subdivision 1—Preliminary

sdiv hdg ins 2000 SL No. 262 s 3

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
def “**anniversary**” ins 2000 SL No. 262 s 4
def “**common area**” ins 2000 SL No. 262 s 4
def “**common area consumption**” ins 2000 SL No. 262 s 4
def “**on-supplier’s premises**” ins 2000 SL No. 262 s 4
def “**on-supply agreement**” ins 2000 SL No. 262 s 4
def “**year**” ins 2000 SL No. 262 s 4

Subdivision 2—Exemptions

sdiv hdg ins 2000 SL No. 262 s 5

Exemptions for on-suppliers

s 342A ins 1997 SL No. 313 s 15
amd 2000 SL No. 262 s 6

Subdivision 3—On-supply agreements

sdiv hdg ins 2000 No. 262 s 7

On-supply agreements

s 342B ins 1997 SL No. 313 s 15
sub 2000 SL No. 262 s 7

Regulation prevails over on-supply agreement

s 342C ins 2000 SL No. 262 s 7

Subdivision 4—Preliminary disclosure requirements about common area charges

sdiv 4 (ss 342D–342G) ins 2000 SL No. 262 s 7

Subdivision 5—Individual metering

sdiv 5 (ss 342H–342J) ins 2000 SL No. 262 s 7

Subdivision 6—Disclosure requirements for common area consumption charges

sdiv 6 (ss 342K–342N) ins 2000 SL No. 262 s 7

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sdiv 7 (s 342O) ins 2000 SL No. 262 s 7

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

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s 343I ins 1997 SL No. 313 s 16

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

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
 sub 1999 SL No. 42 s 6

PART 4—MISCELLANEOUS

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
 sub 2000 SL No. 149 s 4

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

Levy on electricity entities—Act, s 64AA

s 348A ins 2000 SL No. 309 s 4

PART 5—TRANSITIONAL PROVISIONS FOR ELECTRICITY AMENDMENT REGULATION (No. 2) 2000

pt hdg prev pt hdg 1998 SL No. 327 s 4
 exp 31 December 1999 (see s 354)
 pres pt hdg ins 2000 SL No. 262 s 8

Existing decisions or agreements about on-supply charging

s 349 orig s 349 exp 1 July 1995 (see s 350)
 prev s 349 ins 1998 SL No. 327 s 4
 exp 31 December 1999 (see s 354)
 pres s 349 ins 2000 SL No. 262 s 8

Existing agreements about common area consumption

s 350 orig s 350 exp 1 July 1995 (see s 350)
 prev s 350 ins 1998 SL No. 327 s 4
 exp 31 December 1999 (see s 354)
 pres s 350 ins 2000 SL No. 262 s 8

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 31 December 1999 (see s 354)

Transitional Market Code to be open for inspection

- s 352** ins 1998 SL No. 327 s 4
 exp 31 December 1999 (see s 354)

Complying with transitional Market Code

- s 353** ins 1998 SL No. 327 s 4
 exp 31 December 1999 (see s 354)

When part expires

- s 354** ins 1998 SL No. 327 s 4
 sub 1999 SL No. 21 s 3; 1999 SL No. 141 s 9
 exp 31 December 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

MAXIMUM PERMITTED RATING OF ELECTRIC MOTORS

ins 2000 SL No. 315 s 6

SCHEDULE 3A—OTHER CONTESTABLE CUSTOMERS

ins 1998 SL No. 53 s 7

SCHEDULE 3B—SPECIAL APPROVAL HOLDERS TREATED AS ELECTRICITY ENTITIES

ins 2000 SL No. 309 s 5

SCHEDULE 4—REVIEW OF DECISIONS BY THE REGULATOR

sub 1997 SL No. 179 s 31

SCHEDULE 5—APPEALS AGAINST ADMINISTRATIVE DECISIONS TO MAGISTRATES COURT

amd 1999 No. 169 s 4

SCHEDULE 6—APPEALS AGAINST ADMINISTRATIVE DECISIONS TO INDUSTRIAL MAGISTRATES

amd 2000 SL No. 250 s 14

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; 2000 SL No. 149 s 5(1)

PART 2—THE ELECTRICAL WORKERS AND CONTRACTORS BOARD

amd 2000 SL No. 149 s 5(2)

PART 3—ELECTRICITY ENTITIES

sub 1997 SL No. 473 s 28(3); 2000 SL No. 2000 s 5(3)

SCHEDULE 7A—PERIODIC INSTALMENTS FOR LEVY

ins 2000 SL No. 309 s 6

SCHEDULE 8—DICTIONARYdef “**anniversary**” ins 2000 SL No. 262 s 9def “**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 “**assigned employee**” om 2000 SL No. 250 s 15(1)def “**assigned employer**” om 2000 SL No. 250 s 15(1)def “**assignment certificate**” om 2000 SL No. 250 s 15(1)def “**common area**” ins 2000 SL No. 262 s 9def “**common area consumption**” ins 2000 SL No. 262 s 9def “**connection**” ins 1997 SL No. 473 s 29(2)

om 1998 SL No. 251 s 6(1)

def “**consumers terminals**” ins 2000 SL No. 250 s 15(2)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 “**EGTS award**” ins 2000 SL No. 35 s 5def “**electricity industry employee**” ins 2000 SL No. 35 s 5def “**Ergon Energy**” ins 1999 SL No. 141 s 10def “**ESIE award**” ins 2000 SL No. 35 s 5def “**industrial instrument**” ins 2000 SL No. 35 s 5def “**Industrial Relations Act**” ins 2000 SL No. 35 s 5def “**Market Code instrument**” ins 1997 SL No. 313 s 18(2)def “**NorthPower’s area**” ins 1997 SL No. 473 s 29(2)def “**on-supplier’s premises**” ins 2000 SL No. 262 s 9def “**on-supply agreement**” ins 2000 SL No. 262 s 9def “**owner**” amd 1999 SL No. 42 s 7def “**prospective on-supplier**” ins 2000 SL No. 262 s 9def “**prospective receiver**” ins 2000 SL No. 262 s 9def “**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 award**” ins 2000 SL No. 2000 s 5def “**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 “**service line**” ins 2000 SL No. 250 s 15(2)
- def “**single premises**” ins 1998 SL No. 251 s 6(2)
- def “**space for a substation**” sub 2000 SL No. 250 s 15(1)–(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 “**translation principles**” ins SL No. 2000 s 5
- def **welding power source** ins 2000 SL No. 315 s 7
- def “**wholesale trade**” amd 1997 SL No. 179 s 32(5)
 - om 1997 SL No. 313 s 18(1)
- def “**wiring rules**” ins 2000 SL No. 250 s 15(2)
- def “**year**” ins 2000 SL No. 262 s 9