



Queensland

# Electricity Amendment Regulation (No. 4) 2007

## Subordinate Legislation 2007 No. 314

made under the

*Electricity Act 1994*

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**1 Short title**

This regulation may be cited as the *Electricity Amendment Regulation (No. 4) 2007*.

**2 Regulation amended**

This regulation amends the *Electricity Regulation 2006*.

**3 Amendment of s 138 (Application for registration)**

Section 138(1), from ‘form’—

*omit, insert—*

‘approved form, or if there is no approved form, a form acceptable to the regulator.’.

**4 Replacement of ss 141 and 142**

Sections 141 and 142—

*omit, insert—*

**‘141 Steps after registration**

‘(1) Within 28 days after registering an item of prescribed electrical equipment, the regulator must—

(a) fix the item’s maximum registration term; and

(b) give the applicant a written notice stating the item’s date of registration and maximum registration term.

‘(2) The maximum registration term can not be more than 5 years from the date of registration.

‘(3) If the regulator decides to fix the maximum registration term at less than 5 years and the applicant has not agreed to the term, the written notice must include, or be accompanied by, an information notice about the decision.

**‘142 Term of registration**

‘(1) Registration of an item of prescribed electrical equipment continues in force until the earliest of the following to happen—

- (a) the end of the item's maximum registration term;
- (b) the expiry of the relevant standard for the item;
- (c) the relevant standard for the item is amended and, under the amended standard, the item does not comply with the performance requirements or energy efficiency requirements for the item.

'(2) Subsection (1) is subject to section 149.'

## **5 Insertion of new s 146A**

Chapter 7, part 1, division 1—

*insert—*

### **'146A Request for documents or information confirming compliance with relevant standard**

- '(1) This section applies to the holder of a registration of an item of prescribed electrical equipment.
  - '(2) The regulator may, by written notice given to the holder, require the holder to give the regulator the documents or information that the holder has about whether the item continues to comply with the requirements under section 139 for the registration of the item.
  - '(3) The notice must state a period of at least 15 business days within which the holder must comply with the requirement.
  - '(4) The holder must comply with the requirement.
- Maximum penalty for subsection (4)—20 penalty units.'

## **6 Amendment of s 149 (Cancellation of registration)**

- (1) Section 149(1)(a)—

*omit, insert—*

- '(a) the regulator considers that, because of an examination or test carried out on the item by the regulator or an approved testing entity, it does not comply with the relevant standard; or'

- (2) Section 149(1)(d)—

*omit.*

- (3) Section 149(1)(e)—  
*renumber* as section 149(1)(d).

**7 Amendment of s 152 (Energy efficiency label)**

- Section 152(1)(c)—  
*omit, insert*—  
'(c) if the item is sold—accompany the item.'

**8 Amendment of s 155 (Testing of prescribed electrical equipment)**

- Section 155(5), 'entity approved by the regulator'—  
*omit, insert*—  
'approved testing entity'.

**9 Amendment of s 156 (Test reports)**

- Section 156(2), after 'approved form'—  
*insert*—  
' , or if there is no approved form, a form acceptable to the regulator,'.

**10 Amendment of s 162 (Prescribed electrical equipment in sch 4, pt 1, must be registered and labelled)**

- (1) Section 162, heading, ' , must be registered and labelled'—  
*omit, insert*—  
'—labelling and registration'.
- (2) Section 162(1)(a) and (b)—  
*omit, insert*—  
'(a) an item of the same type of prescribed electrical equipment as the sale item (an *alike item*)—  
(i) is registered under section 139; or

- (ii) was registered under that section at the time when the sale item was manufactured in or imported into the State (the *relevant time*); or
    - (iii) was registered under a corresponding law at the relevant time; and
  - (b) an energy efficiency label that complies with section 152 is attached to or accompanies the item in the way required by that section.’.
- (3) Section 162—  
*insert—*
- ‘(3) Also, subsection (1) does not apply if—
  - (a) an alike item was registered under section 139 at the relevant time and—
    - (i) an energy efficiency label is attached to or accompanies the sale item; and
    - (ii) the label complies with section 152 in the way required by the relevant standard as it was in force at that time; or
  - (b) an alike item was registered under a corresponding law at the relevant time and—
    - (i) an energy efficiency label is attached to or accompanies the sale item; and
    - (ii) the label complies with the corresponding law as it was in force at that time; or
  - (c) an alike item was not mentioned in schedule 4, part 1 as it was in force at the relevant time.’.

**11 Replacement of s 163 (Prescribed electrical equipment in sch 4, pt 2, must be registered)**

Section 163—

*omit, insert—*

**‘163 Prescribed electrical equipment in sch 4, pt 2—registration**

‘A person must not sell an item (the *sale item*) of prescribed

electrical equipment mentioned in schedule 4, part 2, unless an item of the same type of prescribed electrical equipment as the sale item—

- (a) is registered under section 139; or
- (b) was registered under that section at the time when the sale item was manufactured in or imported into the State (the *relevant time*); or
- (c) was registered under a corresponding law at the relevant time; or
- (d) was not mentioned in schedule 4, part 2 as it was in force at the relevant time.

Maximum penalty—20 penalty units.’.

**12 Amendment of s 164 (Prescribed electrical equipment in sch 4, pt 3, must be registered and may be labelled)**

- (1) Section 164, heading, ‘, must be registered and may be labelled’—

*omit, insert—*

‘—**registration**’.

- (2) Section 164(1)(a)—

*omit, insert—*

‘(a) an item of the same type of prescribed electrical equipment as the sale item (an *alike item*)—

- (i) is registered under section 139; or
- (ii) was registered under that section at the time when the sale item was manufactured in or imported into the State (the *relevant time*); or
- (iii) was registered under a corresponding law at the relevant time; and’.

- (3) Section 164—

*insert—*

- ‘(3) Also, subsection (1) does not apply if—

- (a) an alike item was registered under section 139 at the relevant time and any energy efficiency label attached to or accompanying the sale item complies with section 152 in the way required by the relevant standard as it was in force at that time; or
- (b) an alike item was registered under a corresponding law at the relevant time and any energy efficiency label attached to or accompanying the sale item complies with that law as it was in force at the relevant time; or
- (c) an alike item was not mentioned in schedule 4, part 3 as it was in force at the relevant time.’.

### **13 Amendment of ss 214 and 215**

Sections 214(1) and 215(1)(a), ‘QCA’—  
*omit, insert—*  
 ‘the regulator or QCA’.

### **14 Insertion of new ch 10, pt 4, div 3**

After section 238—  
*insert—*

## **‘Division 3 Transitional provision for Electricity Amendment Regulation (No. 4) 2007**

### **‘239 Provision for new s 142**

- ‘(1) New section 142 applies to an item of prescribed electrical equipment whether the item was registered before or after new section 142 commenced.
- ‘(2) If the item was registered before new section 142 commenced, its maximum registration term is taken to be the term of registration stated in the notice of registration under section 141 as it was in force before the commencement.
- ‘(3) In this section—  
*new section 142* means section 142 as replaced under the Electricity Amendment Regulation (No. 4) 2007.’.



**15 Amendment of sch 6 (Appeals against administrative decisions to Magistrates Court)**

Schedule 6—

*insert—*

- ‘141(1)(a) decision to fix a maximum registration term for an item of prescribed electrical equipment of less than 5 years’.

**16 Amendment of sch 9 (Dictionary)**

- (1) Schedule 9—

*insert—**‘approved testing entity*, for a test or examination, means—

- (a) a body accredited by the National Association of Testing Authorities, Australia ABN 59 004 379 74 (*NATA*) to perform the test or examination; or
- (b) a body accredited by another body, operating under a reciprocal agreement with *NATA*, to perform the test or examination; or
- (c) a body approved by the regulator to perform the test or examination.

*maximum registration term*, for an item of prescribed electrical equipment, means its maximum registration term fixed under section 141(1)(a).’

- (2) Schedule 9, definition
- corresponding law*
- , entry for
- Electricity Safety Act 1945 (NSW)*
- 

*omit, insert—*

- *Energy and Utilities Administration Act 1987 (NSW)*’.

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**ENDNOTES**

- 1 Made by the Governor in Council on 6 December 2007.
- 2 Notified in the gazette on 7 December 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Mines and Energy.

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