

Electrical Safety Amendment Regulation (No. 1) 2019

Explanatory notes for SL 2019 No. 139

made under the

Electrical Safety Act 2002

General Outline

Short title

Electrical Safety Amendment Regulation (No. 1) 2019

Authorising law

Section 210(1) of the *Electrical Safety Act 2002*

Policy objectives and the reasons for them

Removing section 73A (Work involving PV modules at solar farms)

The *Electrical Safety Amendment Regulation (No. 1) 2019* (the Amendment Regulation) removes section 73A (Work involving PV modules at solar farms) from the *Electrical Safety Regulation 2013* (the ES Regulation), which was declared invalid by the Supreme Court of Queensland on 29 May 2019: *Maryrorough Solar Pty Ltd v The State of Queensland* [2019] QSC 135. This decision was affirmed by the Court of Appeal on 25 June 2019: *State of Queensland v Maryrorough Solar Pty Ltd* [2019] QCA 129.

Achievement of policy objectives

The objective to remove section 73A (Work involving PV modules at solar farms) from the ES Regulation is achieved by the simple removal of that section, without replacement.

Consistency with policy objectives of authorising law

Removing section 73A (Work involving PV modules at solar farms) of the ES Regulation is necessary due to the Supreme Court of Queensland declaration that it is beyond the regulation making power in the *Electrical Safety Act 2002* (Qld) and is invalid.

Inconsistency with policy objectives of other legislation

Removing section 73A (Work involving PV modules at solar farms) of the ES Regulation does not create inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

Amending the ES Regulation to remove section 73A (Work involving PV modules at solar farms) is the only way to achieve the objective.

Benefits and costs of implementation

There are minimal costs associated with implementing the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Further consultation with industry was not required due to the machinery nature of the Amendment Regulation to remove an invalid provision from the statute book.

The Office of Best Practice Regulation noted the assessment by the Office of Industrial Relations that the Amendment Regulation is of a machinery nature to repeal a redundant regulation and is excluded from regulatory impact analysis under category (g) of *The Queensland Government Guide to Better Regulation*.