



Electricity Act 1994

Electricity Regulation 2006

Current as at 1 July 2018

© State of Queensland 2018



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Electricity Regulation 2006

Contents

		Page
Chapter 1	Preliminary	
1	Short title	11
2	Commencement	11
3	Definitions	11
4	Purposes	11
5	How purposes are to be achieved	12
6	Words have the same meaning as in wiring rules	12
7	Way of describing electrical articles and appliances	12
Chapter 2	Technical requirements	
Part 1	Preliminary	
8	Application of ch 2	13
Part 2	Design, building and maintenance of electric lines and works	
Division 1	Compliance with part	
9	Compliance with this part	14
Division 2	Earthing, frequency and voltage	
10	Systems of earthing	14
11	Supply at low voltage	14
12	Supply at high voltage	15
13	Changes of voltage at customer's consumers terminals	15
Division 3	Service lines	
14	Service lines on customer's premises—electricity entity's obligations	17
15	Service lines on customer's premises—customer's obligations	18
Division 4	Maintenance of works	
16	Maintenance of works	19
17	Clearing, lopping and pruning of trees on non-freehold land	19
Division 5	Works on publicly controlled places	
18	Notice to be given to public entity	20

Contents

19	Electricity entity must comply with public entity’s requirements .	21
20	Guarding of work on publicly controlled place	21
21	Restoration of publicly controlled place	21
22	Electricity entity to keep publicly controlled place in good repair after work	22
23	Warning signs on roads	22
Part 3	Customers’ electrical installations	
24	Installation and operation of electric line beyond person’s property	23
25	Power factor	24
26	Prevention of interference by motor installations and associated starting devices	24
27	Interference with supply of electricity	24
28	Customer’s generating plant for interconnection to supply network	25
29	Requirement for circuit-breaker	25
30	Coordination of customer’s protection devices with electricity entity’s protection system	25
Part 4	Qualifying customers’ small photovoltaic generators	
30AA	Prescribed credit amount for credit for electricity produced by small photovoltaic generators	26
30AB	When a qualifying customer stops being entitled to be credited with prescribed credit amount for a category 1 qualifying customer . .	26
Chapter 3	Electricity supply and sale to customers	
Part 1	Distribution entities and metering coordinators	
Division 1	Obligations of distribution entities and customers	
36	Regulating customer’s use etc. of electricity	27
37	Action if notice not complied with	28
Division 2	Meter and control apparatus requirements for premises	
38	Application of div 2	29
39	Who is the metering coordinator	29
40	Customer to change electrical installation for meter connection .	29
41	Customer to provide links connecting meter to incoming supply	30
42	No breaking or interfering with meter seal	30
43	No breaking or interfering with network device seal	31
44	Placing meter or network device on customer’s premises	31
45	Change of placement if building changes or works	31
46	Customers to provide safe access	32
Division 3	Substations on customers’ premises	

57	Application of div 3	33
58	Meaning of owner in div 3	33
59	Owner to provide space for substation	33
60	Supply to other customers from substation	35
61	Limitation of compensation	35
62	Taking away distribution entity's equipment	35
Part 4	Disputes about what is fair and reasonable	
88	Dispute resolution	36
89	QCA may seek advice or information	37
90	Parties to maintain secrecy of advice or information	37
Part 6	Electricity restrictions	
Division 1	Preliminary	
92	Purpose of pt 6	38
Division 2	Restrictions in Ergon Energy distribution area	
93	Where restrictions apply	38
94	Restrictions	38
Chapter 4	Market and system arrangements	
Part 1	System and network control	
Division 1	Operating electrical installations	
118	National Electricity Rules to be followed	40
Division 2	Network control	
119	Network operation not to interfere with Queensland system	41
120	National Electricity Rules to be followed	41
121	Dealings to be impartial	41
122	Confidentiality	41
123	Reasonable charges for services	42
Part 2	Conditions of authorities and special approvals	
Division 1	General provisions	
124	Separation of distribution and retail sectors	42
125	Compliance with National Electricity Rules instruments	42
127	Prescribed special approval holder—Act, s 61B	43
Division 2	Demand management plans	
127A	Definitions for div 2	43
127B	Condition of distribution authority	43
127C	Preparing demand management plan	43
127D	Approving demand management plan	44

Contents

127E	Recommendations by regulator	45
127F	Amending approved demand management plan	45
127G	Complying with approved demand management plan	46
127H	Reporting requirements	46
Part 3	Special approvals	
128	Approval to connect for generation plant of particular State electricity entities installed immediately before 1 January 1995	46
129	Approval to connect for mobile generating plant for emergency or maintenance work by distribution entities	47
130	Approval to connect particular generating plant with 30MW or less capacity	47
131	Special approval holders treated as electricity entities—Act, s 59(2)	47
132	Special approval for QETC	48
Chapter 5	Prohibited interests	
133	Distribution authorities	48
Chapter 7	Energy efficiency and performance of electrical equipment	
Part 1	Minimum energy efficiency and performance	
Division 1	Registration	
138	Application for registration	48
139	Requirements for registration	50
140	Minimum energy efficiency and performance criteria	50
141	Steps after registration	51
142	Term of registration	51
143	Change of name or address	51
144	Changing energy efficiency label identifying electrical equipment	52
145	Refusal to change energy efficiency label	52
146	Notice of change to energy efficiency label	52
146A	Request for documents or information confirming compliance with relevant standard	52
Division 2	Transfer and cancellation of registration	
147	Transfer of registration	53
148	Notice of transfer	54
149	Cancellation of registration	54
150	Procedure before cancellation	55
151	Notice, by holder, of cancellation of registration	55
Division 3	Energy efficiency label	
152	Energy efficiency label	56

Division 4	Register	
153	Register	56
154	Inspection of register	57
Part 2	Testing and test reports	
Division 1	Preliminary	
155	Testing of prescribed electrical equipment	57
156	Test reports	58
Division 2	Check testing	
157	Requirement by regulator to make available prescribed electrical equipment for testing	58
158	What happens if check testing shows noncompliance	59
159	What happens if check testing shows compliance	59
160	Return of equipment made available to the regulator	59
Part 3	Offences	
161	Part does not apply to second-hand prescribed electrical equipment	60
162	Prescribed electrical equipment in sch 4, pt 1—labelling and registration	61
163	Prescribed electrical equipment in sch 4, pt 2—registration	62
164	Prescribed electrical equipment in sch 4, pt 3—registration	62
165	Representations about 3-phase cage induction motors	63
165A	Representations about digital television set-top boxes	64
165B	Representations about external power supplies	64
166	Marking and labelling particular fluorescent lamp ballasts	64
Chapter 8	Employment in government owned electricity industry	
Part 1	Preliminary	
167	Definitions for ch 8	65
168	Meaning of redundant and redundant employee	66
169	Meaning of suitable alternative employment	66
170	Industrial Relations Commission may decide particular matters	67
Part 2	General employment conditions and entitlements	
171	Definitions for pt 2	68
172	EGTS award is binding	68
173	Secondment does not affect employment in the GOE industry	68
174	Continuous service	68
175	Calculation at a proportionate rate for particular employee	69
176	Chapter 8 prevails over industrial instruments	69

Contents

Part 3	Transfer of employment within GOE industry	
177	Application of pt 3	69
178	When there is transfer of employment within GOE industry	70
179	When employment with former employer and new employer is taken to be continuous service	70
180	Transferred employee may elect for leave entitlement to become leave entitlement with new employer	70
181	Payment by former employer to new employer towards long service leave entitlements not accrued on transfer	71
182	Transferred employees not made redundant	72
183	Particular new employers must pay superannuation into transferred employee's existing scheme	72
Part 4	Recognition of previous service other than on transfer	
184	Application of pt 4	72
185	Recognition of previous service	73
Part 5	Long service leave	
Division 1	Entitlement	
Subdivision 1	General entitlement provision	
186	Entitlement to long service leave	74
Subdivision 2	Service and continuity of service	
187	Service recognised for long service leave purposes	75
188	Casual employees	75
189	Periods of absence without pay that count as service	76
Subdivision 3	Calculation of entitlement	
190	Calculation of long service leave	77
191	Casual employees—conversion to full-time equivalent	77
Division 2	Obtaining long service leave	
192	Application for long service leave	78
193	Employer's right to refuse or defer long service leave	78
Division 3	Miscellaneous provisions	
194	Minimum period	79
195	Employer's right to recall an employee from leave	79
196	Public holidays happening during long service leave	79
197	Illness during long service leave	79
198	Payment of cash equivalent of long service leave	81
199	Preservation of particular existing rights	81
Part 6	Locality allowances	

200	Application of pt 6	82
201	Allowance payable to a GOE industry employee with a dependent spouse or dependent child	83
202	Allowance payable to other employees	83
203	Allowance payable if both spouses are entitled	84
204	Allowance payable to an employee absent from headquarters on duty 84	
205	Allowance payable to an employee on leave	84
206	Building projects where site allowance is paid	85
Part 7	Overtime payments	
207	Overtime payments	85
Chapter 9	Internal and external reviews	
Part 1	Review of decisions	
208	Who may apply for internal review etc.	86
209	Applying for internal review	86
210	Stay of operation of decision etc.	86
211	Decision on internal review	87
Part 2	Appeals and external review	
Division 1	External reviews by QCAT	
212	Who may apply for external review	88
Division 2	Appeals about recognition of previous service	
214	Who may appeal	88
215	Making appeals	88
216	Starting appeals	89
217	Stay of operation of decisions	89
218	Powers of court on appeal	89
219	Effect of court's decision on appeal	90
220	Procedure of court	90
221	Appeals	90
Chapter 10	General provisions	
Part 1	Application of Judicial Review Act to State electricity entities	
222	Commercial and excluded activities for Act, s 256	91
Part 1A	Distribution network code provisions	
Division 1	Proposals to amend	
222A	Proposal to amend	92
222B	QCA response to proposal	92

Contents

222C	Notice of decision not to submit for consultation	92
222D	QCA-initiated amendments not affected	93
Division 2	Required consultation for QCA making or amending distribution network code	
Subdivision 1	Preliminary	
222E	Prescribed consultation—Act, ss 120H(2) and 120PA(1)	93
222F	Application of div 2 for amendments	93
Subdivision 2	Interim steps	
222G	Application of sdiv 2	94
222H	Interim consultation notice	94
222I	Submissions	95
222J	Considering submissions	95
222K	Release of draft report and draft proposed code	95
Subdivision 3	Final steps	
222L	Final consultation notice	95
222M	Submissions	96
222N	Considering submissions	96
222O	Release of final report and final proposed code	96
Part 2	Declared State electricity entities	
224	Declarations—Act, s 259A(2)	97
Part 3	Miscellaneous	
225	Approved industry superannuation scheme	97
225A	Prescribed amount—small photovoltaic generator connected at particular premises	98
225B	Obtaining information for price determinations	98
226	Fees	98
227	Forms	99
Part 4	Transitional provisions	
Division 1	Transitional provisions for original regulation	
228	Definition for div 1	99
229	Continuation of agreements for substations	99
230	Electric lines installed or operated before 1 October 2002	99
231	Existing registrations of items of prescribed electrical equipment	100
232	Existing approvals, notices, decisions, directions and requirements under 1994 regulation	100
233	Existing applications	100
234	Unfinished appeals	101

Division 2	Transitional provisions for Electricity Amendment Regulation (No. 3) 2007	
235	Small customers for negotiated retail contracts under Act, s 312	101
236	Existing decisions under s 88 or 211	101
237	Unfinished referrals and reviews	101
238	Contestable customers for National Electricity Rules	102
Division 3	Transitional provision for Electricity Amendment Regulation (No. 4) 2007	
239	Provision for new s 142	102
Division 4	Transitional provision for Electricity Amendment Regulation (No. 1) 2009	
240	Demand management plans for 2009 financial year	103
Schedule 1	Maximum permitted rating of electric motors	104
Schedule 3	Special approval holders treated as electricity entities	106
Schedule 4	Prescribed electrical equipment and relevant standards	107
Schedule 5	QCA review of decisions	113
Schedule 6	External reviews of administrative decisions by QCAT	115
Schedule 7	Fees payable to regulator	116
Schedule 8	Maximum fees payable to electricity entity	117
Schedule 9	Dictionary	120

Electricity Regulation 2006

Chapter 1 Preliminary

1 Short title

This regulation may be cited as the *Electricity Regulation 2006*.

2 Commencement

This regulation commences on 1 September 2006.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

4 Purposes

The main purposes of this regulation are to—

- (a) ensure a secure, efficient and economic supply of electricity to customers on fair and reasonable terms; and
- (b) ensure customers' interests are adequately protected; and
- (c) provide for the proper measurement of the energy efficiency and performance of electrical equipment; and
- (d) inform the public about the energy efficiency and performance of electrical equipment; and
- (e) prescribe particular conditions of employment for employees in the GOE industry.

5 How purposes are to be achieved

The purposes of this regulation are to be achieved mainly by—

- (a) prescribing standards and procedures for the design, building and maintenance of electric lines and works; and
- (d) prescribing standards and procedures for measuring energy efficiency and the performance of electrical equipment; and
- (e) providing for the registration and labelling of electrical equipment; and
- (f) providing for continuity of service for leave purposes for employees transferring within the GOE industry; and
- (g) providing for long service leave and locality allowance entitlements for GOE industry employees; and
- (h) providing for award conditions and entitlements of employment for State electricity entities and their electricity industry employees.

6 Words have the same meaning as in wiring rules

- (1) Words and expressions used in the wiring rules have the same respective meanings in this regulation.
- (2) However, for this regulation, the expression ‘point of supply’ in the wiring rules has the same meaning as ‘consumers terminals’ has in this regulation.

7 Way of describing electrical articles and appliances

An electrical article or appliance or type of electrical article or appliance may be described by reference to its model or in any other way.

Chapter 2 Technical requirements

Part 1 Preliminary

8 Application of ch 2

- (1) This chapter does not apply to—
- (a) an electric line or works within the limits of a mine; or
 - (b) petroleum plant.

- (2) In this section—

mine means—

- (a) a coal mine within the meaning of the *Coal Mining Safety and Health Act 1999*; or
- (b) a mine within the meaning of the *Mining and Quarrying Safety and Health Act 1999*.

petroleum plant means private plant or an electrical installation, subject to inspection under the *Petroleum and Gas (Production and Safety) Act 2004*.

private plant means generating plant not used by an electricity entity or special approval holder in accordance with an authority or special approval.

Part 2 Design, building and maintenance of electric lines and works

Division 1 Compliance with part

9 Compliance with this part

A person who designs, builds, maintains or operates an electric line or works must ensure the provisions of this part relevant to the line or works are complied with.

Maximum penalty—20 penalty units.

Division 2 Earthing, frequency and voltage

10 Systems of earthing

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 that complies with the wiring rules.

11 Supply at low voltage

- (1) Electricity for general supply must be alternating current having a nominal frequency of 50Hz.
- (2) The standard voltage for the supply, before 27 October 2018, of electricity at low voltage from a 3-phase system is—
 - (a) between a phase conductor and a neutral conductor—
 - (i) the nominal voltage stated for the system in AS 60038; or
 - (ii) 240V; and
 - (b) between 2 phase conductors—

- (i) the nominal voltage stated for the system in AS 60038; or
 - (ii) 415V.
- (3) The standard voltage for the supply, before 27 October 2018, of electricity at low voltage from a single phase system is—
 - (a) between a phase conductor and a neutral conductor—
 - (i) the nominal voltage stated for the system in AS 60038; or
 - (ii) 240V; and
 - (b) between the phase conductors—
 - (i) the nominal voltage stated for the system in AS 60038; or
 - (ii) 480V.
- (4) The standard voltage for the supply, on or after 27 October 2018, of electricity at low voltage from a 3-phase system or a single phase system is the nominal voltage stated for the system in AS 60038.

12 Supply at high voltage

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.

13 Changes of voltage at customer's consumers terminals

- (1) Supply of electricity by an electricity entity to a customer must be maintained at the standard voltage for the supply mentioned in section 11 or 12.
- (2) For the supply of electricity at low voltage before 27 October 2018, the supply is taken to be maintained at the standard voltage for the supply if the voltage at a customer's consumers terminals—

- (a) for the standard voltage mentioned in section 11(2)(a)(i) or (b)(i) or (3)(a)(i) or (b)(i)—does not differ from the standard voltage by more than the percentage stated for the supply voltage range in AS 60038; or
 - (b) for the standard voltage mentioned in section 11(2)(a)(ii) or (b)(ii) or (3)(a)(ii) or (b)(ii)—is no more than 6% more or less than the standard voltage.
- (3) For the supply of electricity at low voltage on or after 27 October 2018, the supply is taken to be maintained at the standard voltage for the supply if the voltage at a customer's consumers terminals—
 - (a) for supply before 1 July 2020—does not differ from the standard voltage by more than the percentage stated for the supply voltage range in AS 60038; or
 - (b) otherwise—
 - (i) is within the minimum preferred steady state median voltage and the maximum preferred steady state median voltage stated in AS 61000; or
 - (ii) if the voltage can not be maintained under subparagraph (i)—does not differ from the standard voltage by more than the percentage stated for the supply voltage range in AS 60038.
- (4) The supply of electricity at high voltage is taken to be maintained at the standard voltage for the supply if the voltage at a customer's consumers terminals is—
 - (a) for the supply of electricity at a voltage of 22,000V or less—no more than 5% more or less than the standard voltage; or
 - (b) for the supply of electricity at a voltage more than 22,000V—within the margin agreed between the electricity entity and the customer.
- (5) For measuring the voltage at a customer's consumers terminals for subsection (2), (3) or (4), the methodology for the measurement of steady state voltage stated in AS 61000 must be used.

(6) In this section—

AS 61000 means AS 61000.3.100 (Limits—Steady state voltage limits in public electricity systems) as in force from time to time.

Division 3 Service lines

14 Service lines on customer’s premises—electricity entity’s obligations

- (1) An electricity entity must, in accordance with recognised practice in the electricity industry—
 - (a) decide the route, termination point, number of phases, lengths, type and size of its service lines; and
 - (b) provide and install or arrange for the provision and installation of its service lines.
- (2) The electricity entity must—
 - (a) if requested by a customer to connect a service line that is a standard control service—meet the cost of providing and installing the service line to the customer’s premises; or
 - (b) if requested by a customer to provide and install or arrange for the provision and installation of a service line that is not a standard control service—provide and install or arrange for the provision and installation of the service line to the customer’s premises at the customer’s expense.
- (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) 20m for an overhead service line; or
 - (b) 7m for an underground service line.
- (4) Also, subsections (1)(b), (2)(a) and (3) apply only to the provision and installation of 1 initial service line that is a

standard control service at particular premises, whether before or after the commencement of this section.

Example—

Subsection (1)(b) does not apply if a customer requires an additional service line, or the upgrading of the existing service line, at the customer's premises to operate 3-phase air-conditioning equipment.

- (5) For subsections (1) and (3), 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.

15 Service lines on customer's premises—customer's obligations

- (1) A customer must provide and maintain, free of cost to an 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—

- a service riser bracket
 - timber backing for the electricity entity's 'J' hook
- (2) The customer must provide access for the entity to install, test, maintain or take away its service line without hindrance or obstruction.
- (3) The customer must pay the reasonable cost of a service line provided, unless—
- (a) the service line is a standard control service; and
 - (b) the line is an initial service line to the customer's premises.

Division 4 Maintenance of works

16 Maintenance of works

An electricity entity must, in accordance with recognised practice in the electricity industry, periodically inspect and maintain its works to ensure the works remain in good working order and condition.

17 Clearing, lopping and pruning of trees on non-freehold land

- (1) An electricity entity may clear, lop or prune 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) the entity holds the benefit of an easement, licence or other agreement in relation to the line or works.
- (2) Subsection (1) applies—
 - (a) whether or not the easement, licence or agreement authorises the clearing, lopping or pruning; and
 - (b) subject to—
 - (i) the conditions of the easement, licence or agreement; and
 - (ii) section 18.
- (3) To the extent a local planning instrument or a local law is inconsistent with subsection (1), the local planning instrument or local law is of no effect.
- (4) In this section—

local planning instrument means a local planning instrument under the *Planning Act 2016*.

trees see the *Forestry Act 1959*.

Division 5 Works on publicly controlled places

18 Notice to be given to public entity

- (1) This section applies if an electricity entity intends to take action mentioned in subsection (2) in a publicly controlled place unless—
 - (a) the action is an action authorised under sections 140 to 141 of the Act; and
 - (b) the entity complies with the section in relation to the entry to the place and the taking of the action.
- (2) The action is—
 - (a) opening or breaking up the soil or pavement of the place; or
 - (b) clearing, lopping or pruning 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 written or oral 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 101 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.

19 Electricity entity must comply with public entity's requirements

- (1) If an electricity entity goes on a publicly controlled place to take action for which notice must be given under section 18, 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).

20 Guarding of work on publicly controlled place

- (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.

21 Restoration of publicly controlled place

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

[s 22]

- (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 to be carried out by or for the electricity entity is as agreed between the electricity entity and the public entity controlling the place and in accordance with reasonable conditions and requirements stated by the public entity.

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

- (1) An electricity entity must keep a publicly controlled place that has been opened or broken up and restored by it in good repair—
- (a) for 3 months after restoring the place; and
 - (b) if the ground subsides and continues to subside—for up to a further 9 months.
- (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.

23 Warning signs on roads

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 traffic signs under the *Transport Operations (Road Use Management) Act 1995*.

Part 3

Customers' electrical installations

24 Installation and operation of electric line beyond person's property

- (1) A person may install and operate, on a place beyond the person's property (including on a publicly controlled place), a low voltage electric line forming part of the person's electrical installation if—
 - (a) the person 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 or operation of the electric line; and
 - (c) the installation and operation of the electric line is not likely to cause a fire or a person to suffer an electric shock.
- (2) The entities to be consulted include—
 - (a) the relevant supplier; and
 - (b) for a publicly controlled place—the local government or other entity with responsibility for the place; and
 - (c) for a place other than a publicly controlled place—the owner and each lessee or occupier of 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 person's electrical installation is installed on a place contrary to this section, the regulator may direct the person to take away the electric line, at the person's expense.

[s 25]

- (5) The regulator must give the person a QCAT information notice about the decision to give the direction.
- (6) If the person does not comply with the direction, the regulator may take away the electric line and recover the cost of the removal from the person as a debt payable to the State.
- (7) A person 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.

25 Power factor

A customer must comply with any requirement of its supplier made of the customer under section 36 about the power factor of an electrical installation.

Note—

See section 37 for what action the distribution entity may take if the customer does not comply with the requirement.

26 Prevention of interference by motor installations and associated starting devices

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

Note—

See sections 36 and 37 for what action a distribution entity may take if the distribution entity considers the installation or device interferes, or is likely to interfere, with the supply of electricity to other customers.

27 Interference with supply of electricity

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.

Note—

See sections 36 and 37 for what action a distribution entity may take if the distribution entity considers the installation or device interferes, or is likely to interfere, with the supply of electricity to other customers.

28 Customer's generating plant for interconnection to supply network

- (1) A customer must not install generating plant for interconnection with a supplier's supply network without the supplier'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.

29 Requirement for circuit-breaker

- (1) If required by the relevant supplier, a customer must ensure the customer's electrical installation 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.

- (2) However, the customer may choose whether to have a circuit-breaker as a main switch or a circuit-breaker instead of a fuse if the relevant supplier does not state which is required.

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

- (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.

Part 4

Qualifying customers' small photovoltaic generators

30AA Prescribed credit amount for credit for electricity produced by small photovoltaic generators

- (1) For section 44A(1)(b) of the Act, the prescribed credit amount for a qualifying customer for a premises who, before 10 July 2012, lodged with a distribution entity a completed application to connect 1 qualifying generator at the premises to its supply network is \$0.44 for each kilowatt hour.
- (2) A qualifying customer mentioned in subsection (1) is a category 1 qualifying customer.

30AB When a qualifying customer stops being entitled to be credited with prescribed credit amount for a category 1 qualifying customer

- (1) A qualifying customer stops being entitled to be credited with the prescribed credit amount under section 44A(1)(b) of the Act for a category 1 qualifying customer in relation to a qualifying generator that is connected to a distribution entity's supply network if the name on the electricity account for the premises is changed to another person.

Example of when the name on an electricity account may be changed—

The premises are sold or rented out.

- (2) Subsection (1) does not apply if the qualifying customer's spouse was a category 1 qualifying customer for the premises immediately before the qualifying customer became a qualifying customer for the premises.

-
- (3) A qualifying customer also stops being entitled to be credited with the prescribed credit amount under section 44A(1)(b) of the Act for a category 1 qualifying customer if—
- (a) no qualifying generator has been connected at the qualifying customer's premises to a distribution entity's supply network by the end of 30 June 2013; or
 - (b) no qualifying generator is ready to be connected at the qualifying customer's premises to a distribution entity's supply network by the end of 30 June 2013.

Chapter 3 Electricity supply and sale to customers

Part 1 Distribution entities and metering coordinators

Division 1 Obligations of distribution entities and customers

36 Regulating customer's use etc. of electricity

- (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

[s 37]

- (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 26; or
 - (d) ensure the power factor of an electrical installation measured over any 30 minutes at the customer's consumers terminals—
 - (i) for low voltage supply to the customer—
 - (A) is at least 0.8 lagging; and
 - (B) is not a leading power factor unless the entity agrees; or
 - (ii) for high voltage supply to the customer—is within the range stated in the National Electricity Rules, schedule 5.3.5.
- Editor's note—*
- National Electricity Rules, schedule 5.3.5 (Power factor requirements)
- (3) The notice must state when it must be complied with.
- (4) The notice must be accompanied by or include an information notice about the decision.

37 Action if notice not complied with

If a customer does not comply with a notice under section 36, the distribution entity may—

[s 41]

metering coordinator and the customer has communicated the customer's refusal of the installation under the National Electricity Rules, rule 7.8.4(e).

(3) In this section—

new meter deployment has the meaning given by the National Energy Retail Rules.

type 4 metering installation has the meaning given by the National Electricity Rules.

41 Customer to provide links connecting meter to incoming supply

- (1) If the metering coordinator so requires, the customer must provide suitable links for connecting meters to an incoming electricity supply to the premises.
- (2) However, the requirement may be made for a single meter only if—
 - (a) the meter is being, or is proposed to be, installed; or
 - (b) the customer is making, or is proposing to make, a substantial change to the meter or a substantial change to the premises that relates to the meter.

Examples—

- relocation of the meter
- replacement of the mounting for the meter
- rewiring of the premises

(3) The metering coordinator may seal the links.

42 No breaking or interfering with meter seal

- (1) This section applies if the metering coordinator has provided a meter or links for the premises and there is a seal on the meter or links.
- (2) A person (the *first person*) must not break or interfere with the seal unless the metering coordinator has permitted the first person to do so.

Maximum penalty—20 penalty units.

43 No breaking or interfering with network device seal

- (1) This section applies if a distribution entity for the premises has provided a network device for the premises and there is a seal on the device.
- (2) A person must not break or interfere with the seal unless the distribution entity has permitted the person to do so.

Maximum penalty—20 penalty units.

44 Placing meter or network device on customer's premises

- (1) The customer must, at the customer's expense—
 - (a) provide at the premises space, housing, mounting and connecting facilities for each meter and network device provided by the metering coordinator or distribution entity for the premises; and
 - (b) maintain the facilities in a safe and sound condition.
- (2) The facilities must be in a position that meets the reasonable requirements of—
 - (a) for a meter—the metering coordinator; or
 - (b) for a network device—the distribution entity for the premises.

45 Change of placement if building changes or works

- (1) This section applies if, because of building changes or similar works, the position of a meter or a network device at the premises no longer meets requirements made under section 44(2).
- (2) The customer must, at the customer's expense—
 - (a) provide space, housing, mounting and connecting facilities in another position at the premises that meets the reasonable requirements of—

- (i) for the meter—the metering coordinator; or
 - (ii) for the network device—the distribution entity for the premises; and
- (b) arrange for relocation to the other position by—
- (i) for the meter—the metering coordinator; or
 - (ii) for the network device—the distribution entity.

46 Customers to provide safe access

- (1) This section applies if the customer does not provide safe access at any reasonable time to read a meter and install, test, maintain or take away the supplier's works without hindrance or obstruction to—
- (a) the distribution entity for the premises, a special approval holder, the metering coordinator or the customer's retailer (the *relevant entity*); or
 - (b) an electricity officer of a relevant entity; or
 - (c) a person authorised by a relevant entity.
- (2) The relevant entity may, by written notice to the customer, require the customer to provide the access within a stated period of at least 1 month.
- (3) If the customer does not comply with the notice, the relevant entity may install alternative metering or other equipment to enable consumption to be measured by remote or other suitable ways.
- (4) Subsection (3) does not limit or otherwise affect another remedy the relevant entity has against the customer.
- (5) The relevant entity may recover from the customer as a debt its costs reasonably incurred in acting under subsection (3).

Division 3 Substations on customers' premises

57 Application of div 3

- (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.

58 Meaning of *owner* in div 3

In this division—

owner, of premises, includes a person who is the proprietor, lessee or occupier of the premises or part of the premises.

59 Owner to provide space for substation

- (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 from the owner as a debt the reasonable costs of anything done by the entity under paragraph (a).
- (7) In this section—

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.

60 Supply to other customers from substation

- (1) A distribution entity may only use an electric line or equipment installed by it on premises under this division for providing customer connection services to customers outside the premises if the owner of the premises agrees.
- (2) If the agreement is given, it continues in force while the substation is still being used to supply electricity to the premises.
- (3) Subsection (2) applies even if the total maximum demand for the electricity is less than the amount mentioned in section 57(1).

61 Limitation of compensation

Unless agreed between the owner and the 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 59; or
- (c) carrying out an obligation imposed on the owner under section 59; or
- (d) agreeing under section 60 for the substation to be used for the purpose of supplying customers outside the premises, other than reasonable compensation for any additional space, over and above the space used to supply customers on the premises, occupied by the substation for that purpose.

62 Taking away distribution entity's equipment

- (1) If supply of electricity to an owner's premises is no longer needed, the distribution entity must, within a reasonable period, take away, at its own cost, its electric lines, cables and equipment from the premises if the owner asks.

- (4) QCA must give each party a reasonable opportunity to make representations before making the decision.
- (5) After considering any representations, QCA must decide the issue in dispute.
- (6) QCA must give the parties a QCAT information notice about the decision.

89 QCA may seek advice or information

- (1) This section applies if, under section 88(2), QCA has been asked to resolve a dispute.
- (2) To help resolve the dispute, QCA may seek advice or information from any other person.
- (3) QCA may take the advice or information into account in resolving the dispute.
- (4) If QCA seeks information or advice or takes into account advice or information QCA has been given for any other dispute, QCA 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.

90 Parties to maintain secrecy of advice or information

- (1) This section applies if under section 89(4) QCA 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 external review of QCA's decision on the dispute.

Part 6 Electricity restrictions

Division 1 Preliminary

92 Purpose of pt 6

The purpose of this part is ensure a regular, economically efficient and constant supply of electricity within the available supply capacity of particular supply networks, or parts of them.

Division 2 Restrictions in Ergon Energy distribution area

93 Where restrictions apply

The electricity restrictions under section 94 apply to electricity supplied by Ergon Energy in the localities mentioned in schedule 1 through its supply network.

94 Restrictions

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

Editor's note—

The guidelines are available from the Ergon Energy offices at 109 Lake Street, Cairns, 34–46 Dalrymple Road, Garbutt, Townsville and the corner of Fitzroy Street and Alma Street, Rockhampton.

- (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 Ergon Energy; or
 - (c) to electrical articles at Mapoon installed before 1 December 1998; or
 - (d) if the customer satisfies Ergon Energy, 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—

- (a) AS/NZS 3350.2.35:1999—Safety of household and similar electrical appliances, part 2.35—Particular requirements—Instantaneous water heaters; or
- (b) AS/NZS 60335.2.35:2004—Household and similar electrical appliances—Safety, part 2.35—Particular requirements for instantaneous water heaters.

welding power source means an electric arc welding power source that has—

- (a) a transformer for alternating current welding; or
- (b) a transformer-rectifier unit for direct current, or alternating current and direct current, welding.

Chapter 4 Market and system arrangements

Part 1 System and network control

Division 1 Operating electrical installations

118 National Electricity Rules to be followed

A person must comply with the National Electricity Rules 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 AEMO or the System Operator for Queensland to be relevant to the security and reliability of the Queensland system; or
- (c) includes facilities for the provision of ancillary services stated by AEMO or the System Operator for Queensland 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

119 Network operation not to interfere with Queensland system

- (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 AEMO or the System Operator for Queensland.

Maximum penalty—20 penalty units.

- (2) In this section—

operate includes providing network control.

120 National Electricity Rules to be followed

A person must comply with the National Electricity Rules 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.

121 Dealings to be impartial

An electricity entity, in carrying out network control, must be impartial in its dealings with all other electricity entities, special approval holders and customers.

122 Confidentiality

- (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—

- (a) the giving of the information is for another lawful purpose; and
 - (b) any commercial advantage is only incidental to the purpose.
- (2) Subsection (1) does not apply to the giving to a person information about—
- (a) the person; or
 - (b) with another person's written permission, the other person.

123 Reasonable charges for services

An electricity entity may charge customers for the reasonable cost of carrying out its network control functions.

Part 2 Conditions of authorities and special approvals

Division 1 General provisions

124 Separation of distribution and retail sectors

It is a condition of a distribution authority that its holder must not hold a retailer authorisation.

125 Compliance with National Electricity Rules instruments

- (1) This section applies to the holder of an authority or special approval if the holder is a Registered participant.
- (2) It is a condition of an authority or special approval that its holder must comply with any National Electricity Rules instrument applying to the activities authorised by the authority or special approval.
- (3) In this section—

authority means a generation authority, transmission authority or distribution authority.

National Electricity Rules instrument means a guideline, power system operating procedure or other procedure, protocol or standard made under the Rules.

127 Prescribed special approval holder—Act, s 61B

Essential Energy, in relation to special approval no. SA01/11, is prescribed for the Act, section 61B.

Division 2 Demand management plans

127A Definitions for div 2

In this division—

approved demand management plan means a demand management plan approved by the regulator under this division.

demand management, by a distribution entity, means any activity in which the entity is involved that reduces demand on the entity's supply network or part of the supply network.

demand management plan, for a financial year, means a plan for the year that complies with section 127C(2).

strategy see section 127C(2)(a).

127B Condition of distribution authority

It is a condition of a distribution authority that its holder must comply with this division.

127C Preparing demand management plan

- (1) A distribution entity must, for each financial year, prepare a demand management plan.

- (2) The distribution entity must include in the plan—
 - (a) the entity's long-term strategy for demand management (the *strategy*), including the following—
 - (i) the principles intended to guide the achievement of the strategy;
 - (ii) a description of existing and planned programs for demand management for the next 5 financial years;
 - (iii) any identified opportunities to achieve the strategy; and
 - (b) the entity's proposed initiatives to be carried out under the strategy in the financial year, including the following—
 - (i) a description of the initiative;
 - (ii) a forecast of the capital and operating costs for the initiative that the entity reasonably considers will be the likely costs for the year;
 - (iii) the entity's performance targets for the initiative.
- (3) Subsection (2) does not limit the matters that may be included in the plan.
- (4) The distribution entity must, on or before each 30 April in the preceding financial year, give the regulator a copy of the entity's plan for the financial year.

127D Approving demand management plan

The regulator must, on or before 31 May in the preceding financial year—

- (a) approve the distribution entity's demand management plan for the financial year; or
- (b) make recommendations under section 127E(1) to amend the plan.

127E Recommendations by regulator

- (1) Before approving the distribution entity's demand management plan for a financial year, the regulator may—
 - (a) return the plan to the entity; and
 - (b) make recommendations to amend the plan by asking the entity to—
 - (i) consider or further consider any matter; and
 - (ii) amend the plan in the light of its consideration or further consideration.
- (2) The distribution entity must comply with a request under subsection (1)(b).
- (3) If the distribution entity does not implement any or all of the regulator's recommendations, the entity must give the regulator written reasons for not implementing the recommendations.
- (4) The distribution entity must give a copy of the plan to the regulator for approval.
- (5) The plan takes effect as the distribution entity's approved demand management plan for the financial year only when it is approved by the regulator.

127F Amending approved demand management plan

- (1) The distribution entity may, at any time in a financial year, amend its approved demand management plan for the year.
- (2) However, the plan may be amended only if a change in circumstances happens that indicates the carrying out of a proposed initiative, or the carrying out of a proposed initiative in the way described in the plan, is no longer feasible or practical to achieve the entity's strategy.
- (3) If, in amending the plan, a proposed initiative, or the way a proposed initiative is to be carried out under the plan, is not changed, the entity's performance targets for the proposed initiative must not be changed in the amended plan.

[s 127G]

- (4) The distribution entity must give the regulator a copy of the amended plan.
- (5) The plan, as amended, takes effect as the distribution entity's approved demand management plan for the financial year only when it is approved by the regulator.

127G Complying with approved demand management plan

The distribution entity must use its best endeavours to comply with its approved demand management plan.

127H Reporting requirements

- (1) The distribution entity must, for each financial year, prepare a report comparing details of the following—
 - (a) the proposed initiatives stated in the entity's approved demand management plan for the year;
 - (b) the actual initiatives the entity carried out in the year.
- (2) The distribution entity must give the regulator a copy of the report on or before 31 August in the following financial year.

Part 3 Special approvals

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

- (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) of the Act applies to Ergon Energy acting under the special approval as if it were a generation entity.

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

- (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.

130 Approval to connect particular generating plant with 30MW or less capacity

- (1) A person who operates generating plant with a capacity of 30MW or less has a special approval to connect the generating plant to a transmission grid or supply network.
- (2) Section 27(a) and (c) of the Act applies to the person acting under the special approval as if the person were a generation entity.

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

- (1) A special approval holder stated in schedule 3, column 1, is to be treated as an electricity entity for the provisions of the Act stated in schedule 3, 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 3, each of the items in which the holder is mentioned applies to the holder.

132 Special approval for QETC

QETC has a special approval to generate electricity for a purpose or function mentioned in section 33(2) of the Act.

Chapter 5 Prohibited interests

133 Distribution authorities

Holding a retailer authorisation is a prohibited interest for a distribution entity.

Chapter 7 Energy efficiency and performance of electrical equipment

Part 1 Minimum energy efficiency and performance

Division 1 Registration

138 Application for registration

- (1) An application for registration of an item of prescribed electrical equipment must be made to the regulator in the approved form, or if there is no approved form, a form acceptable to the regulator.
- (2) The application must be accompanied by each of the following—

- (a) subject to subsection (7), the prescribed fee;
 - (b) the test results and calculations mentioned in the relevant standard;
 - (c) the other test results mentioned in the relevant standard, in the form for the results set out in the standard;
 - (d) for an item mentioned in schedule 4, part 1—a sample of a label for the item;
 - (e) for an item mentioned in schedule 4, part 3, that is to be labelled—a sample of a label for the item;
 - (f) if required by the regulator, a sample of the equipment;
 - (g) any other relevant information the regulator requires to decide the application.
- (3) The application may specify a range of models of the 1 brand in the same application if each of the models has the same relevant physical characteristics, energy efficiency and performance characteristics.
- (4) If a person other than the applicant signs the application, the application must be accompanied by the applicant's written authority for the person to sign the application.
- (5) If the application is made by electronic communication, subsection (4) is taken to be complied with if—
- (a) a method is used to identify the applicant and to indicate the applicant's authority; and
 - (b) having regard to all the relevant circumstances when the method was used, the method was as reliable as was appropriate for the purposes for which the authority was communicated; and
 - (c) the regulator consents to the requirement being met by using the method mentioned in paragraph (a).
- (6) The regulator may waive the requirement under subsection (2)(b) and (c).
- (7) If the application is made by electronic communication, the applicant must give the regulator the prescribed fee for the

application before the regulator can register the item of prescribed electrical equipment.

- (8) If the application is made by electronic communication, the regulator—
 - (a) may decide the application; but
 - (b) can not register the item the subject of the application until the prescribed fee is paid.

139 Requirements for registration

- (1) The regulator may register an item of prescribed electrical equipment only if the regulator considers—
 - (a) the item complies with section 140; and
 - (b) for equipment mentioned in schedule 4, part 1—the equipment’s label complies with section 152; and
 - (c) for equipment mentioned in schedule 4, part 3, that is to be labelled—the equipment’s label complies with section 152.
- (2) If the regulator refuses to register the item, the regulator must give the applicant a QCAT information notice about the refusal.

140 Minimum energy efficiency and performance criteria

- (1) This section states the requirements an item of prescribed electrical equipment must comply with for section 139(1)(a).
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must, if tested in accordance with part 1 of the relevant standard, comply with the performance criteria for the item in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2, must comply with the energy efficiency requirements for the item in the relevant standard.

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, a QCAT 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.

143 Change of name or address

- (1) The holder of a registration of an item of prescribed electrical equipment whose name or address changes must, within 14 days after the change, give written notice of it to the regulator.
Maximum penalty—8 penalty units.
- (2) The regulator must enter details of the new name or address in the register.

144 Changing energy efficiency label identifying electrical equipment

- (1) The holder of a registration of an item of prescribed electrical equipment with an energy efficiency label may apply to the regulator for approval of a change to the label to reflect a change in the way an item of electrical equipment of the type to which the label relates is identified.
- (2) The regulator may approve the change if the application—
 - (a) is made in the approved form; and
 - (b) is accompanied by—
 - (i) subject to subsection (3), the prescribed fee; and
 - (ii) a sample of the changed energy efficiency label.
- (3) If the application is made by electronic communication, the applicant must give the regulator the prescribed fee for the application before the regulator can approve the change.

145 Refusal to change energy efficiency label

If the regulator refuses to approve a change to an energy efficiency label for which an application is made, the regulator must give the applicant a QCAT information notice about the refusal.

146 Notice of change to energy efficiency label

Within 28 days after approving a change to an energy efficiency label, the regulator must give written notice of the change to the holder of the label.

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.

Division 2 Transfer and cancellation of registration

147 Transfer of registration

- (1) If the holder of a registration of an item of prescribed electrical equipment proposes to transfer the registration to someone else (the *proposed transferee*), the proposed transferee may apply to the regulator for approval of the transfer.
- (2) The regulator must approve the transfer if the application—
 - (a) is made in the approved form; and
 - (b) is accompanied by—
 - (i) subject to subsection (4), the prescribed fee; and
 - (ii) the holder's written agreement to the transfer.
- (3) If the regulator refuses to approve the transfer, the regulator must give the applicant a QCAT information notice about the refusal.
- (4) If the application is made by electronic communication, the applicant must give the regulator the prescribed fee for the application before the regulator can approve the change.

148 Notice of transfer

Within 28 days after approving the transfer, the regulator must give written notice of the transfer to the proposed transferee and the former holder of the registration.

149 Cancellation of registration

- (1) The regulator may, subject to section 150, cancel the registration of an item of prescribed electrical equipment if—
 - (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
 - (b) the holder of the registration engages in conduct likely to mislead the public about the performance, rating, capacity or the characteristics of the item required by the relevant standard; or
 - (c) the holder gave the regulator false or misleading information about the application for registration, or transfer of registration, of the item; or
 - (d) the holder asks for the cancellation.
- (2) If registration of an item (the *primary item*) of prescribed electrical equipment is cancelled, the regulator may also cancel the registration of any other item of prescribed electrical equipment that the regulator is satisfied—
 - (a) has the same relevant physical characteristics, energy efficiency and performance characteristics as the primary item; and
 - (b) was registered on the basis of the same test results as the test results for the primary item.
- (3) If the regulator decides to cancel the registration, the regulator must give the holder a QCAT information notice about the decision.

150 Procedure before cancellation

- (1) If the regulator considers a ground exists to cancel the registration of an item of prescribed electrical equipment, other than at the request of the registration holder, the regulator must, before taking the action, give the holder written notice—
 - (a) stating the regulator is considering cancelling the registration; and
 - (b) stating the grounds for the proposed cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the holder to show, within a stated time of at least 15 business days, why the registration should not be cancelled.
- (2) If, after considering all written representations made by the holder within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.
- (3) Cancellation of the registration takes effect on the sixth business day after the holder is given a QCAT information notice under section 149(3).

151 Notice, by holder, of cancellation of registration

- (1) Immediately on receipt of a QCAT information notice about cancellation of the registration of an item of prescribed electrical equipment, the holder of the registration must give written notice of the cancellation to each person to whom the holder has sold an item of the type that was registered.
- (2) Subsection (1) does not require the giving of a notice to a person to whom the type of item had been sold by retail or had been sold at least 1 year before the notice was received.

Division 3 Energy efficiency label

152 Energy efficiency label

- (1) An energy efficiency label for an item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must—
 - (a) comply with the labelling requirements of the relevant standard for the item; and
 - (b) not contain any figures, symbols or other words likely to mislead the public about the item's comparative energy consumption, energy efficiency rating or performance characteristics; and
 - (c) if the item is sold—accompany the item.
- (2) If the item is displayed for sale, the energy efficiency label for the item must—
 - (a) be attached to the item—
 - (i) in the way shown in the relevant standard; or
 - (ii) in another way approved by the regulator; and
 - (b) not be attached in a way that it is obscured from view.

Note—

See part 3 (Offences) for when equipment must be labelled.

Division 4 Register

153 Register

- (1) The regulator must keep a register of each item of prescribed electrical equipment registered by the regulator.
- (2) The regulator may enter in the register any particulars contained in an application for registration, or transfer of registration, of the item.
- (3) The register may be kept in a way the regulator considers appropriate.

- (4) The register may form part of a national register.

154 Inspection of register

The regulator must—

- (a) keep the register open for inspection, on payment of the prescribed fee, by members of the public during office hours on business days; and
- (b) on payment of the prescribed fee, give the person a copy of an entry in the register.

Part 2 Testing and test reports

Division 1 Preliminary

155 Testing of prescribed electrical equipment

- (1) An item of prescribed electrical equipment mentioned in schedule 4, part 1 or 3, must be tested under this part in accordance with part 1 of the relevant standard to find out whether it complies with the performance criteria in the relevant standard.
- (2) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 1, must be tested under this part to find out whether it complies with the energy efficiency requirements in the relevant standard.
- (3) An item of prescribed electrical equipment mentioned in schedule 4, part 2, item 2, must be tested under this part in accordance with part 102.3 of the relevant standard to find out whether it complies with the minimum energy performance requirements in part 5 of the relevant standard.
- (4) An item of prescribed electrical equipment mentioned in schedule 4, part 2, items 3 to 18, must be tested under this part to find out whether it complies with the minimum energy

performance requirements in the relevant standard for the item.

- (5) The testing may be done only by an approved testing entity.

156 Test reports

- (1) The results of the test must be recorded in a test report.
- (2) The test report must be in the approved form, or if there is no approved form, a form acceptable to the regulator, and contain the following information about the test—
- (a) the provision of this regulation under which the testing was conducted;
 - (b) the name of the entity that conducted the test;
 - (c) the date of the test;
 - (d) the date of the report;
 - (e) the results of the test, in the form set out in the relevant standard;
 - (f) other information required to be included in the report under this part.

Division 2 Check testing

157 Requirement by regulator to make available prescribed electrical equipment for testing

- (1) The regulator may, by written notice given to the holder of the registration of an item of prescribed electrical equipment, require the holder to make an item of the type registered available for the testing (*check testing*) mentioned in section 155.
- (2) The requirement must state—
- (a) the period, of at least 1 month from the giving of the requirement, within which the item must be made available; and

- (b) the place where the item is to be made available; and
 - (c) an amount estimated to cover the actual, reasonable cost of the check testing and when it is to be paid to the regulator.
- (3) The holder must make the item available and pay the amount as stated in the requirement.

158 What happens if check testing shows noncompliance

- (1) This section applies if a check test shows that an item of prescribed electrical equipment does not comply with a performance criteria or energy efficiency requirement of the relevant standard.
- (2) If the actual cost of testing the item is greater than the amount paid under section 157(3) for the check test, the difference may be recovered by the regulator from the holder as a debt owing to the State.
- (3) This section does not affect section 149.

159 What happens if check testing shows compliance

- (1) This section applies if a check test shows that an item of prescribed electrical equipment complies with the performance criteria or energy efficiency requirements of the relevant standard.
- (2) The regulator must refund to the holder the amount paid under section 157(3) for the check test.
- (3) The amount may be recovered by the holder from the regulator as a debt owing by the State to the holder.

160 Return of equipment made available to the regulator

- (1) This section applies if, at the regulator's request, a person makes available to the regulator free of charge an item of prescribed electrical equipment for testing or with an application under this chapter.

- (2) The regulator must give the person written or oral notice that the equipment is available for collection by the person at a stated place as soon as practicable after—
 - (a) for an item made available for testing—
 - (i) if the regulator believes, on reasonable grounds, that the item is required as evidence in a prosecution for an offence—the prosecution and any appeal from the prosecution; or
 - (ii) if subparagraph (i) does not apply—the testing; or
 - (b) for an item made available with an application—the regulator decides the application.
- (3) Despite subsection (2)(a)(i), the regulator must give the person written or oral notice immediately after the earlier of the following—
 - (a) the regulator decides the equipment is not required as evidence;
 - (b) a prosecution for an offence involving the type of equipment is not started within 6 months from when the notice would have been given if subsection (2)(a)(i) had not applied.
- (4) If, at the end of 6 months after the notice is given, the equipment has not been collected, the regulator may dispose of the item as the regulator considers appropriate and the person is not entitled to claim for the appliance or any loss or damage to it.

Part 3 Offences

161 Part does not apply to second-hand prescribed electrical equipment

This part does not apply to a second-hand item of prescribed electrical equipment.

162 Prescribed electrical equipment in sch 4, pt 1—labelling and registration

- (1) A person must not display for sale or sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 1, unless—
- (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.
- Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply if—
- (a) the sale item is registered under a corresponding law; and
 - (b) an energy efficiency label is attached to or accompanies the sale item and the label complies with, and is attached or accompanies the item, in the way required by the corresponding law.
- (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

[s 163]

- (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.

**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.

**164 Prescribed electrical equipment in sch 4, pt 3—
registration**

- (1) A person must not sell an item (the *sale item*) of prescribed electrical equipment mentioned in schedule 4, part 3, unless—
 - (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) if an energy efficiency label is attached to or accompanies the sale item—the label complies with, and is attached to or accompanies the item in the way required by, section 152.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the sale item is registered under a corresponding law; and
 - (b) if an energy efficiency label is attached to or accompanies the sale item—the label complies with, and is attached to or accompanies the item in the way required by, the corresponding law.
- (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.

165 Representations about 3-phase cage induction motors

A person must not represent that a 3-phase cage induction motor mentioned in schedule 4, part 2, item 2, is a high efficiency motor unless the motor complies with the high

[s 165A]

efficiency performance requirements for the item in part 5 of the relevant standard.

Maximum penalty—20 penalty units.

165A Representations about digital television set-top boxes

A person must not represent that a digital television set-top box mentioned in schedule 4, part 2, item 6, is a high efficiency set-top box unless it complies with the high efficiency performance requirements for the item in section 3 of the relevant standard.

Maximum penalty—20 penalty units.

165B Representations about external power supplies

A person must not represent that an external power supply mentioned in schedule 4, part 2, item 7, is a high efficiency power supply unless it complies with the high efficiency performance requirements for the item in section 3 of the relevant standard.

Maximum penalty—20 penalty units.

166 Marking and labelling particular fluorescent lamp ballasts

- (1) This section applies to a fluorescent lamp ballast, other than a ballast to which the standard mentioned in schedule 4, part 1, item 6, applies.
- (2) A person must not mark the ballast with an energy efficiency label unless the label—
 - (a) complies with the labelling requirements of the standard mentioned in subsection (1); and
 - (b) is marked on the ballast in the way shown in the standard.

Maximum penalty—20 penalty units.

- (3) If an energy efficiency label is marked on the ballast, a person must not sell the ballast unless it conforms with the energy efficiency rating shown on the label.

Maximum penalty—20 penalty units.

Chapter 8 Employment in government owned electricity industry

Part 1 Preliminary

167 Definitions for ch 8

In this chapter—

employment entitlement, of an employee, means each of the following—

- (a) the employee's leave entitlement;
- (b) the period of service that would be relevant for working out the redundancy payment to which the employee would be entitled if the employee was made redundant.

future employer see section 168(2)(d).

previous employer see section 168(2)(a).

redundancy payment means a payment made to a person because the person became redundant.

redundant see section 168(1).

redundant employee see section 168(2).

State electricity entity includes an entity declared to be a State electricity entity under section 224.

suitable alternative employment see section 169.

168 Meaning of *redundant* and *redundant employee*

- (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) the person was employed by a State electricity entity (the *previous employer*); and
 - (b) the person's employment ended because the person was redundant; and
 - (c) the person has received, or is eligible to receive, a redundancy payment from the previous employer; and
 - (d) the person has not been offered suitable alternative employment by the previous employer or another State electricity entity (each a *future employer*).

169 Meaning of *suitable alternative employment*

- (1) Alternative employment offered to a person by a future employer is *suitable alternative employment* only if the following conditions are satisfied—
 - (a) the person's employment entitlements are continued under the alternative employment;
 - (b) either—
 - (i) the person and the previous employer have agreed the alternative employment is the same or substantially the same as the person's previous employment with the employer; or
 - (ii) the Industrial Relations Commission has decided the alternative employment is the same or substantially the same as the person's previous employment;
 - (c) if, on the offer day, the person is a member of a superannuation scheme and the future employer is a subsidiary of a GOC—

-
- (i) the person's membership in the scheme is not affected; and
 - (ii) the employer makes, or agrees to make, the superannuation contributions the employer is required to make for the person to the scheme for the benefit of the person.
- (2) Subsection (1)(c) does not apply if the person and future employer enter into an agreement about the superannuation arrangements for the person.
- (3) In this section—
- offer day*, for a person to whom alternative employment is offered, means the day the alternative employment is offered to the person.

170 Industrial Relations Commission may decide particular matters

If a person and the person's previous employer can not agree, after genuinely attempting to come to an agreement, whether alternative employment offered to the person is the same or substantially the same as the person's previous employment with the employer—

- (a) the person and employer must—
 - (i) treat the disagreement as an industrial dispute; and
 - (ii) immediately give the registrar under the Industrial Relations Act a notice complying with section 229(3) of that Act for the dispute; and
- (b) chapter 7, part 2, of the Industrial Relations Act applies to the disagreement as if—
 - (i) the disagreement were an industrial dispute; and
 - (ii) the notice given under paragraph (a)(ii) were given under section 229(2) of that Act; and
- (c) without limiting section 230(3) and (4) of the Industrial Relations Act, the Industrial Relations Commission may decide whether or not the alternative employment is the

- 2 A part-time employee has a fortnight of continuous service if the employee works the days rostered for the employee in the fortnight.

175 Calculation at a proportionate rate for particular employee

- (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—

$$A = \frac{C}{T} \times R$$

- (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.

176 Chapter 8 prevails over industrial instruments

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

Part 3 Transfer of employment within GOE industry

177 Application of pt 3

This part applies to a person who transfers employment within the GOE industry (the *transferred employee*).

178 When there is transfer of employment within GOE industry

- (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) For subsection (1), a person does not resign from employment with a State electricity entity if the person becomes a redundant employee for the entity.
- (3) The transfer is effective when the employee starts employment with the new employer (the *transfer day*).

179 When employment with former employer and new employer is taken to be continuous service

- (1) This section applies if the transfer day is no more than 1 month after the transferred employee ends employment with the former employer.
- (2) To decide employment 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 employee's leave 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.

180 Transferred employee may elect for leave entitlement to become leave entitlement with new employer

- (1) This section applies if the 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 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.

181 Payment by former employer to new employer towards long service leave entitlements not accrued on transfer

- (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 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.

182 Transferred employees not made redundant

A transferred employee is not made redundant merely because of the transfer.

183 Particular new employers must pay superannuation into transferred employee's existing scheme

- (1) This section applies if—
 - (a) the new employer is a subsidiary of a GOC; and
 - (b) immediately before the transfer day, the transferred employee was a member of a superannuation scheme (the *employee's existing scheme*).
- (2) However, this section does not apply if the transferred employee and new employer have entered into an agreement about the superannuation arrangements for the employee.
- (3) The new employer must ensure—
 - (a) the transferred employee's membership in the employee's existing scheme is not affected; and
 - (b) the superannuation contributions the employer is required to make for the employee are paid, for the benefit of the employee, into the employee's existing scheme.

Part 4 Recognition of previous service other than on transfer

184 Application of pt 4

- (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 repealed *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.

185 Recognition of previous service

- (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) this part 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).

- (6) The new employer must give the employee a written notice about a decision made under this section.

Part 5 Long service leave

Division 1 Entitlement

Subdivision 1 General entitlement provision

186 Entitlement to long service leave

- (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 employee resigns because of a domestic or other pressing necessity and has at least 7 years continuous service ending when the person resigns; or
 - (c) the person dies or resigns and has at least 5 years continuous service ending when the person dies or resigns.
- (2) However, subsection (1)(c) applies to an employee who resigns before reaching 55 only 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) This part does not limit another entitlement to long service leave that the employee may have.
- (4) In this section—
- 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.

Subdivision 2 Service and continuity of service

187 Service recognised for long service leave purposes

For this part, continuous service for a GOE industry employee means—

- (a) service that is actually continuous or taken to be continuous under section 179; and
- (b) a period of former service that is, under section 185, 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 repealed *Government Owned Corporations (QGC Corporatisation) Regulation 1994* or the repealed *Government Owned Corporations (QTSC Corporatisation) Regulation 1994*—previous service, including broken service, recognised as service for long service leave purposes under the repealed *Electricity Act 1976*.

188 Casual employees

- (1) The service of a GOE industry employee with a State electricity entity (the **employer**) who has been employed more than once by 1 or more State electricity entities over a period is continuous service with the employer even though—
 - (a) the employment is broken; or
 - (b) any of the employment is not full-time employment; or
 - (c) the employee is employed by the entity or entities under 2 or more employment contracts; or
 - (d) the employee would, apart from this section, be taken to be engaged in casual employment; or
 - (e) the employee has engaged in other employment during the period.

[s 189]

- (2) However, the continuous service ends if the employment is broken by more than 3 months between the end of 1 employment contract and the start of the next employment contract.
- (3) In working out the length of a the employee's continuous service—
 - (a) service by the employee before 23 June 1990 must not be taken into account; and
 - (b) subject to subsection (2), a period when the employee was not employed by the entity or entities must be taken into account.

189 Periods of absence without pay that count as service

In this part, an employee's absence without pay from employment is counted as the employee's service only if—

- (a) the absence is as sick leave for no more than 3 months; or
- (b) the employee is paid for the absence under the *Workers' Compensation and Rehabilitation Act 2003* for an injury sustained by the employee; or
- (c) the absence is for leave, other than sick leave, of no 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; or
- (e) the employee is a casual employee and section 188 applies.

Subdivision 3 Calculation of entitlement

190 Calculation of long service leave

- (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; and
 - (c) for a casual employee—the hourly rate for ordinary time payable to the employee—
 - (i) if the employee takes the long service leave—on the day the employee starts the leave; or
 - (ii) if the employee's employment is terminated—on the day the termination takes effect.
- (3) The minimum amount payable to a casual employee for long service leave is worked out using the formula—

$$\frac{\text{actual service}}{52} \times \frac{13}{10} \times \text{hourly rate}$$

where—

actual service means the total ordinary working hours actually worked by the employee during the employee's period of continuous service.

hourly rate means the hourly rate under subsection (2)(c).

191 Casual employees—conversion to full-time equivalent

- (1) A State electricity entity may agree with a casual employee that the employee's entitlement to long service leave may be taken in the form of its full-time equivalent.

Example for subsection (1)—

If a casual employee—

- (a) is entitled to be paid for 290 hours long service leave; and
- (b) works under an award that provides for a full-time working week of 36.25 ordinary working hours;

the employee and the employer may agree that the employee takes 8 weeks leave ($290 \div 36.25 = 8$).

- (2) This section applies subject to an industrial instrument about the employee's long service leave.

Division 2 Obtaining long service leave

192 Application for long service leave

An employee who has an entitlement to long service leave and wishes to take long service leave must make written application for the leave to the employer giving timely notice of the wish to start the leave.

193 Employer's right to refuse or defer long service leave

- (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 work unit in which the applicant is employed.
- (2) If the application is refused, the employer must arrange with the employee for the leave applied for to be taken as soon as is mutually convenient.

Division 3 Miscellaneous provisions

194 Minimum period

The minimum period of long service leave that may be granted at a time is 2 weeks.

195 Employer's right to recall an employee from leave

- (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 the employee's undrawn long service leave entitlement.

196 Public holidays happening during long service leave

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.

197 Illness during long service leave

- (1) This section applies if, for a period of at least 1 week while an employee is on long service leave, the employee could not, if the employee had not been on leave, 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; and
 - (d) sick leave is available to the employee.
- (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 189 but subject to section 195.

198 Payment of cash equivalent of long service leave

- (1) This section applies if, on the day an employee's employment ends (the *last day*), the employee is entitled to a period of long service leave.
- (2) The employer must make a payment instead of granting the employee the period of long service leave.
- (3) The amount of the payment is an amount equal to the amount that would have been paid to the employee if the employee had, on the last day, taken all long service leave to which the employee was entitled on the last day.
- (4) If the employee has not died, the employer must pay the amount to the employee on the last day.
- (5) If the employee has died, the employer must pay the amount as soon as is practicable—
 - (a) to the persons (if any) who, the employer is satisfied, are completely or substantially dependent on the earnings of the employee; or
 - (b) in other cases—to the employee's personal representative.

199 Preservation of particular existing rights

- (1) This section applies to an employee (the *affected employee*) who—
 - (a) became a GOE industry employee on 1 January 1995 because of the repealed—
 - (i) *Government Owned Corporations (QGC Corporatisation) Regulation 1994*; or
 - (ii) *Government Owned Corporations (QTSC Corporatisation) Regulation 1994*; and

- (b) under the long service leave arrangements under the repealed *Electricity Act 1976*, would have been entitled—
 - (i) to a greater period of long service leave than the entitlement under this regulation; or
 - (ii) 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
 - (iii) either to long service leave or to a cash equivalent of long service leave under the arrangements and who is not entitled to long service leave or a cash equivalent of long service leave under this part.
- (2) The affected employee is entitled to be—
 - (a) granted the greater period of long service leave; or
 - (b) paid the amount of cash equivalent of long service leave that is greater in amount; or
 - (c) granted the long service leave or paid 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 6 Locality allowances

200 Application of pt 6

This part does not apply for a casual employee.

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

- (1) A State electricity entity must pay a locality allowance to its employee who—
 - (a) is stationed at a centre for which a locality allowance is payable under a directive issued under the *Public Service Act 2008*; 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 203.
- (4) An employee who is paid the locality allowance must notify the employer immediately an event affecting the entitlement to receive the allowance happens.

202 Allowance payable to other employees

- (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 for which a locality allowance is payable under a directive issued under the *Public Service Act 2008*.
- (2) The locality allowance is payable—
 - (a) for a full-time employee—at one-half the appropriate rate set out in the directive; and
 - (b) for a part-time employee—at a proportionate amount of the rate payable under paragraph (a).
- (3) If the State electricity entity is satisfied special circumstances exist, the entity may pay 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.

203 Allowance payable if both spouses are entitled

- (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 202 and not as stated in section 201.
- (3) This section applies whether or not the employee has a dependent child.

204 Allowance payable to an employee absent from headquarters on duty

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.

205 Allowance payable to an employee on leave

- (1) The locality allowance for a GOE industry employee must not be reduced because the employee is absent on recreation leave, sick leave or long service leave.
- (2) If the employee is absent on special leave, the employer may pay the allowance to the employee.

-
- (3) No locality allowance is payable to an employee who is absent on leave without pay.

206 Building projects where site allowance is paid

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 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 7 Overtime payments

207 Overtime payments

- (1) This section applies to a GOE industry 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.

Chapter 9 Internal and external reviews

Part 1 Review of decisions

208 Who may apply for internal review etc.

- (1) A person whose interests are affected by a decision mentioned in schedule 5 may apply to QCA for an internal review of the decision.
- (2) A person who seeks an internal review of a decision is entitled to receive a statement of reasons for the decision.

209 Applying for internal review

- (1) An application by a person for internal review of a decision must be made within 28 days after an information notice about, or other written notice of, the decision is given to the person.
- (2) However, if the notice did not state reasons for the decision and 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, QCA may extend the period for making an application for internal review.
- (4) An application for internal review must be written and state in detail the grounds on which the applicant seeks internal review of the decision.

210 Stay of operation of decision etc.

- (1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.

- (2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application for external review to QCAT.
- (3) A stay—
 - (a) may be given on conditions QCAT considers appropriate; and
 - (b) operates for the period fixed by QCAT; and
 - (c) may be revoked or amended by QCAT.
- (4) The period of a stay under this section must not extend past the time when QCA reviews the decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of QCA's decision.
- (5) The making of an application under this part for internal review of a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

211 Decision on internal review

- (1) This section applies to an application under this part for internal review of a decision (the *disputed decision*).
- (2) QCA may confirm the disputed decision, amend the disputed decision or substitute a new decision after considering the applicant's representations.
- (3) QCA must immediately give the applicant written notice of QCA's decision on the application.
- (4) If the decision is not the decision sought by the applicant, the notice must be a QCAT information notice.
- (5) If QCA 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 and external review

Division 1 External reviews by QCAT

212 Who may apply for external review

The following persons may apply, as provided under the QCAT Act, to QCAT for an external review of the decision mentioned for the person—

- (a) for a decision by QCA under section 88—any party to the dispute;
- (b) for a decision by the regulator or QCA mentioned in schedule 6—a person whose interests are affected by the decision.

Division 2 Appeals about recognition of previous service

214 Who may appeal

A person whose interests are affected by a decision under section 185 of the person's employer may appeal against the decision to an Industrial Magistrates Court.

215 Making appeals

- (1) An appeal under this part must be made within 3 months after written notice for the decision is given to the person.
- (2) However, subsection (3) applies if—
 - (a) the notice under subsection (1) 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).

- (3) The person may make the appeal within 3 months after the person is given the statement of reasons.
- (4) The court may extend the period for making an appeal, even though the time for making the appeal has ended.

216 Starting appeals

- (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 Industrial Magistrates Court nearest the place where the applicant resides or carries on business.

217 Stay of operation of decisions

- (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.

218 Powers of court on appeal

- (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.

219 Effect of court's decision on appeal

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.

220 Procedure of court

- (1) The power to make rules of court for an Industrial Magistrates Court under the *Industrial Relations Act 1999* includes power to make rules of court for appeals to the court under this part.
- (2) 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 an industrial magistrate.
- (3) The court may make any order about costs it considers just.

221 Appeals

An appeal to the Industrial Court from a decision of an Industrial Magistrates Court may be made only on a question of law.

Chapter 10 General provisions

Part 1 Application of Judicial Review Act to State electricity entities

222 Commercial and excluded activities for Act, s 256

- (1) For section 256(1), definition *excluded activities*, of the Act, a community service obligation for the charging of customers by 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(2) of the Act, negotiations between the Ministers and a State electricity entity about costs and charges for providing electricity as a community service obligation are declared to be commercial activities of the State electricity entity.
- (3) For section 256(2) of the Act, the activities of the System Operator for Queensland are declared to be commercial activities.
- (4) In this section—

Ministers means the Minister who administers the Act and the Minister who administers the *Government Owned Corporations Act 1993*.

price equalisation means a system for charging customers the same price for the supply of electricity, whether or not the cost of the supply is the same.

Part 1A Distribution network code provisions

Division 1 Proposals to amend

222A Proposal to amend

- (1) Any person (the *proponent*) may ask QCA to amend a distribution network code in a stated way (the *proposal*).
- (2) However, the proposal may be made only in the way QCA reasonably requires.
- (3) Also, QCA may require the proponent to, in making the proposal, justify how it meets the QCA code objective.

222B QCA response to proposal

- (1) This section applies only when any requirements under section 222A relating to the proposal have been complied with.
- (2) QCA must, within 2 months, decide whether or not it will submit the proposal for consultation under division 2.
- (3) If QCA decides to submit the proposal, QCA may submit it in any form it considers appropriate, with or without change.

222C Notice of decision not to submit for consultation

If QCA decides not to submit the proposal for consultation under division 2, it must, as soon as practicable after making the decision, give the proponent a written notice stating the decision and its reasons for the decision.

222D QCA-initiated amendments not affected

To remove any doubt, it is declared that this division does not prevent QCA from amending the distribution network code on its own initiative.

Division 2 Required consultation for QCA making or amending distribution network code

Subdivision 1 Preliminary

222E Prescribed consultation—Act, ss 120H(2) and 120PA(1)

- (1) For sections 120H(2) and 120PA(1) of the Act, the consultation required to be engaged in before QCA may make or amend a distribution network code is any steps as required under subdivisions 2 and 3.
- (2) For subsection (1), the consultation is taken to have been engaged in if the required steps have been substantially carried out or complied with.

222F Application of div 2 for amendments

- (1) If QCA proposes to amend a distribution network code, this division applies—
 - (a) as if a reference to a proposed distribution network code were a reference to the proposed amendment; and
 - (b) as if a reference to a draft or final version of a proposed code were a reference to the proposed amendment.
- (2) However, QCA may comply with a requirement to publish the proposed amendment by publishing the full distribution network code as amended by the proposed amendment.

Subdivision 2 Interim steps

222G Application of sdiv 2

This subdivision does not apply if—

- (a) QCA decides the issues for the proposed distribution network code are minor; or
- (b) QCA reasonably considers that it is unnecessary or inappropriate to carry out the steps provided for under this subdivision.

222H Interim consultation notice

- (1) QCA must—
 - (a) prepare a written notice (the *interim consultation notice*) about the proposed distribution network code; and
 - (b) publish the interim consultation notice on its website; and
 - (c) give the interim consultation notice to anyone it reasonably believes will be interested in the proposed distribution network code.
- (2) The interim consultation notice must state—
 - (a) where a document (the *issues document*) discussing interim issues for the proposed distribution network code may be inspected; and
 - (b) a period (the *interim consultation period*) during which anyone may make written submissions to QCA about the issues.
- (3) The issues document may, but need not be, a draft of the proposed distribution network code.
- (4) The interim consultation period must be a period that is reasonable, having regard to the complexity of the interim issues.

222I Submissions

Anyone may, within the interim consultation period, make a written submission to QCA about the issues mentioned in the issues document.

222J Considering submissions

QCA must, as soon as practicable after the interim consultation period ends, consider all written submissions made under section 222I within that period.

222K Release of draft report and draft proposed code

- (1) QCA must, after complying with section 222J, publish on its website—
 - (a) a draft report about the material issues for the proposed distribution network code; and
 - (b) a draft of the proposed distribution network code.
- (2) The draft of the proposed distribution network code may be a first draft or a revision of any draft of the proposed distribution network code that formed the issues document.

Subdivision 3 Final steps

222L Final consultation notice

- (1) This section applies if subdivision 2 did not apply or if any steps required under the subdivision have been carried out or complied with.
- (2) If subdivision 2 did not apply, QCA must first publish on its website—
 - (a) a draft report about the material issues for the proposed distribution network code; and
 - (b) a draft of the proposed distribution network code.

- (3) QCA must—
 - (a) prepare a written notice (the *final consultation notice*) about the proposed distribution network code; and
 - (b) publish the final consultation notice on its website; and
 - (c) give the final consultation notice to anyone it reasonably believes will be interested in the proposed distribution network code.
- (4) The final consultation notice must state—
 - (a) that QCA has made a draft report about the material issues for the proposed distribution network code and a draft of the proposed distribution network code; and
 - (b) where the drafts may be inspected; and
 - (c) a period (the *final consultation period*) during which anyone may make written submissions to QCA about the drafts.
- (5) The final consultation period must be a period that is reasonable, having regard to the complexity of the drafts.

222M Submissions

Anyone may, within the final consultation period, make a written submission to QCA about the drafts published under section 222L(2).

222N Considering submissions

QCA must, as soon as practicable after the final consultation period ends, consider all written submissions made under section 222M within that period.

222O Release of final report and final proposed code

QCA must, after complying with section 222N, publish on its website—

- (a) a final report about the material issues for the proposed distribution network code; and
- (b) a final version of the proposed distribution network code.

Part 2 **Declared State electricity entities**

224 **Declarations—Act, s 259A(2)**

- (1) Each of the following entities is declared to be a State electricity entity for the employment conditions, under chapter 8, of its employees—
 - (a) Energy Queensland Limited ACN 612 535 583;
 - (b) SPARQ Solutions Pty Ltd ACN 110 073 400.
- (2) Kogan Creek Power Pty Ltd ACN 088 229 789 is declared to be a State electricity entity for the employment conditions, under sections 167 to 169 and chapter 8, parts 3, 4 and 5, of its employees.
- (3) Energy Queensland Limited ACN 612 535 583 is declared to be a State electricity entity for section 256 of the Act.

Part 3 **Miscellaneous**

225 **Approved industry superannuation scheme**

On and from 1 July 1995 the Electricity Supply Industry Superannuation Fund (Qld) is an approved industry superannuation scheme.

225A Prescribed amount—small photovoltaic generator connected at particular premises

- (1) This section applies if section 55DBA applies in relation to electricity produced by a photovoltaic system connected at a particular premises to a supply network.
- (2) For the Act, schedule 5, definition *small photovoltaic generator*, paragraph (a), the amount for the photovoltaic system is 30 kilowatts.

225B Obtaining information for price determinations

- (1) A pricing entity may, in writing, ask AEMO for relevant information, including protected information, the pricing entity requires to make a price determination under chapter 4, part 2, division 3 of the Act.
- (2) AEMO must, within the reasonable period stated in the request, give the relevant information to the pricing entity unless, in the circumstances, AEMO could not reasonably have been expected to have, or to be able to obtain, the information.
- (3) In this section—
protected information see the National Electricity (Queensland) Law, section 54(1).

226 Fees

- (1) The fees payable to the regulator under the Act are in schedule 7.
- (2) Schedule 8 states the maximum fees payable to an electricity entity for the matters stated in the schedule.
- (3) To remove any doubt, the following is declared for each maximum fee under schedule 8 for a matter—
 - (a) the fee is the maximum amount payable for the matter regardless of whether the fee is charged under the Act, a distribution network code or a contract;

-
- (b) the maximum applies to amounts payable by a customer to a retailer or distribution entity or by a retailer to a distribution entity.

227 Forms

The regulator may approve forms for use under the Act.

Part 4 Transitional provisions

Division 1 Transitional provisions for original regulation

228 Definition for div 1

In this division—

1994 regulation means the expired *Electricity Regulation 1994*.

229 Continuation of agreements for substations

An agreement under the repealed *Electricity Act 1976*, section 173 or the 1994 regulation, section 57(1) is taken to be an agreement under section 60.

230 Electric lines installed or operated before 1 October 2002

- (1) This section applies to an electric line installed or operated immediately before 1 October 2002 under section 157 or 157A of the 1994 regulation as in force immediately before that day.
- (2) On and from 1 October 2002, the electric line is taken to have been installed and to be operated under section 21(1) to (3) of the 1994 regulation and section 24(1) to (3) of this regulation.

231 Existing registrations of items of prescribed electrical equipment

- (1) This section applies to an existing registration in force immediately before 1 September 2006.
- (2) On 1 September 2006, the registration is taken to have been given—
 - (a) under chapter 7; and
 - (b) despite section 142, for the remainder of its term unless it is cancelled earlier.
- (3) In this section—

existing registration means a registration, under the 1994 regulation, of an item of prescribed electrical equipment.

232 Existing approvals, notices, decisions, directions and requirements under 1994 regulation

- (1) This section applies to an approval, notice, decision, direction or requirement—
 - (a) given or made by the regulator or an electricity entity (the *relevant entity*) under a provision (the *expired provision*) of chapter 2, 3 or 6 of the 1994 regulation; and
 - (b) in force immediately before 1 September 2006.
- (2) On 1 September 2006, the approval, notice, decision, direction or requirement is taken to have been given or made by the relevant entity, under the provision of this regulation that corresponds, or substantially corresponds, to the expired provision.

233 Existing applications

An application made by a person under chapter 6 of the 1994 regulation and not decided before 1 September 2006, is taken to have been made under chapter 7 of this regulation.

234 Unfinished appeals

An appeal that has been started under the 1994 regulation and not finished before 1 September 2006 continues as if it were an appeal made under chapter 9, part 2, of this regulation.

Division 2 Transitional provisions for Electricity Amendment Regulation (No. 3) 2007

235 Small customers for negotiated retail contracts under Act, s 312

- (1) For section 312 of the Act, chapter 3, part 1A (other than section 30A) applies for deciding who is a small customer as if—
 - (a) that part had commenced on the notification day; and
 - (b) a reference in that part to the FRC day were a reference to the notification day.
- (2) In this section—

chapter 3, part 1A means chapter 3, part 1A of this regulation as in force on the FRC day.

notification day means the day this section commenced.

236 Existing decisions under s 88 or 211

If, before the FRC day, the regulator had made a decision under section 88 or 211, on the FRC day the decision is taken to have been made by QCA.

237 Unfinished referrals and reviews

- (1) This section applies if—
 - (a) immediately before the FRC day—

- (i) the regulator had, under section 88, been asked (the *referral*) to decide an issue in dispute; or
 - (ii) an application under section 208 had been made to the regulator for a review of a decision; and
 - (b) the regulator had not made a decision on the issue or review.
- (2) The referral or application is taken to have been made to QCA.
 - (3) The regulator must give QCA the referral or application and any documents or information given to the regulator for the referral or review.

238 Contestable customers for National Electricity Rules

For clauses 9.32.1(a)(2) and 9.34.4(b) of the National Electricity Rules, a contestable customer is prescribed to be any customer other than an excluded customer.

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*.

Division 4 **Transitional provision for Electricity
Amendment Regulation (No. 1) 2009**

240 **Demand management plans for 2009 financial year**

- (1) Section 127C(4) applies to a relevant plan as if the reference to each 30 April in the preceding financial year were a reference to 6 July 2009.
- (2) Section 127D applies to a relevant plan as if the reference to 31 May in the preceding financial year were a reference to 6 August 2009.
- (3) In this section—
relevant plan means a distribution entity's demand management plan for the financial year starting on 1 July 2009.

Schedule 1 Maximum permitted rating of electric motors

sections 93 and 94(1)

Locality	Maximum rating
Aurukun	16kW
Badu Island	13kW
Bamaga	46kW
Boigu Island	10kW
Boulia	16kW
Burketown	16kW
Camooweal	16kW
Coconut Island	10kW
Coen	13kW
Darnley Island	8kW
Dauan Island	7kW
Doomadgee	37kW
Gununa	37kW
Hammond Island	5kW
Kowanyama	37kW
Lockhart River	16kW
Mabuiag Island	7kW
Mapoon	12kW
Moa Island (Kubin and St Pauls communities)	10kW

Locality	Maximum rating
Murray Island	13kW
Palm Island	38kW
Pompuraaw	16kW
Saibai Island	8kW
Stephens Island	4kW
Warraber Island	7kW
Wasaga	37kW
Yam Island	10kW
Yorke Island	10kW

Schedule 3 Special approval holders treated as electricity entities

section 131

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 each holder for the time being of special approval no. SA01/07 authorising the operation of an electric line	116A
3 the holder of any special approval	section 120 chapter 5, part 4
4 Essential Energy, under special approval no. SA01/11	section 131A
5 RTA Weipa Pty Ltd, under special approval no. SA18/98	chapter 2, part 9 chapter 4, part 4, divisions 1, 2 and 4 sections 112, 113, 113B and 114 chapter 6

Schedule 4 Prescribed electrical equipment and relevant standards

schedule 9, definitions *prescribed electrical equipment* and *relevant standard*

Part 1 Equipment requiring registration and labelling

Prescribed electrical equipment	Relevant standard
1 clothes washing machines	AS/NZS 2040—Performance of household electrical appliances—clothes washing machines, part 1 Methods for measuring performance, energy and water consumption and part 2 Energy efficiency labelling requirements
2 dishwashers	AS/NZS 2007—Performance of household electrical appliances—dishwashers, part 1 Methods for measuring performance, energy and water consumption and part 2 Energy efficiency labelling requirements
3 refrigerating appliances	AS/NZS 4474—Performance of household electrical appliances—refrigerating appliances, part 1 Energy consumption and performance and part 2 Energy labelling and minimum energy performance standard requirements

Prescribed electrical equipment	Relevant standard
4 single-phase non-ducted household air conditioners and heat pumps	AS/NZS 3823—Performance of electrical appliances—Air conditioners and heat pumps, part 2 Energy labelling and minimum energy performance standard (MEPS) requirements
5 rotary clothes dryers	AS/NZS 2442—Performance of household electrical appliances—Rotary clothes dryers, part 1 Energy consumption and performance and part 2 Energy labelling requirements
6 fluorescent lamp ballasts	AS/NZS 4783—Performance of electrical lighting equipment—Ballasts for fluorescent lamps, part 1 Method of measurement to determine energy consumption and performance of ballasts lamp circuits, and part 2 Energy labelling and minimum energy performance standards requirements
7 televisions	AS/NZS 62087—Power consumption of audio, video and related equipment, part 2.2 Minimum energy performance standards (MEPS) and energy rating label requirements for television sets

Part 2 Equipment requiring registration only

Prescribed electrical equipment	Relevant standard
1 storage water heaters and heat exchange water heaters	AS/NZS 4692—Electric water heaters, part 1 Energy consumption, performance and general requirements and part 2 Minimum energy performance standard (MEPS) requirements and energy labelling
2 3-phase cage induction motors	AS/NZS 1359—Rotating electrical machines—General requirements, part 5 High efficiency and minimum energy performance standards requirements
3 double-capped fluorescent lamps	AS/NZS 4782—Double-capped fluorescent lamps—Performance specifications, part 1 General and part 2 Minimum energy performance standard (MEPS)
4 refrigerated display cabinets	AS 1731—Refrigerated display cabinets, part 1 Terms and definitions and part 14 Minimum energy performance standard (MEPS) requirements
5 power transformers	AS 2374—Power transformers, part 1 General and part 1.2 Minimum energy performance standard (MEPS) requirements for distribution transformers

Prescribed electrical equipment	Relevant standard
6 digital television set-top boxes	AS/NZS 62087—Power consumption of audio, video and related equipment, part 2.1 Minimum energy performance standards (MEPS) requirements for digital television set-top boxes
7 external power supplies	AS/NZS 4665—Performance of external power supplies, part 2 Minimum energy performance standard (MEPS) requirements
8 liquid-chilling packages	AS/NZS 4776—Liquid-chilling packages using the vapour compression cycle, part 2 Minimum energy performance standard (MEPS) and compliance requirements
9 close control air conditioners	AS/NZS 4965—Performance of close control air conditioners, part 2 Minimum energy performance standard (MEPS) requirements
10 incandescent general lighting service lamps	AS 4934.2—Incandescent lamps for general lighting services, part 2 Minimum energy performance standards (MEPS) requirements
11 extra low voltage halogen lamps (non-reflector)	AS 4934.2—Incandescent lamps for general lighting services, part 2 Minimum energy performance standards (MEPS) requirements
12 self-ballasted compact fluorescent lamps (non-reflector)	AS/NZS 4847—Self-ballasted lamps for general lighting services, part 2 Minimum energy performance standards (MEPS) requirements

Prescribed electrical equipment	Relevant standard
13 mains voltage halogen lamps (non-reflector)	AS 4934.2—Incandescent lamps for general lighting services, part 2 Minimum energy performance standards (MEPS) requirements
14 extra low voltage halogen lamps (reflector)	AS 4934.2—Incandescent lamps for general lighting services, Part 2 Minimum energy performance standards (MEPS) requirements
15 candle lamps (>40W)	AS 4934.2—Incandescent lamps for general lighting services, Part 2 Minimum energy performance standards (MEPS) requirements
16 fancy round lamps (>40W)	AS 4934.2—Incandescent lamps for general lighting services, Part 2 Minimum energy performance standards (MEPS) requirements
17 decorative lamps (>40W)	AS 4934.2—Incandescent lamps for general lighting services, Part 2 Minimum energy performance standards (MEPS) requirements
18 transformers and voltage convertors for extra low voltage halogen lamps	AS/NZS 4879.2—Performance of transformers and electronic step-down convertors for ELV lamps—Minimum energy performance standards (MEPS) requirements

Part 3

Equipment requiring registration that may be labelled

Prescribed electrical equipment	Relevant standard
1 single-phase ducted household or commercial air conditioners and heat pumps	AS/NZS 3823—Performance of electrical appliances—Air conditioners and heat pumps, part 2 Energy labelling and minimum energy performance standard (MEPS) requirements
2 single-phase non-ducted commercial air conditioners and heat pumps	AS/NZS 3823—Performance of electrical appliances—Air conditioners and heat pumps, part 2 Energy labelling and minimum energy performance standard (MEPS) requirements
3 3-phase household or commercial air conditioners and heat pumps	AS/NZS 3823—Performance of electrical appliances—Air conditioners and heat pumps, part 2 Energy labelling and minimum energy performance standard (MEPS) requirements

Schedule 5 QCA review of decisions

section 208

Section	Description of decision
15(1)	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
36(2)(a)	requirement by distribution entity for customer to regulate the use of an electrical article
36(2)(b)	requirement by distribution entity for customer to use or deal with electricity supplied in the stated way
36(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
36(2)(d)	requirement by distribution entity for customer about the power factor of an electrical installation
37	refusal by distribution entity to provide customer connection services to customer's electrical installation
40	decision to require changes to a customer's electrical installation
41	decision to make requirement about provision of links for connecting meters to an incoming electricity supply to a customer's premises
45(2)	decision to make requirement about space, housing, mounting and connecting facilities for a meter or control apparatus for a customer's premises
46(2)	decision to make requirement about provision of safe access to a customer's premises

Section	Description of decision
46(3)	decision to install alternative metering or other equipment on a customer's premises
59(2)	requirement by distribution entity for provision of space for a substation, a right of way or access to the supplier's equipment

Schedule 6 External reviews of administrative decisions by QCAT

section 212(b)

Section	Description of decision
24(4)	direction by the regulator to a person to take away an electric line
139(1)	refusal to register an item of prescribed electrical equipment
141(1)(a)	decision to fix a maximum registration term for an item of prescribed electrical equipment of less than 5 years
144	refusal to change an energy efficiency label
147(2)	refusal to approve transfer of registration of item of prescribed electrical equipment
149(1) or (2)	decision to cancel a registration of item of prescribed electrical equipment other than at the request of the holder of the registration
211	decision by QCA on internal review

Schedule 7 Fees payable to regulator

section 226(1)

	\$
1 Application for generation authority (Act, s 179)	1,691.00
2 Application for transmission authority (Act, s 188)	1,691.00
3 Application for distribution authority (Act, s 196)	1,691.00
4 Application for special approval (Act, s 209)	493.90
5 Application for transfer of a generation authority, transmission authority, distribution authority or special approval (Act, s 184A, 193A, 201A or 212A)	156.90
6 Application for registration of an item of prescribed electrical equipment (s 138)	217.90
7 Application for approval of a change to an energy efficiency label (s 144)	217.90
8 Application for approval of transfer of registration of an item of prescribed electrical equipment (s 147)	72.55
9 Inspection of the register (s 154)	14.20
10 Copy of 1 entry in the register (s 154)	28.75

Schedule 8 Maximum fees payable to electricity entity

section 226(2)

Part 1 Meter reading and testing

	\$
1 Special meter reading by Energex	38.40
2 Special meter reading by Ergon Energy	44.60
3 Testing of a meter by a distribution entity	20.65

Part 2 Disconnection and reconnection

	\$
1 Disconnection of supply of electricity to premises	nil
2 Reconnection of supply of electricity to a customer's (the <i>current customer's</i>) premises after disconnection at a customer's request or under the National Energy Retail Rules, rule 119(1)(g) to (i)—	
(a) if the reconnection is made during ordinary business hours	nil
(b) if the reconnection is made outside ordinary business hours at the current customer's request	125.10
3 Reconnection of supply of electricity to a customer's premises other than as mentioned in item 2—	

	\$
(a) if the reconnection is made during ordinary business hours	51.90
(b) if the reconnection is made outside ordinary business hours at the customer's request	125.10

Part 3 Temporary connections

	\$
1 Temporary connection of a supply of electricity to a building site by Ergon Energy during ordinary business hours (single-phase or multi-phase)	469.90
2 Temporary connection of a supply of electricity by Energex during ordinary business hours (current transformer or no current transformer)	469.90

Part 4 Other services

	\$
1 Service to a customer conducted by Ergon Energy that is an excluded service, other than a service mentioned in part 1, 2 or 3, if—	
(a) the service is for premises connected to a long rural feeder or an isolated feeder; and	

- (b) QCA has not approved for the service a maximum charge that is stated by QCA to be “price on application”
- §
The maximum charge approved by QCA for the service for customers connected to urban feeders

Schedule 9 Dictionary

section 3

actual meter reading means an actual meter reading as defined under the metrology procedure made under the National Electricity Rules.

approved demand management plan, for chapter 4, part 2, division 2, see section 127A.

approved form means a form approved by the regulator under section 227.

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.

AS 60038 means AS 60038 (Standard voltages) as in force from time to time.

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

casual employee means a GOE industry employee mentioned in section 188.

category 1 qualifying customer see section 30AA(2).

check testing, for an item of prescribed electrical equipment, see section 157.

consumers terminals means the point where a customer's electrical installation is connected to the relevant supplier's works.

consumption means consumption of electricity.

corresponding law, for chapter 7, means 1 of the following laws—

- *Electrical Products Act 2000* (SA)
- *Energy and Utilities Administration Act 1987* (NSW)
- *Electricity Safety Act 1998* (Vic).

decision maker, for chapter 9, part 2, division 2, means the entity whose decision is appealed against.

demand management, for chapter 4, part 2, division 2, see section 127A.

demand management plan, for chapter 4, part 2, division 2, see section 127A.

EGTS award see section 171.

electrical appliance means an appliance that uses electricity.

electrical installation includes part of an electrical installation.

Electricity Industry Code means the industry code of that name made by the Minister on 28 June 2007 under section 120B of the Act as in force immediately before the commencement of the *Electricity Competition and Protection Legislation Amendment Act 2014*, section 60.

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 EGTS award.

employment entitlement, for chapter 8, see section 167.

Energex means Energex Limited ACN 078 849 055.

Essential Energy means Essential Energy established under the *Energy Services Corporations Act 1995* (NSW).

excluded service means a service to a customer by a distribution entity that, under the National Electricity Rules, QCA decides is an excluded service for customers.

final consultation period, for chapter 10, part 1A, see section 222L(4)(c).

former employer, for chapter 8, part 3, see section 178(1).

former employment, for chapter 8, part 4, see section 184(1).

FRC day means the FRC day under section 310 of the Act.

future employer, for chapter 8, see section 168(2)(d).

GOE industry means all State electricity entities collectively, including entities declared to be State electricity entities under section 224.

GOE industry employee—

- (a) means a person employed by a State electricity entity, including an entity declared to be a State electricity entity under section 224, in a full-time, part-time or casual capacity; and
- (b) includes the chief executive officer of the entity.

high voltage means a voltage of more than 1,000V.

industrial instrument, for chapter 8, part 2, see section 171.

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

Industrial Relations Commission means the Queensland Industrial Relations Commission continued in existence under section 255 of the Industrial Relations Act.

information notice, for an action or decision of the regulator or another entity, means a notice stating each of the following—

- (a) the action or decision;
- (b) for an action or decision of the regulator—the reasons for the decision;

- (c) for an action or decision of another entity—that a person who may seek an internal review can ask the entity for a written statement of reasons for the action or decision;
- (d) the rights of internal review under this regulation;
- (e) the period in which any internal review under this regulation must be started;
- (f) how rights of internal review under this regulation are to be exercised.

interim consultation period, for chapter 10, part 1A, see section 222H(2)(b).

isolated feeder see the Electricity Industry Code, section 10.1.1.

issues document see section 222H(2)(a).

jurisdictional regulator has the meaning given in the National Electricity Rules.

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.

long rural feeder see the Electricity Industry Code, section 10.1.1.

loss factor has the meaning given in the National Electricity Rules.

low voltage means a voltage of no more than 1,000V.

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

metering coordinator, for chapter 3, part 1, division 2, see section 39.

network device has the meaning given in the National Electricity Rules.

new employer, for chapter 8, part 3, see section 178(1).

new employment, for chapter 8, part 4, see section 184(1).

owner, for chapter 3, part 1, division 3, see section 58.

power factor has the meaning given in the National Electricity Rules.

prescribed electrical equipment means an item of electrical equipment stated in schedule 4, column 1, as defined in the relevant standard.

previous employer, for chapter 8, see section 168(2)(a).

proponent, for a proposed amendment of a distribution network code, see section 222A(1).

proportionate amount, for chapter 8, see section 175.

proposal, for a distribution network code amendment, see section 222A(1).

proposed transferee, for prescribed electrical equipment, see section 147.

redundancy payment, for chapter 8, see section 167.

redundant, for chapter 8, see section 168(1).

redundant employee, for chapter 8, see section 168(2).

register means the register the regulator keeps under section 153.

relevant standard, for an item of prescribed electrical equipment, means the standard stated in schedule 4 for the equipment item.

relevant supplier, for an electrical installation or premises or an electric line, means the distribution entity or the special approval holder who provides customer connection services to the electrical installation or premises or the line.

retailer authorisation means a retailer authorisation under the NERL (Qld).

service line means an electric line that connects consumers terminals to the relevant supplier's works or the works of another electricity entity.

special meter reading means an actual meter reading that happens at a time other than the time of a scheduled meter reading.

standard control service has the meaning given in the National Electricity Rules.

State electricity entity, for chapter 8, see section 167.

strategy, for chapter 4, part 2, division 2, see section 127C(2)(a).

suitable alternative employment, for chapter 8, see section 169.

supplier means a distribution entity or special approval holder who provides customer connection services to an electrical installation or premises.

supply point, for a premises, means—

- (a) if the premises is connected to the national grid—the connection point for the premises; or
- (b) if the premises is connected to a supply network that is not part of the national grid—the supply point for the delivery of electricity to the premises.

transfer day, for chapter 8, part 3, see section 178(3).

transferred employee, for chapter 8, part 3, see section 177.

urban feeder see the Electricity Industry Code, section 10.1.1.

website, for the pricing entity, means, if the entity is the Minister, the department's website.

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