



Electrical Safety Act 2002

Electrical Safety Regulation 2013

Current as at 13 May 2019

Reprint note

As to the validity of section 73A, see *State of Queensland v Maryborough Solar Pty Ltd* [2019] QCA 129.

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Queensland

Electrical Safety Regulation 2013

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Electrical Safety Regulation 2013

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Electrical Safety Regulation 2013*.

2 Commencement

This regulation commences on 1 January 2014.

3 Purposes

The purposes of this regulation include the following—

- (a) ensuring the electrical safety of licensed electrical workers, other workers, licensed electrical contractors, consumers and the general public;
- (b) enhancing consumer protection for electrical work;
- (c) stopping cathodic protection systems from damaging or interfering with the property of others;
- (d) ensuring a safe supply of electricity;
- (e) ensuring electrical equipment hired or sold is electrically safe.

4 How purposes are to be achieved

The ways adopted by this regulation for the achievement of its purposes include the following—

- (a) prescribing matters in support of the electrical licensing arrangements established under the Act;
- (b) prescribing requirements for working around exposed parts and energised electrical equipment;

- (c) prescribing requirements for electrical installations;
- (d) prescribing matters about electrical equipment, including—
 - (i) requirements for electrical equipment; and
 - (ii) requirements relating to the registration and certification of particular electrical equipment; and
 - (iii) requirements about the hiring, selling, testing and using of electrical equipment; and
 - (iv) requiring particular electrical equipment to be marked for compliance with relevant standards; and
 - (v) requirements for the testing of electrical equipment;
- (e) prescribing requirements and procedures for the design, building and maintenance of electric lines and the works of electricity entities;
- (f) prescribing requirements for the performance of electrical work;
- (g) prescribing requirements for safety management systems for prescribed electricity entities;
- (h) prescribing requirements for the operation of cathodic protection systems and requirements for particular systems to be registered by the regulator;
- (i) prescribing notification and reporting requirements for serious electrical incidents and dangerous electrical events.

5 Definitions

- (1) The dictionary in schedule 9 defines particular words used in this regulation.
- (2) If a word used in this regulation is not defined in the dictionary, and is not defined in the Act, but is used in the wiring rules, it must, to the greatest practicable extent, be

taken to have the same meaning in this regulation as it has in the wiring rules.

6 References to standards and other documents

- (1) In this regulation, unless otherwise stated—
- (a) a reference to a standard using the designation made up of ‘AS’ and a number is a reference to the standard as in force from time to time under that designation; and

Example—

‘AS 1319’ is a reference to the standard that is currently in force under that designation.

- (b) a reference to a joint standard using the designation made up of ‘AS/NZS’ and a number is a reference to the joint standard as in force from time to time under that designation.

Example—

‘AS/NZS 3012’ is a reference to the joint standard that is currently in force under that designation.

- (2) Subsection (1) applies regardless of the edition or year of the standard or joint standard.

Example of operation of subsection (2)—

In this regulation, a reference to AS/NZS 3000 is a reference to that standard as amended from time to time, and as remade from time to time.

- (3) Bracketed words appearing after a standard’s designation are included for information purposes only.

7 Meaning of *qualified business person* and *qualified technical person*

- (1) A *qualified business person*, for an applicant or a licensed electrical contractor, is an individual who satisfies the regulator that he or she—
- (a) is a fit and proper person; and

[s 7]

- (b) is competent to perform the business aspects of performing electrical work as, or for, a licensed electrical contractor; and
 - (c) has satisfactorily finished a course of instruction, or an examination required by the regulator, on business aspects of performing electrical work; and
 - (d) is someone who—
 - (i) has satisfactorily finished a course of instruction, or an examination required by the regulator, on business aspects of performing electrical work in addition to a course or examination mentioned in paragraph (c); or
 - (ii) holds a qualification in business approved by the regulator and published on the department's website; or
 - (iii) has been operating a business for a period of, or periods totalling, 5 years.
- (2) A **qualified technical person**, for an applicant or a licensed electrical contractor, is an individual who satisfies the regulator that he or she—
- (a) is a fit and proper person; and
 - (b) either—
 - (i) if the electrical work to be performed by the applicant or licensed electrical contractor may be performed only by the holder of an electrical work licence—has held for at least 2 years, or a shorter period considered acceptable by the regulator, and still holds, an electrical work licence; or
 - (ii) has held for at least 2 years, or a shorter period considered acceptable by the regulator, and still holds, an external contracting authority; and
 - (c) is competent to perform electrical work as, or for, a licensed electrical contractor; and

- (d) has satisfactorily finished a course of instruction, or an examination required by the regulator, on technical aspects of performing electrical work.
- (3) Despite subsections (1) and (2), for a person who is an individual to be a qualified business person or qualified technical person—
- (a) for an applicant or licensed electrical contractor who is an individual, the person must also be, or be an employee of, that individual; or
 - (b) for an applicant or licensed electrical contractor that is a partnership, the person must also be a member or an employee of that partnership; or
 - (c) for an applicant or licensed electrical contractor that is a corporation, the person must also be an executive officer, a member or an employee of that corporation.
- (4) In deciding whether a person who is an individual is a fit and proper person, the regulator may consider only—
- (a) the standard of honesty and integrity demonstrated by the person in commercial and other activities in which the person has been involved; and
 - (b) any failure by the person to perform commercial or statutory obligations and the reasons for the failure.
- (5) Despite subsection (4), a person who is an individual is not a fit and proper person to be a qualified technical person if the individual is disqualified from being a qualified technical person for the holder of an electrical contractor licence, because of disciplinary action taken by the licensing committee.
- (6) In this section—
- applicant*** means an individual, partnership or corporation that has applied for the issue of an electrical contractor licence.

8 Provisions linked to electrical safety duties in Act

If a note at the foot of a provision of this regulation states ‘ES Act’ followed by a reference to a section number, the provision sets out the way in which a person’s duty under that section of the Act is to be performed in relation to the matters and to the extent set out in the provision.

Note—

A failure to comply with a duty under a section of the Act mentioned in an ‘ES Act’ note is an offence to which a penalty applies.

9 Application of this regulation

A duty imposed on a person under a provision of this regulation in relation to electrical safety does not limit or affect any duty the person has under the Act or, unless otherwise expressly provided, any other provision of this regulation.

10 Assessment of risk in relation to a class of hazards, tasks, circumstances or things

If this regulation requires an assessment of risks to electrical safety associated with a hazard, task, thing or circumstance, an assessment of risks associated with a class of hazards, tasks, things or circumstances may be conducted if—

- (a) all hazards, tasks, things or circumstances in the class are the same; and
- (b) the assessment of risks for the class does not result in any worker or other person being exposed to a greater, additional or different risk to electrical safety than if the risk assessment were carried out in relation to each individual hazard, task, thing or circumstance.

Part 2 General risk management

11 Risk management

A person conducting a business or undertaking at a workplace must manage risks to health and safety associated with electrical risks at the workplace in accordance with the WHS Regulation, chapter 3, part 3.1.

Example of electrical risks—

electrical risks associated with the design, construction, installation, protection, maintenance and testing of electrical equipment and electrical installations at a workplace

Note—

ES Act—section 30 (see section 8)

Part 3 Electrical work

Division 1 Electrical work on energised electrical equipment

12 Definitions for div 1

In this division—

electrical work does not include high voltage live line work.

safe work method statement, in relation to electrical work on energised electrical equipment, means a safe work method statement prepared under section 22.

13 Persons conducting a business or undertaking to which this division applies

In this division, other than sections 16, 20 and 21, a reference to a person conducting a business or undertaking in relation to electrical work is a reference to the person conducting the

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business or undertaking who is carrying out the electrical work.

14 Electrical work on energised electrical equipment is prohibited

Subject to this division, a person conducting a business or undertaking must ensure that electrical work is not carried out on electrical equipment while the equipment is energised.

Maximum penalty—60 penalty units.

15 Duty to determine whether equipment is energised

- (1) A person conducting a business or undertaking must ensure that, before electrical work is carried out on electrical equipment, the equipment is tested by a competent person to decide whether or not it is energised.

Maximum penalty—60 penalty units.

Note—

Section 18 allows electrical testing to be carried out on electrical equipment for the purposes of this section. Section 22 sets out how the testing is to be carried out.

- (2) The person conducting a business or undertaking must ensure that—
- (a) each exposed part is treated as energised until it is isolated and found not to be energised; and
 - (b) each high-voltage exposed part is earthed after being de-energised.

Maximum penalty—60 penalty units.

16 De-energised equipment must not be inadvertently re-energised

A person conducting a business or undertaking must ensure that electrical equipment that has been de-energised to allow

electrical work to be carried out on it is not inadvertently re-energised while the work is being carried out.

Maximum penalty—60 penalty units.

17 Licensed electrical worker to take precautions to prevent de-energised equipment from being inadvertently re-energised

- (1) This section applies if—
 - (a) a licensed electrical worker is performing electrical work; and
 - (b) to perform the work, the worker has de-energised, or otherwise isolated from electricity, an item of electrical equipment that is the subject of the electrical work or that is near where the electrical work is being performed; and
 - (c) to de-energise, or otherwise isolate, the item of electrical equipment, the licensed electrical worker has operated a device; and
 - (d) while the worker is performing the work, the worker does not have the device under the worker's sole effective control.
- (2) The licensed electrical worker must ensure both of the following—
 - (a) there is attached to the device, in a prominent position, a warning sign that is suitable in the circumstances, having regard to AS 1319 (Safety signs for the occupational environment);
 - (b) the device—
 - (i) when in the open position, is locked; or

Examples for subparagraph (i)—

 - using a personal lock to lock an air-conditioner isolator in the open position
 - using a locking device that stops a miniature circuit breaker from being closed

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- placing a lockable shroud on the male inlet plug of electrical equipment

(ii) is prevented from being accidentally closed.

Examples for subparagraph (ii)—

- disengaging a circuit breaker so that the circuit breaker is separated from the busbars
- removing circuit cables from the fuse or circuit breaker
- insertion of a mechanical restriction

Maximum penalty—40 penalty units.

(3) In this section—

device means a circuit breaker, disconnection point, fuse or switch.

18 **Electrical work on energised electrical equipment permitted in particular circumstances**

(1) A person conducting a business or undertaking must ensure that electrical work on energised electrical equipment is not carried out unless—

(a) it is necessary in the interests of health and safety that the electrical work is carried out on the equipment while the equipment is energised; or

Examples—

- 1 It may be necessary that life-saving equipment remain energised and operating while electrical work is carried out on the equipment.
- 2 It may be necessary, in the interests of road safety, that a set of traffic lights remain energised and operating while electrical work is carried out on the lights.

(b) it is necessary that the electrical equipment to be worked on is energised in order for the work to be carried out properly; or

(c) it is necessary for the purposes of testing required under section 15; or

-
- (d) there is no reasonable alternative means of carrying out the work.

Example—

It may be necessary, to avoid widespread outages, that works of an electricity entity remain energised and operating while electrical work is carried out on the works.

Maximum penalty—60 penalty units.

- (2) The electrical work that may be carried out under subsection (1)(a), (b) and (d) may include testing of the energised electrical equipment.

19 Preliminary steps

- (1) A person conducting a business or undertaking must ensure the following before electrical work on energised electrical equipment commences at a workplace—

- (a) a competent person conducts a risk assessment in relation to the proposed electrical work and records the results of the risk assessment;

Note—

Section 10 permits risk assessments to be conducted, in particular circumstances, in relation to a class of hazards, tasks, things or circumstances.

- (b) the area where the electrical work is to be carried out is clear of obstructions so as to allow for easy access and exit;
- (c) the point at which the electrical equipment can be disconnected or isolated from its electricity supply is—
- (i) clearly marked or labelled; and
 - (ii) clear of obstructions so as to allow for easy access and exit by the worker who is to carry out the electrical work or any other competent person; and
 - (iii) capable of being operated quickly;

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- (d) the person authorises the electrical work after consulting with the person with management or control of the workplace.

Maximum penalty—60 penalty units.

- (2) Subsection (1)(c) does not apply to—
 - (a) electrical work on electrical equipment if—
 - (i) the work is to be carried out on the supply side of the main switch on the main switchboard for the equipment; and
 - (ii) the point at which the equipment can be disconnected from its electricity supply is not reasonably accessible from the work location; or
 - (b) electric line work.

20 Unauthorised access to equipment being worked on

A person conducting a business or undertaking must ensure that only persons authorised by the person conducting the business or undertaking enter the immediate area in which electrical work on energised electrical equipment is being carried out.

Maximum penalty—60 penalty units.

21 Contact with equipment being worked on

A person conducting a business or undertaking must ensure that, while electrical work is being carried out on energised electrical equipment, all persons are prevented from creating an electrical risk by inadvertently making contact with an exposed energised component of the equipment.

Maximum penalty—60 penalty units.

22 How work is to be carried out

- (1) A person conducting a business or undertaking must ensure that electrical work on energised electrical equipment is carried out—
- (a) by a competent person who has tools, testing equipment and personal protective equipment that—
 - (i) are suitable for the work; and
 - (ii) have been properly tested; and
 - (iii) are maintained in good working order; and
 - (b) in accordance with a safe work method statement prepared for the work; and
 - (c) subject to subsection (4), with a safety observer.

Maximum penalty—60 penalty units.

- (2) The person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the person who carries out the electrical work uses the tools, testing equipment and personal protective equipment properly.

Maximum penalty—60 penalty units.

- (3) For subsection (1)(b), the safe work method statement must—
- (a) identify the electrical work; and
 - (b) specify hazards associated with the electrical work and risks associated with those hazards; and
 - (c) describe the measures to be implemented to control the risks; and

Example of a measure—

preventing persons from accessing an area where electrical work is being carried out on energised electrical equipment if the persons are not needed for the performance of the work

- (d) describe how the measures mentioned in paragraph (c) are to be implemented, monitored and reviewed.
- (4) A safety observer is not required if—
- (a) the work consists only of testing; and

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- (b) the person conducting the business or undertaking has conducted a risk assessment under section 19(1)(a) that shows that there is no serious risk associated with the proposed work.

Example for subsection (4)—

A safety observer is not required to observe the testing of the polarity of an installed outlet if a risk assessment does not show there is a serious risk in performing the work.

23 Record keeping

- (1) This section applies if a person conducting a business or undertaking—
 - (a) is responsible for ensuring a risk assessment is conducted under section 19; or
 - (b) prepares a safe work method statement under section 22.
- (2) Subject to subsection (3), the person must keep—
 - (a) a copy of the risk assessment until at least 28 days after the work to which it relates is completed; and
 - (b) a copy of the safe work method statement until the work to which it relates is completed.

Maximum penalty—

- (a) for an individual—12¹/₂ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (3) If a serious electrical incident or dangerous electrical event occurs in connection with the work to which the assessment or statement relates, the person must keep the assessment or statement for at least 2 years after the incident occurs.

Maximum penalty—

- (a) for an individual—12¹/₂ penalty units; or
 - (b) for a body corporate—60 penalty units.
- (4) The person must ensure that, for the period for which the assessment or statement must be kept under this section, a

copy is readily accessible to any worker engaged by the person to carry out electrical work to which the assessment or statement relates.

Maximum penalty—36 penalty units.

- (5) The person must ensure that, for the period for which the assessment or statement must be kept under this section, a copy is available for inspection under the Act.

Maximum penalty—

- (a) for an individual—12½ penalty units; or
(b) for a body corporate—60 penalty units.

Division 2 High voltage live line work

24 Performance of high voltage live line work

- (1) A person must not perform high voltage live line work unless the person's performance of the work—
- (a) is authorised in writing by the person in control of the electrical equipment the subject of the work; and
- (b) is under a high voltage live line work management plan.

Maximum penalty—40 penalty units.

- (2) A person in control of electrical equipment may authorise a person's performance of high voltage live line work in relation to the electrical equipment only if—
- (a) the person in control is satisfied the person—
- (i) has successfully finished an appropriate course of training; and
- (ii) has been assessed by the provider of the course as competent to perform the work; and
- (b) the written authorisation states the voltages of the electrical equipment on which the high voltage live line work may be performed.

- (3) If the written authorisation provides for the performance of work on more than 1 occasion, the entity that gives the authorisation must, while the authorisation is in force, cause the person authorised to perform the high voltage live line work to be regularly assessed to ensure the person remains competent to perform the work.

Maximum penalty—40 penalty units.

- (4) In this section—

high voltage live line work management plan means a plan for the performance of high voltage live line work that—

- (a) includes procedures developed in accordance with each of the following standards—
- (i) AS 5804.1 (High-voltage live working—General);
 - (ii) AS 5804.2 (High-voltage live working—Glove and barrier work);
 - (iii) AS 5804.3 (High-voltage live working—Stick work);
 - (iv) AS 5804.4 (High-voltage live working—Barehand work); and
- (b) is developed in conjunction with each of the following—
- (i) representatives of workers who are to perform high voltage live line work under the plan;
 - (ii) if the high voltage live line work involves the works of an electricity entity—the electricity entity;
 - (iii) other persons who might reasonably be expected to have an interest in the performance of the high voltage live line work; and
- (c) has been approved by a person who—
- (i) is an electrical engineer who has expertise as a professional engineer in the performance of high voltage live line work; or

- (ii) has expertise the person in control of the electrical equipment the subject of the high voltage live line work decides is equivalent to the expertise mentioned in subparagraph (i).

Division 3 Testing of work

25 Testing of electrical equipment after electrical work

- (1) This section applies if electrical work is performed on electrical equipment.
- (2) A person who performs part or all of the electrical work, and is responsible for making the electrical equipment ready to connect to a source of electricity for use for its intended purpose, must ensure the electrical equipment is tested as required under subsections (6) and (7).

Maximum penalty—40 penalty units.

- (3) If a training person performs the work mentioned in subsection (2) under the supervision of a licensed electrical worker, subsection (2) applies to the licensed electrical worker and not the training person as if the licensed electrical worker were performing the work.
- (4) A licensed electrical contractor or electricity entity who performs the electrical work of connecting the electrical equipment to a source of electricity for use for its intended purpose must ensure the electrical equipment is tested as required under subsections (6) and (7).

Maximum penalty—40 penalty units.

- (5) Subsection (4) does not require a distribution entity to ensure the testing of the electrical equipment if—
 - (a) the electrical work is, or is part of, electrical work performed on an electrical installation; and
 - (b) a licensed electrical contractor has given the distribution entity a notice under section 226 about the testing of the electrical work performed on the electrical installation.

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- (6) The testing of the electrical equipment must be directed at ensuring that the electrical equipment, to the extent it is affected by the electrical work, is electrically safe.
- (7) If the electrical equipment is energised for testing, the person who performs the test must ensure persons not necessary for the testing are electrically safe.

26 Certificate of testing and safety

- (1) This section applies if a licensed electrical contractor performs electrical work that must be tested under this division.
- (2) The contractor must, as soon as practicable after testing the electrical work, ensure that the person for whom the electrical work was performed is given a certificate complying with this section.

Maximum penalty—40 penalty units.

- (3) The certificate must state the following—
 - (a) the name and address of the person for whom the work was performed;
 - (b) the electrical equipment tested;
 - (c) the day the electrical equipment was tested;
 - (d) the number of the electrical contractor licence under which the electrical equipment was tested.
- (4) The certificate must certify that the electrical equipment, to the extent it is affected by the electrical work, is electrically safe.
- (5) A licensed electrical contractor must keep a copy of a certificate given under this section for at least 5 years after the certificate is given.

Maximum penalty for subsection (5)—20 penalty units.

Division 4 Other requirements

27 Electrical equipment with serious defect not to be connected to electricity source

If an item of electrical equipment has a serious defect, a licensed electrical worker must not connect the equipment to a source of electricity for use for its intended purpose.

Maximum penalty—40 penalty units.

28 Rescue and resuscitation training

- (1) A person conducting a business or undertaking must ensure workers who are required to perform, or help in performing, electrical work are competent in rescue and resuscitation in accordance with recognised practices in the electricity industry.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply in relation to a worker if it is a condition of the worker's electrical work licence that the person must not act in a role for which it is a requirement that the worker be competent in rescue and resuscitation, including as a safety observer.

Division 5 Documents about electrical work

29 Application of div 5

This division applies to the performance of electrical work as part of the business or undertaking conducted by a licensed electrical contractor.

30 Who may sign documents about electrical work

A person must not sign a document required under the Act, or by an electricity entity, about the performance of electrical work unless the person is—

- (a) if the electrical work was performed as part of the business or undertaking conducted by a licensed electrical contractor who is an individual—a qualified technical person for the individual; or
- (b) if the electrical work was performed as part of the business or undertaking conducted by a licensed electrical contractor that is a partnership—a qualified technical person for the partnership; or
- (c) if the electrical work was performed as part of the business or undertaking conducted by a licensed electrical contractor that is a corporation—a qualified technical person for the corporation.

Maximum penalty—20 penalty units.

Division 6 General provisions

31 Misrepresentations about electrical equipment or work

- (1) A person must not, in trade or commerce, represent that someone who is not a licensed electrical worker may lawfully—
 - (a) connect to a source of electricity an item of electrical equipment that may only be connected to a source of electricity by a licensed electrical worker; or
 - (b) do electrical work that may be done only by a licensed electrical worker.

Maximum penalty—40 penalty units.

- (2) A person conducting a business or undertaking must take all reasonable steps to ensure the person's workers do not contravene subsection (1).

Maximum penalty—40 penalty units.

32 Misrepresentations about lawful authority to contract for the performance of electrical work

- (1) A person must not, in trade or commerce, represent that another person who is not a licensed electrical contractor may lawfully contract for the performance of electrical work the other person may not otherwise perform under the Act.

Example of electrical work that may be performed by a person who is not a licensed electrical contractor—

minor emergency repairs to make electrical equipment electrically safe that are performed by a licensed electrical mechanic

Maximum penalty—40 penalty units.

- (2) A person conducting a business or undertaking must take all reasonable steps to ensure the person's workers do not contravene subsection (1).

Maximum penalty—40 penalty units.

Part 4 Licensing

Division 1 Electrical work licences

33 Classes of electrical work licences

The following classes of electrical work licences may be issued—

- (a) electrical mechanic licence;
- (b) electrical linesperson licence;
- (c) electrical fitter licence;
- (d) electrical jointer licence;
- (e) restricted electrical work licence;
- (f) electrical work training permit.

34 This division does not authorise contravention of conditions or restrictions on licence

Nothing in this division authorises a holder of an electrical work licence to contravene a current condition or restriction included in the licence.

Note—

For the inclusion of conditions or restrictions in electrical licences, see section 63 of the Act.

35 What electrical mechanic licence authorises

An electrical mechanic licence authorises the holder to perform all electrical work.

Examples of what the holder of an electrical mechanic licence may do—

- installing or changing an electrical installation or electric line
- maintaining, repairing, or connecting to a source of electricity, an item of electrical equipment

36 What electrical linesperson licence authorises

An electrical linesperson licence authorises the holder to perform all electric line work.

Examples of what the holder of an electrical linesperson licence may do—

- electrical work in the building or maintenance of an overhead electric line
- electrical work in the building or maintenance of street lighting connected to an overhead or underground electric line
- tests to ensure overhead electric lines are correctly connected

37 What electrical fitter licence authorises

An electrical fitter licence authorises the holder to perform all electrical equipment work.

Example of what the holder of an electrical fitter licence may do—

electrical work, whether in a workshop or on site, of building, manufacturing, fitting, assembling, erecting, operating, testing or repairing electrical equipment

38 What electrical jointer licence authorises

An electrical jointer licence authorises the holder to perform electrical work to the extent of the following—

- (a) installing, jointing and terminating cables to the extent the work requires specialised knowledge or skill;
- (b) electrical equipment work necessary for the work mentioned in paragraph (a).

39 What restricted electrical work licence authorises

- (1) A restricted electrical work licence authorises the holder to perform electrical work only of a particular type stated in the licence.

Example of what the holder of a restricted electrical work licence may do—

A restricted electrical work licence may restrict the holder to the performance of electrical work incidental or special to a particular calling.

- (2) A restricted electrical work licence—
 - (a) does not entitle the holder to another electrical licence; and
 - (b) must not be taken into account in deciding whether the holder is qualified to obtain or hold another electrical licence.

40 What electrical work training permit authorises

- (1) An electrical work training permit authorises the holder to perform electrical work stated in the permit in accordance with the conditions about training stated in the permit.
- (2) An electrical work training permit—
 - (a) does not entitle the holder to another electrical licence; and

- (b) must not be taken into account in deciding whether the holder is qualified to obtain or hold another electrical licence.

41 External licence equivalents

An external licence mentioned in schedule 1 is equivalent to the electrical work licence stated in the schedule for the external licence.

Division 2 Electrical work licence requirements

42 General requirements

- (1) This section states requirements that apply generally for the issue of an electrical work licence, other than an electrical work training permit, to an applicant for the licence.
- (2) The regulator must be satisfied that—
 - (a) the applicant satisfies the eligibility requirements for the licence; and
 - (b) the applicant is adequately able to understand, and read and write in, the English language without the aid of an interpreter.
- (3) The regulator may consider the following about the applicant's activities, whether before or after the commencement of this section, as a licensed electrical worker—
 - (a) disciplinary action taken against the applicant under a law regulating the activities of licensed electrical workers;
 - (b) the applicant's non-performance of a duty under a law about electrical work and the reasons for the non-performance.

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- (4) The regulator must be satisfied the applicant has been trained in, and is competent to carry out, resuscitation on an individual who has stopped breathing or is unconscious because of electric shock.
 - (5) For an application for an electrical linesperson licence, the regulator must also be satisfied the applicant has been trained in, and is competent to carry out, resuscitation and rescue at a pole top or transmission tower on an individual who has stopped breathing or is unconscious because of electric shock.
 - (6) In this section—
eligibility requirements, for an electrical work licence, means the requirements that apply to the licence under sections 43 to 45.

43 Eligibility requirements for electrical mechanic licence, electrical linesperson licence, electrical fitter licence and electrical jointer licence

- (1) This section prescribes eligibility requirements for the issue of the following classes of electrical work licence—
 - (a) an electrical mechanic licence;
 - (b) an electrical linesperson licence;
 - (c) an electrical fitter licence;
 - (d) an electrical jointer licence.
- (2) To be issued a licence, an applicant must comply with subsection (3), (4) or (5).
- (3) The applicant must have—
 - (a) satisfactorily finished an apprenticeship under the *Further Education and Training Act 2014* to achieve competence in the trade work of the relevant trade; and
 - (b) satisfactorily finished a course of instruction decided by the regulator; and
 - (c) given the regulator a written statement that—

- (i) states that the applicant is competent in the trade work of the relevant trade; and
 - (ii) is verified by the registered training organisation that issues a qualification or statement of attainment for training delivered to the applicant under the apprenticeship; and
 - (d) given the regulator a written statement that—
 - (i) states that the applicant has satisfactorily finished the training to be delivered under the training plan or training plans for the apprenticeship; and
 - (ii) is verified by a person conducting a business or undertaking who is a party to the training plan under which the applicant finished the apprenticeship; and
 - (e) satisfied the regulator the applicant is competent in the trade work of the relevant trade.
- (4) The applicant must have—
- (a) satisfactorily finished an apprenticeship outside Queensland that is, in the regulator’s opinion, at least equivalent to an apprenticeship mentioned in subsection (3)(a); and
 - (b) satisfactorily finished a course of instruction related to the apprenticeship that is, in the regulator’s opinion, at least equivalent to the course of instruction mentioned in subsection (3)(b); and
 - (c) given the regulator a written statement that—
 - (i) states that the applicant is competent in the trade work of the relevant trade; and
 - (ii) is verified by the equivalent non-Queensland training organisation that issues a qualification or statement of attainment for training delivered to the applicant under the apprenticeship; and
 - (d) given the regulator a written statement that—

-
- (i) states that the applicant has satisfactorily finished the training to be delivered to the applicant under the apprenticeship; and
 - (ii) is verified by a person conducting a business or undertaking under whom the applicant finished the apprenticeship; and
 - (e) satisfied the regulator the applicant is competent in the trade work of the relevant trade.
- (5) The applicant must satisfy the regulator that the applicant—
- (a) has a relevant qualification; and
 - (b) has complied with the regulator’s examination requirements; and
 - (c) is competent in the trade work of the relevant trade.
- (6) In this section—

relevant expired licence means—

- (a) for the issue of an electrical mechanic licence—an expired electrical mechanic licence; or
- (b) for the issue of an electrical linesperson licence—an expired electrical linesperson licence; or
- (c) for the issue of an electrical fitter licence—an expired electrical fitter licence; or
- (d) for the issue of an electrical jointer licence—an expired electrical jointer licence.

relevant qualification, for an applicant, means that the applicant—

- (a) is the holder of—
 - (i) for the issue of an electrical mechanic licence—a current electrical fitter licence; or
 - (ii) for the issue of an electrical linesperson licence, an electrical fitter licence or an electrical jointer licence—a current electrical mechanic licence; or

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- (b) was the holder of a relevant expired licence that was issued under the Act; or
- (c) has served an apprenticeship to the calling of the relevant trade under the *Further Education and Training Act 2014*, but has not satisfactorily finished the course of instruction mentioned in subsection (3)(b); or
- (d) for the issue of an electrical mechanic licence or an electrical fitter licence—is the holder of a tradesman’s certificate within the meaning of the *Tradespersons’ Rights Regulation Act 1946* (Cwlth) in the classification of the relevant trade; or
- (e) is the holder of a certificate or other document issued by a relevant assessing authority stating that the holder’s skills are suitable for the occupation of the relevant trade.

relevant trade means—

- (a) for the issue of an electrical mechanic licence—electrical mechanic; or
- (b) for the issue of an electrical linesperson licence—electrical linesperson; or
- (c) for the issue of an electrical fitter licence—electrical fitter; or
- (d) for the issue of an electrical jointer licence—electrical jointer.

44 Eligibility requirements for restricted electrical work licence

- (1) To be issued a restricted electrical work licence, an applicant must comply with subsection (2), (3), (4) or (5).
- (2) The applicant must have—
 - (a) satisfactorily finished a course of training, conducted by a registered training organisation, that the regulator considers to be appropriate; and

- (b) satisfactorily finished a course of instruction decided by the regulator; and
 - (c) given the regulator a written statement that—
 - (i) the applicant is competent in performing electrical work the subject of the application; and
 - (ii) is verified by the registered training organisation; and
 - (d) if the course is training delivered to the applicant under a training plan—given the regulator a written statement that—
 - (i) the applicant has satisfactorily finished the training to be delivered under the training plan; and
 - (ii) is verified by a person conducting a business or undertaking who is a party to the training plan; and
 - (e) satisfied the regulator the applicant is competent to perform electrical work the subject of the licence.
- (3) The applicant must have—
- (a) satisfactorily finished a course of training outside Queensland that is, in the regulator’s opinion, at least equivalent to the course of training mentioned in subsection (2)(a); and
 - (b) satisfactorily finished a course of instruction that is, in the regulator’s opinion, at least equivalent to the course of instruction mentioned in subsection (2)(b); and
 - (c) given the regulator a written statement that—
 - (i) states that the applicant is competent in performing electrical work the subject of the application; and
 - (ii) is verified by the equivalent non-Queensland training organisation that issues a qualification or statement of attainment for the course; and
 - (d) if the course is training delivered to the applicant under an apprenticeship or traineeship—given the regulator a written statement that—

- (i) states that the applicant has satisfactorily finished the training to be delivered to the applicant under the apprenticeship or traineeship; and
 - (ii) is verified by a person conducting a business or undertaking under whom the applicant finished the apprenticeship or traineeship; and
 - (e) satisfied the regulator the applicant is competent to perform electrical work the subject of the licence.
- (4) The applicant must be the holder of a current licence, permit, certificate or other authority issued under a law of the Commonwealth, another State or New Zealand that the regulator decides is equivalent to the restricted electrical work licence.
- (5) The applicant must have—
- (a) satisfied the regulator that the applicant has a relevant qualification; and
 - (b) satisfactorily finished a course of instruction, decided by the regulator, that is conducted by a registered training organisation; and
 - (c) given the regulator a written statement—
 - (i) that the applicant is competent in performing electrical work the subject of the application; and
 - (ii) is verified by the registered training organisation; and
 - (d) if the course is training delivered to the applicant under a training plan—given the regulator a written statement that—
 - (i) states that the applicant has satisfactorily finished the training to be delivered under the training plan; and
 - (ii) is verified by a person conducting a business or undertaking who is a party to the training plan; and
 - (e) satisfied the regulator the applicant is competent to perform electrical work the subject of the licence.

(6) An applicant who satisfies the regulator that the applicant held a restricted electrical work licence that was issued under the Act and has expired is taken to have a relevant qualification for subsection (5)(a).

(7) In this section—

corresponding training department means a department of government of another State in which a law corresponding to the *Further Education and Training Act 2014* is administered.

relevant qualification, for an applicant, means that the applicant—

- (a) is the holder of a tradesperson's certificate within the meaning of the *Tradespersons' Rights Regulation Act 1946* (Cwlth) in a calling that the regulator has decided requires the tradesperson to perform electrical work; or
- (b) is the holder of a tradesperson's certificate issued by a corresponding training department in a calling that the regulator has decided requires the tradesperson to perform electrical work; or
- (c) is the holder of a certificate or other document issued by a relevant assessing authority stating that the holder's skills are suitable for an occupation that is or includes a calling that the regulator has decided requires the holder to perform electrical work; or
- (d) has equivalent qualifications or experience in a calling that the regulator decides requires the person to perform electrical work.

45 Eligibility requirements for electrical work training permit

- (1) To be issued an electrical work training permit to perform electrical work stated in the permit, an applicant must satisfy the regulator that the applicant has a relevant qualification under section 43(6), definition *relevant qualification* or 44(7), definition *relevant qualification* for the stated electrical work.

Example—

A person applies for an electrical mechanic licence. The person does not satisfy the eligibility requirements for an electrical mechanic licence under section 43(3), (4) or (5). The person may be issued an electrical work training permit if the person has a relevant qualification under section 43(6), definition *relevant qualification*.

- (2) The regulator may also consider the following about the applicant's activities, whether before or after the commencement of this section—
 - (a) disciplinary action taken against the applicant under a law regulating the activities of licensed electrical workers;
 - (b) the applicant's non-performance of a duty under a law about electrical work and the reasons for the non-performance.

46 Term of electrical work licence

- (1) Each of the following may be issued, renewed or reinstated for a maximum of 5 years—
 - (a) electrical mechanic licence;
 - (b) electrical linesperson licence;
 - (c) electrical fitter licence;
 - (d) electrical jointer licence;
 - (e) restricted electrical work licence.
- (2) An electrical work training permit may be issued, renewed or reinstated for a maximum of 1 year.

Division 3 Electrical contractor licence requirements

47 Application of div 3

This division prescribes requirements for an electrical contractor licence applied for by, or issued to—

- (a) an individual; or
- (b) a partnership; or
- (c) a corporation.

48 Eligibility requirements for electrical contractor licence

- (1) To be issued an electrical contractor licence, the applicant for the licence must—
 - (a) have at least 1 qualified business person and 1 qualified technical person to perform electrical work; and
 - (b) satisfy the insurance requirements under section 51; and
 - (c) satisfy the regulator that electrical work to be performed by the applicant as a licensed electrical contractor is proposed to be—
 - (i) performed by a qualified technical person for the applicant under the person’s electrical work licence; or
 - (ii) supervised by a qualified technical person for the applicant who is authorised to perform the work under the person’s electrical work licence.
- (2) The regulator must endorse the electrical contractor licence with the name of at least 1 qualified business person and 1 qualified technical person for the applicant.
- (3) The applicant may, before the issue of the electrical contractor licence, or at any time after its issue but while the electrical contractor licence is in force, apply to the regulator to have other names endorsed on the electrical contractor licence as the names of qualified business persons or qualified technical persons for the applicant.
- (4) The regulator must endorse a person’s name in accordance with the application if the regulator is satisfied the person is a qualified business person or qualified technical person for the applicant.

49 Removal of endorsement from electrical contractor licence

- (1) If a person whose name is endorsed on an electrical contractor licence as a qualified technical person is no longer the holder of an electrical work licence or external contracting authority, or is no longer an employee of the licensed electrical contractor under the licence—
 - (a) the licensed electrical contractor must advise the regulator of the fact within 1 month after the person stops being—
 - (i) the holder of the licence or authority; or
 - (ii) an employee of the licensed electrical contractor; and
 - (b) the regulator must, on receiving the advice, remove the endorsement from the electrical contractor licence.
- (2) If a person whose name is endorsed on an electrical contractor licence as a qualified business person is no longer a qualified business person or is no longer an employee of the licensed electrical contractor under the licence—
 - (a) the licensed electrical contractor must advise the regulator of the fact within 1 month after the person stops being—
 - (i) an employee of the licensed electrical contractor; or
 - (ii) a qualified business person; and
 - (b) the regulator must, on receiving the advice, remove the endorsement from the licence.

50 Automatic suspension and cancellation of electrical contractor licence

- (1) An electrical contractor licence is automatically suspended if, for a period of 1 month, there is no person—
 - (a) who is a qualified business person for the applicant and whose name is endorsed on the electrical contractor

licence as a qualified business person for the licensed electrical contractor under the licence; or

- (b) who is a qualified technical person for the licence holder and whose name is endorsed on the electrical contractor licence as a qualified technical person for the licensed electrical contractor under the licence.
- (2) If, within 1 month after a licence is automatically suspended under subsection (1), there is still no person whose name is endorsed on the electrical contractor licence, as mentioned in subsection (1)(a) or (b), the licence is automatically cancelled.

51 Insurance requirements for applicant for electrical contractor licence

An applicant for an electrical contractor licence must give the regulator—

- (a) evidence that the applicant has public and products liability insurance for at least \$5,000,000 under a contract of insurance approved by the regulator; and
- (b) evidence that the applicant has consumer protection insurance for at least \$50,000 under a contract of insurance approved by the regulator.

52 Change of name of corporation or partnership

- (1) This section applies if, for a corporation or partnership that is the holder of an electrical contractor licence, there is a change in—
- (a) the name of the corporation or partnership; or
 - (b) if the corporation or partnership carries on business under a name other than its name—the name (*business name*) under which it carries on business.
- (2) The corporation or partnership must, within 1 month after the change of name or business name, give the regulator written notice of the change that complies with subsection (3).

Maximum penalty—20 penalty units.

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- (3) The notice must be accompanied by the electrical contractor licence, and may be accompanied by an application about how the regulator is to act under subsection (4).
- (4) After receiving the notice and considering any accompanying application, the regulator must—
 - (a) endorse the licence with information about the change of name or business name and reissue it to the corporation or partnership; or
 - (b) cancel the licence and issue a new licence; or
 - (c) cancel the licence.
- (5) A licence reissued by the regulator with an endorsement of the change of the name or business name of the corporation or partnership has, subject to the endorsement, continuing effect as the original electrical contractor licence.
- (6) A new licence issued by the regulator under this section must be endorsed with a memorandum stating the reasons for the issue of the new licence.
- (7) If the regulator acts under subsection (4)(c) to cancel the licence, the regulator must give the corporation or partnership an information notice for the decision to cancel.

53 Change in membership of partnership

- (1) This section applies if—
 - (a) a partnership is the holder of an electrical contractor licence; and
 - (b) there is a change in the membership of the partnership, whether by the death or retirement of a member or the admission of a new member.
- (2) The partnership must, within 1 month after the membership change, give the regulator written notice of the change that complies with subsection (3) and (4).

Maximum penalty—20 penalty units.

- (3) The notice must give full information and particulars of the change.
- (4) The notice must be accompanied by the electrical contractor licence, and may be accompanied by an application about how the regulator is to act under subsection (5).
- (5) After receiving the notice and considering any accompanying application, the regulator must—
 - (a) endorse the licence with information about the membership change and reissue it to the partnership; or
 - (b) cancel the licence and issue a new licence; or
 - (c) cancel the licence.
- (6) A licence reissued by the regulator with an endorsement of the change of the membership of the partnership has, subject to the endorsement, continuing effect as the original electrical contractor licence.
- (7) A new licence issued by the regulator must be endorsed with a memorandum stating the reasons for its issue.
- (8) The regulator may issue a new licence to the partnership only if the regulator is satisfied that—
 - (a) the entire business of electrical contracting work carried on by the partnership in Queensland before the membership change is to be carried on by the partnership after the new licence is issued; and
 - (b) the partnership complies with the eligibility requirements for the issue of the licence.
- (9) If the regulator acts under subsection (5)(c) to cancel the licence, the regulator must give the partnership an information notice for the decision to cancel.
- (10) Nothing in this section affects the requirement under this division for the endorsement of an electrical contractor licence issued to a partnership.

54 Term of electrical contractor licence

An electrical contractor licence may be issued, renewed or reinstated for a maximum of 1 year.

Division 4 Miscellaneous

55 Eligibility requirements for renewal or reinstatement of electrical licence

- (1) To renew or reinstate an electrical licence, the regulator must be satisfied the applicant for the renewal or reinstatement continues to satisfy the eligibility requirements for the licence.
- (2) However—
 - (a) the application of section 42(4) as an eligibility requirement for subsection (1) does not prevent the regulator renewing or reinstating an electrical work licence if the regulator is satisfied—
 - (i) the applicant has a medical condition that prevents the applicant carrying out the resuscitation but does not otherwise affect the applicant's ability to perform electrical work under the licence; and
 - (ii) in the particular circumstances, it is reasonable to allow the applicant to carry out electrical work under the licence subject to a condition that the applicant must not act in a role for which it is a requirement that the applicant be competent in resuscitation, including as a safety observer; and
 - (b) the application of section 42(5) as an eligibility requirement for subsection (1) does not prevent the regulator renewing or reinstating an electrical linesperson licence if the regulator is satisfied—
 - (i) the applicant has a medical condition that prevents the applicant carrying out the resuscitation but

does not otherwise affect the applicant's ability to perform electrical work under the licence; and

- (ii) in the particular circumstances, it is reasonable to allow the applicant to carry out electrical work under the licence subject to a condition that the applicant must not act in a role for which it is a requirement that the applicant be competent in rescue at a pole top or transmission tower and in resuscitation, including as a safety observer.

(3) In this section—

eligibility requirements, for an electrical licence, means—

- (a) the requirements under sections 42(2)(b) and (3) to (5), 43 to 45 and 48 that apply to the issue of the licence; and
- (b) if, for the issue of the licence, the applicant was required, under section 51, to provide evidence that the applicant satisfied the criteria, mentioned in paragraphs (a) and (b) of that section, relating to insurance—those criteria.

56 Application requirements

- (1) An electrical licence application under part 4, division 2 of the Act must be accompanied by the fee for the application.
- (2) An application under this part about an electrical licence must be accompanied by the fee for the application.

57 Giving regulator cancelled or suspended licence or licence to be endorsed

The holder of an electrical licence, or another person who has control of the licence, must, if required by the regulator, give the licence to the regulator if the licence—

- (a) has been cancelled or suspended; or
- (b) has ended; or
- (c) is required to have anything endorsed on it.

Maximum penalty—20 penalty units.

58 Replacement of electrical licence

- (1) If, on application by the holder of an electrical licence, the regulator is satisfied the licence has been lost, damaged or destroyed, the regulator may issue a replacement licence.
- (2) However, if a fixed fee applies to the application, the application must be accompanied by the fixed fee.

59 Surrender of electrical licence

The holder of an electrical licence may surrender the licence by written notice given to the regulator.

60 Register of electrical licences

- (1) The regulator must keep a register containing information about electrical licences.
- (2) The register must be kept in the form the regulator considers appropriate to ensure the information in the register can be efficiently recorded and accessed.

Example—

The regulator may decide to keep the register of electrical licences in electronic form.

- (3) The regulator may order the information in the register of electrical licences in the way the regulator considers appropriate.

Example—

The regulator may decide to separate historical information about electrical licences from current information.

- (4) Without limiting subsections (1) to (3), the register of electrical licences must include, for each electrical licence—
 - (a) the full name and address of the holder; and
 - (b) an identifying number; and

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- (c) when the licence was issued; and
 - (d) details of every renewal and reinstatement of the licence, and of any failure to renew the licence; and
 - (e) details of disciplinary action taken by the licensing committee against the holder; and
 - (f) details of anything else the regulator considers should be included in the register of electrical licences.

Example for paragraph (f)—

the conditions or restrictions on an electrical work licence

- (5) If contact details recorded in the register of electrical licences for the holder of an electrical licence, including the name and address of the holder, are no longer correct, the holder must, within 14 days after the details become incorrect, give the regulator notice of the correct details.
- (6) Subsection (5) does not apply to—
 - (a) the change of name of a corporation or partnership that is the holder of an electrical contractor licence; or
 - (b) the change of the membership of a partnership that is the holder of an electrical contractor licence.
- (7) The regulator may publish some or all of the information included in the register in the way the regulator considers appropriate.

Example for subsection (7)—

publishing the register on the internet in the form of a database that allows consumers to obtain licensing details about electrical contractor or a person conducting a business or undertaking to check the validity of an employee's electrical work licence

61 Examinations

- (1) In deciding examinations for assessing a person's competency, or conditions with which a person must comply under this part, the regulator may decide that the person must—
 - (a) undertake an examination conducted by the regulator; or

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- (b) satisfactorily finish a course of instruction recognised by the regulator at which the student's performance is assessed during the course; or
 - (c) undertake 1 or more examinations, oral or written tests, or practical tests.
- (2) The examinations and tests may be conducted by—
- (a) the regulator; or
 - (b) an examiner approved by the regulator under section 62; or
 - (c) a registered training organisation.

62 Approved examiners

The regulator may approve examiners to conduct examinations or tests required by the regulator.

63 Refund of fees

- (1) This section applies if either of the following applications is refused by the regulator or is withdrawn before it is decided—
- (a) an application for an electrical licence;
 - (b) an application for renewal or reinstatement of an electrical licence.
- (2) The amount stated in schedule 8 as the administration component of the fee paid for the application must be refunded.

64 Operation of trade contractor's licence

- (1) For a person conducting a business or undertaking that includes the performance of electrical work, the person is taken to be the holder of an electrical contractor licence to the extent that performance of the electrical work is a necessary part of, or is incidental to, the performance of work under a trade contractor's licence.

(2) In this section—

electrical work does not include electrical installation work.

trade contractor's licence means a trade contractor's licence under the *Queensland Building and Construction Commission Regulation 2018*.

65 Advertising by licensed electrical contractor

The holder of an electrical contractor licence who publishes an advertisement about the holder's business must ensure the advertisement—

- (a) states—
 - (i) the name under which the holder is licensed; or
 - (ii) if the holder carries on business under a registered business name—the holder's registered business name; and
- (b) states that the holder is licensed under the Act and the identifying number of the holder's electrical contractor licence.

Maximum penalty—40 penalty units.

66 Performing electrical work without electrical licence

For section 55(3)(d) of the Act, the following testing is authorised—

- (a) the testing of electrical equipment by a competent person, if the testing is required under part 6, division 6 or section 194;
- (b) the testing of the works of an electricity entity by a competent person;

Example for paragraph (b)—

a competent person testing protection relay operation that is part of the works of an electricity entity

- (c) the testing of electrical equipment by a person, other than testing mentioned in paragraph (a) or (b), if the testing does not interfere with the integrity of the electrical equipment.

Examples for paragraph (c)—

- a person testing a safety switch in a domestic electrical installation by operating a test button on the safety switch
- a person using an appropriate voltmeter to measure voltage

67 Details to be included in register of workers

The following details are prescribed for schedule 2 of the Act, definition *prescribed details* for the holder of an electrical work licence engaged to perform or supervise electrical work—

- (a) the holder's name;
- (b) each of the following details about the holder's electrical work licence—
- (i) the number of the licence or, if it is an external licence, the number, code or another way of identifying the licence;
 - (ii) the class of the licence;
 - (iii) if the licence is a restricted electrical work licence—the type of electrical work stated on the licence;
 - (iv) the conditions or restrictions included in the licence;
 - (v) the day the licence expires;
 - (vi) if the licence is an external licence—the jurisdiction in which the external licence was issued.

Part 5 Overhead and underground electric lines

68 Duty of person conducting a business or undertaking

- (1) A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that no person, plant or thing at the workplace comes within an unsafe distance of an overhead or underground electric line.

Maximum penalty—60 penalty units.

- (2) If it is not reasonably practicable to ensure the safe distance of a person, plant or thing from an overhead or underground electric line, the person conducting the business or undertaking at the workplace must ensure that—

- (a) a risk assessment is conducted for the proposed work; and
- (b) control measures implemented are consistent with—
- (i) the risk assessment; and
- (ii) if an electricity entity is responsible for the electric line—any requirements of the entity.

Maximum penalty—60 penalty units.

69 Meaning of *unsafe distance* for persons, operating plant and vehicles for overhead electric lines

- (1) A person comes within an *unsafe distance* of an overhead electric line if the person is within the exclusion zone for the person for the line.
- (2) Any operating plant, or a vehicle, comes within an *unsafe distance* of an overhead electric line if the operating plant or vehicle is within the exclusion zone for the operating plant or vehicle for the line.
- (3) For applying this section—

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- (a) a person includes any article of clothing worn by the person, and any conductive object the person is handling; and
 - (b) operating plant includes anything the operating plant is handling, other than—
 - (i) a person; or
 - (ii) a hand held object the person is handling; and
 - (c) a vehicle includes anything the vehicle is carrying or otherwise handling.
- (4) Despite subsection (3), the person, operating plant or vehicle does not include an object, including, for example, a tool, that alone or with another object or objects is an extension from the person, operating plant or vehicle if the object—
- (a) is insulated; and
 - (b) the object has been tested and found to be safe for use on and near the electric line.
- (5) In this section—
- exclusion zone*, for a person, operating plant or vehicle for an overhead electric line, means the distance from the line stated for the person, plant or vehicle in schedule 2.

Part 6 Electrical installations

Division 1 Performing electrical work

70 Licensed electrical worker to comply with wiring rules

A licensed electrical worker who performs electrical work on an electrical installation must ensure the electrical installation, to the extent it is affected by the electrical work, complies with the wiring rules.

Maximum penalty—40 penalty units.

71 Person conducting a business or undertaking to ensure electrical installation complies

- (1) A person conducting a business or undertaking that performs electrical work on an electrical installation must ensure the electrical installation, to the extent it is affected by the electrical work, complies with—
- (a) if the electrical installation is to be used for construction work—the wiring rules and AS/NZS 3012 (Electrical installations—Construction and demolition sites); or
 - (b) if the electrical installation is not to be used for construction work—the wiring rules.

Maximum penalty—40 penalty units.

Note—

See section 22(3) of the Act for when a person conducting a business or undertaking is also a worker.

- (2) In this section—
construction work see the WHS Regulation, section 289.

72 Work involving water equipment

- (1) A person must not perform work on water equipment unless—
- (a) the person is a licensed electrical worker; and
 - (b) the work performed is work that the person would be authorised to perform on the water equipment under the person's electrical work licence if the water equipment were electrical equipment; and
 - (c) the water equipment, to the extent it is affected by the work, complies with the wiring rules.

Maximum penalty—40 penalty units.

- (2) If a business or undertaking includes the performance of work on water equipment, a person conducting the business or undertaking must ensure that, in the conduct of the business or

undertaking, a person does not perform work in contravention of subsection (1).

Maximum penalty—40 penalty units.

(3) In this section—

designated equipment means any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire—

- (a) used for controlling, generating, supplying, transforming or transmitting electricity at extra low voltage; or
- (b) operated by electricity at extra low voltage.

water equipment means designated equipment that is in, or that surrounds the water container of, a swimming pool, paddling pool, spa pool, water feature or water tub.

work, on water equipment, does not include—

- (a) the plugging in of a pre-packaged water feature; or
- (b) replacing a component forming part of the water equipment if the water equipment has been designed so that the component is readily and safely able to be replaced by a person without electrical knowledge or skill.

73 Work involving electric motor forming part of vehicle

- (1) A person must not perform work on an electric motor forming part of a vehicle unless—
 - (a) the person is a licensed electrical worker; and
 - (b) the work performed is work that the person would be authorised to perform on the electric motor under the person's electrical work licence if the electric motor were electrical equipment.

Maximum penalty—40 penalty units.

- (2) If a business or undertaking includes the performance of work on an electric motor, a person conducting the business or undertaking must ensure that, in the conduct of the business or

undertaking, a person does not perform work in contravention of subsection (1).

Maximum penalty—40 penalty units.

(3) In this section—

electric motor means an electric motor that is electrical equipment within the meaning of section 14(1) of the Act, but is not electrical equipment under the Act because of the operation of section 14(2) of the Act.

vehicle does not include a car or motorbike under the *Transport Operations (Road Use Management) Act 1995*.

work, on an electric motor, means work on the electric motor that would be electrical work if the electric motor were electrical equipment.

73A Work involving PV modules at solar farms

- (1) A person must not perform work on a PV module at a solar farm unless—
- (a) the person is a licensed electrical worker; and
 - (b) the work performed is work that the person would be authorised to perform under the person's electrical work licence if the PV module were electrical equipment, and the following were types of electrical work—
 - (i) locating, mounting or fixing the PV module in a place;
 - (ii) removing the PV module from a place; and
 - (c) the PV module at the solar farm, to the extent the PV module is affected by the work, complies with the wiring rules.

Maximum penalty—40 penalty units.

- (2) If a business or undertaking includes the performance of work on a PV module at a solar farm, a person conducting the business or undertaking must ensure that, in the conduct of the

business or undertaking, a person does not perform work in contravention of subsection (1).

Maximum penalty—40 penalty units.

(3) In this section—

PV module means a solar panel—

- (a) comprised of an interconnected assembly of photovoltaic cells; and
- (b) used to generate electricity.

solar farm means a system of PV modules and associated infrastructure—

- (a) used to generate electricity with a total rated capacity of at least 100kW; and
- (b) that is, or will be, operated by a person for the purpose of conducting a business or undertaking.

work, on a PV module—

- (a) means—
 - (i) work on the PV module that would be electrical work if the PV module were electrical equipment; or
 - (ii) locating, mounting or fixing the PV module in a place at a solar farm; or
 - (iii) removing the PV module from a place at a solar farm; and
- (b) does not include moving, packing or unpacking the PV module.

Division 2 Defects and earthing

74 Requirement on person in control to fix defect

If an inspector or electricity entity gives written notice to the person in control of electrical equipment of any defect

affecting the electrical safety of the electrical equipment, whether or not a serious defect, the person in control must take all reasonable steps to ensure the defect is fixed.

Maximum penalty—40 penalty units.

75 Earthing

- (1) This section applies if a low voltage electrical installation receives electricity distributed by an electricity entity.
- (2) The person in control of the low voltage electrical installation must not knowingly allow the earthing for the installation to be inconsistent with the requirements for systems of earthing applying to the electricity entity under section 196.

Maximum penalty for subsection (2)—40 penalty units.

Division 3 Electric lines

76 Service line

- (1) This section applies if an electrical installation receives electricity distributed by an electricity entity.
- (2) The person in control of the electrical installation must maintain the person in control's facilities for—
 - (a) attaching an overhead service line to supply electricity to the electrical installation; or
 - (b) the entrance, support, protection and termination of an underground service line to supply electricity to the electrical installation.

Maximum penalty—40 penalty units.

Examples of facilities that may be provided by a person in control—

- a service riser bracket
- timber backing for the electricity entity's 'J' hook

- (3) However, subsection (2) does not require the person in control of the electrical installation to maintain the insulation of any

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clamp or apparatus supplied by the person in control for the purposes of any joint needed for consumer terminals.

- (4) The electricity entity must, at periodic reasonable intervals, inspect and maintain the insulation of the clamp or apparatus mentioned in subsection (3).

Maximum penalty for subsection (4)—40 penalty units.

77 Structure supporting electric line or equipment to comply with wiring rules

- (1) The person in control of an electrical installation must ensure that any structure supporting an electric line or item of electrical equipment forming part of the electrical installation complies with the requirements of—
- (a) the wiring rules; and
 - (b) any direction the regulator gives for ensuring electrical safety.

Maximum penalty—40 penalty units.

- (2) If there is any inconsistency between the wiring rules and a direction of the regulator, the direction prevails to the extent of the inconsistency.

78 Duty to preserve insulation of electric line

The person in control of an electrical installation must maintain, to a reasonable extent, the integrity of the insulation of any electric line, or connection to an electric line, that is part of the electrical installation—

- (a) if it is an overhead electric line—near the point of attachment of the electric line to any structure; and
- (b) whether or not it is an overhead electric line—near roofs or structures where it is likely that a person, including, for example, a painter or plumber, could come into contact with the insulated wires or connectors of the line.

Maximum penalty—40 penalty units.

79 Trimming of trees near overhead electric line

- (1) The person in control of an overhead electric line must ensure that trees and other vegetation are trimmed, and other measures taken, to prevent contact with the line that is likely to cause injury from electric shock to any person or damage to property.

Maximum penalty—40 penalty units.

- (2) In this section—

overhead electric line does not include an overhead electric line owned by an electricity entity.

80 Duty to ensure safety of disconnected overhead electric line

- (1) The person in control of an overhead electric line must take all reasonable steps to ensure that, if the line is disconnected from its electricity supply, the line is—

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

Maximum penalty—40 penalty units.

- (2) In this section—

overhead electric line does not include an overhead electric line owned by an electricity entity.

Division 4 Installation of approved safety switches in domestic residences

81 Definitions for div 4

In this division—

chief executive (land) means the chief executive of the department in which the *Land Act 1994* is administered.

date of possession, for residential land, means the date the transferee of the land enters into lawful possession of the land.

domestic residence means a building or structure, or a part of a building or structure, that—

- (a) is used, or designed to be used, as a single dwelling; and

Examples for paragraph (a)—

- dwelling house
- flat

- (b) is not used, or designed to be used, for temporary accommodation.

Examples of temporary accommodation for paragraph (b)—

- boarding house
- motel

general purpose socket-outlet means a low voltage socket-outlet that—

- (a) has a rating of 10A; and
- (b) is designed to fit a three-pin flat-pin plug that complies with the relevant standard under part 7 for the type of plug; and
- (c) is used, or intended to be used, or could at some time reasonably be expected to be used, for more than 1 appliance.

residential land means land on which a domestic residence is constructed, and includes an interest in residential land.

transfer date, for residential land, means the date the transferee of the land is entitled to lawful possession of the land.

transferee, of residential land, means the person who, on becoming entitled to possession of the land, may lodge an application for registration—

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- (a) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or
 - (b) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

transferor, of residential land, means—

- (a) if, immediately before the transfer date for the residential land, a mortgagee in possession under the *Property Law Act 1974* is in lawful possession of the land—the mortgagee in possession; or
- (b) otherwise—the person registered, immediately before the transfer date for the land—
 - (i) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or
 - (ii) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

82 Notice to transferee about approved safety switch

- (1) The transferor of residential land must, on or before the date of possession for the land, give the transferee of the land written notice of whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land.

Maximum penalty—15 penalty units.

- (2) However, subsection (1) does not apply if—
 - (a) the transferor became transferor of the residential land under an agreement to transfer the land; and
 - (b) the date of the agreement is before 1 September 2002.
- (3) The transferor must not state anything in the notice that the transferor knows is false or misleading in a material particular.

Maximum penalty for subsection (3)—15 penalty units.

83 Notice to regulator about approved safety switch and other matters

- (1) The transferor of residential land must, within 90 days after the date of possession for the land, give the regulator a written notice stating all of the following information (*transfer and safety switch information*)—
- (a) the full names of the transferor and transferee;
 - (b) the addresses of the transferor and transferee immediately after the date of possession for the land;
 - (c) the property details of the land;
 - (d) the current use of the land;
 - (e) if there is an agreement for the transfer of the land—the date of the agreement;
 - (f) the date of possession for the land;
 - (g) whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land;
 - (h) whether the transferor has given the transferee written notice of whether an approved safety switch has been installed for the general purpose socket-outlets installed in the domestic residence on the land.

Maximum penalty—15 penalty units.

- (2) However, subsection (1) does not apply if—
- (a) the transferor became transferor of the residential land under an agreement to transfer the land; and
 - (b) the date of the agreement is before 1 September 2002.
- (3) Also, the transferor is not required to comply with subsection (1) if a properly completed combined form, together with an application for registration is given to—
- (a) for an application for registration under the *Land Act 1994*—the chief executive (land); or
 - (b) for an application for registration under the *Land Title Act 1994*—the registrar.

(4) If a combined form is given under subsection (3), the regulator may use only the transfer and safety switch information stated on the form.

(5) In this section—

combined form means a form that—

- (a) gives transfer and safety switch information and information about a change of ownership required under other Acts; and
- (b) may be given to the chief executive (land) or the registrar.

registrar see the *Land Title Act 1994*, schedule 2.

84 Installation of approved safety switch in particular residences

(1) This section applies if—

- (a) the date of possession for residential land is on or after 1 September 2002; and
- (b) a general purpose socket-outlet was installed in the domestic residence on the land before 1 June 1992; and
- (c) an approved safety switch has not been installed for the general purpose socket-outlet.

(2) The owner of the land must, within 3 months after the date of possession, have an approved safety switch installed for the general purpose socket-outlet.

Maximum penalty—15 penalty units.

(3) In this section—

owner, of residential land, means the person registered or entitled to be registered, immediately after the transfer date for the land—

- (a) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or

- (b) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

85 Installation of approved safety switch if residential tenancy agreement entered into or to be entered into

- (1) This section applies if—
 - (a) a residential tenancy agreement for residential land is proposed to be entered into on or after the commencement of this regulation; and
 - (b) the owner of the residential land is aware of the proposed residential tenancy agreement or that the proposed residential tenancy agreement has been entered into; and
 - (c) a general purpose socket-outlet was installed in the domestic residence on the residential land before 1 June 1992; and
 - (d) an approved safety switch is not installed for the general purpose socket-outlet.
- (2) The owner of the residential land must ensure an approved safety switch is installed for the general purpose socket-outlet as soon as practicable after becoming aware of the proposed residential tenancy agreement or that the proposed residential tenancy agreement has been entered into.

Maximum penalty—15 penalty units.

- (3) In this section—

owner, of residential land, means the person registered or entitled to be registered, immediately after the transfer date for the land—

 - (a) under the *Land Act 1994*, as a lessee, or personal representative of a deceased lessee, of the land; or
 - (b) under the *Land Title Act 1994*, as an owner, or the personal representative of an owner, of the land.

residential tenancy agreement has the meaning given by the *Residential Tenancies and Rooming Accommodation Act 2008*.

86 Performing electrical installation work for domestic residences

A licensed electrical worker or a licensed electrical contractor must not perform electrical installation work on an electrical installation installed in a domestic residence unless—

- (a) an approved safety switch has been installed for the general purpose socket-outlets installed in the residence; or
- (b) if an approved safety switch has not been installed for the general purpose socket-outlets installed in the residence—
 - (i) the work is or includes the installation of an approved safety switch for the general purpose socket-outlets installed in the residence; or
 - (ii) the worker or contractor reasonably believes installation of an approved safety switch for the general purpose socket-outlets installed in the residence is not required under this regulation; or
 - (iii) the work is the connection of the residence to a source of electricity; or
 - (iv) the work is needed to be performed without delay in an emergency, to prevent an emergency from happening or for safety reasons.

Maximum penalty—40 penalty units.

Division 5 Installation of ceiling insulation

Subdivision 1 All ceiling insulation

87 Application of sdiv 1

- (1) This subdivision, other than section 88(2), applies to a person conducting a business or undertaking if the business or undertaking includes the installation of ceiling insulation.
- (2) Section 88(2) applies to a worker who does work that includes the installation of ceiling insulation.

88 Metal or other conductive fasteners not to be used to install ceiling insulation

- (1) A person conducting a business or undertaking must ensure that ceiling insulation is not fastened to the ceiling structure of a building with metal or any other form of conductive fastener.

Note—

ES Act—section 30 (see section 8)

- (2) A worker must not fasten ceiling insulation to the ceiling structure of a building with metal or any other form of conductive fastener.

Note—

ES Act—section 39 (see section 8)

89 Installation must comply with wiring rules, cl 4.5.2.3

A person conducting a business or undertaking must ensure that ceiling insulation is installed in a building in a way that complies with the wiring rules, clause 4.5.2.3, as in force from time to time.

Notes—

- 1 The wiring rules, clause 4.5.2.3 deals with recessed luminaires and their auxiliary equipment.

- 2 At the commencement of this section the wiring rules, clause 4.5.2.3 is available on the department's website.
- 3 ES Act—section 30 (see section 8)

90 Training for assessment of electrical risk

A person conducting a business or undertaking (the *first person*) must ensure that the first person and all persons employed or engaged by the first person who install ceiling insulation in a building are trained in carrying out an assessment of the electrical risk from the installation of ceiling insulation.

Note—

ES Act—section 30 (see section 8)

91 Assessment of electrical risk

- (1) A person conducting a business or undertaking must ensure that, before the start of the installation in a building of ceiling insulation—
 - (a) an on-site operational assessment of the electrical risk from the installation of the ceiling insulation is conducted; and
 - (b) any control measures necessary to prevent a person's exposure to the electrical risk are implemented.

Note—

ES Act—section 30 (see section 8)

- (2) The person conducting a business or undertaking must keep a record of the on-site operational assessment for at least 5 years after the assessment is conducted.

Maximum penalty for subsection (2)—20 penalty units.

Subdivision 2 Electrically conductive ceiling insulation

92 Definitions for sdiv 2

In this subdivision—

electrically conductive ceiling insulation—

- (a) means a product used, or to be used, as ceiling insulation that is readily able to conduct electricity; but
- (b) does not include metal foil batts.

non-capable circuit means an electrical circuit on which an approved safety switch is not capable of effective operation.

Examples of a non-capable circuit—

- consumer main
- submain in particular circumstances

93 Application of sdiv 2

This subdivision applies to a person conducting a business or undertaking if the business or undertaking includes the installation of electrically conductive ceiling insulation.

94 Requirement for electrical safety inspection and test

- (1) A person conducting a business or undertaking must, before the start of the installation in a building of electrically conductive ceiling insulation, obtain a certificate from a licensed electrical contractor stating that the contractor—
 - (a) has inspected and tested the existing electrical installation in the ceiling structure of the building; and
 - (b) is satisfied that the existing electrical installation in the ceiling structure of the building is electrically safe.

Note—

ES Act—section 30 (see section 8)

-
- (2) The person conducting a business or undertaking must keep the certificate mentioned in subsection (1) for at least 5 years after the person is given the certificate.

Maximum penalty for subsection (2)—20 penalty units.

95 Requirement for approved safety switch or permanent marking for electrical circuits

- (1) A person conducting a business or undertaking must, before the start of the installation in a building of electrically conductive ceiling insulation, obtain a certificate from a licensed electrical contractor stating that—
- (a) an approved safety switch has been installed on each capable circuit located in the ceiling structure of the building; and
 - (b) each non-capable circuit located in the ceiling structure of the building is identified and clearly marked.

Note—

ES Act—section 30 (see section 8)

- (2) For subsection (1)(b), a non-capable circuit is clearly marked only if the non-capable circuit is permanently marked—
- (a) in a way that distinguishes the non-capable circuit from capable circuits located in the ceiling structure; and
 - (b) at intervals of not more than 1m, to the extent that it is reasonably practicable.
- (3) The certificate mentioned in subsection (1) must explain the way in which non-capable circuits located in the ceiling structure have been permanently marked to distinguish them from capable circuits located in the ceiling structure.

Example—

If a non-capable circuit has been marked with durable high visibility tags, the certificate must explain this.

- (4) The person conducting a business or undertaking must keep the certificate mentioned in subsection (1) for at least 5 years after the person is given the certificate.

Maximum penalty—20 penalty units.

(5) In this section—

capable circuit means an electrical circuit on which an approved safety switch is capable of effective operation.

96 Installation requirements for non-capable circuits

A person conducting a business or undertaking must ensure that electrically conductive ceiling insulation installed in a building—

- (a) does not cover, in whole or in part, any non-capable circuit located in the ceiling structure of the building; and
- (b) is installed at least 25mm away from any non-capable circuit located in the ceiling structure of the building.

Note—

ES Act—section 30 (see section 8)

Division 6 Workplace electrical installations

Subdivision 1 Preliminary

97 Definitions for div 6

In this division—

amusement device means an amusement device as defined in AS 3533.3.

amusement ride means an amusement ride as defined in AS 3533.3.

amusement work means work, other than work performed by a non-profit organisation, to assemble, operate or disassemble any of the following on the site on which it is used, intended to be used or has been used—

-
- (a) an amusement device or amusement ride;
 - (b) a thing used to provide amusement activities, including side show activities, associated with—
 - (i) carnivals, fairs or shows; or
 - (ii) amusement arcades or similar places;

Example of side show activities—

providing hamburgers, fairy floss or massages in a side show

- (c) a thing used to provide entertainment or advertising activities, in temporary sites, associated with shows, fairs or carnivals.

construction work means—

- (a) construction work within the meaning of the WHS Regulation, section 289, other than amusement work or rural industry work; or
- (b) work done in conjunction with construction work mentioned in paragraph (a).

Example of paragraph (b)—

installation of plumbing in a house under construction

cord extension set means an assembly of—

- (a) a plug intended for connection to a socket-outlet; and
- (b) a sheathed flexible cord; and
- (c) a cord extension socket.

electrical equipment see section 98.

electrical installation see section 98.

manufacturing work means the work of assembly, disassembly, fabrication, installation, maintenance, manufacturing, refurbishment or repair, but does not include amusement work, construction work or rural industry work.

Examples—

- installing the interior fittings of a shop
- manufacturing clothes

- repairing leaking pipes

non-profit organisation means an organisation that is not carried on for the profit or gain of its individual members.

Example of entities that may be non-profit organisations—

charities, churches, clubs, environment protection societies

prescribed details, for a tag to be attached to equipment, or a written record to be made for equipment, after it is inspected and tested or reinspected and retested, means—

- (a) for all equipment, at least 1 of the following—
 - (i) the date of the testing or retesting;
 - (ii) the day by which the equipment must be reinspected and retested; and
- (b) if the individual who performed the test or retest of the equipment is employed or engaged by a corporation, at least 1 of the following—
 - (i) the name of the individual;
 - (ii) the individual's electrical contractor licence number;
 - (iii) the name of the corporation;
 - (iv) the corporation's electrical contractor licence number; and
- (c) if the individual who performed the test or retest of the equipment is not employed or engaged by a corporation, at least 1 of the following—
 - (i) the name of the individual;
 - (ii) the individual's electrical contractor licence number;
 - (iii) the electrical contractor licence number of the individual's employer;
 - (iv) the individual's electrical worker licence number.

rural industry work see section 99.

safety switch means a type 1 safety switch or a type 2 safety switch.

service work means work that is not amusement work, construction work, manufacturing work, office work or rural industry work.

Examples—

- cleaning a motel
- cooking in a restaurant
- providing health services at a health facility
- selling goods from a shop
- teaching at an education facility
- caring for children at a child care centre

specified electrical equipment means—

- (a) for the performance of amusement work, manufacturing work or rural industry work, the following equipment (other than an amusement device or amusement ride)—
 - (i) a cord extension set with a current rating of not more than 20 amps;
 - (ii) an electrical portable outlet device with a current rating of not more than 20 amps;
 - (iii) electrical equipment, other than a portable safety switch, that—
 - (A) has a current rating of not more than 20 amps; and
 - (B) is connected by a flexible cord and plug to low voltage supply; and
- (b) for the performance of office work or service work—
 - (i) a cord extension set with a current rating of not more than 20 amps; or
 - (ii) an electrical portable outlet device with a current rating of not more than 20 amps; or
 - (iii) electrical equipment, other than a portable safety switch, that—

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- (A) has a current rating of not more than 20 amps; and
- (B) is connected by a flexible cord and plug to low voltage supply; and
- (C) is moved during its normal use for the purpose of its use.

type 1 safety switch means a residual current device, whether or not portable, with a rated residual current of not more than 10mA.

type 2 safety switch means a residual current device, whether or not portable, with a rated residual current of more than 10mA but not more than 30mA.

98 **Meaning of *electrical equipment* and *electrical installation* for div 6**

In this division, a reference to ***electrical equipment*** or an ***electrical installation*** in relation to a person conducting a business or undertaking is a reference to electrical equipment or an electrical installation that is under the person's management or control.

99 **Meaning of *rural industry work***

- (1) ***Rural industry work*** is work—
 - (a) in the cultivation of any agricultural crop or product whether or not grown for food; or
 - (b) in the rearing and management of farm animals; or
Examples of farm animals—
livestock, bees, worms.
 - (c) in the classing, scouring, sorting or pressing of wool; or
 - (d) that is aquaculture; or
 - (e) in flower or vegetable market gardens; or

- (f) for clearing, fencing, trenching, draining or otherwise preparing land for anything stated in paragraph (a), (b), (d) or (e).
- (2) **Rural industry work** includes work that is construction work, manufacturing work or office work performed for the purposes of an activity mentioned in subsection (1) if—
- (a) the work is performed by a person conducting a business or undertaking, or an employee of that person; and
 - (b) the product of the work is to be used in the business or undertaking; and
 - (c) the work is performed on premises on which the product of the work is to be used.

Examples of construction work or manufacturing work—

- repairing farm machinery, including, for example, tractors and implements
 - making farm machinery, including, for example, cattle crushes, spray booms or fruit picking booms
 - building sheds
- (3) **Rural industry work** does not include work to which rural industry work is only incidental.

Examples—

- work in carrying on a farm stay
- work in conducting a tour associated with rural industry work

Subdivision 2 All work

100 Application of sdiv 2

This subdivision applies to a person conducting a business or undertaking if the person, or a worker carrying out work for the person, performs work, whether or not electrical work, at a workplace.

101 Unsafe electrical equipment

- (1) A person conducting a business or undertaking must ensure that any unsafe electrical equipment at the workplace—
 - (a) is disconnected, or isolated, from its electricity supply; and
 - (b) once disconnected or isolated—
 - (i) is not reconnected until it is repaired or tested and found to be safe; or
 - (ii) is replaced or permanently removed from use.

Maximum penalty—36 penalty units.

- (2) For applying this section, electrical equipment or a component of electrical equipment is unsafe if there are reasonable grounds for believing it to be unsafe.

102 Cord extension sets and flexible cables

- (1) A person conducting a business or undertaking must ensure that any cord extension set or flexible cable at the workplace is—
 - (a) located where it is not likely to suffer damage; or
 - (b) protected against damage.

Note—

ES Act—section 30 (see section 8)

- (2) In this section—
damage includes damage by liquid.

Subdivision 3 Construction work

103 Application of sdiv 3

This subdivision applies to the performance of construction work at a workplace.

104 Requirements for construction wiring and electrical equipment

- (1) A person conducting a business or undertaking must ensure that all electrical equipment for the performance of work complies with the requirements of AS/NZS 3012 (Electrical installations—Construction and demolition sites).
- (2) However, the requirement under AS/NZS 3012, clause 3.8.3 that the tag must include the name of the person or company who performed the test does not apply.
- (3) A person conducting a business or undertaking must ensure that, for the purposes of the business or undertaking, electrical equipment mentioned in AS/NZS 3012, clause 3.1 is not fitted with a tag that includes the test or retest date for the equipment unless—
 - (a) the equipment is new; or
 - (b) both of the following apply—
 - (i) the equipment has been inspected and tested under that clause by a competent person and found to comply with the requirements of AS/NZS 3012;
 - (ii) the tag includes the day by which the equipment must be reinspected and retested and the information mentioned in subsection (4).
- (4) For subsection (3)(b)(ii)—
 - (a) if the individual who performed the test or retest is employed or engaged by a corporation—the information is any of the following—
 - (i) the name of the individual;
 - (ii) the individual's electrical contractor licence number;
 - (iii) the name of the corporation;
 - (iv) the corporation's electrical contractor licence number; or

- (b) if paragraph (a) does not apply—the information is any of the following—
 - (i) the name of the individual;
 - (ii) the individual's electrical contractor licence number;
 - (iii) the electrical contractor licence number of the individual's employer;
 - (iv) the individual's electrical worker licence number.
- (5) A person with management or control of a workplace where construction work is being carried out must ensure that all construction wiring at the workplace complies with the requirements of AS/NZS 3012 (Electrical installations—Construction and demolition sites).
- (6) In this section—

competent person see AS/NZS 3012, clause 1.4.9.

construction wiring, for a workplace, means temporary electrical wiring by which electricity is supplied by an electricity entity for use in, and for the period of, construction work, within the meaning of the WHS Regulation, section 289, at the place.

Note for subsections (1) to (5)—

ES Act—section 30 (see section 8)

Subdivision 4 Manufacturing work

105 Application of sdiv 4

This subdivision applies to the performance of manufacturing work at a workplace.

106 Double adaptors and piggyback plugs prohibited

- (1) A person conducting a business or undertaking must not use a double adaptor or piggyback plug.

- (2) A person conducting a business or undertaking must ensure that workers carrying out work for the person do not use a double adaptor or piggyback plug.

Note for subsections (1) and (2)—

ES Act—section 30 (see section 8)

107 Specified electrical equipment

- (1) A person conducting a business or undertaking must ensure that specified electrical equipment of the person at the workplace is not used to perform work unless—
- (a) it is inspected and tested by a competent person—
 - (i) if the equipment is double insulated—at least once every year; or
 - (ii) if the equipment is not double insulated—at least once every 6 months; and
 - (b) either—
 - (i) if the specified electrical equipment is connected to a socket-outlet that is in a permanent workplace under the control of the person conducting the business or undertaking—the specified electrical equipment is connected to a socket-outlet for which a type 1 safety switch, or type 2 safety switch, that is not portable, is installed; or
 - (ii) if the specified electrical equipment is connected to a socket-outlet that is not in a permanent workplace under the control of the person conducting the business or undertaking—the specified electrical equipment is connected to a type 1 safety switch or type 2 safety switch.

Example of a workplace that is not under the control of the person conducting a business or undertaking at the workplace—

the premises of a customer of the person conducting a business or undertaking visited by a service technician carrying out work for the person conducting a business or undertaking

Examples of specified electrical equipment used to perform manufacturing work—

- a hand held grinder plugged into a socket-outlet
- a hand held electric drill plugged into a socket-outlet that is used for drilling holes in steelwork in a light engineering workshop

(2) However—

(a) subsection (1)(b)(i) does not apply if the person conducting the business or undertaking is exempted under section 109; and

(b) subsection (1)(b)(i) and (ii) do not apply to a socket-outlet that is—

(i) more than 2.3m above the floor; and

(ii) provided for the purpose of supplying electricity to a luminaire or to electrical equipment with a power rating of not more than 150W.

(3) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that shows the prescribed details for the equipment.

(4) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—

(a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and

(b) the equipment is immediately withdrawn from use.

(5) A person conducting a business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (3) unless—

(a) the equipment is new; or

-
- (b) both of the following apply—
 - (i) the equipment has been inspected and tested by a competent person;
 - (ii) the tag was attached by the competent person.

Note for subsections (1) to (5)—

ES Act—section 30 (see section 8)

108 Manufacturing work—safety switch

- (1) This section applies if—
 - (a) manufacturing work is the primary work performed at the workplace; and
 - (b) a socket-outlet with a current rating of not more than 20 amps is installed and supplies electricity to the workplace; and
 - (c) the socket-outlet is—
 - (i) not more than 2.3m above the floor; and
 - (ii) not provided for the purpose of supplying electricity to a luminaire or to electrical equipment with a power rating of not more than 150W.
- (2) Before performing the manufacturing work, a person conducting a business or undertaking must have a type 1 safety switch, or type 2 safety switch, that is not portable, installed for the socket-outlet.

Maximum penalty—15 penalty units.

- (3) Subsection (2) does not apply if the person conducting a business or undertaking is exempted under section 109.

109 Exemption for safety switches

A person conducting a business or undertaking is exempt from complying with section 107(1)(b)(i) or 108(2) if—

- (a) the person conducting the business or undertaking is not the person in control of the electrical equipment to

which the safety switch is to be installed to comply with the section; and

- (b) the person conducting the business or undertaking has been unable to obtain permission from the person in control of the electrical equipment for the installation of the safety switch; and
- (c) for an exemption from complying with section 107(1)(b)(i)—the specified electrical equipment is connected to a type 1 safety switch or type 2 safety switch.

110 Safety switches, including portable safety switches

- (1) A person conducting a business or undertaking must not use, or allow to be used, a safety switch unless it complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment) when tested.
- (2) A person conducting a business or undertaking at a workplace must ensure that each safety switch, other than a portable safety switch, at the workplace—
 - (a) is tested by a competent person under AS/NZS 3760 immediately after it is connected; and
 - (b) is tested under, and at the intervals stated in, AS/NZS 3760.
- (3) A person conducting a business or undertaking at a workplace must ensure that each portable safety switch the person has at the workplace—
 - (a) is tested by pushing the test button on the safety switch immediately after it is connected; and
 - (b) is tested under, and at the intervals stated in, AS/NZS 3760.
- (4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—

-
- (a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and
 - (b) the safety switch is immediately withdrawn from use.

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

Subdivision 5 Service work or office work

111 Application of sdiv 5

This subdivision applies to the performance of service work or office work at a workplace.

112 Specified electrical equipment

- (1) A person conducting a business or undertaking must ensure that specified electrical equipment of the person at the workplace is not used to perform work unless—
 - (a) it is inspected and tested by a competent person—
 - (i) if the equipment is used only for office work—at least once every 5 years; or
 - (ii) otherwise—at least once every year; or
 - (b) it is connected to a type 1 safety switch or a type 2 safety switch.

Examples of specified electrical equipment used to perform service work—

- a portable vacuum cleaner used in a hotel
- a hand held blow dryer used in a hairdressing salon

Example of specified electrical equipment used to perform office work—

a powerboard or extension lead used to supply power to office equipment

- (2) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is safe to use, the person conducting the business or

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undertaking must ensure the competent person immediately attaches a durable tag to the equipment that shows the prescribed details for the equipment.

- (3) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—
 - (a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and
 - (b) the equipment is immediately withdrawn from use.
- (4) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (2) unless—
 - (a) the equipment is new; or
 - (b) both of the following apply—
 - (i) the equipment has been inspected and tested by a competent person;
 - (ii) the tag was attached by the competent person.

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

113 Safety switches, including portable safety switches

- (1) A person conducting a business or undertaking must not use, or allow to be used, a safety switch unless it complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment) when tested.
- (2) A person conducting a business or undertaking at a workplace must ensure that each safety switch, other than a portable safety switch, at the workplace—
 - (a) is tested by a competent person under AS/NZS 3760 immediately after it is connected; and

-
- (b) is tested under, and at the intervals stated in, AS/NZS 3760.
 - (3) A person conducting a business or undertaking at a workplace must ensure that each portable safety switch at the workplace—
 - (a) is tested by pushing the test button on the safety switch immediately after it is connected; and
 - (b) is tested under, and at the intervals stated in, AS/NZS 3760.
 - (4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—
 - (a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and
 - (b) the safety switch is immediately withdrawn from use.

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

Subdivision 6 Amusement work

114 Application of sdiv 6

This subdivision applies to the performance of amusement work at a workplace.

115 Double adaptors and piggyback plugs prohibited

- (1) A person conducting a business or undertaking must not use a double adaptor or piggyback plug.
- (2) A person conducting a business or undertaking must ensure that workers carrying out work for the person do not use a double adaptor or piggyback plug.

Note for subsections (1) and (2)—

ES Act—section 30 (see section 8)

116 Specified electrical equipment

- (1) A person conducting a business or undertaking at a workplace must ensure that specified electrical equipment of the person is not used to perform work unless—
 - (a) it is inspected and tested by a competent person—
 - (i) if the equipment is double insulated—at least once every year; or
 - (ii) if the equipment is not double insulated—at least once every 6 months; and
 - (b) it is connected to a type 1 safety switch or type 2 safety switch.
- (2) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that shows the prescribed details for the equipment.
- (3) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—
 - (a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and
 - (b) the equipment is immediately withdrawn from use.
- (4) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (2) unless—
 - (a) the equipment is new; or
 - (b) both of the following apply—
 - (i) the equipment has been inspected and tested by a competent person;

- (ii) the tag was attached by the competent person.

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

117 Amusement devices and amusement rides

- (1) A person conducting a business or undertaking at a workplace must ensure that all or part of an amusement device or amusement ride at the workplace, that is electrical equipment connected to the electricity supply by a plug, is not used to perform work unless—
 - (a) it is inspected and tested by a competent person—
 - (i) each time it is assembled on the site where it is intended to be used; and
 - (ii) in any event at least once every 6 months; and
 - (b) for a device or ride with a current rating of not more than 20 amps—it is connected to a type 1 safety switch or type 2 safety switch.
- (2) An inspection and test under subsection (1)(a) must include the competent person—
 - (a) deciding the safety of earthing, insulation and connections; and
 - (b) deciding whether any safety switch complies with AS/NZS 3760 when tested; and
 - (c) making a visual examination to decide the safety of the items of electrical equipment of the device or ride, including cabling, plugs, sockets, light fittings, enclosures and motors.
- (3) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately makes a written record of—
 - (a) details of the test; and

- (b) the prescribed details for the equipment.
- (4) If after inspecting and testing the electrical equipment under subsection (1)(a), a competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—
- (a) the competent person immediately—
 - (i) attaches a durable, conspicuous sign to the equipment that warns people not to use the equipment; and
 - (ii) makes a written record of details of the test; and
 - (b) the equipment is immediately withdrawn from use.
- (5) The person conducting the business or undertaking must ensure that a written record of the day by which the equipment must be reinspected and retested is not made with the authority of the person unless the equipment has been inspected and tested by a competent person.

Note for subsections (1) to (5)—

ES Act—section 30 (see section 8)

118 Safety switches, including portable safety switches

- (1) A person conducting a business or undertaking at a workplace must not use, or allow to be used, a safety switch unless it complies with AS/NZS 3760 when tested.
- (2) A person conducting a business or undertaking must ensure that each safety switch, other than a portable safety switch, at the workplace—
 - (a) is tested by a competent person in accordance with AS/NZS 3760 immediately after it is connected; and
 - (b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.
- (3) A person conducting a business or undertaking at a workplace must ensure that each portable safety switch at the workplace—

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- (a) is tested by pushing the test button on the safety switch immediately after it is connected; and
 - (b) is tested in accordance with, and at the intervals stated in, AS/NZS 3760.
- (4) If a safety switch is not working properly, the person conducting the business or undertaking must ensure—
- (a) a durable tag is immediately attached to the safety switch that warns people not to use the safety switch; and
 - (b) the safety switch is immediately withdrawn from use.

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

Subdivision 7 Rural industry work

119 Application of sdiv 7

This subdivision applies to the performance of rural industry work at a workplace.

120 Requirements for rural industry work

- (1) A person conducting a business or undertaking must ensure that—
 - (a) specified electrical equipment used by the person is visually inspected for electrical safety defects before it is connected to a socket-outlet; and
 - (b) if rural industry work is proposed to be performed, the proposed work is assessed to decide whether it involves a stated electrical risk factor; and
 - (c) if the proposed work involves a stated electrical risk factor, control measures are implemented to prevent the electrical risk from the stated electrical risk factor; and

- (d) if specified electrical equipment is used by the person that involves a stated electrical risk factor, the specified electrical equipment is—
 - (i) connected to a type 1 safety switch or type 2 safety switch; or
 - (ii) inspected and tested at least annually by a competent person and complies with AS/NZS 3760 when tested; and
 - (e) control measures are implemented for the risk of electric shock or burns from electrical welding work performed in the business or undertaking, including the wearing of protective clothing, gloves and footwear.
- (2) If after inspecting and testing the electrical equipment under subsection (1)(d)(ii), a competent person decides the equipment is safe to use, the person conducting the business or undertaking must ensure the competent person immediately attaches a durable tag to the equipment that shows the prescribed details.
- (3) If after inspecting and testing the electrical equipment under subsection (1)(d)(ii), a competent person decides the equipment is not safe to use, the person conducting the business or undertaking must ensure—
- (a) the competent person immediately attaches a durable tag to the equipment that warns people not to use the equipment; and
 - (b) the equipment is immediately withdrawn from use.
- (4) The person conducting the business or undertaking must ensure that, for the purposes of the business or undertaking, a tag is not attached to specified electrical equipment under subsection (2) unless—
- (a) the equipment is new; or
 - (b) both of the following apply—
 - (i) the equipment has been inspected and tested by a competent person;

(ii) the tag was attached by the competent person.

(5) In this section—

personally supported electrical equipment includes hand held, or carried, electrical equipment, including, for example, a backpack type vacuum cleaner.

stated electrical risk factor means any of the following—

- (a) use of plug-in electrical equipment in an unroofed area or wet area, including, for example, a hose down area;
- (b) use of personally supported electrical equipment if the electrical supply cord is subject to flexing while the equipment is being used;
- (c) use of plug-in electrical equipment that is exposed to environmental factors that subject the equipment to abnormal wear or deterioration.

Examples of environmental factors that subject equipment to abnormal wear or deterioration—

- corrosive or other damaging dusts
- corrosive chemicals in the air

Note for subsections (1) to (4)—

ES Act—section 30 (see section 8)

Part 7 In-scope electrical equipment

Division 1 Preliminary

121 Application of pt 7

This part applies for the purposes of part 2A of the Act.

122 Definitions for pt 7

In this part—

certificate of conformity means a certificate—

- (a) stating that a type of level 3 in-scope electrical equipment complies with the relevant standard for that type; and
- (b) issued—
 - (i) under division 7 or under a recognised external certification scheme; or
 - (ii) under a corresponding law or a scheme provided for under that law.

date of registration, for registration of a responsible supplier of in-scope electrical equipment or of equipment as a type of level 2 or 3 in-scope electrical equipment, means the date shown in the national register as the date of registration of the responsible supplier or type.

defining standard means AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment).

false declaration includes an incorrect or misleading declaration.

false information includes incorrect or misleading information.

family, of a type of level 1, 2 or 3 in-scope electrical equipment, means items of the type that—

- (a) have the same basic electrical characteristics and material composition but may differ in dimension, colour or other aspects; and
- (b) having regard to the relevant standard for the type, are able to be covered by a single test report.

level 1, for in-scope electrical equipment, see section 125(1).

level 2, for in-scope electrical equipment, see section 125(2).

level 3, for in-scope electrical equipment, see section 125(3).

meets, a relevant standard, means complies with the safety requirements, electrical or otherwise, of the standard.

RCM means the regulatory compliance mark under the defining standard.

registered see section 123.

registered responsible supplier means a responsible supplier of in-scope electrical equipment who is registered.

relevant person means—

- (a) an individual who resides in Queensland; or
- (b) a corporation whose—
 - (i) registered office under the Corporations Law is in Queensland; or
 - (ii) principal place of business is in Queensland.

relevant responsible supplier, of in-scope electrical equipment, means—

- (a) if the responsible supplier of the in-scope electrical equipment is an individual—an individual who resides in Queensland; or
- (b) if the responsible supplier of the in-scope electrical equipment is a corporation—a corporation whose—
 - (i) registered office under the Corporations Law is in Queensland; or
 - (ii) principal place of business is in Queensland.

relevant standard—

- (a) for a type of level 1 in-scope electrical equipment, see section 126; or
- (b) for a type of level 2 or level 3 in-scope electrical equipment, see section 127.

second-hand, for an item of a type of in-scope electrical equipment, means an item of the type that has previously been sold, other than by wholesale.

test report means a document that presents test results and other information relevant to the test.

123 Registration for particular purposes

- (1) A responsible supplier is *registered* if the supplier is recorded in the part of the national register that records registered responsible suppliers.
- (2) Electrical equipment is *registered* as a type of level 2 or 3 in-scope electrical equipment if the equipment is recorded, in relation to a registered responsible supplier, as equipment of that type in the part of the national register that records registered in-scope electrical equipment of that type.

Note—

Level 1 in-scope electrical equipment is not required to be registered under this part.

- (3) In-scope electrical equipment of a particular type is registered in relation to a particular registered responsible supplier if it is registered as mentioned in subsection (2) in relation to the responsible supplier.

124 Component is not a separate item

- (1) This section applies if an item of a type of in-scope electrical equipment includes 2 or more components of types of in-scope electrical equipment that are permanently attached to the item.
- (2) The components are not separate items of types of in-scope electrical equipment for the purposes of registration under section 123.

Example—

A type of in-scope electrical equipment, being a refrigerator, includes a number of components each of which, taken separately, is itself an item of a type of in-scope electrical equipment. If a refrigerator of the type is sold, the item sold is the refrigerator. There is not a separate sale of each of the components.

125 Meanings of *level 1*, *level 2* and *level 3* in-scope electrical equipment

- (1) Electrical equipment is *level 1* in-scope electrical equipment if it is a type of in-scope electrical equipment that is not classified under the defining standard as level 2 or level 3.
- (2) Electrical equipment is *level 2* in-scope electrical equipment if it is a type of in-scope electrical equipment classified as level 2 under the defining standard.
- (3) Electrical equipment is *level 3* in-scope electrical equipment if it is a type of in-scope electrical equipment classified as level 3 under the defining standard.
- (4) Also, if a type of in-scope electrical equipment is level 1, 2 or 3 in-scope electrical equipment, each item of the family of the type is also level 1, 2 or 3 in-scope electrical equipment.

126 Meaning of *relevant standard* for level 1 in-scope electrical equipment

- (1) The *relevant standard* for a type of level 1 in-scope electrical equipment is—
 - (a) if there is a Standards Australia or joint Standards Australia and Standards New Zealand standard that applies specifically to the type—that standard together with AS/NZS3820 (Essential safety requirements for electrical equipment); or
 - (b) if there is not a Standards Australia or joint Standards Australia and Standards New Zealand standard that applies specifically to the type and there is an IEC standard that applies specifically to the type—the IEC standard together with AS/NZS3820; or
 - (c) if neither paragraph (a) nor (b) applies—AS/NZS3820.
- (2) In this section—

IEC standard means an International Electrotechnical Commission standard.

127 Meaning of *relevant standard* for level 2 or 3 in-scope electrical equipment

- (1) A standard is a *relevant standard* for a type of level 2 or level 3 in-scope electrical equipment if it is a standard—
 - (a) shown in the defining standard as the relevant standard for the type, and the standard can be readily applied to the type; or
 - (b) accepted by the regulator as a standard that can be readily applied to the type; or
 - (c) accepted under a corresponding law as a standard that can be readily applied to the type.
- (2) The acceptance of a standard under subsection (1)(b) or (c) has effect subject to compliance with any requirements stated—
 - (a) for subsection (1)(b)—by the regulator as part of the regulator’s acceptance of the standard; or
 - (b) for subsection (1)(c)—as part of the acceptance of the standard under the corresponding law.

Division 2 Registration of responsible suppliers and levels 2 and 3 in-scope electrical equipment

Subdivision 1 Registration of responsible suppliers

128 Responsible supplier may register

- (1) A responsible supplier of in-scope electrical equipment may register as a responsible supplier of the in-scope electrical equipment.
- (2) However, the responsible supplier is not eligible to register if the responsible supplier—

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- (a) does not have an ABN or an IRD; or
 - (b) is ineligible to register under section 141(2).
- (3) As part of the registration process, the responsible supplier must—
- (a) make the responsible supplier’s declaration as required by the equipment safety rules; and
 - (b) pay the registration fee.
- (4) The declaration required by the equipment safety rules must include the information mentioned in schedule 3, part 1.
- (5) A relevant person must not, in registering or purporting to register as a responsible supplier, give false information or make a false declaration.

Maximum penalty—40 penalty units.

- (6) In this section—

ABN (short for ‘Australian Business Number’) has the meaning given by the *A New Tax System (Australian Business Number) Act 1999* (Cwlth), section 41.

IRD means a tax file number within the meaning of the *Income Tax Act 2007* (NZ), section YA1.

129 Term of registration

Registration of a responsible supplier of in-scope electrical equipment is for the term of 1 year starting on the date of registration unless sooner cancelled.

130 Renewal of registration

A responsible supplier of in-scope electrical equipment may renew the supplier’s registration from time to time by registering again under section 128.

131 Responsible supplier must ensure details in national register are current

- (1) This section applies if the details of any matter entered by a relevant responsible supplier of in-scope electrical equipment in the national register relating to the registration of any matter change during the term of registration.
- (2) Within 30 days after the change, the relevant responsible supplier must correct the details in the national register.

Maximum penalty—40 penalty units.

Subdivision 2 Registration of level 2 in-scope electrical equipment

132 Registration

- (1) A registered responsible supplier of a type of level 2 in-scope electrical equipment may register the type as level 2 in-scope electrical equipment.
- (2) However, the registered responsible supplier is not eligible to register the electrical equipment if the responsible supplier is ineligible to do so under section 141(3).
- (3) Each registration must relate only to a single type of level 2 in-scope electrical equipment.
- (4) As part of the registration process, the registered responsible supplier must—
 - (a) make the responsible supplier's level 2 in-scope electrical equipment declaration under the equipment safety rules; and
 - (b) if the compliance folder required to be kept for the type of level 2 in-scope electrical equipment under section 148 is not available in the national register—state the address where it is kept; and
 - (c) pay the registration fee.

- (5) The declaration under the equipment safety rules must include the information mentioned in schedule 3, part 2.
- (6) A relevant person must not, in registering or purporting to register a type of level 2 in-scope electrical equipment, give false information or make a false declaration.

Maximum penalty for subsection (6)—40 penalty units.

133 Term of registration

- (1) Registration of a type of level 2 in-scope electrical equipment is for the term of 1, 2 or 5 years starting on the date of registration unless it is sooner cancelled.
- (2) Subsection (3) applies if the responsible supplier's registration lapses for a period during the term of the electrical equipment's registration.
- (3) The electrical equipment's registration is suspended during that period.

134 Renewal of registration

A registered responsible supplier may renew the registration of a type of level 2 in-scope electrical equipment from time to time by registering it again under section 132.

Subdivision 3 Registration of level 3 in-scope electrical equipment

135 Registration

- (1) A registered responsible supplier of a type of level 3 in-scope electrical equipment may register the type as level 3 in-scope electrical equipment.
- (2) However, the registered responsible supplier is not eligible to carry out the registration if the responsible supplier is ineligible to do so under section 141(3).

- (3) Each registration must relate only to a single type of level 3 in-scope electrical equipment.
- (4) As part of the registration process, the registered responsible supplier must—
 - (a) identify a certificate of conformity applicable to the type of level 3 in-scope electrical equipment; and
 - (b) make the responsible supplier's level 3 in-scope electrical equipment declaration under the equipment safety rules; and
 - (c) pay the registration fee.
- (5) The declaration under the equipment safety rules must include the information mentioned in schedule 3, part 3.
- (6) A relevant person must not, in registering or purporting to register a type of level 3 in-scope electrical equipment, give false information or make a false declaration.

Maximum penalty for subsection (6)—40 penalty units.

136 Term of registration

- (1) Registration of a type of level 3 in-scope electrical equipment is for the term of 1, 2 or 5 years starting on the date of registration unless it is sooner cancelled.
- (2) However, the term of registration must not be longer than the term for which the certificate of conformity applying to the type and identified under section 135(4)(a) is current at the time of registration.
- (3) Also, if the certificate of conformity is cancelled the term of registration ends.
- (4) Subsection (5) applies if the responsible supplier's registration lapses for a period during the term of the electrical equipment's registration.
- (5) The electrical equipment's registration is suspended during that period.

137 Renewal of registration

A registered responsible supplier may renew the registration of a type of level 3 in-scope electrical equipment from time to time by registering it again under section 135.

Subdivision 4 Acts or omissions

138 Relevant person may be punished only once

- (1) This section applies if—
 - (a) an act or omission of a relevant person is an offence against section 128(5), 131(2), 132(6) or 135(6) and also under a corresponding law; and
 - (b) the relevant person is punished for the offence under the corresponding law.
- (2) The relevant person must not be punished for the same offence under this regulation.

Subdivision 5 Cancellation of registration

139 Grounds for cancelling registration of responsible supplier or level 2 or 3 in-scope electrical equipment

- (1) The following are grounds for cancelling the registration of a responsible supplier's in-scope electrical equipment—
 - (a) the responsible supplier commits an offence against the Act or this regulation;
 - (b) the responsible supplier contravenes a requirement of a recall order;
 - (c) the responsible supplier is a relevant responsible supplier and the registration was obtained by giving false information or making a false declaration;

[s 140]

- (d) the registration of a type of level 2 or 3 in-scope electrical equipment registered in relation to the responsible supplier is cancelled under section 142.
- (2) The following are grounds for cancelling the registration in relation to a registered responsible supplier of a type of level 2 or 3 in-scope electrical equipment—
- (a) the responsible supplier commits an offence against the Act or this regulation in relation to the type;
 - (b) the responsible supplier contravenes a requirement of a recall order relating to the type;
 - (c) the responsible supplier is a relevant responsible supplier and—
 - (i) electrical equipment of the type does not meet the relevant standard that was the relevant standard for the type at the time the type was registered; or
 - (ii) the relevant standard for the type changed after the type was registered because of safety concerns relating to the type and the type does not meet the current relevant standard for the type; or
 - (iii) an item of electrical equipment of the type is, or is likely to be or to become, dangerous in normal use; or
 - (iv) the registration was obtained by giving false information or making a false declaration.

140 Procedure before cancellation

- (1) This section applies if the regulator considers a ground exists under section 139 to cancel the registration of a matter.
- (2) The regulator must, before taking the action, give the responsible supplier of in-scope electrical equipment written notice—
 - (a) stating that the regulator is considering cancelling the registration; and

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- (b) stating each ground for the proposed cancellation; and
 - (c) outlining the facts and circumstances forming the basis for each ground; and
 - (d) inviting the responsible supplier to show, within a stated period of at least 28 days, why the registration should not be cancelled.

141 Cancellation

- (1) If, after considering all written representations (if any) made by the responsible supplier of in-scope electrical equipment within the stated time, the regulator still considers a ground exists to cancel the registration, the regulator may cancel the registration.
- (2) If a responsible supplier's registration is cancelled under this section, the responsible supplier is not eligible to register again for the period of 1 year starting on the day the registration is cancelled.
- (3) If the registration of a type of level 2 or 3 in-scope electrical equipment registered in relation to a registered responsible supplier is cancelled under this section, the responsible supplier is not eligible to again register the type for the period of 12 months starting on the date of cancellation.
- (4) If the regulator cancels a registration under this section, the regulator must—
 - (a) notify the cancellation—
 - (i) by publishing notice of the cancellation in a newspaper circulating throughout Australia and, if New Zealand is a participating jurisdiction, in a newspaper circulating throughout New Zealand; and
 - (ii) by recording notice of the cancellation in the national register; and
 - (b) give the responsible supplier an information notice for the decision to cancel the registration.

- (5) The information notice must state the period for which the responsible supplier is not eligible to—
- (a) register; or
 - (b) register the type of level 2 or 3 in-scope electrical equipment.

142 Cancellation at responsible supplier's request

The regulator must, by notice recorded in the national register, cancel the registration of a responsible supplier of in-scope electrical equipment, or the registration in relation to a responsible supplier of a type of level 2 or 3 in-scope electrical equipment, if asked to do so by the responsible supplier.

Division 3 Sales of in-scope electrical equipment

143 Sale of level 1 in-scope electrical equipment by responsible supplier

- (1) A responsible supplier of a type of level 1 in-scope electrical equipment must not sell an item of the type unless—
- (a) the responsible supplier is a registered responsible supplier; and
 - (b) the item meets the relevant standard for the type as in force—
 - (i) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or
 - (ii) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier; and
 - (c) the item is electrically safe.

Maximum penalty—40 penalty units.

- (2) It is a defence for the responsible supplier to prove that the responsible supplier obtained the item from a registered responsible supplier.

Example for subsection (2)—

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier. Company A imports level 1 in-scope electrical equipment into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 1 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier.

If company B were charged with an offence against subsection (1) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier.

144 Sale of level 2 or 3 in-scope electrical equipment by responsible supplier

- (1) A responsible supplier of a type of level 2 or 3 in-scope electrical equipment must not sell an item of the type unless—
- (a) the responsible supplier is a registered responsible supplier; and
 - (b) the type is registered in relation to the responsible supplier; and
 - (c) the item meets the relevant standard for the type as at the time the type became registered as mentioned in paragraph (b); and
 - (d) the item is electrically safe.

Maximum penalty—40 penalty units.

- (2) It is a defence for the responsible supplier to prove—
- (a) that—
 - (i) the responsible supplier obtained the item from a registered responsible supplier; and
 - (ii) the type of in-scope electrical equipment to which the item belongs was, at the time of the alleged

offence, registered in relation to the registered responsible supplier; or

- (b) that, at the time of the alleged offence—
 - (i) the responsible supplier was, under the Corporations Act, a related body corporate of a New Zealand registered responsible supplier; and
 - (ii) the type of in-scope electrical equipment to which the item belongs was registered in relation to the New Zealand registered responsible supplier.

- (3) In this section—

New Zealand registered responsible supplier means a registered responsible supplier that is, under the *Companies Act 1993* (NZ)—

- (a) a company; or
- (b) an overseas company carrying on business in New Zealand.

Example for subsection (2)(a)—

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier and a type of level 2 in-scope electrical equipment is registered in the national register in relation to company A. Company A imports level 2 in-scope electrical equipment of that type into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 2 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier.

If company B were charged with an offence against subsection (1) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier and that the type of in-scope electrical equipment to which the item belonged was, at the time of the alleged offence, registered in the national register in relation to company A.

145 Sale of in-scope electrical equipment—general

- (1) A person must not sell an item of a type of level 1, 2 or 3 in-scope electrical equipment unless the item is marked with the RCM in compliance with the defining standard.

Maximum penalty—20 penalty units.

- (2) A person must not sell an item of a relevant type if—
- (a) the item was purchased by the person for the purpose of resale; and
 - (b) when the person purchased the item, the relevant type was not registered in relation to a registered responsible supplier.

Maximum penalty—20 penalty units.

- (3) Subsection (4) applies in relation to a prosecution of an offence against subsection (2) in which the issue is raised that the person had an honest and reasonable but mistaken belief that the type was registered in relation to a registered responsible supplier based on reasonable monitoring by the person of the national register.
- (4) In deciding whether the monitoring of the national register was reasonable, regard may be had to the nature of the item and the nature of the person's business in relation to the item.
- (5) For subsection (1), it is sufficient if the mark is on the item's labelling or packaging in compliance with the defining standard.
- (6) Subsection (1) or (2) does not apply if—
- (a) the person is a responsible supplier of the type of in-scope electrical equipment; or
 - (b) the item is a second-hand item.
- (7) In this section—

relevant type means a type of level 2 or 3 in-scope electrical equipment that, after the commencement of subsection (2), is manufactured in, or imported into, Australia or, if New Zealand is a participating jurisdiction, New Zealand.

146 Sale of plug etc. with level 1 or 2 in-scope electrical equipment

- (1) This section applies if—
 - (a) a relevant item of a type of level 3 in-scope electrical equipment is sold for use with an item of a type of level 1 or 2 in-scope electrical equipment; and
 - (b) at the time of sale, there is a current certificate of conformity that applies to the relevant item recorded in the national register.
- (2) For the purpose of the sale, the type of level 3 in-scope electrical equipment is not required to be registered.
- (3) Subsection (2) applies despite any other provision of this part.
- (4) In this section—

relevant item means a plug, flexible supply cord or appliance connector, as defined in the defining standard.

Division 4 Evidence of compliance with relevant standards

Subdivision 1 Level 1 in-scope electrical equipment

147 Responsible supplier to keep evidence

- (1) This section applies to a responsible supplier of a type of level 1 in-scope electrical equipment who sells an item of the type.
- (2) The responsible supplier must, for the prescribed period, keep documentary evidence, in English, proving that items of the type meet the relevant standard for the type as in force—
 - (a) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or

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- (b) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier.

Maximum penalty—40 penalty units.

Note—

It is the responsibility of the responsible supplier to ascertain the relevant standard applying to the type under section 126.

- (3) It is a defence for the responsible supplier to prove that the responsible supplier obtained the item from a registered responsible supplier.

Example for subsection (3)—

This example assumes New Zealand is a participating jurisdiction.

A New Zealand responsible supplier (company A) is a registered responsible supplier. Company A imports level 1 in-scope electrical equipment into New Zealand from the United Kingdom. Company B is an Australian company that purchases the level 1 in-scope electrical equipment from company A and imports it into Australia. Company B, although a responsible supplier, is not a registered responsible supplier. Also, company B does not keep the evidence mentioned in subsection (2) for items of the type.

If company B were charged with an offence against subsection (1) in relation to its sale of an item of the equipment, it would be a defence for company B to prove that it obtained the item from company A who is a registered responsible supplier.

- (4) In this section—

keep, documentary evidence, means hold the evidence or be able to access it within 10 business days.

prescribed period means 5 years starting on the day the type is last manufactured or imported by the responsible supplier.

Subdivision 2 Level 2 in-scope electrical equipment

148 Registered responsible supplier must keep compliance folder

- (1) This section applies to a registered responsible supplier who sells items of a type of level 2 in-scope electrical equipment registered in relation to the responsible supplier.
- (2) The registered responsible supplier must, for the prescribed period, keep a compliance folder proving that the type meets the relevant standard as in force when the type was registered.

Maximum penalty—40 penalty units.

- (3) A compliance folder is a document recording evidence in English, that must include test reports completed by an approved testing entity or a suitably qualified person, confirming that the type meets the relevant standard mentioned in subsection (2).
- (4) A compliance folder may be kept in electronic form.
- (5) In this section—

keep, a compliance folder, means—

- (a) have the folder available in the national register; or
- (b) hold the folder or be able to access it within 10 business days.

prescribed period means the term of the registration of the type of level 2 in-scope electrical equipment plus 5 years.

suitably qualified person means an individual who has—

- (a) a degree qualification in electrical engineering and at least 2 years experience in the use of electrical equipment safety standards for regulatory purposes; or
- (b) an advanced diploma or equivalent qualification in an electrical discipline and at least 3 years experience in the use of electrical equipment safety standards for regulatory purposes; or

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- (c) a trade qualification in an electrical discipline and at least 4 years experience in the use of electrical equipment safety standards for regulatory purposes.

Subdivision 3 Level 3 in-scope electrical equipment

149 Registered responsible supplier must keep certificate of conformity

- (1) This section applies to a registered responsible supplier who sells a type of level 3 in-scope electrical equipment that is registered in relation to the responsible supplier.
- (2) The responsible supplier must keep a current certificate of conformity for the type.

Maximum penalty—40 penalty units.

- (3) In this section—

keep, a current certificate of conformity, means hold the certificate or be able to access it within 10 business days.

Division 5 Effect of reclassification of in-scope electrical equipment

150 Effect of reclassification

- (1) This section applies if—
- (a) a type of level 1 or 2 in-scope electrical equipment is reclassified to a higher level; and
- (b) immediately before the reclassification happens, a responsible supplier of that type was selling items of the type.
- (2) For the period of 1 year starting on the day the reclassification has effect, divisions 3 and 4 apply to the sale by the

responsible supplier of items of that type as if the reclassification had not happened.

(3) In this section—

reclassified to a higher level—

- (a) for a type of level 1 in-scope electrical equipment, means that type is classified by the defining standard as level 2 or 3; or
- (b) for a type of level 2 in-scope electrical equipment, means that type is reclassified by the defining standard from level 2 to level 3.

Division 6 Marking of in-scope electrical equipment

151 Responsible supplier must not sell unmarked item of in-scope electrical equipment

- (1) A responsible supplier of a type of level 1, 2 or 3 in-scope electrical equipment must not sell an item of the type unless the item is marked with the RCM in compliance with the defining standard.

Maximum penalty—40 penalty units.

- (2) For subsection (1), it is sufficient if the mark is on the item's labelling or packaging in compliance with the defining standard.

152 Person must not mark in-scope electrical equipment that does not meet relevant standard

- (1) A person must not mark an item of a type of level 1, 2 or 3 in-scope electrical equipment with the RCM unless the item meets the relevant standard for the type.

Maximum penalty—40 penalty units.

- (2) In this section—

mark, an item of a type of level 1, 2 or 3 in-scope electrical equipment, includes mark the item's labelling or packaging.

153 Mark for use in exceptional circumstances

- (1) The regulator may approve a mark, other than the RCM, for use in exceptional circumstances.
- (2) A person does not commit an offence under section 145(1) or 151 in relation to the sale of an item of a type of in-scope electrical equipment if the item is marked as required by the approval given under subsection (1).
- (3) Also, a person does not commit an offence under section 145(1) or 151 in relation to the sale of an item of a type of in-scope electrical equipment if—
 - (a) the item is marked with a mark, other than the RCM, approved under a corresponding law for use in exceptional circumstances; and
 - (b) the item is marked as required by that approval.

Division 7 Certificates of conformity issued by regulator

Subdivision 1 Applications and terms

154 Application for certificate of conformity

- (1) A person may apply to the regulator for a certificate of conformity for a type of level 3 in-scope electrical equipment.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by—
 - (i) a test report from an approved testing entity; and

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- (ii) an item of the type or colour images showing the internal and external construction of an item of the type; and
 - (iii) technical documentation which adequately describes the type; and
- (c) accompanied by the fee for the application.
- (3) The regulator may require the applicant to provide—
 - (a) an item of the type if colour images provided are not adequate; or
 - (b) additional information about the type.
- (4) The regulator may exempt the applicant from the requirement to provide any of the items referred to in subsection (2)(b) if—
 - (a) the regulator has previously issued a certificate of conformity to another person in relation to the type; or
 - (b) in the circumstances the regulator is of the reasonable opinion that it is not necessary for any of those items to be provided.

155 Regulator may issue certificate of conformity

- (1) If the regulator approves the application, the regulator may issue a certificate of conformity for the type of level 3 in-scope electrical equipment.
- (2) If the regulator refuses to approve the application, the regulator must give the applicant an information notice for the decision to refuse.

156 Term of certificate

A certificate of conformity issued under this division remains in force for the period stated in the certificate, that is not more than 5 years, unless it is sooner cancelled.

Subdivision 2 Modifications, renewals and transfers

157 Modification of certificate of conformity—change of name or model

- (1) This section applies if the holder of a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division proposes to vary the brand name or model designation that is specified on the certificate for the type.
- (2) The holder may apply to the regulator for modification of the certificate.
- (3) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee for the application.
- (4) The regulator may require the applicant to provide—
 - (a) an item of the type or colour images showing the internal and external construction of an item of the type; or
 - (b) documentation that adequately describes the proposed variation.
- (5) The regulator may modify a certificate of conformity and issue a modified certificate if satisfied the variation does not affect the compliance of the type with the relevant standard to which the type was tested.
- (6) If the regulator refuses to modify the certificate, the regulator must give the applicant an information notice for the decision to refuse.

158 Modification of certificate of conformity—other than a change of name or model

- (1) This section applies if the holder of a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division proposes to make any modification to the

equipment, other than a modification described in section 157, that would not result in the creation of a new type of equipment.

- (2) The holder may apply to the regulator for the modification of the certificate.
- (3) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by—
 - (i) a test report relating to the modified in-scope electrical equipment from an approved testing entity; and
 - (ii) an item of the type or colour images showing the internal and external construction of an item of the type; and
 - (iii) technical documentation that adequately describes the modified in-scope electrical equipment; and
 - (c) accompanied by the fee for the application.
- (4) The regulator may require the applicant to provide—
 - (a) an item of the type if colour images provided are not adequate; or
 - (b) additional information about the modified electrical equipment.
- (5) The regulator may exempt the applicant from the requirement to provide a test report under subsection (3)(b)(i) if the regulator is satisfied the modification will not affect the safety of the type.
- (6) The regulator may waive or rebate the payment of the fee for the modification of the certificate if the regulator, under subsection (5), exempts the applicant from the requirement to provide a test report.
- (7) The regulator may modify a certificate of conformity and issue a modified certificate if satisfied the modification to the

type would not result in the creation of a new type of in-scope electrical equipment.

- (8) If the regulator refuses to modify the certificate, the regulator must give the applicant an information notice for the decision to refuse.

159 Renewal of certificate of conformity

- (1) A person who holds a certificate of conformity issued under this division may apply to the regulator for renewal of the certificate and the issue of a new certificate.
- (2) The application must be—
- (a) in the approved form; and
 - (b) accompanied by a declaration by the applicant, or a person authorised by the applicant, stating whether or not—
 - (i) the type of level 3 in-scope electrical equipment to which the current certificate relates has been modified since the certificate was issued or modified; and
 - (ii) the relevant standard to which the type was tested has changed since the current certificate was issued or modified; and
 - (c) accompanied by the fee for the application.
- (3) The regulator may renew the certificate and issue a new certificate of conformity if satisfied—
- (a) the type of level 3 in-scope electrical equipment has not been modified; and
 - (b) the relevant standard to which that type was tested has not changed since the current certificate was issued or the certificate relating to that type was modified.
- (4) If the regulator refuses to renew the certificate, the regulator must give the applicant an information notice for the decision to refuse.

160 Transfer of certificate

- (1) The holder of a certificate of conformity issued under this division who proposes to transfer the certificate to another person may apply to the regulator to have the certificate amended to refer to the name of the person to whom the certificate is to be transferred (the *transferee*).
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by—
 - (i) the certificate to be transferred; and
 - (ii) a statement, signed by the transferee, that the transferee consents to the transfer; and
 - (iii) the fee for the application.
- (3) The regulator may issue a certificate of conformity to the transferee if the holder complies with the requirements under subsection (2).
- (4) If the regulator refuses to grant the application, the regulator must give the applicant an information notice for the decision to refuse.

Subdivision 3 Cancellation

161 Grounds for cancelling certificate of conformity

Each of the following is a ground for cancelling a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division—

- (a) an item of the type does not meet the relevant standard for the type;
- (b) an item of the type is, or is likely to be or to become, dangerous in normal use;
- (c) the certificate was obtained by misleading information;

- (d) an item of the type, or purportedly of the type, is found, on examination by the regulator, to be substantially different from the type as described in—
 - (i) the certificate; or
 - (ii) a test report forming the basis for the issuing of the certificate;
- (e) the holder of the certificate contravenes the Act or this regulation.

162 Procedure before cancellation

- (1) If the regulator considers a ground exists under section 161 to cancel the certificate of conformity for a type of level 3 in-scope electrical equipment, the regulator must, before taking the action, give the holder of the certificate written notice—
 - (a) stating that the regulator is considering cancelling the certificate; and
 - (b) stating each ground for the proposed cancellation; and
 - (c) outlining the facts and circumstances forming the basis for each ground; and
 - (d) inviting the holder to show, within a stated period of at least 28 days, why the certificate should not be cancelled.
- (2) If, after considering all written representations made by the holder of the certificate within the stated time, the regulator still considers a ground exists to cancel the certificate, the regulator may cancel the certificate.
- (3) If the regulator cancels the certificate, the regulator must—
 - (a) give the holder of the certificate an information notice for the decision to cancel; and
 - (b) notify the cancellation by gazette notice stating the day of cancellation.

163 Cancellation at certificate holder's request

The regulator must cancel a certificate of conformity for a type of level 3 in-scope electrical equipment issued under this division if the holder of the certificate asks the regulator to cancel it.

164 Certificate of conformity holder to return certificate if cancelled

Within 14 days after receiving notice of cancellation of a certificate of conformity, the holder of the certificate must give the regulator the certificate of conformity unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

Subdivision 4 Information to be recorded in the national register

165 Information to be recorded in national register

- (1) The regulator must ensure that, for each certificate of conformity issued under this division, or for each modification, renewal or transfer of a certificate of conformity under this division, the information required by the equipment safety rules is recorded in the national register.
- (2) The regulator must also ensure particulars of the cancellation of a certificate of conformity under this division are recorded in the national register.

Division 8 **Recognised external certification schemes—Act, section 48J**

Subdivision 1 **Preliminary**

166 **Definitions for div 8**

In this division—

declaration holder means the person who conducts a declared scheme.

declared scheme see section 167.

Subdivision 2 **Applications and terms**

167 **Application for regulator’s declaration of scheme**

- (1) A person who conducts a scheme for the certification of types of in-scope electrical equipment may apply to the regulator for the scheme to be declared a recognised external certification scheme under section 48J of the Act (a *declared scheme*).
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by—
 - (i) the fee for the application; and
 - (ii) evidence that the applicant is—
 - (A) accredited by the Joint Accreditation System of Australia and New Zealand as competent to certify that types of in-scope electrical equipment meet relevant standards; or
 - (B) appropriately designated, under a mutual recognition arrangement or a free trade agreement to which Australia is a party, as

competent to certify that types of in-scope electrical equipment meet relevant standards; and

- (iii) the applicant's written agreement that when certifying types of level 3 in-scope electrical equipment the applicant will do so under the equipment safety rules; and
- (iv) the other documents and information required by the regulator.

168 Intention to make declaration must be advertised

- (1) This section applies if the regulator is intending to grant the application.
- (2) Before finally deciding the application, the regulator must publish a notice indicating the regulator's intention to declare the scheme to be a recognised external certification scheme.
- (3) The notice must state a period of at least 14 days during which written submissions may be made to the regulator about the proposed declaration (the *submission period*).
- (4) The notice must be published in—
 - (a) a newspaper circulating generally in the State; or
 - (b) if the types of in-scope electrical equipment concerned would typically be sold only to a particular section of the public—a newspaper or other publication circulating generally to that section of the public; or
 - (c) if the types of in-scope electrical equipment concerned would typically be sold only in a particular part of the State—a newspaper or other publication circulating generally in that part.
- (5) During the submission period, a person may make a written submission to the regulator about the proposed declaration.
- (6) Before finally deciding the application, the regulator must consider all submissions received under subsection (5).

169 Decision about application

- (1) The regulator may decide to grant or refuse to grant the application.

Note—

If the regulator grants the application, the regulator must, under section 48J of the Act, declare the scheme to be a recognised external certification scheme.

- (2) If the regulator refuses to grant the application, or grants the application and imposes conditions on the declared scheme, the regulator must give the applicant an information notice for the decision to refuse or to impose conditions.

170 Term of declared scheme

The term of a declared scheme is the period of not more than 5 years stated in the regulator's declaration of the scheme.

Subdivision 3 Conditions

171 Regulator may impose conditions on declared scheme

- (1) The regulator may impose conditions on a declared scheme.
- (2) Without limiting subsection (1), a condition may restrict the types of in-scope electrical equipment that may be certified under the scheme.
- (3) Conditions applying to a declared scheme under this section when the scheme is declared under section 48J of the Act must be stated in the declaration.

172 Condition imposed by regulation

It is a condition of each declared scheme that the declaration holder must—

- (a) pay the annual fee for the declaration by each anniversary of the scheme's declaration; and

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- (b) for each certificate of conformity issued by the declaration holder, or for each modification, renewal or transfer of a certificate of conformity approved by the declaration holder—record the information required by the equipment safety rules in the national register within 3 business days after issuing the certificate or granting the approval; and
- (c) for each certificate of conformity cancelled by the declaration holder—record information about the cancellation in the national register within 3 business days after cancelling the certificate.

173 Amendment of conditions imposed by regulator

- (1) The regulator may amend the conditions imposed on a declared scheme by the regulator by revoking or varying the conditions or imposing new conditions.
- (2) The regulator may act under subsection (1) on the regulator's own initiative or at the request of the declaration holder.
- (3) The revocation of conditions, or the amendment of conditions at the request of the declaration holder, has effect when written notice of the amendment is given to the declaration holder.
- (4) If the regulator refuses to amend the conditions as requested by the declaration holder, the regulator must give the declaration holder an information notice for the decision to refuse.

174 Acting on regulator's own initiative—general

- (1) Subject to section 175, the regulator must not act, to amend the conditions by varying them or imposing new conditions, on the regulator's own initiative without first giving the declaration holder a notice—
 - (a) stating details of the proposed amendment; and

- (b) inviting the declaration holder to make written submissions about the proposal within a stated time of at least 7 days.
- (2) The regulator must consider all submissions received from the declaration holder under subsection (1)(b).
- (3) If, after considering the submissions (if any), the regulator is of the opinion that the conditions of the declared scheme should be amended as mentioned in subsection (1)(a), the regulator may amend the conditions by written notice given to the declaration holder.
- (4) The amendment has effect when the notice is given to the declaration holder.
- (5) If the regulator amends the conditions, the regulator must give the declaration holder an information notice for the decision to amend.

175 Acting on regulator's own initiative—electrical risk

- (1) This section applies if the regulator considers that a type of level 1, 2 or 3 in-scope electrical equipment certified by a declaration holder is placing, or will place, persons or property at electrical risk.
- (2) The regulator may amend the conditions applying to the declared scheme, other than the condition imposed under section 172, by written notice given to the declaration holder.
- (3) The amendment has effect when the notice is given to the declaration holder.
- (4) If the regulator amends the conditions, the regulator must give the declaration holder an information notice for the decision to amend.

Subdivision 4 Cancellation

176 Grounds for cancelling declaration

Each of the following is a ground for cancelling the declaration of a declared scheme—

- (a) the declaration holder contravened a condition of the declared scheme;
- (b) the declaration of the scheme was obtained by giving false information.

177 Procedure before cancellation

- (1) If the regulator considers a ground exists under section 176 to cancel the declaration of a declared scheme, the regulator must, before taking the action, give the declaration holder written notice—
 - (a) stating that the regulator is considering cancelling the declaration; and
 - (b) stating each ground for the proposed cancellation; and
 - (c) outlining the facts and circumstances forming the basis for each ground; and
 - (d) inviting the declaration holder to make written submissions, within a stated time of at least 7 days, as to why the declaration should not be cancelled.
- (2) The regulator must consider all submissions received from the declaration holder under subsection (1)(d).
- (3) If, after considering the submissions (if any) the regulator still considers a ground exists to cancel the declaration, the regulator may cancel the declaration by written notice given to the declaration holder.
- (4) The cancellation takes effect on the day the notice is given to the declaration holder.

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- (5) If the regulator cancels the declaration, the regulator must give the declaration holder an information notice for the decision to cancel.

178 Cancellation at declaration holder's request

The regulator must cancel the declaration of a declared scheme if the declaration holder asks for the cancellation.

Subdivision 5 Other provisions

179 Reporting requirements for declaration holder

- (1) The regulator may, by written notice given to a declaration holder, require the holder to provide the regulator with any of the following—
- (a) reports or particulars, about the number and nature of certificates given under the declared scheme, as stated in the notice and at the times stated in the notice;
 - (b) reports, particulars or other information about the level of compliance with the conditions imposed on the declared scheme under this division, as stated in the notice and at the times stated in the notice.
- (2) The declaration holder must comply with the notice.

Maximum penalty for subsection (2)—40 penalty units.

180 Declaration holder must comply with equipment safety rules

A declaration holder, in certifying a type of level 3 in-scope electrical equipment under a declared scheme, must comply with the equipment safety rules.

Maximum penalty—40 penalty units.

Division 9 Regulator may require testing of item of level 1, 2 or 3 in-scope electrical equipment

181 Regulator may require item of in-scope electrical equipment to be submitted

If the regulator considers it necessary or appropriate for the maintenance of electrical safety, the regulator may decide to have an item of a type of level 1, 2 or 3 in-scope electrical equipment tested and examined to see whether it meets the relevant standard for the type.

182 Procedure for obtaining item of in-scope electrical equipment for testing

- (1) If the regulator decides to have an item of a type of level 1, 2 or 3 in-scope electrical equipment tested and examined, the regulator may—
 - (a) for an item of a type of level 2 or 3 in-scope electrical equipment—
 - (i) by written notice, require a registered responsible supplier in relation to whom the type is registered to give the regulator items of the type for testing and examining within a stated reasonable time; or
 - (ii) require an inspector to select, for testing and examining, items of the type from a place where a registered responsible supplier in relation to whom the type is registered has them stored and give them to the regulator within a stated reasonable time; or
 - (b) in any case—buy, for testing and examining, items of the type at any place where they are offered for sale.
- (2) If the regulator makes a requirement under subsection (1)(a)(i), the registered responsible supplier must take all steps that are reasonable in the circumstances to comply with the requirement.

Maximum penalty—40 penalty units.

- (3) If the regulator makes a requirement under subsection (1)(a)(ii), the registered responsible supplier must take all steps that are reasonable in the circumstances to ensure the inspector is able to comply with the requirement.

Maximum penalty for subsection (3)—40 penalty units.

183 Identification of item of in-scope electrical equipment to be tested

Before the regulator gives an item of a type of level 2 or 3 in-scope electrical equipment to an approved testing entity for testing and examining, the regulator must—

- (a) give the registered responsible supplier from whom the item was obtained under section 182(1)(a) an opportunity to place an identifying mark on the item; and
- (b) advise the approved testing entity of the mark.

184 Cost of testing and examining and liability for damage

- (1) If an item of a type of level 1, 2 or 3 in-scope electrical equipment is tested and examined under this division and is found to substantially meet the relevant standard for the type, the regulator must—
 - (a) bear the cost of the testing and examination; and
 - (b) if the item was obtained under section 182(1)(a), compensate the registered responsible supplier for any damage done to the item.
- (2) An amount for which a registered responsible supplier is entitled to be compensated under subsection (1)(b) may be recovered from the regulator as a debt owing by the State to the person.
- (3) If an item of a type of level 2 or 3 in-scope electrical equipment is tested and examined under this division and is found not to substantially meet the relevant standard for the

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type, the registered responsible supplier from whom the item was obtained under section 182(1)(a)—

- (a) must reimburse the regulator for all costs incurred in obtaining and having the item of electrical equipment tested and examined; and
 - (b) is not entitled to compensation for damage necessarily caused to the item to enable it to be properly tested and examined.
- (4) An amount the regulator is entitled to be reimbursed under subsection (3)(a) may be recovered by the regulator as a debt owing to the State.

Division 10 Return of in-scope electrical equipment given to regulator

185 Return of item of level 2 or 3 in-scope electrical equipment provided to regulator

- (1) This section applies if a person provides the regulator with—
 - (a) an item of a type of level 3 in-scope electrical equipment under division 7; or
 - (b) an item of a type of level 2 or 3 in-scope electrical equipment for testing and examination because of a requirement made by the regulator under division 9.
- (2) The regulator must notify the person of the item of in-scope electrical equipment being available for collection by the person at a stated place as soon as practicable after—
 - (a) if the item was provided under division 7—the regulator decides the application to which the item relates; or
 - (b) if the item was provided for testing and examination—
 - (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

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- (ii) if subparagraph (i) does not apply—the testing and examination.
 - (3) Despite subsection (2)(b)(i), the regulator must notify the person immediately after the earlier of the following—
 - (a) the regulator decides the item of in-scope electrical equipment is not required as evidence;
 - (b) a prosecution for an offence involving the item of in-scope electrical equipment is not started within 6 months from when the notice would have been given if subsection (2)(b)(i) had not applied.
 - (4) If, at the end of 6 months after the giving of notice, the item of in-scope electrical 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 item or any loss or damage to it.
 - (5) Subsection (2) does not apply if the item of in-scope electrical equipment was necessarily destroyed by testing.

Division 11 **Second-hand in-scope electrical equipment**

186 Limitation on offering second-hand in-scope electrical equipment for sale

- (1) A person (the *seller*) who offers for sale to another person (the *purchaser*) a second-hand item of a type of in-scope electrical equipment must give the purchaser information to the effect that the item has not been tested for electrical safety unless—
 - (a) subsection (2) applies; and
 - (b) the seller complies with the subsection.Maximum penalty—40 penalty units.
- (2) If—
 - (a) the item has been tested by a licensed electrical worker who is qualified to test the item; and

under the Act to be performed by a licensed electrical contractor or licensed electrical worker.

Examples—

- fixed-wired electrical equipment, including, for example, air conditioners, stoves, ovens, electric hot water systems, ceiling fans, light fittings
- electrical accessories, including, for example, socket-outlets, light switches, electrical cable, wall switches, plugs and cord extension sockets
- electrical parts, including, for example, electrical motors, switches, solenoids, elements

189 Application of div 1

This division applies to a person who conducts a business or undertaking that involves the sale of particular electrical equipment to the public.

190 Requirement to display DIY warning sign

- (1) The person must not sell an item of particular electrical equipment unless a DIY warning sign is displayed for the item.

Maximum penalty—40 penalty units.

- (2) For subsection (1), a DIY warning sign is displayed for an item of particular electrical equipment if the sign is displayed—
- (a) in close proximity to the point of display of the item; or
 - (b) as part of the price tag of the item; or
 - (c) on a label attached to the packaging of the item; or
 - (d) as part of the packaging of the item; or
 - (e) on a label attached to the item.
- (3) In this section—

DIY warning sign means a sign that—

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- (a) contains a symbol in the form of a red circle and a red diagonal line over the letters ‘DIY’ in black letters; and
- (b) for a sign displayed in the way mentioned in subsection (2)(a)—contains the words ‘ALL ELECTRICAL WORK MUST BE PERFORMED BY A LICENSED ELECTRICIAN’ in uppercase black letters; and
- (c) for a sign displayed in the way mentioned in subsection (2)(b), (c), (d) or (e)—contains the words ‘MUST BE INSTALLED BY A LICENSED ELECTRICIAN’ in uppercase black letters; and
- (d) has a white background; and
- (e) is unambiguous and clearly legible.

point of display, of an item, means—

- (a) for an item displayed in a shop, warehouse or other physical space—the place where the item is displayed in the shop, warehouse or other physical space; or
- (b) for an item displayed in an online shop—the place where the item is displayed on the online shop’s website.

Division 2 Prohibition on sale of electrical equipment

191 Sale of electrical equipment prohibited

A person must not sell an item of electrical equipment to which the safety criteria in AS/NZS 3820 (Essential safety requirements for electrical equipment) apply unless the item of electrical equipment complies with the safety criteria as in force at the later of the following—

- (a) on 5 October 1998;
- (b) when the item was manufactured or imported.

Maximum penalty—40 penalty units.

192 Regulator may prohibit the sale or use of electrical equipment on safety grounds

- (1) The regulator may, by gazette notice, prohibit the sale or use by any person of an item of electrical equipment, or items of electrical equipment of a particular type, if the regulator believes on reasonable grounds that the item or type does not comply with the safety criteria in AS/NZS 3820 (Essential safety requirements for electrical equipment).
- (2) The prohibition remains in force for the period stated in the gazette notice or, if no period is stated, for an indefinite period.
- (3) As well as notifying the prohibition in the gazette, the regulator must give an information notice for the decision to prohibit the sale or use of the item or type of electrical equipment to each person the regulator knows to be, or is likely to be, a seller of the item or type.
- (4) A person must not contravene the prohibition, unless the person has a reasonable excuse.
Maximum penalty—40 penalty units.
- (5) Unless a court otherwise decides in the circumstances of a particular case, it is not a reasonable excuse for a contravention of the prohibition that the person did not receive an information notice under subsection (3).

Division 3 Labelling and inspection of electrical equipment

193 Labelling faulty portable electrical equipment

- (1) This section applies if a person acting under the authority of a distribution entity finds, at a place occupied by a consumer, an item of portable electrical equipment that has a serious defect.
- (2) The distribution entity must ensure that a label is attached to the item of electrical equipment stating that the item is electrically unsafe.

Maximum penalty—40 penalty units.

- (3) A person must not take the label off the item of electrical equipment or connect a source of electricity to the item unless the item—
- (a) has been repaired by a licensed electrical worker qualified to repair it; or
 - (b) has been repaired by a person who, because of the operation of section 18(2)(d) of the Act, was not performing electrical work in repairing the equipment.

Maximum penalty for subsection (3)—40 penalty units.

Division 4 Hire electrical equipment

194 Hiring electrical equipment

- (1) This section applies to a person (the *hirer*) conducting a business or undertaking of hiring out electrical equipment to other persons.
- (2) The hirer must ensure each item of electrical equipment hired out by the hirer to another person—
 - (a) either—
 - (i) is inspected and tested by a competent person before each hiring; or
 - (ii) has a safety switch that can not be disconnected, deactivated or removed during the item's operation; and
 - (b) is inspected, tested and tagged by a competent person at least once every 6 months; and
 - (c) if the item has a safety switch under paragraph (a)(ii), the safety switch—
 - (i) is inspected, tested and tagged by a competent person at least once every 6 months; and

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- (ii) complies with AS/NZS 3760 (In-service safety inspection and testing of electrical equipment) when tested.
- (3) However, subsection (2)(b) does not apply if the item is domestic electrical equipment that is hired for use in a domestic situation.

Example of domestic electrical equipment hired for use in a domestic situation—

refrigerator, television or computer hired for use in a dwelling house or flat

Example of domestic electrical equipment not hired for use in a domestic situation—

refrigerator hired for use in a mechanic's workshop

- (4) For subsection (2)(a)(i), if, because of the way in which the item of electrical equipment is designed, the item can not be tested without dismantling it, it is sufficient if the hirer ensures the item is tested to the extent that it can be tested without dismantling it.
- (5) If, after inspecting and testing an item of electrical equipment under subsection (2)(b)—
- (a) the competent person decides the item is safe to use, the hirer must ensure the competent person immediately attaches a durable tag to the item that shows the day by which the item must be reinspected and retested; or
 - (b) the competent person decides the item is not safe to use, the hirer must ensure that—
 - (i) the competent person immediately attaches a durable tag to the item warning people not to use the item; and
 - (ii) the item is immediately withdrawn from use.
- (6) The hirer must keep records of the tests performed under subsection (2)(b) or (c)(i) for at least 5 years.
- (7) A person who contravenes subsection (2), (5) or (6) commits an offence.

Maximum penalty—40 penalty units.

(8) In this section—

domestic electrical equipment means computer equipment, browngoods or whitegoods.

Part 9 Works of an electricity entity

Division 1 Compliance with part

195 Compliance with this part

A person, including an electricity entity, who designs, builds, maintains or operates works of an electricity entity must ensure that the requirements of this part for the works of an electricity entity are complied with.

Maximum penalty—40 penalty units.

Division 2 Earthing and protection

196 Systems of earthing

(1) The works of an electricity entity must incorporate an earthing and protection system, to a recognised electricity supply industry standard, capable of ensuring the following—

- (a) reliable passage of fault current;
- (b) reliable passage of single wire earth return load currents to ground or source;
- (c) reliable operation of circuit protection devices;
- (d) safe step, touch and transfer potentials for all electrical equipment;
- (e) appropriate coordination with the earthing and protection systems of other electricity entities;

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- (f) protection against likely mechanical damage, inadvertent interference and chemical deterioration;
 - (g) mechanical stability and integrity of connections.
- (2) Without limiting subsection (1), the following specific requirements apply for the works of an electricity entity—
- (a) to stop, as far as practicable, a person suffering electric shock—
 - (i) if the multiple earthed neutral system of earthing is used—the neutral conductor of the system must be effectively earthed; and
 - (ii) each non-current carrying exposed conductive part of an electric line or generating plant must be effectively earthed;
 - (b) each non-current carrying exposed conductive part of a substation must be effectively earthed;
 - (c) a system of earthing must be tested as soon as practicable after its installation to prove its effectiveness;
 - (d) a high voltage electric line must be protected by a suitable fuse, circuit breaker or equivalent device.
- (3) Earthing is not required under subsection (2)(a)(ii) or (b) in circumstances where the electricity entity, in accordance with a recognised practice in the electricity industry, considers that for safety reasons earthing is not appropriate.

197 Connection of high voltage circuit to earth

- (1) Each distinct high voltage system included in the works of an electricity entity must be connected to earth by direct connection or through a resistance or a reactance.
- (2) All reasonable precautions must be taken to ensure that, for the circumstances in which the system is to operate, fuses or circuit breakers in the system will operate during fault conditions.

198 Performance and other requirements for works

The following requirements apply for the works of an electricity entity—

- (a) the works must be able to perform under the service conditions and the physical environment in which the works operate;
- (b) the works must have enough thermal capacity to pass the electrical load for which they are designed, without reduction of electrical or mechanical properties to a level below that at which safe operational performance can be provided;
- (c) to the greatest practicable extent, the works must have enough capacity to pass short circuit currents to allow protective devices to operate correctly;
- (d) the works must have enough mechanical strength to withstand anticipated mechanical stresses caused by environmental, construction or electrical service conditions;
- (e) the works must be—
 - (i) designed and constructed to restrict unauthorised access by a person to live exposed parts; and
 - (ii) operated in a way that restricts unauthorised access by a person to live exposed parts;
- (f) design, construction, operation and maintenance records necessary for the electrical safety of the works must be kept in an accessible form;
- (g) parts of the works whose identity or purpose is not obvious must be clearly identified by labels, and the labels must be updated as soon as possible after any change is made to the works;
- (h) electrical equipment intended to form part of the works of an electricity entity must undergo commissioning tests and inspection to verify that the electrical equipment is suitable for service and can be operated safely when initially installed or altered.

199 Insulation of stay wire

If a stay wire attached to a pole or structure supporting an overhead electric line forming part of the works of an electricity entity does not form part of an earthing system, the wire must be insulated to prevent, as far as practicable, any person suffering an electric shock.

200 Protection of earth conductors

To prevent, as far as practicable, any person suffering an electric shock, earthing conductors installed on the outside of a pole or structure supporting an overhead electric line forming part of the works of an electricity entity must be, from ground level to a height of at least 2.4m—

- (a) insulated or suitably covered by a nonconductive material; and
- (b) protected from mechanical damage.

Division 3 Substations

201 Substation requirements

The following requirements apply for a substation forming part of the works of an electricity entity—

- (a) there must be safe access to, and exit from, the substation;
- (b) a building or enclosure forming part of the substation must be secure, and all reasonable care must be taken to stop unauthorised access to the building or enclosure;
- (c) electrical equipment forming part of the substation must meet applicable standards for electrical safety of persons and property;
- (d) the substation must have appropriate signs, labels, warning notices and barriers.

Division 4 Electric lines and control cables

202 Application of div 4

This division does not apply to electric lines and control cables that are part of a substation that is part of the works of an electricity entity.

203 Measurement of vertical and horizontal distances

For this division—

- (a) the vertical distance of a conductor from the ground is the length of a vertical line between the conductor and the ground; and
- (b) the vertical distance of a conductor from a structure that is immediately below the conductor is the length of a vertical line between the conductor and the point on the structure immediately below the conductor; and
- (c) the vertical distance of a conductor from a structure that is not immediately below the conductor is the length of a vertical line between the conductor and the horizontal projection of the nearest point on the structure to the conductor; and
- (d) the horizontal distance of a conductor from a structure is the length of a horizontal line from the conductor to the nearest point on the structure; and
- (e) the horizontal distance of a conductor from a verandah, balcony, road cutting, embankment or other similar thing is the length of a horizontal line from the conductor to the vertical projection of the nearest point on the verandah, balcony, road cutting, embankment or other similar thing; and
- (f) the horizontal distance of a conductor from a structure that is not immediately below the conductor is the length of a horizontal line from the conductor to the vertical projection of the nearest point on the structure.

204 Electric lines and control cables

Each of the following requirements apply for electric lines and control cables forming part of the works of an electricity entity—

- (a) the lines and cables must be designed and constructed to ensure that applicable safety clearance requirements under sections 205 to 208, and 210, for clearance to the ground, buildings and other structures, and to other conductors, are complied with, and are appropriate having regard to environmental, construction and electric service conditions;
- (b) underground cables are installed in a way that takes account of local environmental and service conditions, the location of other public utility provider services and the risk of damage from excavation;
- (c) if an underground cable is located above the surface of the ground at a particular place and is accessible to the public, it must be mechanically protected from the point at which it leaves the ground up to a height of 2,400mm above any surface near the place on which a person is able to stand;
- (d) a low voltage overhead service must be an insulated cable or a neutral screened cable.

205 Clearance from exposed conductive parts and separation of conductors in same circuit

Exposed conductors in the same circuit of an overhead electric line forming part of the works of an electricity entity must be separated so that, as far as practicable, a conductor does not come in contact with or within arcing distance of—

- (a) another conductor; or
- (b) an earthed exposed conductive part; or
- (c) a stay wire forming part of the overhead electric line.

206 Location of overhead circuit in relation to another overhead circuit

- (1) If the overhead circuits of electric lines forming part of the works of 1 or more electricity entities include different overhead circuits of electric lines that are adjacent, or that cross, and that are on 1 structure, the circuits must be placed as follows—
 - (a) 2 or more low voltage circuits must be placed 1 above the other or side by side;
 - (b) 2 or more high voltage circuits must be placed 1 above the other or side by side;
 - (c) low voltage circuits must be placed below high voltage circuits;
 - (d) if 2 or more high voltage circuits are placed 1 above the other, any lower voltage circuit must be placed below any higher voltage circuit.
- (2) Subsection (1)(c) does not apply to conductors erected on a pole transformer substation.
- (3) Subsection (1)(d) does not apply if an electricity entity considers that exceptional circumstances apply, and that failure to comply with the requirement would not create an unsafe or hazardous situation.

207 Clearance of overhead electric lines from ground

- (1) An electricity entity must ensure the distance from the conductors of its overhead electric lines to the ground is as required under—
 - (a) for an overhead electric line, including a high voltage overhead service line—schedule 4, parts 1 and 3; and
 - (b) for a low voltage overhead service line—schedule 5, part 1.
- (2) Subsection (1) does not apply to electric cables known as aerial bundled cables installed with a clearance from the

ground decided by the electricity entity to be a safe clearance considering the nature of the cables and their location.

208 Clearance of overhead electric lines from structures

- (1) An electricity entity must ensure the distance from the conductors of its overhead electric lines to a structure is as required under—
 - (a) for an overhead electric line, including a high voltage overhead service line—schedule 4, parts 2 and 4; and
 - (b) for a low voltage overhead service line—schedule 5, part 2.
- (2) Subsection (1) does not apply to electric cables known as aerial bundled cables installed with a clearance from a structure decided by the electricity entity to be a safe clearance considering the nature of the cables and their location.

209 Building or adding to structure near electric line

- (1) This section applies if—
 - (a) a person proposes to perform work; and
 - (b) the work is 1 or more of the following—
 - (i) the construction of a building or other structure or of a change to a building or other structure;
 - (ii) the performance of other work in relation to a building or other structure; and
 - (c) the proposed work is likely to involve a building or other structure coming within the clearance requirements under this division for an overhead or underground electric line.
- (2) The person must, before the work starts, give the electricity entity whose works include the electric line written notice in a form approved by the electricity entity.

Maximum penalty—40 penalty units.

- (3) On receiving the notice, the electricity entity must—
 - (a) take action it considers necessary to protect its works while the work is being performed and to ensure the requirements of part 5 will be complied with while the work is being performed; and
 - (b) relocate or change the electric line so that after the work is completed—
 - (i) the requirements of this regulation for clearances will be complied with; and
 - (ii) the electric line will be accessible to the electricity entity's employees for the line's operation and maintenance.
- (4) Unless otherwise agreed between the electricity entity and the person—
 - (a) the person must pay the costs reasonably incurred by the electricity entity acting under subsection (3); and
 - (b) the costs are a debt payable by the person to the electricity entity.

210 Clearance of stay wires and control cables over road

An electricity entity's overhead stay wire or overhead control cable crossing the carriageway of a road must have clearance from the ground of at least 5.5m at the centre line of the carriageway and at least 4.9m at the kerb line of the road.

211 Connection to consumer's premises

- (1) An electricity entity, in supplying electricity to a consumer, must decide the position of its fuses, circuit breakers, disconnection links and other apparatus in accordance with recognised practice in the electricity industry.
- (2) A consumer must provide suitable means for the connection of the consumer's electrical installation to a service line.

Division 5 Termination requirements for low voltage overhead service lines

212 Termination of low voltage overhead service line

- (1) An electricity entity must ensure a low voltage overhead service line is—
 - (a) secured to a consumer's premises, including poles on the premises; and
 - (b) insulated continuously; and
 - (c) not readily accessible to persons.
- (2) An electricity entity must ensure a metallic pin, eye bolt or other similar fixture installed by or for it on a consumer's premises to support an active conductor of a low voltage overhead service line is effectively earthed.
- (3) The earthing must be by direct connection to the neutral conductor of the service line, at the point of support, by a conductor having an appropriate cross-sectional area.
- (4) Earthing under subsections (2) and (3) is not required if—
 - (a) the low voltage overhead service line is a neutral screened cable and the service fuse is mounted on the electricity entity's pole; or
 - (b) no part of the metallic pin, eye bolt or other similar fixture, or of a metal bracket or riser supporting it, is within 25mm of other metal work on a building, pole or other structure.

Division 6 Service lines generally

213 Fuses and disconnectors for service line

- (1) An electricity entity must provide a fuse or circuit breaker for each active conductor of a low voltage service line that

provides fault current protection for a consumer's electrical installation unless—

- (a) electricity to the consumer's electrical installation is supplied direct from a transformer; and
 - (b) the electricity entity is satisfied that the fuse or circuit breaker of the transformer provides enough protection for the consumer's electrical installation; and
 - (c) the electricity entity uses the fuse or circuit breaker of the transformer instead of a fuse or circuit breaker in the low voltage service line.
- (2) However, if under subsection (1) the electricity entity uses the fuse or circuit breaker of the transformer instead of a fuse or circuit breaker in the low voltage service line, the electricity entity must install isolating links in the electric line supplying the consumer's electrical installation if another consumer's electrical installation is also supplied from the transformer.
- (3) Also, if the electricity entity is not satisfied the fuse or circuit breaker of the transformer provides enough protection for the consumer's electrical installation, the electricity entity must provide suitable protection on the low voltage side of the transformer.
- (4) Subsection (3) does not apply if the electricity entity is satisfied that suitable protection is provided in the consumer's electrical installation.

214 Disused service lines to be disconnected

An electricity entity must ensure that a service line for a consumer's premises is disconnected and sufficiently isolated from any electric line forming part of its works if—

- (a) the supply of electricity to the consumer's premises has been disconnected; and
- (b) the electricity entity has taken away any of its meters, control apparatus or other electrical equipment from the premises.

Division 7 Maintenance of works

215 Inspection and maintenance of integrity of insulation

- (1) An electricity entity must ensure the integrity of the insulation of the relevant part of the electrical entity's works is inspected and maintained.
- (2) An electricity entity must ensure the integrity of insulation for the clamp or other apparatus at the point where consumer mains are connected to the electricity entity's service line is inspected and maintained.
- (3) Inspection and maintenance under subsection (1) or (2) must be performed at periodic reasonable intervals.
- (4) In this section—

relevant part, of an electrical entity's works, means the part of an electric line forming part of the works that—

- (a) is adjacent to a roof or structure; and
- (b) is in a position where it is likely that a person could come into contact with the line.

Example of a person who is likely to come into contact with the line—

a painter, a plumber

216 Trimming of trees near overhead electric line

An electricity entity must ensure that trees and other vegetation are trimmed, and other measures taken, to prevent contact with an overhead electric line forming part of its works that is likely to cause injury from electric shock to any person or damage to property.

Part 10 Electricity supply

Division 1 Connection to source of electricity

217 Electrical installation with serious defect not to be connected to electricity source

- (1) If an electrical installation has a serious defect, a person must not connect the installation to a source of electricity for use for its intended purpose.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to a distribution entity unless the serious defect in the electrical installation is located in a consumer main switchboard or between a consumer main switchboard and the works of the distribution entity.

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

- (1) A person must not connect an electrical installation on which electrical work has been performed to a source of electricity unless—

- (a) the person who performed the electrical work was authorised under the Act to perform it; and
- (b) the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules and any other standard applying under this regulation to the electrical installation.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to the connection of the electrical installation to a source of electricity for the first time.

219 Electrical installation not to be initially connected to electricity source without examination and testing

- (1) A person must not connect an electrical installation to a source of electricity supplied by a distribution entity for the first time unless the distribution entity has—
- (a) examined the consumer mains and main switchboard for the electrical installation and confirmed there are no serious defects; and
 - (b) carried out tests to ensure the consumer mains and main switchboard are electrically safe.

Maximum penalty—40 penalty units.

- (2) The distribution entity may charge a consumer for an examination or test performed under subsection (1) only if, at the consumer's request, the examination or test is performed outside normal working hours.

220 Reconnection of electrical installation to electricity source

- (1) A person must not reconnect an electrical installation to a source of electricity supplied by a distribution entity unless the person is authorised to do so under subsection (2) or (3).

Maximum penalty—40 penalty units.

- (2) A distribution entity is authorised to reconnect an electrical installation to a source of electricity if—
- (a) the distribution entity first performs a visual examination of the electrical installation and finds there are no serious defects; or
 - (b) the distribution entity does not first perform a visual examination of the electrical installation, but all of the following circumstances apply—
 - (i) the electrical installation was disconnected by the distribution entity inadvertently or because of debt;
 - (ii) the electrical installation has been disconnected for less than 1 month;

- (iii) the reconnection is for the purpose of supplying the same consumer.
- (3) A licensed electrical contractor is authorised to reconnect a part of an electrical installation to a source of electricity if the contractor has rectified a serious defect that has caused a distribution entity or inspector to leave the part disconnected.
- (4) A distribution entity must keep a record, for at least 5 years, of all electrical installations that have been disconnected from a source of electricity supplied by the distribution entity and that, in the absence of authorisation under subsection (2) or (3), must not be reconnected.

Maximum penalty—20 penalty units.

- (5) A distribution entity may charge a consumer for an examination performed under subsection (2)(a) only if, at the consumer's request, the examination is performed outside normal working hours.
- (6) This section does not apply to a reconnection if the reconnection, and the disconnection preceding it, are performed in the ordinary course of electrical work.

221 High voltage or hazardous area electrical installation not to be connected to electricity source without inspection

- (1) A person must not connect or reconnect a high voltage electrical installation, or an electrical installation located in a hazardous area, to a source of electricity after electrical installation work or electric line work (the *electrical work*) has been performed on the electrical installation unless—
 - (a) the electrical work has been inspected by an accredited auditor; and
 - (b) the accredited auditor has confirmed that the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules and any other standard applying under this regulation to the electrical installation.

Maximum penalty—40 penalty units.

- (2) A person must not, at a particular place, connect a high voltage electrical installation, or an electrical installation located in a hazardous area, to a source of electricity for the first time at the place unless—
 - (a) the electrical installation has been inspected by an accredited auditor; and
 - (b) the accredited auditor has confirmed that the electrical installation has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules and any other standard applying under this regulation to the electrical installation.

Maximum penalty—40 penalty units.

- (3) This section applies in addition to the other provisions in this division about the connection or reconnection of an electrical installation to a source of electricity.

222 Compliance with Act and regulation

A licensed electrical contractor must not connect an electrical installation on which electrical work has been performed to a source of electricity unless the contractor is satisfied that the Act and this regulation have been complied with in relation to the electrical installation to the extent it is affected by the electrical work.

Maximum penalty—40 penalty units.

223 Disconnection and reconnection of low voltage electrical installation

- (1) This section applies to an eligible person who—
 - (a) performs electrical installation work on a consumer's consumer terminals, main switchboard or consumer mains; or
 - (b) isolates electricity supply to an electrical installation to eliminate an exclusion zone that would otherwise exist.

- (2) Despite anything else in this division, the eligible person may, in accordance with recognised electricity industry practice, de-energise and re-energise the consumer's electrical installation by—
- (a) removing and replacing a fuse wedge from a service fuse; or
 - (b) switching off and on a circuit breaker installed as a service line disconnecter.
- (3) If subsection (1)(a) applies, the eligible person must, before reconnecting the electrical installation to a source of electricity, test to ensure the installation is safe to reconnect to the source.

Maximum penalty—40 penalty units.

- (4) If subsection (1)(b) applies, the eligible person must, before reconnecting the electrical installation to a source of electricity—
- (a) if the eligible person, or another person acting for the eligible person, has performed electrical work on the installation—test to ensure the installation is safe to reconnect to the source; or
 - (b) otherwise—carry out a visual inspection of the part of the installation that is in the area of the eliminated exclusion zone to ensure the installation has no serious defects.

Maximum penalty—40 penalty units.

- (5) In this section—

eligible person means—

- (a) a licensed electrical contractor; or
- (b) a person who holds an electrical mechanic licence and is performing work for a licensed electrical contractor as an employee of the contractor; or
- (c) a person who holds an electrical mechanic licence and is performing work for the person or a relative of the

person at premises owned or occupied by the person or relative.

Division 2 Private generating plant

224 Generating plant for emergency supply

- (1) This section applies to a person if private generating plant is—
 - (a) installed at the person's premises as part of the person's electrical installation; and
 - (b) intended to provide a supply of electricity (*emergency supply*) to the person's electrical installation, or to the person's electrical installation and the electrical installation of another person, during an interruption of the supply of electricity from a distribution entity.
- (2) The person must ensure that, when the private generating plant is operating to give emergency supply, there is effective isolation between—
 - (a) all active conductors of the part of the electrical installation or electrical installations to which the private generating plant is connected; and
 - (b) any part of the electrical installation or electrical installations still connected to the supply from the distribution entity.

Maximum penalty—40 penalty units.

- (3) The person must ensure the installation of the private generating plant complies with the requirements of the wiring rules.

Maximum penalty for subsection (3)—40 penalty units.

225 Generating plant for interconnection to works of electricity entity

- (1) This section applies to a person if—

- (a) private generating plant is installed at the person's premises as part of the person's electrical installation; and
 - (b) the private generating plant is intended to interconnect with the works of an electricity entity.
- (2) The person must comply with the electricity entity's conditions for ensuring safe and stable parallel operation of the private generating plant with the works of the electricity entity.

Maximum penalty for subsection (2)—40 penalty units.

Division 3 Testing

226 Notice by licensed electrical contractor of test

- (1) This section applies if, under this part—
- (a) a licensed electrical contractor is required to test electrical work performed on an electrical installation; and
 - (b) part of the electrical installation is required to be examined or tested by the distribution entity that supplies or is to supply electricity to the electrical installation.

- (2) The licensed electrical contractor must give the distribution entity a notice complying with subsection (3).

Maximum penalty—40 penalty units.

- (3) The notice must state that—
- (a) the tests required to be carried out by the licensed electrical contractor will be carried out in the way required under this part; and
 - (b) the electrical installation will be electrically safe by the date stated in the notice; and

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- (c) the electrical installation will be ready for connection by the date stated in the notice.

227 Certificate of testing and compliance

- (1) A licensed electrical contractor who connects an electrical installation on which electrical work has been performed to a source of electricity must, as soon as practicable after the connection, give the person for whom the work was performed a certificate, complying with subsection (2) and (3), about the testing of the electrical installation required under this part.

Maximum penalty—40 penalty units.

- (2) The certificate must state the following—
- (a) the name and address of the person for whom the work was performed;
 - (b) the electrical installation tested;
 - (c) the day the electrical installation was tested;
 - (d) the number of the electrical contractor licence under which the electrical installation was tested.
- (3) The certificate must certify that the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules and any other standard applying under this regulation to the electrical installation.
- (4) A licensed electrical contractor must keep a copy of a certificate given under this section for at least 5 years after the certificate is given.

Maximum penalty for subsection (4)—20 penalty units.

228 Performance of examination or test

A distribution entity that carries out an examination or test required under this part in relation to an electrical installation must examine or test to ensure that the electrical installation,

to the extent of the required examination or test, is electrically safe.

Maximum penalty—40 penalty units.

229 Reasons to be given for not connecting to source of electricity after examination

If, after performing an examination or test, a distribution entity does not connect or reconnect a consumer's electrical installation on which electrical work has been performed to a source of electricity, the distribution entity must give the consumer a written report stating the reasons for not connecting or reconnecting the installation.

Maximum penalty—40 penalty units.

230 Keeping copy of report

- (1) This section applies if a person (the *first person*) performs an examination, inspection or test, under this part.
- (2) A person conducting a business or undertaking who employs the first person must keep a copy of the report of the examination, inspection or test for at least 5 years after the report is made.

Maximum penalty—20 penalty units.

Division 4 Requests and advice to distribution entities

231 Request to distribution entity for examination of electrical work

- (1) This section applies if, under this part, electrical work must be examined or tested by a distribution entity before an electrical installation is connected or reconnected to a source of electricity.

- (2) The person who performed the electrical work must, as soon as practicable after the completion of the electrical work, ask the distribution entity that supplies or is to supply electricity to the electrical installation, in a way approved by the distribution entity, for the work to be examined or tested.

Maximum penalty—40 penalty units.

- (3) In making the request, the person must certify that the electrical work has been completed and that the electrical installation complies with the requirements of this regulation.

232 Telling distribution entity of need for change to metering

- (1) This section applies if, because of the performance of electrical work on an electrical installation, there is a need to install or change metering, control apparatus or other ancillary equipment forming part of the works of a distribution entity.

- (2) The person who performed the electrical work must, as soon as practicable after the completion of the electrical work, tell the distribution entity, in a way approved by the distribution entity, of the need for the installation or change.

Maximum penalty—40 penalty units.

- (3) In giving the advice, the person must certify that the electrical work has been completed.

Part 11 Safety management systems

Division 1 Prescribed electricity entities

233 Prescribed electricity entities

For part 5 of the Act, an electricity entity is a prescribed electricity entity if—

- (a) it is named in schedule 6, part 1; or
- (b) both of the following apply—

-
- comprehensively identifies and addresses the hazards and risks associated with the design, construction, operation and maintenance of the entity's works; and
- (c) any information the regulator reasonably requires to ensure that the design, construction, operation and maintenance of the entity's works complies with the requirements of the Act.
- (4) A prescribed electricity entity's safety management system must provide for—
- (a) auditing by an accredited auditor, at least once every year and at the expense of the prescribed electricity entity, of how the entity is giving effect to the safety management system; and
- (b) submitting to the regulator an annual audit plan for the auditing mentioned in paragraph (a); and
- (c) submitting to the regulator, after each annual audit, a certificate of the accredited auditor who conducts the auditing mentioned in paragraph (a), stating the current level of compliance of the prescribed electricity entity with its safety management system; and
- (d) giving the regulator, after the regulator's consideration of an annual audit plan under paragraph (b) or of a certificate of an accredited auditor under paragraph (c), the further information the regulator reasonably requires about the entity's safety management system and how the entity is giving effect to the system.
- (5) A prescribed electricity entity's safety management system must also provide for—
- (a) making modifications to the safety management system in accordance with the reasonable requirements of the regulator; and
- (b) if reasonably required by the regulator, auditing by an accredited auditor, in addition to the auditing provided for under subsection (4) and at the expense of the prescribed electricity entity, of how the entity is giving effect to the safety management system.

Part 12 **Accredited auditors**

235 **Appointment**

- (1) An application for appointment as an accredited auditor under part 10, division 3 of the Act must be—
 - (a) made in the approved form; and
 - (b) accompanied by the fee for the application; and
 - (c) supported by enough information to allow the regulator to decide the application.
- (2) An application for a renewal of a person’s appointment as an accredited auditor must be—
 - (a) made in the approved form; and
 - (b) accompanied by the fee for the application; and
 - (c) supported by enough information to allow the regulator to decide the application; and
 - (d) received by the regulator at least 14 days before the appointment ends.

236 **Refund of fees**

- (1) This section applies if an application under section 235 is refused by the regulator or is withdrawn before it is decided.
- (2) The amount stated in schedule 8 as the administration component of the fee paid for the application must be refunded.

237 **Term of office as accredited auditor**

A person’s term of office as an accredited auditor is—

- (a) 5 years; or
- (b) if the regulator provides for a lesser period in the person’s instrument of appointment—the lesser period.

Part 13 Cathodic protection systems

Division 1 Preliminary

238 Definitions for pt 13

In this part—

cathodically protected structure means a structure protected by a cathodic protection system.

cathodic protection standard means AS 2832.1 (Cathodic protection of metals—Pipes and cables).

foreign structure, for a cathodic protection system, means a structure that is buried or submerged and that may be subject to interference arising from the cathodic protection system.

foreign structure owner, for a cathodic protection system, means a person who owns a foreign structure for the cathodic protection system.

impressed current cathodic protection system means a cathodic protection system in which the current flowing between the structure protected by the cathodic protection system and the anode is supplied by an external source.

maximum operating current, for a cathodic protection system, means the maximum value of the fixed, manually variable or automatically variable current at which the cathodic protection system operates, other than during short term testing of the cathodic protection system.

registered system means a registrable system registered under this part.

registrable system means an impressed current cathodic protection system the converter of which is capable of delivering a current greater than 0.25A.

short term testing, of a cathodic protection system, means testing of less than a total of 30 minutes in any 7 consecutive days.

239 Electrical terms apply for direct current

In this part, electrical values are the values as they apply for direct current.

Examples—

- 500mV means 500mV d.c.
- 50V means 50V d.c.

240 Exclusion from application

Unless otherwise stated in this part, this part does not apply to a cathodic protection system installed on—

- (a) a floating mobile structure; or
- (b) fishing equipment; or
- (c) a fixed offshore structure not connected with land above sea level; or
- (d) an internal surface of an apparatus, structure or item of equipment to which AS 2832.4 (Cathodic protection of metals—Internal surfaces) applies.

Division 2 Installation and design

241 Installation of cathodic protection system only if preliminary steps taken

- (1) A person must not start to install a cathodic protection system unless the person has complied with subsection (2).

Maximum penalty—40 penalty units.

- (2) At least 60 days before starting installation, the person must—
 - (a) advise all relevant persons for the proposed cathodic protection system of the proposal to install the system; and
 - (b) allow the relevant persons to examine the proposal.
- (3) In this section—

relevant person, for a proposed cathodic protection system, means a person who will, if the system is installed, become a foreign structure owner for the system.

242 Correct design and installation of cathodic protection system

A person who owns a cathodic protection system must ensure that the system is designed and installed in accordance with the requirements of the cathodic protection standard.

Maximum penalty—40 penalty units.

Division 3 Operating requirements

243 Operation of cathodic protection system only on conditions

- (1) The owner of a cathodic protection system must not operate the system unless—
 - (a) the system has been tested in accordance with the testing requirements of this part; and
 - (b) each foreign structure owner for the system has stated either that interference mitigation is satisfactory or that it is not required; and
 - (c) the system is operated in accordance with the requirements of the cathodic protection standard; and
 - (d) if the system is a registrable system—the system is currently registered under this part, and is operated in accordance with the requirements of the conditions of its registration.

Maximum penalty—40 penalty units.

- (2) Despite subsection (1)(b), (c) and (d), a person may operate a cathodic protection system for a reasonable period to perform tests in accordance with the testing requirements of this part.

Division 4 Testing requirements

244 Tests before registration or operation of system

- (1) An owner of a cathodic protection system that is a registrable system must perform tests in accordance with this section within 90 days, or the longer period the regulator allows, before applying for registration of the system.

Maximum penalty—40 penalty units.

- (2) An owner of a cathodic protection system that is not a registrable system must perform tests in accordance with this section within 90 days before starting to operate the system, other than for the tests.

Maximum penalty—40 penalty units.

- (3) The tests are—
 - (a) interference tests on all foreign structures for the system; and
 - (b) if the system has an anode immersed in water or a marine environment—tests to ensure the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment are not more than 3V when the system is energised.
- (4) The tests must be based on the maximum value of the current at which the cathodic protection system will operate at all times, other than during short term testing of the cathodic protection system in which currents of greater values are permitted.
- (5) The owner of the cathodic protection system must make all the arrangements for the tests, provide all the facilities and equipment for the tests and bear all the costs associated with the tests.
- (6) Without limiting subsection (5), for the performance of an interference test mentioned in subsection (3)(a), the owner must—

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

245 Further tests during period of registration of system

- (1) This section applies to a cathodic protection system that is a registered system.
- (2) The owner of the system must perform interference tests on all foreign structures for the system—
 - (a) when an anode forming part of the system is replaced; and
 - (b) if required by the regulator—when the system, or its method of operation, is changed.

Maximum penalty—40 penalty units.

- (3) If the system has an immersed anode that is redesigned, causing the anode to be relocated or to become subject to variation in anode current distribution, the owner of the system must retest the system to ensure the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment is not more than 3V when the system is energised.

Maximum penalty—40 penalty units.

- (4) If, when interference tests are being performed, there is a foreign structure for the system for which interference tests have not previously been performed, the person must—
 - (a) arrange with the foreign structure owner a mutually acceptable time for performing the tests; and
 - (b) allow the foreign structure owner to observe the performance of the tests.

Maximum penalty for subsection (4)—40 penalty units.

246 Further tests during operation of system

- (1) The owner of a relevant system must perform interference tests on all foreign structures for the system—
 - (a) when an anode forming part of the system is replaced; and
 - (b) when the system or its method of operation is changed.Maximum penalty—40 penalty units.

- (2) In this section—

relevant system means—

- (a) a cathodic protection system, other than a registered system, that is an impressed current cathodic protection system; or
- (b) a cathodic protection system with a total anode mass of more than 25kg.

247 Further tests of new foreign structure if required by the regulator

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

Maximum penalty—40 penalty units.

248 Records of tests to be kept

- (1) The owner of a cathodic protection system must keep records of tests carried out under this division for 10 years if the system—
 - (a) is an impressed current cathodic protection system; or
 - (b) has a total anode mass of more than 25kg.Maximum penalty—20 penalty units.
- (2) If asked by the regulator, the owner must give the regulator copies of the records within 14 days after the request.

Maximum penalty for subsection (2)—20 penalty units.

249 Testing by regulator

- (1) The regulator may arrange for the testing the regulator considers necessary to decide whether a cathodic protection system complies with the requirements of this part.
- (2) If reasonably required by the regulator, the owner of a cathodic protection system must provide access to, and facilities for the testing of, the system.

Maximum penalty—40 penalty units.

- (3) If, on testing, a system is found not to comply with the requirements of this part, the costs reasonably incurred by the regulator in conducting the test, including the indirect and overhead costs incurred by the regulator, are a debt payable by the owner to the State.

Division 5 System requirements

250 Electrical limits

- (1) The owner of a cathodic protection system must ensure that the system complies with the requirements of this section for a cathodic protection system.

Maximum penalty—40 penalty units.

- (2) The maximum open circuit voltage of a cathodic protection system may be more than 50V only if safety requirements have been met to the regulator's satisfaction.
- (3) If an anode for a cathodic protection system is immersed in water or in a marine environment, the potential difference between any 2 accessible points spaced 1m apart in the water or marine environment must not be more than 3V when the system is energised.
- (4) In a surface area of 1,000m² measured radially about an electrode or the centre of a group of electrodes discharging

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current to ground as part of a cathodic protection system on land or in non-saline water, the total current of 1 polarity must not be more than 100A.

- (5) In an area of surface water of 2,000m² bounded by a 100m length of the mean low water level contour and a line displaced 20m in a direction away from land from the contour, the total current of 1 polarity discharged to water or substrata by all electrodes in the area for a cathodic protection system must not be more than 500A.

251 Maximum potential change

- (1) The owner of a cathodic protection system must ensure that the system complies with the requirements of this section for a cathodic protection system.

Maximum penalty—40 penalty units.

- (2) This section states requirements for a cathodic protection system in relation to a foreign structure for the system.
- (3) The change in potential, foreign structure to ground, must not be more than any of the following—
 - (a) at a point 100m radially from an anode, if there is no metallic link between the cathodically protected structure and the foreign structure—150mV in a negative going direction;
 - (b) at a point where buried or submerged parts of the foreign structure are in ground or water generally of 1 ohm metre or higher resistivity—10mV in a positive going direction;
 - (c) at a point where buried or submerged parts of the foreign structure are in ground or water generally below 1 ohm metre resistivity—0mV;
 - (d) for a foreign structure that is not connected electrically to the cathodically protected structure, 500mV in a negative going direction or, with the foreign structure owner's written agreement—1V in a negative going direction.

- (4) However, for short term testing of the cathodic protection system, 5 times the potential change stated in subsection (3)(a) or (b) and twice the potential stated in subsection (3)(d) is permitted.
- (5) The potential change stated in subsection (3)(b) or (c) may be changed with the foreign structure owner's written agreement after an assessment of the effect of any existing cathodic protection or interference mitigation measures on the foreign structure.

252 Tolerances

The owner of a cathodic protection system must ensure that the tolerances for measuring instruments used to test the system comply with the safety and technical requirements of the cathodic protection standard.

Maximum penalty—40 penalty units.

253 Identification of anode groundbed

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

Maximum penalty—20 penalty units.

Division 6 Registration of registrable systems

254 Register

- (1) The regulator must keep a register of registered systems.
- (2) The register may be kept in the form, whether or not a documentary form, the regulator considers appropriate.

255 Application for registration of registrable system

- (1) An application for registration of a cathodic protection system that is a registrable system must—
 - (a) be made in the approved form; and
 - (b) be accompanied by the prescribed fee; and
 - (c) if required by the regulator, be accompanied by—
 - (i) details of the geographical location of the system; and
 - (ii) a plan indicating full particulars about the system; and
 - (iii) a certificate from the owner of the system stating the system has been tested as required by this part and complies with the requirements of this part.
- (2) The certificate mentioned in subsection (1)(c)(iii) must state—
 - (a) the value of the maximum operating current on which the tests were based; and
 - (b) for a system operating with an anode immersed in water or in a marine environment—the operating voltage of the system corresponding to the maximum operating current mentioned in paragraph (a); and
 - (c) that the owner has complied with the requirements under division 4 for testing of the system before registration.
- (3) If asked in writing by the regulator, the applicant must give the regulator further relevant information the regulator requires to decide the application.
- (4) The regulator must decide the application within 60 days after receiving the application.
- (5) If the regulator refuses to register the system, the regulator must give notice of the refusal to the applicant within 30 days after the decision.

- (6) The notice must be accompanied by an information notice for the decision to refuse.

256 Refund of fees

- (1) This section applies if an application for registration of a cathodic protection system that is a registrable system—
- (a) is refused by the regulator under section 255; or
 - (b) is withdrawn before the application is decided.
- (2) The amount stated in schedule 8 as the administration component of the fee paid for the application must be refunded.

257 Registration of registrable system

- (1) The regulator must register a cathodic protection system that is a registrable system by entering in the register—
- (a) the name and address of the owner of the system notified to the regulator; and
 - (b) the location of the system; and
 - (c) the description of the structure being cathodically protected; and
 - (d) the conditions of registration about—
 - (i) the permitted maximum operating current of the system; and
 - (ii) for a system operating with an anode immersed in water or a marine environment—the permitted maximum operating voltage of the system; and
 - (e) other conditions imposed by the regulator on the system's operation; and
 - (f) the date of registration.
- (2) Within 30 days after registering the system, the regulator must give the owner of the system written notice of the registration, including—

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

258 Term of registration

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

259 Change of name and address

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

Maximum penalty—20 penalty units.

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

260 Cancellation of registration

- (1) The regulator may cancel the registration of a registered system if—
 - (a) the regulator is not satisfied the system is installed or operating in accordance with this part; or
 - (b) the regulator has been notified by the owner of the system that the system has been taken away or made permanently inoperable.
- (2) On cancellation of registration of a cathodic protection system, the regulator must—
 - (a) enter in the register of registered systems the date of cancellation; and

- (b) give the owner of the system written notice of the cancellation within 14 days after the cancellation.
- (3) If the cancellation is under subsection (1)(a), the notice must be accompanied by an information notice for the decision to cancel.

261 Taking away or making a registered system inoperable

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

Maximum penalty—40 penalty units.

262 Change to registered system to be notified

- (1) If a registered system or its method of operation is changed, the owner of the system must—
 - (a) immediately advise the regulator; and
 - (b) give the regulator written notice complying with subsection (2) within 14 days after the change.

Maximum penalty—20 penalty units.

- (2) The notice must be accompanied by a plan clearly showing how the system has changed.
- (3) If required by the regulator, the owner of the registered system must take all or part of the action an applicant for registration of a registrable system is required to take under this part.

Maximum penalty for subsection (3)—40 penalty units.

Part 14 **Incident notification and reporting**

263 **Definitions for pt 14**

In this part—

distribution entity, for a serious electrical incident or dangerous electrical event, see section 264.

incident record see section 267(2)(b).

264 **Meaning of *distribution entity* for incident or event**

- (1) The *distribution entity* for a serious electrical incident is—
 - (a) if the electrical equipment the subject of the incident is part of the works of a distribution entity—the distribution entity; or
 - (b) otherwise—the distribution entity that supplies electricity to the electrical equipment the subject of the incident.
- (2) The *distribution entity* for a dangerous electrical event is the distribution entity that supplies electricity to, or has as part of its works, the electrical equipment that is—
 - (a) the subject of the event; or
 - (b) the subject of electrical work that is the subject of the event.

265 **Duty of person conducting a business or undertaking to notify of serious electrical incident or dangerous electrical event**

- (1) A person who conducts a business or undertaking must ensure that the regulator is notified, in a way that complies with subsections (2) to (4) and by the fastest means possible, immediately after becoming aware that a serious electrical

incident or dangerous electrical event arising out of the conduct of the business or undertaking has occurred.

Maximum penalty—100 penalty units.

(2) The notice must be given—

- (a) by telephone; or
- (b) in writing.

Example—

The written notice can be given by facsimile, email or other electronic means.

(3) A person giving notice by telephone must—

- (a) give the details of the incident or event requested by the regulator; and
- (b) if required by the regulator, give a written notice of the incident or event within 48 hours after the requirement is made.

(4) A written notice must be in a form, or contain the details, approved by the regulator.

(5) If the regulator receives a notice by telephone and a written notice is not required, the regulator must give the person conducting the business or undertaking—

- (a) details of the information received; or
- (b) an acknowledgement of receiving the notice.

(6) A person conducting a business or undertaking must keep a record of each serious electrical incident or dangerous electrical event for at least 5 years after the day that notice of the incident or event is given to the regulator under this section.

Maximum penalty for subsection (6)—50 penalty units.

266 Duty of distribution entity to notify of serious electrical incident or dangerous electrical event

(1) This section applies if—

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- (a) a distribution entity is advised about the happening of a serious electrical incident or dangerous electrical event; and
 - (b) the distribution entity is the distribution entity for the incident or event.
- (2) The distribution entity must—
- (a) give the regulator written notice in the approved form of the incident or event; and
 - (b) ensure the written notice is received by the regulator within 24 hours after the distribution entity first becomes aware of the happening of the incident or event.

Maximum penalty—40 penalty units.

- (3) However, if the incident or event that happens is a serious electrical incident in which a person has been killed, the distribution entity must also advise the regulator of the incident, immediately after the distribution entity becomes aware of the happening of the incident, by phone, fax or another suitable form of immediate and effective communication.

Maximum penalty—40 penalty units.

- (4) The distribution entity is not required to give written notice or immediate advice to the regulator of the incident or event if the distribution entity knows that the incident or event has already been reported to the regulator.

267 Action required by distribution entity on report of electric shock

- (1) This section applies if a distribution entity is advised by a consumer to whom the distribution entity supplies electricity that a person has received an electric shock.
- (2) The distribution entity must—
 - (a) take the action necessary to be taken in the interests of the electrical safety of persons; and

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- (b) make a written record of the incident (the *incident record*), in a format approved by the regulator, within 3 days after the distribution entity is advised of the person having received the electric shock; and
 - (c) keep the incident record made under paragraph (b) for 5 years.

Maximum penalty—40 penalty units.

268 Report of incident records

A distribution entity must, every 3 months, report to the regulator, in a format approved by the regulator, about the incident records made by the distribution entity in the 3 months.

Maximum penalty—20 penalty units.

269 Duty to preserve incident or event sites

- (1) This section applies if a serious electrical incident or dangerous electrical event happens at a place.
- (2) The person with management or control of the place must ensure, so far as is reasonably practicable, that the site where the incident or event occurred is not disturbed until an inspector arrives at the site or any earlier time that an inspector directs.

Maximum penalty—100 penalty units.

- (3) A person must not move or otherwise interfere with any electrical equipment, or part of any electrical equipment, involved in the happening of the incident or event.

Maximum penalty— 40 penalty units.

- (4) Subsections (2) and (3) do not prevent any action—
 - (a) to assist an injured person; or
 - (b) to remove a deceased person; or

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- (c) that is essential to make the site safe or to minimise the risk of a further serious electrical incident or dangerous electrical event; or
 - (d) that is associated with a police investigation; or
 - (e) of a person acting under the authority of the distribution entity for the incident or event; or
 - (f) for which an inspector or the regulator has given permission.
- (5) In this section—
- site*, where a serious electrical incident or dangerous electrical event occurs, includes any plant, substance, structure and thing associated with the incident or event.

270 Storage of electrical equipment after serious electrical incident

- (1) This section applies if—
- (a) a serious electrical incident happens at a place; and
 - (b) electrical equipment that is part of the works of a distribution entity is involved in the serious electrical incident.
- (2) The distribution entity must ensure that, if the equipment is removed from the place, the equipment is stored securely until—
- (a) an inspector takes possession of the equipment; or
 - (b) an inspector gives written permission to release the equipment from storage.

Maximum penalty—40 penalty units.

271 Requirement on distribution entity to take action in interests of electrical safety

- (1) If a person has a reasonable concern about the electrical safety of electrical equipment to which a distribution entity supplies

electricity, the person may advise the distribution entity of the concern.

- (2) The distribution entity must take the action necessary to be taken in the interests of the electrical safety of persons.

Maximum penalty for subsection (2)—40 penalty units.

Part 15 Miscellaneous provisions

Division 1 Electrical safety contributions

272 Purpose of div 1

The purpose of this division is to prescribe, for part 14A, division 1 of the Act, things that are necessary or convenient for establishing and operating arrangements for the payment of electrical safety contributions.

273 Definitions for div 1

In this division—

premises figure, for a distribution entity, means a figure that is a fair estimate of the average number of retail premises for the distribution entity for the current financial year.

total contribution amount, for a financial year, means the amount notified, for the financial year, by gazette notice.

Note—

At the commencement of this definition, the total contribution amount for the financial year is available on the department's website.

total premises figure means the total of the premises figures for all distribution entities.

unit contribution amount, for a financial year, means the total contribution amount for the financial year divided by the total premises figure.

274 Fixing electrical safety contribution for each distribution entity for financial year

The method for working out the amount of the electrical safety contribution payable by each distribution entity for a current financial year is as follows—

- the regulator decides the premises figure for each distribution entity
- the regulator works out the total premises figure
- the regulator works out the unit contribution amount for the financial year
- the regulator works out the amount of the electrical safety contribution payable by each distribution entity for the financial year by multiplying the premises figure for the distribution entity by the unit contribution amount for the financial year.

275 Payment of electrical safety contribution by instalments

The electrical safety contribution for a distribution entity for a financial year may be paid in equal instalments.

Division 2 Mines, petroleum plants and prescribed workplaces

276 Application of regulation at mine or petroleum plant

- (1) For section 6(2) of the Act, the following provisions of this regulation have application at a mine or petroleum plant—
- (a) part 1;
 - (b) part 4, other than to the extent it relates to electrical contractor licences;
 - (c) section 73;
 - (d) part 7;
 - (e) part 8, other than divisions 3 and 4;

- (f) part 13;
 - (g) part 14.
- (2) For the application of part 14 at a mine or petroleum plant, a reference to a dangerous electrical event does not include a reference to a matter mentioned in section 12(a), (b) or (c) of the Act if the matter is required to be reported under the *Coal Mining Safety and Health Act 1999*, the *Mining and Quarrying Safety and Health Act 1999* or the *Petroleum and Gas (Production and Safety) Act 2004*.

277 Prescribed workplaces—Act, s 18(2)(d)

- (1) For section 18(2)(d) of the Act, a workplace is prescribed if—
- (a) activities of a kind stated in schedule 7 are conducted at the workplace; and
 - (b) 1 or more persons (whether a person conducting the business or undertaking, or person employed part-time or full-time) are employed in a financial year at the workplace.
- (2) Schedule 7 categorises workplaces according to the activities of persons employed at the workplaces using a system known as the Australian and New Zealand Standard Industrial Classification (*ANZSIC*).
- (3) A category of workplace stated in schedule 7, column 2 has the ANZSIC class stated in column 1 of the schedule.

Division 3 Other matters

278 Climbing poles of electricity entity prohibited

- (1) A person must not climb a pole, standard or other structure that is part of the works of an electricity entity, or a ladder attached to a pole, standard or other structure that is part of the works of an electricity entity, if the electricity entity has not authorised the person to climb the pole, standard, other structure or ladder.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to—
- (a) an inspector; or
 - (b) a licensed electrical contractor or licensed electrical worker who, under part 10, division 1, de-energises and re-energises a consumer's electrical installation by—
 - (i) removing and replacing a fuse wedge from a service fuse; or
 - (ii) switching off and on a circuit breaker installed as a service line disconnecter.

279 Duties of person conducting a business or undertaking about supervising training person

- (1) A person conducting a business or undertaking that employs a training person who has not finished 6 months of the person's apprenticeship or training program must ensure the training person does not work—
- (a) in the immediate vicinity of a live high voltage exposed part; or
 - (b) where there is a risk the training person could come into contact with a live low voltage exposed part.

Maximum penalty—40 penalty units.

- (2) However, subsection (1) does not apply to a training person performing duties as a safety observer if—
- (a) the training person is a safety observer and has been capable of being a safety observer for at least 1 year immediately before the start of the training person's apprenticeship or training program; and
 - (b) the person conducting a business or undertaking keeps a written record of the assessment mentioned in schedule 9, definition *safety observer*, paragraph (c) for the training person.

- (3) A person conducting a business or undertaking must ensure that a training person who performs electrical work is supervised at all times by a licensed electrical worker licensed to perform the work.

Maximum penalty—40 penalty units.

- (4) The level of supervision required under subsection (3) must be appropriate, having regard to—
- (a) the type of electrical work performed; and
 - (b) the adequacy of the training person’s training; and
 - (c) the competency of the training person.

280 Electrical distribution entity may isolate powerlines in emergency

- (1) An electrical distribution entity may isolate powerlines from sources of electricity—
- (a) in an emergency; or
 - (b) to prevent an emergency from happening.

Example of paragraph (a)—

if there is a flood or fire

Example of paragraph (b)—

if there are extreme conditions with the potential to create an emergency, including, for example, sparking lines in high wind in high fire danger conditions

- (2) In this section—

emergency means an emergency in relation to a person or the electrical distributions entity’s property or other property.

281 Inspection of entries in registers

- (1) The regulator must keep each register under this regulation open for inspection, on payment of any fixed fee applying to the inspection, by members of the public during office hours on business days.

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- (2) A person may obtain a copy of an entry in a register on payment of any fixed fee applying to obtaining the copy.

282 Provision of information by retailer

The following information is prescribed under section 153 of the Act—

- (a) a customer's full name;
- (b) the address of the premises at which a customer receives customer retail services;
- (c) a customer's postal address and telephone number;
- (d) a contact person for a customer;
- (e) the date a retail entity agreed to provide customer retail services to the premises of a customer;
- (f) the location of a meter at a premises;
- (g) the number of meters at a premises;
- (h) the tariff applying to a meter at a premises;
- (i) the number of a pole or pillar used in supplying electricity to a premises;
- (j) information relevant to locating a premises or gaining access to it;
- (k) for premises that are a domestic residence—whether an approved safety switch is installed for the domestic residence.

283 Provision of information by Residential Tenancies Authority

- (1) The Residential Tenancies Authority may, if asked, give the regulator information, obtained by it in performing its functions, that is relevant to a person's compliance with section 85.

Example of the information that may be given—

the address of the domestic residence

(2) In this section—

Residential Tenancies Authority means the Residential Tenancies Authority established under the *Residential Tenancies and Rooming Accommodation Act 2008*, section 465.

284 Inspectors' identity cards

For section 123A(1) of the Act, an identity card given to an inspector must include the following matters—

- (a) a photograph of the inspector of the size, and in the form, stated by the regulator;
- (b) the inspector's signature;
- (c) the date (if any) on which the inspector's appointment ends;
- (d) any conditions to which the inspector's appointment is subject, including the kinds of workplaces in relation to which the inspector may exercise his or her compliance powers.

285 Fees

The fees payable under the Act are stated in schedule 8.

285A Prescribed Act—Act, s 193

Each Act stated in schedule 8A is prescribed for section 193(3)(c)(ii) of the Act.

285B Prescribed person for delegation by regulator—Act, s 122B

- (1) For section 122B(1) of the Act, the WHS prosecutor is prescribed.
- (2) In this section—

WHS prosecutor means the Work Health and Safety Prosecutor appointed under the *Work Health and Safety Act 2011*, schedule 2, section 31.

Part 16 Repeal and transitional provisions

Division 1 Repeal

286 Repeal of Electrical Safety Regulation 2002

The Electrical Safety Regulation 2002, SL No. 260 is repealed.

Division 2 Transitional provisions for Electrical Safety Regulation 2013

287 Definitions for div 2

In this division—

act, of a person, includes the following—

- (a) action taken by the person;
- (b) the making of a decision by the person;
- (c) the issuing, making or receipt of a document by the person;
- (d) the setting of a standard by, or to the satisfaction of, the person;
- (e) the making of a request, or the setting of a requirement, by the person.

commencement means the commencement of this division.

corresponding provision, to a previous provision, means a provision of this regulation that is substantially the same as the previous provision.

Electricity Regulation means the *Electricity Regulation 1994*.

previous provision means a provision of the repealed regulation as in force immediately before the commencement.

repealed, in relation to a provision of the repealed regulation, means the provision as in force immediately before the commencement.

repealed regulation means the repealed *Electrical Safety Regulation 2002*.

288 Acts of chief executive under previous provision taken to be acts of regulator under corresponding provision

- (1) This section applies, if the context permits, to give effect to the establishment of the office of regulator.
- (2) An act of the chief executive, under a previous provision, that continued to have effect or was in force immediately before the commencement—
 - (a) continues to have effect, or continues in force, after commencement subject to any conditions or restrictions associated with the act immediately before the commencement; and
 - (b) is taken to be an equivalent act of the regulator under the corresponding provision to the previous provision.
- (3) A reference, in a corresponding provision to a previous provision, to an act of the regulator includes a reference to an equivalent act of the chief executive under the previous provision (the *original act*).
- (4) If—
 - (a) any further decision or action must or may be taken in relation to the original act; and

- (b) that further decision or action would have been taken by the chief executive if the previous provision had continued in force;

the decision or action must or may be taken by the regulator under the corresponding provision to the previous provision.

289 Acts of persons other than chief executive under previous provisions

- (1) If the context permits, an act of a person other than the chief executive, under a previous provision, that continued to have effect or was in force immediately before commencement—
 - (a) continues to have effect, or continues in force, after commencement subject to any conditions or restrictions associated with the act immediately before commencement; and
 - (b) is taken to be an equivalent act under the corresponding provision to the previous provision.
- (2) Without limiting subsection (1), if the context permits—
 - (a) a documented safe system of work, under repealed section 12(1)(c), for electrical work that will be, or will continue to be, performed after commencement, is taken to be a safe work method statement prepared for the work; and
 - (b) a safety advice, under repealed section 64A(3), about work that will be, or will continue to be, performed after commencement, is taken, for the purposes of section 68(2)(b)(ii), to be requirements of the electricity entity responsible for the electric line to which the safety advice related.

290 Applications made before commencement

- (1) This section applies if—
 - (a) an application was made under a previous provision, but not decided before the commencement; and

- (b) an equivalent application may be made under a corresponding provision to the previous provision.
- (2) For dealing with and deciding the application, the application is taken to be an equivalent application made under the corresponding provision.

291 Electrical licences

- (1) This section applies to an electrical licence, of a class prescribed under the repealed regulation, that was in force immediately before the commencement.
- (2) The licence is taken to be a licence of the equivalent class under this regulation.

292 Obligation to do thing indefinitely or within or for stated period

- (1) This section applies if—
 - (a) before the commencement, a person was, under a previous provision, required to do something—
 - (i) within, or for, a stated period; or
 - (ii) for an indefinite period; and
 - (b) if paragraph (a)(i) applies—immediately before the commencement—
 - (i) the stated period was not completed; and
 - (ii) if the person was required to do the thing within the stated period—the thing had not yet been done; and
 - (c) the context permits.
- (2) If there is a corresponding provision to the previous provision, the corresponding provision applies to the doing of the thing as if the corresponding provision had been in force when the period started.

- (3) If the previous provision required the person to keep a document for a stated period and there is no corresponding provision to the previous provision, the previous provision continues to apply despite the repeal of the repealed regulation.

293 Eligibility for electrical jointer licence

- (1) Repealed section 214 continues to apply except that—
 - (a) a reference to ‘the commencement of this section’ is taken to be a reference to the commencement of repealed section 214; and
 - (b) a reference to ‘section 221’ is taken to be a reference to repealed section 221.
- (2) Repealed section 221 continues to apply except that—
 - (a) a reference to ‘section 214(2)’ is taken to be a reference to repealed section 214(2); and
 - (b) a reference to ‘the commencement of this section’, or ‘the commencement’, is taken to be a reference to the commencement of repealed section 221.

294 Eligibility for electrical linesperson licence

- (1) Repealed section 215 continues to apply except that—
 - (a) a reference to ‘the commencement of this section’ is taken to be a reference to the commencement of repealed section 215; and
 - (b) a reference to ‘section 222’ is taken to be a reference to repealed section 222.
- (2) Repealed section 222 continues to apply except that—
 - (a) a reference to ‘section 215(2)’ is taken to be a reference to repealed section 215(2); and
 - (b) a reference to ‘the commencement of this section’, or ‘the commencement’, is taken to be a reference to the commencement of repealed section 222.

295 Clearances for lines built before 1 January 1995

Repealed section 218 continues to apply except that—

- (a) a reference to ‘the commencement of this section’ is taken to be a reference to the commencement of repealed section 218; and
- (b) a reference to ‘part 7, division 4’ is taken to be a reference to part 9, division 4.

296 Termination of low voltage overhead service line built before 1 January 1995

Repealed section 219 continues to apply except that—

- (a) a reference to ‘the commencement of this section’ is taken to be a reference to the commencement of repealed section 219; and
- (b) a reference to ‘part 7, division 5’ is taken to be a reference to part 9, division 5.

297 Clearances for lines built between 1 January 1995 and 1 October 2002

Repealed section 220 continues to apply except that—

- (a) a reference to ‘the commencement of this section’, or ‘the commencement’, is taken to be a reference to the commencement of repealed section 220; and
- (b) a reference to ‘part 7, division 4’ is taken to be a reference to part 9, division 4.

298 Continued application of obligation to install approved safety switch

- (1) This section applies if the owner of residential land was required, under repealed section 80A(6), to ensure an approved safety switch is installed for a general purpose socket-outlet as soon as practicable after becoming aware of circumstances mentioned in repealed section 80A(5).

- (2) Repealed section 80A(6) continues to apply to the owner.

299 Continuation of approvals taken to be certificates of conformity

- (1) This section applies to an approval that was—
- (a) taken to be a certificate of conformity under repealed section 224, 225 or 225A; and
 - (b) in force immediately before the commencement.
- (2) The approval—
- (a) is taken to be an equivalent certificate of conformity under section 122; and
 - (b) continues in force until it expires or is cancelled.

300 Continued application of provisions about marking of in-scope electrical equipment

- (1) Repealed section 228 continues to apply except that—
- (a) a reference to ‘section 106(1)’ is taken to be a reference to section 145(1); and
 - (b) a reference to ‘section 100(1)(b)’ is taken to be a reference to repealed section 100(1)(b); and
 - (c) a reference to ‘the commencement’ is taken to be a reference to the commencement of repealed section 228; and
 - (d) a reference to ‘section 231’ is taken to be a reference to repealed section 231.
- (2) Repealed section 230 continues to apply except that—
- (a) a reference to ‘section 111(1)’ is taken to be a reference to repealed section 111(1); and
 - (b) a reference to ‘section 100(1)(b)’ is taken to be a reference to repealed section 100(1)(b); and

- (c) a reference to ‘the commencement’ is taken to be a reference to the commencement of repealed section 230; and
 - (d) a reference to ‘section 231’ is taken to be a reference to repealed section 231.
- (3) Repealed section 231 continues to apply except that—
- (a) a reference to ‘section 224’ is taken to be a reference to repealed section 224; and
 - (b) a reference to ‘the commencement’ is taken to be a reference to the commencement of repealed section 231; and
 - (c) a reference to ‘this regulation’ is taken to be a reference to the repealed regulation.

301 References to repealed regulation

In an instrument, if the context permits—

- (a) a reference to the repealed regulation may be taken to be a reference to this regulation; and
- (b) a reference to a previous provision may be taken to be a reference to the corresponding provision to the previous provision.

Division 3 Transitional provisions for Work Health and Safety and Other Legislation Amendment Regulation 2018

302 Applications for issue of electrical contractor licences

- (1) This section applies if—
 - (a) a person applied, before the commencement, for an electrical contractor licence under section 59 of the Act; and

- (b) on the commencement, the application has not been decided.
- (2) For sections 42 and 48, section 7 as in force immediately before the commencement applies in relation to the application.

303 Applications for renewal or reinstatement of electrical contractor licences

- (1) This section applies if—
 - (a) either—
 - (i) a person held an electrical contractor licence before the commencement; or
 - (ii) a person mentioned in section 302 who applied for an electrical contractor licence is granted the licence; and
 - (b) the person applies, whether before or after the commencement, for—
 - (i) renewal of the licence under section 60 of the Act; or
 - (ii) reinstatement of the licence under section 61 of the Act.
- (2) For sections 48 and 55, section 7 as in force immediately before the commencement applies in relation to the application.

Schedule 1 External licences and electrical work licence equivalents

section 41

| External licence | Equivalent licence | |
|---|---------------------------|----------|
| New South Wales | | |
| Under the <i>Home Building Act 1989</i> (NSW)— | | |
| • an endorsed contractor licence authorising the holder to do electrical wiring work | electrical licence | mechanic |
| • a supervisor certificate authorising the holder to do electrical wiring work | electrical licence | mechanic |
| Victoria | | |
| Under the <i>Electricity Safety Act 1998</i> (Vic)— | | |
| • Electrician’s licence | electrical licence | mechanic |
| South Australia | | |
| Under the <i>Plumbers, Gas Fitters and Electricians Act 1995</i> (SA)— | | |
| • electrical workers registration (not subject to conditions limiting the work that may be carried out under the authority of the registration) | electrical licence | mechanic |
| Tasmania | | |
| Under the <i>Occupational Licensing Act 2005</i> (Tas)— | | |

| External licence | Equivalent licence | |
|--|---------------------------|----------|
| <ul style="list-style-type: none"> electrical practitioner’s licence | electrical licence | mechanic |
| Western Australia | | |
| Under the <i>Electricity Act 1945</i> (WA)— | | |
| <ul style="list-style-type: none"> “A” grade electrical workers’ licence—endorsed ‘all electrical work’ | electrical licence | mechanic |
| <ul style="list-style-type: none"> “A” grade electrical workers’ licence—endorsed electrical mechanic | electrical licence | mechanic |
| <ul style="list-style-type: none"> “A” grade electrical workers’ licence—endorsed electrical mechanic and electrical fitter | electrical licence | mechanic |
| <ul style="list-style-type: none"> “A” grade electrical workers’ licence—endorsed electrical fitter | electrical fitter licence | |
| <ul style="list-style-type: none"> electrical workers’ licence endorsed ‘electrician’ | electrical licence | mechanic |
| <ul style="list-style-type: none"> electrician’s licence endorsed ‘electrical fitter’ | electrical fitter licence | |
| <ul style="list-style-type: none"> electrician’s licence that is not endorsed ‘electrical fitter’ | electrical licence | mechanic |
| Australian Capital Territory | | |
| Under the <i>Construction Occupations (Licensing) Act 2004</i> (ACT)— | | |
| <ul style="list-style-type: none"> unrestricted electrician licence | electrical licence | mechanic |
| Northern Territory | | |
| Under the <i>Electrical Workers and Contractors Act</i> (NT)— | | |
| <ul style="list-style-type: none"> electrical workers’ licence endorsed electrical mechanic | electrical licence | mechanic |

External licence

- electrical workers' licence endorsed electrical fitter and mechanic
- electrical workers' licence endorsed electrical fitter

New Zealand

Under the *Electricity Act 1992* (NZ)—

- practising licence, classes of registration electrician

Equivalent licence

electrical mechanic
licence

electrical fitter licence

electrical mechanic
licence

Schedule 2 Exclusion zones for overhead electric lines

section 69(4), definition *exclusion zone*

Part 1 Preliminary

1 Definitions for sch 2

In this schedule—

another safe system, for the operation of operating plant, means a system of work that—

- (a) has been developed in consultation with persons who are broadly representative of industrial organisations of employees whose members commonly operate operating plant of the operating plant's type; and
- (b) provides, for persons and property, the same level of electrical safety as, or a greater level of electrical safety than, the level of electrical safety provided with a safety observer.

authorised person, for an electric line, means a person who—

- (a) has enough technical knowledge and experience to do work that involves contact with, or being near to, the electric line; and
- (b) has been approved by the person in control of the electric line to do work that involves contact with, or being near to, the electric line, or is authorised to act for the person in control of the electric line.

instructed person, for an electric line, means a person who is acting under the supervision of an authorised person for the electric line.

untrained person, for an electric line, means a person who is not an authorised person or an instructed person for the electric line.

2 Authorised persons and instructed persons taken to be untrained persons in particular circumstances

- (1) This section applies if operating plant is operated by an authorised person or instructed person, for an electric line, who does not have a safety observer or another safe system as required under this schedule.
- (2) The operating plant is taken to be operated by an untrained person for the electric line.

3 Exclusion zones for operating plant fitted with certain safety devices

- (1) This section applies if—
 - (a) operating plant, operated by an authorised person or instructed person for an electric line, is fitted with a device capable of stopping the operation of the plant immediately when the operating plant is at the exclusion zone for an authorised person or instructed person for the electric line; and
 - (b) a safe system of work for the use of the operating plant is in place; and
 - (c) the safe system of work has been developed in consultation with persons who are broadly representative of industrial organisations of employees whose members commonly operate operating plant of the operating plant's type; and
 - (d) without limiting paragraph (b), the safe system of work ensures the device mentioned in paragraph (a)—
 - (i) is operating properly; and
 - (ii) is set for at least the correct exclusion zone distance.
- (2) The exclusion zone for an authorised person or instructed person for the electric line applies as the exclusion zone for the operating plant for the electric line.

Part 2 Overhead uninsulated electric lines

Division 1 Exclusion zones for untrained persons

| Nominal phase to phase voltage of overhead uninsulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|---|---|---|
| low voltage (with consultation with person in control of electric line) | 1,000 | 3,000 | 600 |
| low voltage (without consultation with person in control of exposed electric line) | 3,000 | 3,000 | 600 |
| above low voltage, up to 33kV (with consultation with person in control of exposed electric line) | 2,000 | 3,000 | 900 |
| above low voltage, up to 33kV (without consultation with person in control of electric line) | 3,000 | 3,000 | 900 |

| Nominal phase to phase voltage of overhead uninsulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|--|--|--|
| above 33kV up to 132kV | 3,000 | 3,000 | 2,100 |
| above 132kV up to 220kV | 4,500 | 6,000 | 2,900 |
| above 220kV up to 275kV | 5,000 | 6,000 | 2,900 |
| above 275kV up to 330kV | 6,000 | 6,000 | 3,400 |
| above 330kV up to 500kV | 6,000 | 8,000 | 4,400 |
| Nominal pole to earth dc voltage of exposed electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
| +/- 25kV | 3,000 | 3,000 | 900 |
| +/- 85kV | 3,000 | 3,000 | 2,100 |
| +/- 150kV | 3,000 | 3,000 | 2,100 |
| +/- 270kV | 4,500 | 6,000 | 2,900 |
| +/- 350kV | 5,000 | 6,000 | 2,900 |
| +/- 400kV | 6,000 | 6,000 | 3,400 |

Division 2 Exclusion zones for authorised or instructed persons

| Nominal phase to phase voltage of overhead uninsulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|--|---|--|
| low voltage | (no exclusion zone prescribed) | 1,000 | 600 |
| above low voltage, up to 33kV | 700 | 1,200 | 700 |
| above 33kV up to 50kV | 750 | 1,300 | 750 |
| above 50kV up to 66kV | 1,000 | 1,400 | 1,000 |
| above 66kV up to 110kV | 1,000 | 1,800 | 1,000 |
| above 110kV up to 132kV | 1,200 | 1,800 | 1,200 |
| above 132kV up to 220kV | 1,800 | 2,400 | 1,800 |
| above 220kV up to 275kV | 2,300 | 3,000 | 2,300 |
| above 275kV up to 330kV | 3,000 | 3,700 | 3,000 |
| above 330kV up to 400kV | 3,300 | 4,000 | 3,300 |

| Nominal phase to phase voltage of overhead uninsulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|--|---|--|
| above 400kV up to 500kV | 3,900 | 4,600 | 3,900 |
| Nominal pole to earth dc voltage of exposed electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
| +/- 25kV | 700 | 1,200 | 700 |
| +/- 85kV | 1,000 | 1,800 | 1,000 |
| +/- 150kV | 1,200 | 1,800 | 1,200 |
| +/- 270kV | 1,800 | 2,400 | 1,800 |
| +/- 350kV | 2,500 | 3,200 | 2,500 |
| +/- 400kV | 2,900 | 3,600 | 2,900 |

Part 3 Overhead insulated electric lines

Division 1 Exclusion zones for untrained persons

| Nominal phase to phase voltage of overhead insulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|---|--|--|--|
| low voltage (with consultation with, and with insulation verified by, an authorised person for the electric line) | (No exclusion zone prescribed) | 1,000 | 300 |
| low voltage (without consultation with, and without insulation verified by, an authorised person for the electric line) | 3,000 | 3,000 | 600 |
| above low voltage, up to 33kV (with consultation with person in control of electric line) | 2,000 | 3,000 | 900 |

| Nominal phase to phase voltage of overhead insulated electric line | Untrained person for the electric line (mm) | Operating plant operated by untrained person for the electric line (mm) | Vehicle operated by untrained person for the electric line (mm) |
|--|--|--|--|
| above low voltage, up to 33kV (without consultation with person in control of electric line) | 3,000 | 3,000 | 900 |
| above 33kV up to 66kV | 3,000 | 3,000 | 2,100 |
| Nominal pole to earth dc voltage of electric line | | | |
| +/- 25kV | 3,000 | 3,000 | 900 |
| +/- 85kV | 3,000 | 3,000 | 2,100 |

Division 2 Exclusion zones for authorised or instructed persons

| Nominal phase to phase voltage of overhead insulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|---|---|--|---|
| low voltage (with consultation with, and with insulation verified by, an authorised person for the electric line) | (no exclusion zone prescribed) | (no exclusion zone prescribed) | (no exclusion zone prescribed) |
| low voltage (without consultation with, and without insulation verified by, an authorised person for the electric line) | (no exclusion zone prescribed) | (no exclusion zone prescribed) | 600 |
| above low voltage, up to 33kV (with consultation with person in control of electric line) | 700 | 700 | 700 |

| Nominal phase to phase voltage of overhead insulated electric line | Authorised person or instructed person for the electric line (mm) | Operating plant operated by authorised person or instructed person for the electric line, with safety observer or another safe system (mm) | Vehicle operated by authorised person or instructed person for the electric line (mm) |
|--|--|---|--|
| above low voltage, up to 33kV (without consultation with person in control of electric line) | 700 | 700 | 700 |
| above 33kV up to 50kV | 750 | 750 | 750 |
| Above 50kV up to 66kV | 1,000 | 1,000 | 1,000 |
| Nominal pole to earth dc voltage of electric line | | | |
| +/- 25kV | 700 | 700 | 700 |
| +/- 85kV | 1,000 | 1,000 | 1,000 |

Schedule 3 Information to be included in declarations by responsible suppliers

sections 128(4), 132(5) and 135(5)

Part 1 Responsible supplier's declaration

Information to be included in declaration

That—

- (a) each item of a type of in-scope electrical equipment when sold by the responsible supplier will—
 - (i) meet the relevant standard for the type as in force—
 - (A) if the responsible supplier is a manufacturer of the type—at the time the item was manufactured by the responsible supplier; or
 - (B) if the responsible supplier is an importer of the type—at the time the item was imported by the responsible supplier; and
 - (ii) be electrically safe; and
- (b) there is a current certificate of conformity for each plug, flexible supply cord or appliance connector, as defined in AS/NZS 4417 (Regulatory compliance mark for electrical and electronic equipment) sold for use with the item.

Part 2 Responsible supplier's level 2 in-scope electrical equipment declaration

Information to be included in declaration

That—

- (a) each item of the type of level 2 in-scope electrical equipment mentioned below when sold by the responsible supplier will—
 - (i) meet the relevant standard for the type as at the time the type was registered in the national register; and
 - (ii) be electrically safe; and
- (b) the responsible supplier keeps a compliance folder for that type of equipment.

Details of the type of level 2 in-scope electrical equipment to which this declaration relates—

(insert details).

Part 3 Responsible supplier's level 3 in-scope electrical equipment declaration

Information to be included in declaration

That—

- (a) each item of the type of level 3 in-scope electrical equipment mentioned below when sold by the responsible supplier will—
 - (i) meet the relevant standard for the type as at the time the type was registered in the national register; and
 - (ii) be electrically safe; and
- (b) the responsible supplier keeps a certificate of conformity for that type of equipment.

Details of the type of level 3 in-scope electrical equipment to which this declaration relates—

(insert details).

Schedule 4 Clearance of overhead electric lines (other than low voltage service lines)

sections 207(1)(a) and 208(1)(a)

Part 1 Low voltage conductor clearance—from ground

Vertical clearance from roads

- 1 The minimum vertical clearance from roads must be, in all positions and whether or not insulated 5.5m

Vertical clearance from other than roads

- 2(1) The minimum vertical clearance from other than roads must be, whether or not insulated 5.5m
- (2) This item does not apply if item 3 or 4 applies.

Vertical clearance over nontrafficable land

- 3 The minimum vertical clearance over land that, because of the steepness or swampiness of its terrain, can not be crossed by traffic or mobile machinery, must be, whether or not insulated 4.5m

Horizontal clearance from road cuttings and embankments

- | | | |
|---|---|------|
| 4 | The minimum horizontal clearance, whether or not insulated, in accordance with note 2, from road cuttings, embankments and similar features must be, whether or not insulated | 1.5m |
|---|---|------|

Part 2 Low voltage conductor clearance—from structures

Clearance from unroofed terraces, balconies and sun decks

- | | | |
|---|---|------|
| 1 | The minimum clearance, in accordance with note 2, for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a surrounding hand rail or wall and on which a person is likely to stand must be— | |
| | (a) vertically— | |
| | (i) insulated | 2.7m |
| | (ii) uninsulated | 3.7m |
| | (b) horizontally— | |
| | (i) insulated | 1.2m |
| | (ii) uninsulated | 1.5m |

Clearance from roofs or similar structures not used for traffic

- | | | |
|---|---|--|
| 2 | The minimum clearance vertically and horizontally, in accordance with note 2, for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and for parapets surrounding roofs or similar structures not used for traffic or resort but on which a person is likely to stand, must be— | |
|---|---|--|

- (a) vertically—
 - (i) insulated 2.7m
 - (ii) uninsulated 3.7m
- (b) horizontally—
 - (i) insulated 0.9m
 - (ii) uninsulated 1.5m

Clearance from covered places of traffic

- 3 The minimum clearance in any direction from covered places of traffic or resort, including, for example, windows capable of being opened, roofed open verandahs and covered balconies, must be—
- (a) insulated 1.2m
 - (b) uninsulated 1.5m

Horizontal clearance from blank walls or windows

- 4 The minimum clearance horizontally from blank walls or windows that can not be opened must be—
- (a) insulated 0.6m
 - (b) uninsulated 1.5m

Clearance from structures not normally accessible to persons

- 5 The minimum clearance from other structures not normally accessible to persons must be, in accordance with note 2—
- (a) vertically—
 - (i) insulated 0.6m

| | |
|-------------------|------|
| (ii) uninsulated | 2.7m |
| (b) horizontally— | |
| (i) insulated | 0.3m |
| (ii) uninsulated | 1.5m |

Part 3 High voltage conductor clearance—from ground

Vertical clearance from roads

- 1 The minimum vertical clearance from roads must be—
- (a) crossing the carriageway—
- | | |
|---|------|
| (i) more than 1,000V but not more than 132kV | 6.7m |
| (ii) more than 132kV but not more than 275kV | 7.5m |
| (iii) more than 275kV but not more than 330kV | 8.0m |
| (iv) more than 330kV but not more than 500kV | 9.0m |
- (b) at other places—
- | | |
|---|------|
| (i) more than 1,000V but not more than 33kV | 5.5m |
| (ii) more than 33kV but not more than 132kV | 6.7m |
| (iii) more than 132kV but not more than 275kV | 7.5m |
| (iv) more than 275kV but not more than 330kV | 8.0m |
| (v) more than 330kV but not more than 500kV | 9.0m |

Vertical clearance from other than roads

- 2(1) The minimum vertical clearance from other than roads must be—

Schedule 4

- | | |
|---|------|
| (a) more than 1,000V but not more than 33kV | 5.5m |
| (b) more than 33kV but not more than 132kV | 6.7m |
| (c) more than 132kV but not more than 275kV | 7.5m |
| (c) more than 275kV but not more than 330kV | 8.0m |
| (e) more than 330kV but not more than 500kV | 9.0m |
- (2) This item does not apply if item 3 or 4 applies.

Vertical clearance over nontrafficable land

3 The minimum vertical clearance over land that, because of the steepness or swampiness of its terrain, can not be crossed by traffic or mobile machinery must be—

- | | |
|---|------|
| (a) more than 1,000V but not more than 33kV | 4.5m |
| (b) more than 33kV but not more than 132kV | 5.5m |
| (c) more than 132kV but not more than 275kV | 6.0m |
| (d) more than 275kV but not more than 330kV | 6.7m |
| (e) more than 330kV but not more than 500kV | 7.5m |

Horizontal clearance from road cuttings and embankments etc.

4 The minimum horizontal clearance, in accordance with note 2, from road cuttings, embankments and other similar places must be—

- | | |
|---|------|
| (a) more than 1,000V but not more than 33kV | 2.1m |
| (b) more than 33kV but not more than 132kV | 4.6m |
| (c) more than 132kV but not more than 275kV | 5.5m |
| (d) more than 275kV but not more than 330kV | 6.0m |
| (e) more than 330kV but not more than 500kV | 7.0m |

Part 4 High voltage conductor clearance—from structures

Clearance from unroofed terraces, balconies and sun decks

- 1 The minimum clearance, in accordance with note 2, for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a surrounding hand rail or wall and on which a person is likely to stand, must be—
- (a) vertically—
- | | |
|---|------|
| (i) more than 1,000V but not more than 33kV | 4.6m |
| (ii) more than 33kV but not more than 132kV | 5.5m |
| (iii) more than 132kV but not more than 275kV | 6.5m |
| (iv) more than 275kV but not more than 330kV | 7.0m |
| (v) more than 330kV but not more than 500kV | 8.0m |
- (b) horizontally—
- | | |
|---|------|
| (i) more than 1,000V but not more than 33kV | 2.1m |
| (ii) more than 33kV but not more than 132kV | 4.6m |
| (iii) more than 132kV but not more than 330kV | 5.5m |
| (iv) more than 330kV but not more than 500kV | 6.0m |

Clearance from roofs or similar structures not used for traffic

- 2 The minimum clearance vertically and horizontally, in accordance with note 2, for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and for parapets surrounding roofs or similar structures not used for traffic or resort but on which a person is likely to stand, must be—
- (a) vertically—
 - (i) more than 1,000V but not more than 33kV 3.7m
 - (ii) more than 33kV but not more than 132kV 4.6m
 - (iii) more than 132kV but not more than 275kV 6.0m
 - (iv) more than 275kV but not more than 330kV 6.5m
 - (v) more than 330kV but not more than 500kV 7.5m
 - (b) horizontally—
 - (i) more than 1,000V but not more than 33kV 2.1m
 - (ii) more than 33kV but not more than 132kV 4.6m
 - (iii) more than 132kV but not more than 330kV 5.5m
 - (iv) more than 330kV but not more than 500kV 6.0m

Clearance from covered places of traffic

- 3 The minimum clearance in any direction from covered places of traffic or resort such as windows capable of being opened, roofed open verandahs and covered balconies must be—
- (a) more than 1,000V but not more than 33kV 2.1m
 - (b) more than 33kV but not more than 132kV 4.6m
 - (c) more than 132kV but not more than 330kV 5.5m
 - (d) more than 330kV but not more than 500kV 6.0m

Horizontal clearance from blank walls or windows

- 4 The minimum clearance horizontally from blank walls or windows that can not be opened must be—
- | | |
|---|------|
| (a) more than 1,000V but not more than 33kV | 1.5m |
| (b) more than 33kV but not more than 66kV | 3.0m |
| (c) more than 66kV but not more than 132kV | 4.6m |
| (d) more than 132kV but not more than 330kV | 5.5m |
| (e) more than 330kV but not more than 500kV | 6.0m |

Clearance from structures not normally accessible to persons

- 5 The minimum clearance from other structures not normally accessible to persons must be, in accordance with note 2—
- | | |
|---|------|
| (a) vertically— | |
| (i) more than 1,000V but not more than 66kV | 3.0m |
| (ii) more than 66kV but not more than 132kV | 4.6m |
| (iii) more than 132kV but not more than 330kV | 5.5m |
| (iv) more than 330kV but not more than 500kV | 6.0m |
| (b) horizontally— | |
| (i) more than 1,000V but not more than 33kV | 1.5m |
| (ii) more than 33kV but not more than 66kV | 3.0m |
| (iii) more than 66kV but not more than 132kV | 4.6m |
| (iv) more than 132kV but not more than 330kV | 5.5m |
| (v) more than 330kV but not more than 500kV | 6.0m |

Note 1—

For this schedule, a conductor is taken to be insulated if it is insulated in accordance with AS/NZS 5000.1 (Electric cables—Polymeric

Schedule 4

insulated—For working voltages up to and including 0.6/1 (1.2) kV) or AS/NZS 3560.1 (Electric cables—Cross-linked polyethylene insulated—Aerial bundled—For working voltages up to and including 0.6/1(1.2)kV). Otherwise, it is taken to be uninsulated.

Note 2—

Either the vertical clearance or the horizontal clearance stated must be maintained. Also, in the zone outside the vertical alignment of the building, road cutting, embankments and similar places, either the horizontal clearance from the vertical alignment or the vertical clearance from the horizontal level on which a person is likely to stand must be maintained.

Schedule 5 Clearance of low voltage overhead service lines

sections 207(1)(b) and 208(1)(b)

Part 1 Clearance from ground

Vertical clearance from roads

- 1 The minimum vertical clearance from roads must be—
- | | |
|---|------|
| (a) at centre line of the carriageway | 5.5m |
| (b) at kerb line | 4.9m |
| (c) at fence alignment | 3.7m |

Vertical clearance from other than roads

- 2 The minimum vertical clearance from other than roads must be—
- | | |
|---|------|
| (a) private driveways and areas including elevated areas used by vehicles | 4.5m |
| (b) areas not normally used by vehicles | 2.7m |

Horizontal clearance from road cuttings and embankments

- 3 The minimum horizontal clearance from road cuttings, embankments and other similar places 1.5m

Part 2 **Clearance from structures**

Clearance from unroofed terraces, balconies and sun decks

- 1 The minimum clearance, in accordance with note 1, for unroofed terraces, balconies, sun decks, paved areas and similar areas that are subject to pedestrian traffic only, that have a hand rail or wall surrounding the area and on which a person is likely to stand (see note 2) must be—
- | | |
|----------------------|------|
| (a) vertically above | 2.4m |
| (b) vertically below | 1.2m |
| (c) horizontally | 0.9m |

Clearance from roofs or similar structures not used for traffic

- 2 The minimum clearance, in accordance with note 1, for roofs or similar structures not used for traffic or resort but on which a person is likely to stand, and for parapets surrounding roofs or similar structures not used for traffic or resort but on which a person is likely to stand (see note 2), must be—
- | | |
|------------------|------|
| (a) vertically | 0.5m |
| (b) horizontally | 0.2m |

Clearance from covered places of traffic

- 3 The minimum clearance in any direction from covered places of traffic or resort, including, for example, windows capable of being opened, roofed open verandahs and covered balconies, must be
- | | |
|--|------|
| | 1.2m |
|--|------|

Horizontal clearance from blank walls or windows

- 4 The minimum clearance horizontally from blank walls or windows that can not be opened (see note 2) must be 0.2m

Clearance from structures not normally accessible to persons

- 5 The minimum clearance in any direction from other structures not normally accessible to persons must be, in accordance with note 2 1.2m

Note 1—

Either the vertical clearance or the horizontal clearance stated must be maintained. Also, in the zone outside the vertical alignment of the building or structure, either the horizontal clearance from the vertical alignment or the vertical clearance above the horizontal level on which a person is likely to stand must be maintained.

Note 2—

The clearance stated applies for the service line not attached to the part of the building described.

Note 3—

The clearance stated does not apply to the part of a low voltage overhead service line not under tension.

Schedule 6 Prescribed electricity entities

section 233

Part 1 Original prescribed electricity entities

- Airtrain Citylink Limited ACN 066 543 315
- Aurizon Network Pty Ltd ACN 132 181 116
- Energex Limited (ABN 40 078 849 055)
- Ergon Energy Corporation Limited (ABN 50 087 646 062)
- Essential Energy (ABN 37 428 185 226)
- Powerlink Queensland (ABN 82 078 849 233)
- Queensland Rail Limited ACN 132 181 090
- RTA Weipa Pty Ltd (ABN 54 137 266 285)
- the Authority under the *Queensland Rail Transit Authority Act 2013*

Part 2 Later prescribed electricity entities

[No electricity entities yet prescribed]

Schedule 7 Prescribed workplaces

section 277

| Column 1 | Column 2 |
|-----------------|---|
| 1491 | Prefabricated wooden building manufacturing |
| 2222 | Prefabricated metal building manufacturing |
| 2311 | Motor vehicle manufacturing |
| 2312 | Motor vehicle body and trailer manufacturing |
| 2313 | Automotive electrical component manufacturing |
| 2319 | Other motor vehicle parts manufacturing |
| 2391 | Shipbuilding and repair services |
| 2392 | Boatbuilding and repair services |
| 2393 | Railway rolling stock manufacturing and repair services |
| 2394 | Aircraft manufacturing and repair services |
| 2399 | Other transport equipment manufacturing N.E.C. |
| 2412 | Medical and surgical equipment manufacturing |
| 2419 | Other professional and scientific equipment manufacturing |
| 2421 | Computer and electronic office equipment manufacturing |
| 2422 | Communication equipment manufacturing |
| 2429 | Other electronic equipment manufacturing |
| 2431 | Electric cable and wire manufacturing |
| 2432 | Electric lighting equipment manufacturing |
| 2439 | Other electrical equipment manufacturing |
| 2441 | Whiteware appliance manufacturing |

| Column 1 | Column 2 |
|-----------------|--|
| 2449 | Other domestic appliance manufacturing |
| 2451 | Pump and compressor manufacturing |
| 2452 | Fixed space heating, cooling and ventilation equipment manufacturing |
| 2462 | Mining and construction machinery manufacturing |
| 2463 | Machine tool and parts manufacturing |
| 2469 | Other specialised machinery and equipment manufacturing |
| 2491 | Lifting and material handling equipment manufacturing |
| 6910 | Scientific research services |
| 9421 | Domestic appliance repair and maintenance |

Schedule 8 Fees

section 285

\$

Electrical work licence

| | | |
|---|--|-------|
| 1 | Application for issue of electrical work licence (s 56) | 81.10 |
| 2 | Application for renewal of electrical work licence (s 56) | 81.10 |
| 3 | Application for reinstatement of electrical work licence (s 56) | 81.10 |
| 4 | Administration component of fee paid for an application under item 1, 2 or 3 refundable under section 63 | 40.70 |

Electrical contractor licence

| | | |
|---|--|--------|
| 5 | Application for issue of electrical contractor licence (s 56) | 387.20 |
| 6 | Application for renewal of electrical contractor licence (s 56) | 387.20 |
| 7 | Application for reinstatement of electrical contractor licence (s 56) | 387.20 |
| 8 | Administration component of fee paid for an application under item 5, 6 or 7 refundable under section 63 | 307.30 |

In-scope electrical equipment

| | | |
|----|---|--------|
| 9 | Registration fee as responsible supplier (s 128) | 200.00 |
| 10 | Registration fee of type of level 2 (s 132) or level 3 (s 135) in-scope electrical equipment— | |
| | (a) registration for 1 year | 75.00 |
| | (b) registration for 2 years | 150.00 |
| | (c) registration for 5 years | 375.00 |

Schedule 8

| | \$ |
|---|----------|
| 11 Application for certificate of conformity (s 154) or renewal of certificate of conformity (s 159) | 552.40 |
| 12 Application for modification of certificate of conformity— | |
| (a) relating to change of name or model (s 157) | 165.90 |
| (b) other than in relation to a change of name or model (s 158) | 418.00 |
| 13 Application relating to transfer of certificate of conformity (s 160) | 83.65 |
| 14 Application for declaration of scheme as recognised external certification scheme (s 167) | 4,303.00 |
| 15 Annual fee for declaration of scheme as recognised external certification scheme (s 172) | 2,458.00 |
| Accredited auditors | |
| 16 Application for appointment as accredited auditor (s 235) | 405.70 |
| 17 Application for renewal of appointment as an accredited auditor (s 235) | 239.70 |
| 18 Administration component of fee paid for an application under item 16 or 17 refundable under section 236 | 239.70 |
| Cathodic protection system | |
| 19 Application for registration of cathodic protection system that is a registrable system (s 255) | 319.40 |
| 20 Administration component of fee paid for an application under item 19 refundable under section 256 | 47.30 |

**Schedule 8A Prescribed Acts—Act,
section 193**

section 285A

Building Act 1975

Coal Mining Safety and Health Act 1999

Coroners Act 2003

Electricity Act 1994

Fair Trading Act 1989

Fire and Emergency Services Act 1990

Further Education and Training Act 2014

Mining and Quarrying Safety and Health Act 1999

Petroleum and Gas (Production and Safety) Act 2004

Police Powers and Responsibilities Act 2000

Queensland Building and Construction Commission Act 1991

Queensland Civil and Administrative Tribunal Act 2009

Workers' Compensation and Rehabilitation Act 2003

Schedule 9 Dictionary

section 5

accredited auditor means a person holding an appointment as an accredited auditor under part 10, division 3 of the Act.

active conductor means—

- (a) in a system that has a neutral or earthed conductor—a conductor of electricity kept at a difference of potential from the neutral or earthed conductor; or
- (b) in a system that does not have a neutral or earthed conductor—all conductors.

amusement device, for part 6, division 6, see section 97.

amusement ride, for part 6, division 6, see section 97.

amusement work, for part 6, division 6, see section 97.

anode, in relation to a cathodic protection system, means a part of the system that is an electrical conductor placed in contact with ground or water.

another safe system, for schedule 2, see schedule 2, section 1.

approved safety switch means a residual current device that—

- (a) has a Queensland or external approval; and
- (b) has a rated residual current of not more than 30mA.

approved testing entity means—

- (a) a body accredited by NATA to perform the relevant test or examination; or
- (b) a body accredited by another body, operating under a reciprocal agreement with NATA, to perform the relevant test or examination; or
- (c) an entity approved by the regulator or the equipment safety rules to perform the relevant test or examination; or

(d) a body approved to perform the relevant test or examination under a corresponding law.

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

authorised person, for an electric line, for schedule 2, see schedule 2, section 1.

cathodically protected structure, for part 13, see section 238.

cathodic protection standard, for part 13, see section 238.

certificate of conformity, for part 7, see section 122.

chief executive (land), for part 6, division 4, see section 81.

competent person, in relation to a task, means a person who has acquired, through training, qualifications, experience or a combination of these, the knowledge and skill to carry out the task.

Note—

Electrical work may only be performed by a person if the person—

(a) is the holder of an appropriate electrical licence authorising the work; or

(b) is otherwise authorised to perform the work under the Act.

conductive object means a tool or other object readily able to conduct electricity.

construction work, for part 6, division 6, see section 97.

consumer mains, of a consumer, means the conductors between the consumer's consumer terminals and the consumer's main switchboard.

consumer terminals, of a consumer, means the point where the consumer's electrical installation is connected to the works of an electricity entity.

control measure, for an electrical risk, means a measure to eliminate or minimise the risk.

cord extension set, for part 6, division 6, see section 97.

date of possession, for part 6, division 4, see section 81.

date of registration, for registration of a responsible supplier of in-scope electrical equipment or of equipment as a type of level 2 or 3 in-scope electrical equipment, for part 7, see section 122.

declaration holder, for part 7, division 8, see section 166.

declared scheme, for part 7, division 8, see section 166.

defining standard, for part 7, see section 122.

distribution entity, for a serious electrical incident or dangerous electrical event, for part 14, see section 264.

domestic residence see section 81.

earthed means connected to the general mass of the earth.

electrical equipment, for part 6, division 6, see section 98.

electrical installation, for part 6, division 6, see section 98.

electrically conductive ceiling insulation, for part 6, division 5, subdivision 2, see section 92.

electrical portable outlet device has the meaning given by AS/NZS 3105 (Approval and test specification—Electrical portable outlet devices).

electrical work, for part 3, division 1, see section 12.

equivalent non-Queensland training organisation means a training organisation outside Queensland that is equivalent to a registered training organisation.

exclusion zone see section 69(5).

external contracting authority means a licence or other authority under a law of another State that authorises the holder to contract for the performance of electrical work in the other State.

false declaration, for part 7, see section 122.

false information, for part 7, see section 122.

family, of a type of level 1, 2 or 3 in-scope electrical equipment, for part 7, see section 122.

fixed fee means a fee fixed by the regulator under section 209 of the Act.

foreign structure, for a cathodic protection system, for part 13, see section 238.

foreign structure owner, for a cathodic protection system, for part 13, see section 238.

general purpose socket-outlet, for part 6, division 4, see section 81.

high voltage live line work means electrical work on the following electrical equipment in circumstances in which the part of the electrical equipment the subject of the electrical work is energised—

- (a) exposed live high voltage conductors;
- (b) exposed live parts of high voltage electrical equipment.

impressed current cathodic protection system, for part 13, see section 238.

incident record, for part 14, see section 267(2)(b).

instructed person, for an electric line, for schedule 2, see schedule 2, section 1.

insulated cable means an insulated aerial cable complying with—

- (a) AS/NZS 5000.1 (Electric cables—Polymeric insulated—For working voltages up to and including 0.6/1 (1.2) kV); or
- (b) AS/NZS 3560.1 (Electric cables—Cross-linked polyethylene insulated—Aerial bundled—For working voltages up to and including 0.6/1(1.2)kV).

kerb line, of a road, means—

- (a) if there is a formed footpath—the line where the formed footpath meets the carriageway; or
- (b) if there is no formed footpath but a formed footpath is proposed—the line where the proposed formed footpath can reasonably be expected to meet the carriageway; or

- (c) if there is no formed footpath and no formed footpath is proposed—
- (i) if widening of the existing carriageway is proposed—the line of the edge of the carriageway as proposed to be widened; or
 - (ii) if no widening of the existing carriageway is proposed—the line of the edge of the existing carriageway.

level 1, for in-scope electrical equipment, see section 125(1).

level 2, for in-scope electrical equipment, see section 125(2).

level 3, for in-scope electrical equipment, see section 125(3).

manufacturing work, for part 6, division 6, see section 97.

maximum operating current, for part 13, see section 238.

meets, for a relevant standard, for part 7, see section 122.

NATA means the National Association of Testing Authorities Australia ABN 59 004 379 748.

neutral screened cable means a cable complying with AS/NZS 4961 (Electric cables—Polymeric insulated—For distribution and service applications).

new, in relation to electrical equipment, means the equipment had not been introduced into service or otherwise used.

non-capable circuit, for part 6, division 5, subdivision 2, see section 92.

non-profit organisation, for part 6, division 6, see section 97.

operating plant means plant being operated for its intended purpose, unless the operation of the plant can not materially affect the distance between the plant and any overhead electric line for which there is an exclusion zone under part 5 and schedule 2.

Examples of operating plant—

- a tip truck tipping a load
- a fixed crane operating at a building site

- a vehicle that includes an elevated work platform used for clearing vegetation from around overhead electric lines
- a concrete pumping truck pumping concrete
- a harvester with height changeable attachments used to transfer grain to a truck

Example of plant that is not operating plant—

a furniture removal van under an overhead electric line raising or lowering the electrically or hydraulically operated platform located at the rear of the van, if neither the platform nor anything on the platform rises above the roof of the van

particular electrical equipment, for part 8, division 1, see section 188.

premises figure, for a distribution entity, for part 15, division 1, see section 273.

prescribed details, for a tag to be attached to equipment, or a written record to be made for equipment, after it is inspected and tested or reinspected and retested, for part 6, division 6, see section 97.

previous provision, for part 16, division 2, see section 287.

qualification means a VET qualification under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

qualified business person, for an applicant under section 7(6) or a licensed electrical contractor, see section 7(1).

qualified technical person, for an applicant under section 7(6) or a licensed electrical contractor, see section 7(2).

RCM, for part 7, see section 122.

reasonable interval, for the inspection and maintenance of insulation, means an interval, based on historic performance and the degree of electrical risk, that is reasonable in the circumstances.

register means the register of electrical licences the regulator is required to keep under section 60.

registered, for part 7, see section 123.

registered responsible supplier, for part 7, see section 122.

registered system, for part 13, see section 238.

registrable system, for part 13, see section 238.

relevant assessing authority means a relevant assessing authority under the *Migration Regulations 1994* (Cwlth).

relevant person, for part 7, see section 122.

relevant responsible supplier, of in-scope electrical equipment, for part 7, see section 122.

relevant standard, for part 7—

- (a) for a type of level 1 in-scope electrical equipment, see section 126; or
- (b) for a type of level 2 or level 3 in-scope electrical equipment, see section 127.

residential land, for part 6, division 4, see section 81.

rural industry work, for part 6, division 6, see section 99.

safety observer—

- (a) generally, for electrical work, means a person who—
 - (i) is competent—
 - (A) to implement control measures in an emergency; and
 - (B) to rescue and resuscitate a worker who is carrying out the work, if necessary; and
 - (ii) has been assessed in the previous 1 year as competent to rescue and resuscitate a person; or
- (b) for schedule 2, for the operation of operating plant, means a person who—
 - (i) observes the operating plant; and
 - (ii) advises the operator of the operating plant if it is likely that the operating plant will come within an exclusion zone for the operating plant for an overhead electric line.

safety switch, for part 6, division 6, see section 97.

safe work method statement, for part 3, division 1, see section 12.

second-hand, for an item of a type of in-scope electrical equipment, for part 7, see section 122.

serious defect means a defect likely to cause a fire or a person to suffer an electric shock or other personal injury.

service line means an electric line that—

- (a) forms part of the works of an electricity entity; and
- (b) connects consumer terminals to—
 - (i) other parts of the works of the electricity entity; or
 - (ii) the works of another electricity entity.

service work, for part 6, division 6, see section 97.

short term testing, for part 13, see section 238.

specified electrical equipment, for part 6, division 6, see section 97.

statement of attainment means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

structure includes the following—

- (a) anything attached to a structure;
- (b) anything erected or standing at a place.

test report, for part 7, see section 122.

total contribution amount, for a financial year, for part 15, division 1, see section 273.

total premises figure, for part 15, division 1, see section 273.

training person means a person who is undertaking, but has not finished—

- (a) an apprenticeship under the *Further Education and Training Act 2014*, in a calling that requires the person to perform electrical work; or

- (b) a training program approved by the regulator that requires the person to perform electrical work.

training plan, for an apprentice or trainee, see the *Further Education and Training Act 2014*, schedule 2.

transfer date, for residential land, for part 6, division 4, see section 81.

transferee, of residential land, for part 6, division 4, see section 81.

transferor, of residential land, for part 6, division 4, see section 81.

type 1 safety switch, for part 6, division 6, see section 97.

type 2 safety switch, for part 6, division 6, see section 97.

unit contribution amount, for a financial year, for part 15, division 1, see section 273.

unsafe distance, for a person, operating plant or vehicle of an overhead electric line, see section 69.

untrained person, for an electric line, for schedule 2, see schedule 2, section 1.

vehicle, for part 5 and schedule 2, does not include—

- (a) an aircraft; or
(b) a vehicle that is operating plant.

Examples for paragraph (b)—

- 1 A tip truck tipping a load would not be a vehicle for part 5 or schedule 2. However, a tip truck travelling between sites would be a vehicle for part 5 and schedule 2.
- 2 A vehicle that includes an elevated work platform being used for clearing vegetation would not be a vehicle for part 5 or schedule 2. However, when the platform is not being used for clearing vegetation, the vehicle would be a vehicle for part 5 and schedule 2.

WHS Regulation means the *Work Health and Safety Regulation 2011*.

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