

TASMANIA

ELECTRICITY SAFETY BILL 2022

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Regulated activities
5. Application of Act
6. Act binds Crown
7. Act does not derogate from certain Acts

PART 2 – ADMINISTRATION

Division 1 – Director of Electricity Safety

8. Director of Electricity Safety
9. Functions of Director
10. Powers of Director
11. Delegation
12. Advisory committees

Division 2 – Determinations and directions

13. Making of determinations
14. Determinations to be published and made available
15. Director may make or adopt codes of practice
16. Director may make or adopt guidelines

17. Director may require information to be provided
18. Director may require reports to be provided
19. Power to direct rectification, &c.
20. Power to direct isolation, &c.
21. Power to direct relocation of certain electricity infrastructure or electrical installations
22. Power to direct discontinuance of supply
23. Power to direct discontinuance of use
24. Power to direct discontinuance of practice
25. Power to direct discontinuance of sale
26. Direction may be oral
27. Power of investigation
28. Publication of results of investigation
29. Safety and compliance audit
30. Court orders

PART 3 – SAFETY OF ELECTRICITY INFRASTRUCTURE AND ELECTRICAL INSTALLATIONS

Division 1 – General requirements for safe operation

31. General requirements for safe operation

Division 2 – Power supply, ownership, boundaries and access

32. Responsibility for electricity infrastructure and electrical installations
33. Installation wiring
34. Safe envelope clearance
35. Vegetation clearance space
36. Inspection of aerial wiring systems and supporting structures
37. Restrictions on work near electricity infrastructure, &c.

Division 3 – Regulated activities, &c.

38. Inspection of suspected unsafe or defective electricity infrastructure and electrical installations
39. Energisation of electricity infrastructure and electrical installations

40. Identification of location of equipment before commencement of work
41. Regulated activities to be carried out with due care
42. Structures and objects in safety and operational area
43. De-energised or isolated electrical installations
44. Inspection and maintenance of prescribed generation and storage systems
45. Electrical installations within hazardous areas
46. High-voltage electrical installations
47. Maintenance of electrical installations
48. Cathodic protection systems

PART 4 – SAFETY OF ELECTRICAL EQUIPMENT

Division 1 – Interpretation

49. Interpretation of Part 4
50. Minister may determine corresponding law
51. Person not also liable under corresponding law
52. Director may determine electrical equipment not to be in-scope electrical equipment
53. Standards for electrical equipment that is not in-scope electrical equipment
54. Determination of electrical equipment to be controlled electrical equipment

Division 2 – Certificate of suitability

55. Meaning of certificate of suitability
56. Application for certificate of suitability of electrical equipment
57. Consideration of application for certificate of suitability
58. Term of certificate of suitability
59. Variation of certificate of suitability
60. Suspension of certificate of suitability
61. Cancellation of certificate of suitability
62. Certificate of suitability issued by regulatory authority or external certifier taken to be issued by Director

63. Suspension of certificate of suitability issued by regulatory authority or external certifier by the Director

Division 3 – Certificate of conformity

64. Meaning of certificate of conformity
65. Application for certificate of conformity
66. Consideration of application for certificate of conformity
67. Term of certificate of conformity
68. Variation of certificate of conformity
69. Re-examination
70. Suspension of certificate of conformity
71. Modifications after issue of certificate of conformity
72. Cancellation of certificate of conformity
73. Certificate of conformity issued by regulatory authority or external certifier
74. Suspension by Director of certificate of conformity issued by regulatory authority or external certifier

Division 4 – Registration of responsible supplier

75. Responsible supplier in Tasmania registered in Register
76. Recording, amendment or removal of matter in Register
77. Application for exemption of registered responsible supplier or in-scope electrical equipment
78. Exemption for registered responsible supplier or in-scope electrical equipment
79. Grounds for cancellation of registration of responsible supplier
80. Grounds for cancellation of registration of level 2 and level 3 in-scope electrical equipment
81. Show-cause notice
82. Cancellation of registration by Director
83. Evidence of registration and registered matters

Division 5 – Alternative mark to regulatory compliance mark

84. Approval of alternative mark to regulatory compliance mark

Division 6 – Prohibition of supply and recall of electrical equipment

85. Prohibition of supply of electrical equipment

- 86. Offence to disobey prohibition
- 87. Recall of electrical equipment

PART 5 – ELECTRICITY SAFETY MANAGEMENT

- 88. Safety management systems
- 89. Safety management system to minimise risk
- 90. System manager
- 91. Validation of safety management system
- 92. Additional information
- 93. Acceptance of safety management system
- 94. Refusal of safety management system
- 95. Compliance with safety management system
- 96. Revised safety management system
- 97. Director may require submission of revised safety management system
- 98. Offence to fail to submit revised safety management system when required
- 99. Application of provisions to revised safety management system
- 100. Audit of safety management system
- 101. Fees for safety management system

PART 6 – SERIOUS ELECTRICAL ACCIDENTS

- 102. Notification and reporting of serious electrical accidents
- 103. Interference with site of serious electrical accident
- 104. Publication of details of serious electrical accidents
- 105. Relationship with *Coroners Act 1995*

PART 7 – ELECTRICITY ENTITIES' POWERS AND DUTIES

Division 1 – Electricity safety officers

- 106. Interpretation of Part 7
- 107. Appointment of electricity safety officers
- 108. Electricity entity to keep and maintain register
- 109. Reporting to Director of electricity safety officer administration and management

- 110. Audit of electricity safety officer administration and management
- 111. Electricity safety officer identity card
- 112. Electricity safety officers may enter land or premises in relation to electricity infrastructure
- 113. Obstruction, &c., of electricity safety officer

Division 2 – Powers relating to electrical installations

- 114. Entry to inspect electrical installations
- 115. Entry to isolate supply for safety reasons

Division 3 – Powers and duties in emergencies

- 116. Electricity entity may isolate electricity supply to avoid danger
- 117. Emergency powers of electricity safety officers

PART 8 – ENFORCEMENT

Division 1 – Enforcement of Act

- 118. Enforcement of Act by Director
- 119. Authorised investigations
- 120. Warrant to enter premises

Division 2 – Appointment of authorised officers

- 121. Appointment of authorised officers
- 122. Conditions of appointment
- 123. When person ceases to be authorised officer
- 124. Authorised officer identity card

Division 3 – Powers of authorised officers

- 125. Powers of authorised officers
- 126. Powers of entry
- 127. General investigative powers of authorised officers
- 128. Power to make rectification order
- 129. Powers in emergency
- 130. Power to isolate electricity supply
- 131. Power to make safe
- 132. Power to require information

Division 4 – Infringement notices

133. Infringement notices

Division 5 – Legal proceedings

134. Limitation period for prosecutions

PART 9 – REVIEW OF DECISIONS

Division 1 – Administrative review of decisions

135. Interpretation of Part 9
136. Application for reasons for decision
137. Application for administrative review
138. Stay of operation of decision
139. Reference of application for mediation
140. Decision on application for administrative review of decision
141. Delegation of power to review

Division 2 – Judicial review of administrative decision

142. Judicial review of administrative decision

PART 10 – FINANCIAL PROVISIONS

143. Costs of administration
144. Recovery of fees, fines and costs
145. Payments into electrical safety inspection service fund

PART 11 – OFFENCES

Division 1 – Offences relating to in-scope electrical equipment

146. Offence to fail to comply with recall requirement
147. Supply level 1 in-scope electrical equipment
148. Supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment
149. Documentary evidence for level 1 in-scope electrical equipment
150. Documentary evidence for level 2 in-scope electrical equipment
151. Documentary evidence for level 3 in-scope electrical equipment
152. Offence for holder of suspended certificate to supply or offer in-scope electrical equipment

- 153. Offence to sell unregistered in-scope electrical equipment
- 154. Offence for person other than responsible supplier to supply or offer in-scope electrical equipment
- 155. Offence to supply unmarked in-scope electrical equipment
- 156. Offence to mark in-scope electrical equipment
- 157. Offence to offer in-scope electrical equipment for hire
- 158. Offence to supply second-hand equipment that is in-scope electrical equipment

Division 2 – Offences generally

- 159. Offence not to comply with order, direction or determination
- 160. Offence to supply electricity to unsafe electrical installations
- 161. Unlawful interference with electricity infrastructure or electrical installations
- 162. Obligation not to interfere with regulated activities
- 163. Impersonation, obstruction of officials
- 164. False or misleading information
- 165. Confidentiality
- 166. Verification of information
- 167. Offences by bodies corporate
- 168. Continuing offence
- 169. Statutory declarations
- 170. General defence

PART 12 – MISCELLANEOUS

- 171. Exemptions
- 172. Extension of time limits
- 173. Immunity from personal liability
- 174. Evidence
- 175. Service of notices
- 176. Notices not statutory rules
- 177. Emergency legislation not affected
- 178. Regulations

- 179. Administration of Act
- 180. Savings and transitional provisions
- 181. Consequential Amendments
- 182. Legislation repealed

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

SCHEDULE 2 – LEGISLATION REPEALED

ELECTRICITY SAFETY BILL 2022

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
18 October 2022

*(Brought in by the Minister for Workplace Safety and
Consumer Affairs, the Honourable Elise Nicole Archer)*

A BILL FOR

An Act to regulate electricity infrastructure, electrical installations, electrical equipment, and certain activities near electricity infrastructure and electrical installations; to provide for safety and related technical standards that ensure that the electricity infrastructure, electrical installations and electrical equipment are safe, designed, maintained and managed in a manner that protects persons and property; to amend the *Electricity Supply Industry Act 1995*; to repeal the *Electricity Industry Safety and Administration Act 1997* and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Electricity Safety Act 2022*.

Electricity Safety Act 2022
Act No. of 2022

s. 2

Part 1 – Preliminary

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

accepted means accepted by the Director;

aerial wiring system means an above-ground wiring system and includes conductors, insulators and support structures or other purpose-designed fittings;

alternative mark means an alternative mark approved by the Director under section 84;

authorised officer means a person currently appointed to be an authorised officer under Part 8 of this Act;

certificate of conformity means a certificate referred to in section 64 and issued by –

- (a) the Director; or
- (b) a regulatory authority; or
- (c) an external certifier;

certificate of electrical compliance means a certificate in a form that complies with the requirements of the *Occupational*

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

Licensing Act 2005; and that certifies that specified electrical work complies with that Act;

certificate of suitability means a certificate referred to in section 55 and issued by –

- (a) the Director; or
- (b) a regulatory authority; or
- (c) an external certifier;

competent person means a person who has acquired, through training, qualification or experience, the knowledge and skill to enable the person to perform the relevant task;

consumer mains means those conductors between the point of supply and the main switchboard;

contractor has the same meaning as in the *Occupational Licensing Act 2005*;

controlled electrical equipment means electrical equipment determined to be controlled electrical equipment under section 54;

corresponding law means a law determined under section 50;

court means the Magistrates Court (Administrative Appeals Division);

Electricity Safety Act 2022
Act No. of 2022

s. 3

Part 1 – Preliminary

de-energised means separated from all sources of supply but not necessarily isolated, earthed or out of commission;

defective, in respect of electrical equipment or any premises, electricity infrastructure, electrical installation, or part of any such premises, infrastructure or installation, means –

- (a) not complying with applicable standards of prescribed electrical work, a determination or a code of practice; or
- (b) in a dangerous condition through incompleteness, degradation or damage; or
- (c) determined not to be in accordance with the regulations;

Director means the Director of Electricity Safety appointed under section 8;

electrical equipment means the following:

- (a) wiring systems, including aerial wiring systems;
- (b) switchgear;
- (c) control gear;
- (d) appliances;
- (e) accessories;

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

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- (f) luminaires;
 - (g) any other fittings used for the generation, conversion, storage, transmission, distribution or use of electrical energy –

and includes in-scope and out-of-scope electrical equipment manufactured and approved in accordance with the electrical equipment safety system;

electrical equipment safety system means the national model regulatory framework for improving consumer safety in interactions with household electrical equipment;

electrical installation means a set of wires and associated fittings, equipment and accessories installed in a place for the conveyance, control, protection, measurement, generation, storage or use of electricity, including anything prescribed by the regulations to be, or form part of, an electrical installation, whether or not it is connected to an electricity network at the point of supply, but does not include –

- (a) electricity infrastructure owned or operated by an electricity entity;
or
- (b) anything prescribed by the regulations not to be, or form part of, an electrical installation;

Electricity Safety Act 2022
Act No. of 2022

s. 3

Part 1 – Preliminary

electrical work has the meaning given by regulation 4 of the *Occupational Licensing (Electrical Work) Regulations 2018*;

electricity entity has the same meaning as in the *Electricity Supply Industry Act 1995*;

electricity infrastructure means any electrical equipment that is owned and operated by an electricity entity and used for the generation, transmission, distribution or storage of electricity;

energise means to connect to a source of electrical energy;

explosive atmosphere has the meaning given to it by AS/NZS 3000;

generation assets means any electrical equipment that is –

- (a) owned by an electricity entity; and
- (b) used for the generation of electricity; and
- (c) connected to a network;

good industry practice means standards, practices, methods and procedures conforming to the law and the degree of skill and care, diligence, prudence and foresight which would reasonably and ordinarily be expected from a skilled and

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

experienced person or body engaged in a similar type of undertaking under the same or similar circumstances;

hazardous area means an area in which an explosive atmosphere is, or may be expected to be, present at such a level as to require special precautions for the safe construction, installation and use of electrical equipment;

high voltage has the meaning given to it by AS/NZS 3000;

in-scope electrical equipment means electrical equipment that –

- (a) operates at or within the low voltage range as defined in AS/NZS 3000; and
- (b) is designed or marketed as suitable for household, personal or similar use –

but does not include electrical equipment of a type determined by the Director not to be in-scope electrical equipment;

isolate means to separate from all possible sources of electrical energy supply and render incapable of being energised unintentionally;

level 1 in-scope electrical equipment means in-scope electrical equipment that is

Electricity Safety Act 2022
Act No. of 2022

s. 3

Part 1 – Preliminary

prescribed to have a level 1 risk level (low risk);

level 2 in-scope electrical equipment means in-scope electrical equipment that is prescribed to have a level 2 risk level (medium risk);

level 3 in-scope electrical equipment means in-scope electrical equipment that is prescribed to have a level 3 risk level (high risk);

low voltage has the meaning given to it by AS/NZS 3000;

network means the electrical equipment that is owned and operated by an electricity entity and used for the transmission and distribution of electricity from generation assets to a consumer's point of supply;

NZ body corporate means a body corporate registered under Part 2 of the *Companies Act 1993* of New Zealand;

operator means a person who is engaged by an electricity entity or owner to operate and maintain electricity infrastructure or an electrical installation;

owner, in relation to premises, includes the following persons:

- (a) in the case of a fee simple estate in land, the person in whom that estate is vested;

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

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- (b) in the case of land not registered under the *Land Titles Act 1980* and subject to a mortgage, the person having, for the time being, the equity of redemption in that mortgage;
 - (c) in the case of premises held under a tenancy for life, the person who is the life tenant;
 - (d) in the case of premises held under a lease for a term of not less than 99 years or for a term of not less than such other prescribed period, the person who is the lessee of the premises;
 - (e) in the case of commercial premises held under a lease, for a term of less than 99 years, the person who is the lessee of the commercial premises;
 - (f) if the premises are Crown land, the Minister, authority or other person responsible for the management of the land;
 - (g) in the case of a transportable structure, vehicle or vessel, the registered owner of the structure, vehicle or vessel;
 - (h) any other person holding a prescribed interest in the premises;

Electricity Safety Act 2022
Act No. of 2022

s. 3

Part 1 – Preliminary

PCBU means a person conducting a business or undertaking, in accordance with section 5 of the *Work Health and Safety Act 2012*;

point of supply means the point of demarcation of ownership between the electricity entity's electricity infrastructure and the owner's electrical installation;

premises means a place at which electricity is used and includes –

- (a) a temporary or permanent building or structure; and
- (b) a transportable structure, vehicle or vessel;

Register means the national register established under section 48D of the *Electrical Safety Act 2002* of Queensland;

registered responsible supplier means a responsible supplier who is registered in the Register;

regulated activity see section 4;

regulatory compliance mark means a mark –

- (a) that conforms with a prescribed standard; and
- (b) that is applied in accordance with a prescribed standard;

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

related body corporate has the same meaning as in section 50 of the *Corporations Act 2001* of the Commonwealth;

relevant standard means a standard prescribed to apply to a type of in-scope electrical equipment;

responsible person means –

- (a) in relation to a workplace, the PCBU managing the work activities at that place; or
- (b) in relation to premises where work is not being undertaken, the occupier or individual responsible for the premises; or
- (c) in relation to an activity or premises under the management and control of a safety management system, the accepted manager of that safety management system; or
- (d) any person prescribed as being responsible for reporting a serious electrical accident;

responsible supplier means a person who –

- (a) manufactures in-scope electrical equipment in Australia or New Zealand, that is supplied or is offered for supply in Tasmania; or

Electricity Safety Act 2022
Act No. of 2022

s. 3

Part 1 – Preliminary

- (b) imports in-scope electrical equipment into Australia or New Zealand, that is supplied or offered for supply in Tasmania;

safe means complying with all appropriate standards, codes of practice and requirements of this Act;

safe envelope clearance means an exclusion (or restricted) zone associated with work in the vicinity of electricity infrastructure or an electrical installation;

safety and operational area means the area from the centreline of underground wiring or an aerial wiring system to a prescribed distance either side of that centreline;

safety management system means a validated safety management system accepted under section 93;

second-hand dealer has the same meaning as in the *Second-Hand Dealers and Pawnbrokers Act 1994*;

second-hand equipment means electrical equipment that has previously been supplied or sold, other than by wholesale, but does not include electrical equipment –

- (a) acquired by the person for the purpose of using the equipment

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 3

for a process of production or manufacture; or

- (b) acquired by a person (other than a second-hand dealer) for the purpose of re-supply; or
- (c) returned to a supplier for refund or exchange;

serious electrical accident means an accident involving –

- (a) electrocution; or
- (b) electric shock serious enough to cause temporary or permanent disability or to require medical treatment; or
- (c) electricity that produces a burn serious enough to cause temporary or permanent disability or to require medical treatment; or
- (d) an electrical failure that causes significant damage to electrical equipment or property;

underground wiring means a system of wiring in which cables are buried below the ground surface either directly or in a wiring enclosure;

unsafe means defective and posing an immediate risk of electric shock or fire;

Electricity Safety Act 2022
Act No. of 2022

s. 4

Part 1 – Preliminary

vegetation clearance space means the minimum vegetation clearance space determined under section 35;

work means construction, demolition, maintenance or repair activities on land or premises whether performed by a PCBU or the owner or occupier of the land or premises.

4. Regulated activities

- (1) For the purposes of this Act, the following activities are regulated activities:
 - (a) the supply and use of electricity;
 - (b) the design, construction, management, maintenance, decommissioning or removal of electricity infrastructure or an electrical installation;
 - (c) the inspection and testing of electricity infrastructure or an electrical installation;
 - (d) electrical equipment classification, testing, approval, marking and sale;
 - (e) work in the safe envelope clearance of electricity infrastructure and electrical installations;
 - (f) maintenance of vegetation clearance space in relation to electricity infrastructure and electrical installations.

Electricity Safety Act 2022
Act No. of 2022

Part 1 – Preliminary

s. 5

- (2) In this Act, a reference to a regulated activity includes all operations and activities reasonably necessary for, or incidental to, that activity.

5. Application of Act

This Act applies to, and in respect of, the supply and use of electricity, including electricity infrastructure, electrical installations and electrical equipment.

6. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

7. Act does not derogate from certain Acts

This Act is in addition to, and does not derogate from, the *Electricity Supply Industry Act 1995*, the *Work Health and Safety Act 2012* and the *Occupational Licensing Act 2005*.

Electricity Safety Act 2022
Act No. of 2022

s. 8

Part 2 – Administration

PART 2 – ADMINISTRATION

Division 1 – Director of Electricity Safety

8. Director of Electricity Safety

- (1) The Minister is to appoint a State Service officer or State Service employee to be the Director of Electricity Safety and that officer or employee holds that office in conjunction with State Service employment.
- (2) The Director is to perform the functions imposed, and may exercise the powers conferred, on the Director under this Act.

9. Functions of Director

The Director has the following functions:

- (a) to set, maintain and enforce, safety and technical standards in respect of electricity infrastructure, electrical installations, electrical equipment and any associated activities in the safe envelope clearance of electricity infrastructure and electrical installations;
- (b) to set, maintain and regulate prescribed requirements for the ongoing maintenance and suitability for service of electricity infrastructure and electrical installations;

Electricity Safety Act 2022
Act No. of 2022

Part 2 – Administration

s. 10

- (c) to set, maintain and monitor the requirements for the inspection and audit of electricity infrastructure, electrical installations, electrical equipment and safety management systems;
- (d) to advise the Minister on legislation, codes of practice and other matters relating to the administration of this Act;
- (e) to confer with and seek advice from State Service Agencies, approved authorities and any other persons, bodies or organisations engaged in any relevant industry and other interested groups or bodies, on matters relating to the administration of this Act;
- (f) to confer with and seek advice from any national body established to deal with matters relating to electricity safety and to represent Tasmania in respect of the administration of this Act;
- (g) to carry out any other functions relating to the administration of this Act that the Minister determines.

10. Powers of Director

- (1) The Director may do all things necessary or desirable to be done in connection with, incidental to or related to the performance and exercise of the Director's functions and powers.

Electricity Safety Act 2022
Act No. of 2022

s. 10

Part 2 – Administration

- (2) For the purposes of this Act and without limiting subsection (1), the Director may –
- (a) enter any land or premises on which electricity infrastructure or an electrical installation is situated or on which electrical work is being, is to be, or has been, performed; and
 - (b) enter any land or premises if necessary to perform any function or exercise any power under this Act; and
 - (c) enter land or premises where business relating to electrical work is being, or has been, performed or on which it is believed, on reasonable grounds, that documents relating to any electrical work, electricity infrastructure or electrical installation are kept; and
 - (d) take photographs, films and video recordings on any land or premises, lawfully entered in the performance of his or her functions under this Act or any other Act; and
 - (e) require records or documents relating to any electrical work, electricity infrastructure or electrical installation to be provided to the Director; and
 - (f) search for, inspect, or require explanation in respect of, any record required to be kept, or provided, under this Act; and
 - (g) either –

Electricity Safety Act 2022
Act No. of 2022

Part 2 – Administration

s. 11

- (i) take notes, copies and extracts of or from any record or document provided or made available under this section; or
 - (ii) remove, and retain in the possession of the Director, any record or document provided or made available under this section.
- (3) If a record or document is retained by the Director under this section, the Director –
 - (a) may make copies of the record or document; and
 - (b) must return the record or document as soon as practicable after the record or document is no longer required by the Director.

11. Delegation

- (1) The Director may, by instrument in writing, delegate to any person who, in the Director's opinion, is competent and suitable, the exercise of the powers of the Director under this Act (other than this power of delegation) that are specified in the instrument of delegation.
- (2) Notwithstanding any delegation under this section, the Director may continue to exercise all or any of the powers delegated.

12. Advisory committees

- (1) The Director may establish an advisory committee to advise the Director on specified aspects of the administration of this Act.
- (2) The members of an advisory committee are appointed and hold office on terms and conditions determined by the Director and specified in the instrument of appointment.

Division 2 – Determinations and directions

13. Making of determinations

- (1) The Director may make a determination.
- (2) A determination may provide for any matter relating or incidental to the safety of a regulated activity, electricity infrastructure, electrical installation or electrical equipment.
- (3) A determination must be consistent with this Act.
- (4) If there is an inconsistency between a determination and this Act, the determination is invalid to the extent of the inconsistency.
- (5) A determination may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the determination.
- (6) A determination may authorise any matter to be from time to time determined, applied or regulated by the Director.

14. Determinations to be published and made available

- (1) As soon as practicable after the Director makes a determination, the Director is to cause the determination to be –
 - (a) published on a website that is accessible by the public; or
 - (b) made available for viewing by members of the public by any other means that the Director considers appropriate.
- (2) The Director must provide a person with a copy of a determination, or part of a determination, if the person –
 - (a) requests it; and
 - (b) pays to the Director a reasonable fee determined by the Director.
- (3) A copy of a determination may be in electronic form.
- (4) The Director must allow a person to peruse a determination, free of charge, at the office of the Director at any time within the hours during which that office is normally open.
- (5) The Director may, on his or her own initiative or at the request of any person, amend, rescind or substitute a determination as specified in, and in accordance with, the determination.

15. Director may make or adopt codes of practice

- (1) The Director may make a code of practice, or adopt a code of practice, in respect of the following matters:
 - (a) the inspection, testing and maintenance of electricity infrastructure and electrical installations and the metering of electricity consumption;
 - (b) such other matters as may be prescribed.
- (2) Before making or adopting a code of practice under subsection (1), the Director is to consult with such organisations or stakeholders that the Director considers relevant to the content of the proposed code of practice.
- (3) The Director is to ensure that a code of practice made, or adopted, under subsection (1) –
 - (a) is published before it comes into effect; and
 - (b) remains published while it remains in effect.

16. Director may make or adopt guidelines

- (1) The Director may make guidelines, or adopt existing guidelines, in respect of the following matters:
 - (a) the inspection, testing and maintenance of electricity infrastructure and electrical installations;

Electricity Safety Act 2022
Act No. of 2022

Part 2 – Administration

s. 17

- (b) such other matters as may be prescribed.
- (2) Before making or adopting guidelines under subsection (1), the Director is to consult with such organisations or stakeholders that the Director considers relevant to the content of the proposed guidelines.
- (3) The Director is to ensure that guidelines made, or adopted, under subsection (1) –
 - (a) are published before they come into effect; and
 - (b) remain published while they remain in effect.

17. Director may require information to be provided

- (1) The Director may, by written notice, require a person to give the Director, within a reasonable time stated in the notice, information in the person's possession that the Director reasonably requires for the administration of this Act.
- (2) A person required to give information under this section must provide the information within the time stated in the notice.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 18

Part 2 – Administration

- (3) A person may not be compelled to give information under this section if the information might tend to incriminate the person of an offence.
- (4) A requirement under this section is not a relevant decision under Part 9.

18. Director may require reports to be provided

The Director may require an electricity entity, owner or operator to report to the Director about matters relating to electricity safety or otherwise in relation to the administration of, and compliance with, this Act at such times and in such a manner as the Director may reasonably determine.

19. Power to direct rectification, &c.

- (1) If, in the Director's opinion, any electricity infrastructure, electrical installation or electrical equipment is defective in any respect, the Director may direct the electricity entity, owner or operator of the infrastructure, installation or equipment to carry out specified work to inspect, test, maintain or rectify the infrastructure, installation or equipment within a specified period.
- (2) A direction under subsection (1) may refer to technical, structural and safety deficiencies.
- (3) If a person does not comply with a direction within the period specified, or to the satisfaction

Electricity Safety Act 2022
Act No. of 2022

Part 2 – Administration

s. 20

of the Director, the Director may authorise or direct the isolation of all or part of the electricity infrastructure, electrical installation or electrical equipment.

- (4) The Director may recover, from a person to whom a direction is given, any costs associated with an isolation under this section.

20. Power to direct isolation, &c.

- (1) If, in the Director's opinion, any electricity infrastructure, electrical installation or electrical equipment is unsafe in any respect, the Director may direct the electricity entity, owner or operator of the infrastructure, installation or equipment to isolate all or part of the infrastructure, installation or equipment until it is made safe.
- (2) A person who is directed to isolate any electricity infrastructure, electrical installation or electrical equipment under this section must ensure that the infrastructure, installation or equipment is not reconnected until it is safe and complies with the appropriate standards or safety management system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

21. Power to direct relocation of certain electricity infrastructure or electrical installations

The Director may direct an electricity entity, owner or operator of any electricity infrastructure or electrical installation that has been erected in, or adjacent to, any public infrastructure to remove and relocate the infrastructure or installation in accordance with requirements stipulated in the direction if, in the Director's opinion, the infrastructure or installation, or any part of the infrastructure or installation, may be or become a hazard.

22. Power to direct discontinuance of supply

The Director may direct an electricity entity to isolate its electricity infrastructure from a particular electrical installation, or a particular part of an electrical installation, if the Director considers it necessary in the exercise of his or her powers under section 20 or section 35(5).

23. Power to direct discontinuance of use

The Director may direct an electricity entity, owner or operator of a particular piece of electrical equipment to discontinue use of the equipment if the Director considers it necessary to do so for reasons of safety.

24. Power to direct discontinuance of practice

The Director may prohibit, or direct a person to stop, a particular practice, or continue a

particular practice subject to specified conditions, if the Director considers it necessary to do so for reasons of safety.

25. Power to direct discontinuance of sale

The Director may direct a person to cease the sale of electrical equipment if the Director considers it necessary to do so for reasons of safety.

26. Direction may be oral

- (1) The Director may give any direction under this Act orally.
- (2) If a direction is given orally, the Director must ensure that the direction is confirmed in writing and given to the person who is the subject of the direction as soon as practicable, but not more than 7 days, after it is given.
- (3) For the purposes of subsection (2), confirmation of a direction may be given by email or other electronic means.

27. Power of investigation

- (1) The Director may carry out, or appoint an authorised officer to carry out, an investigation into the following:
 - (a) a serious electrical accident;

Electricity Safety Act 2022
Act No. of 2022

s. 27

Part 2 – Administration

- (b) a complaint relating to an electrical safety matter;
 - (c) possible non-compliance with a direction or determination;
 - (d) any other electrical safety matter that in the Director's opinion warrants investigation.
- (2) For the purposes of an investigation, the Director or an authorised officer may exercise any one or more of the following powers:
- (a) to enter and inspect the site of the accident or other matter;
 - (b) to inspect and test any electrical equipment;
 - (c) to take photographs;
 - (d) to take for testing and analysis any substance or thing that may relate to the accident or other matter;
 - (e) to take possession of any thing that may be evidence of an offence;
 - (f) to order any person who may be in a position to do so to answer questions, or to produce records or other materials, that may be relevant to the accident or other matter;
 - (g) to make copies of, or take extracts from, any such records or other materials;

- (h) to order the occupier of the site of the accident or other matter to provide reasonable assistance to the Director or authorised officer in the exercise of powers under this section.
- (3) The Director or an authorised officer may not enter residential premises under this section unless authorised to do so by the occupier or a warrant.

28. Publication of results of investigation

- (1) The Director may publish a report setting out the results of an investigation.
- (2) A report published under this section is protected by the defence of absolute privilege, within the meaning of section 27 of the *Defamation Act 2005*.

29. Safety and compliance audit

- (1) The Director may engage, direct or authorise a person to conduct an audit in respect of any electricity infrastructure, electrical installation, electrical equipment or a particular practice.
- (2) As part of an audit under this section, the Director may require, by written notice, a person to provide a record or document, or to make a written statement that is to be produced, at a time and place specified in the notice.
- (3) A person must comply with a written notice given to the person under subsection (2).

Electricity Safety Act 2022
Act No. of 2022

s. 29

Part 2 – Administration

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
 - (b) an individual, a fine not exceeding 100 penalty units.
- (4) If requested to do so by the Director, a person must assist in, or cooperate with, an audit under this section as requested.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
 - (b) an individual, a fine not exceeding 100 penalty units.
- (5) If a record, document or written statement is provided as part of an audit under this section, the Director –
- (a) may make copies of the record, document or statement; and
 - (b) must return the record, document or statement as soon as practicable after the Director has finished with the record, document or statement.
- (6) If, after conducting an audit, the Director is satisfied that a person or body whose electrical work or other work is the subject of the audit may be guilty of unsatisfactory professional conduct, or professional misconduct, the Director may refer the matter to the

Electricity Safety Act 2022
Act No. of 2022

Part 2 – Administration

s. 30

Administrator appointed under the *Occupational Licensing Act 2005*.

- (7) The Director may recover the cost of an audit under this section from the relevant electricity entity, owner or operator.

30. Court orders

- (1) The Director may apply to a court for an order in relation to a contravention or likely contravention of –
- (a) this Act; or
 - (b) a direction, determination or order made by the Director under this Act.
- (2) The court, if satisfied that a contravention has been or is likely to be committed, may make any one or more of the following orders:
- (a) an order to restrain the contravention, or other conduct, by the person by whom the contravention has been committed or is likely to be committed;
 - (b) an order requiring electrical work or other remedial work to be performed;
 - (c) an order requiring the payment of money into court in respect of any electrical work performed or to be performed by the Director;
 - (d) any necessary ancillary orders.

Electricity Safety Act 2022
Act No. of 2022

s. 30

Part 2 – Administration

- (3) An application for an order under this section –
 - (a) may be made during proceedings for an offence under this Act; and
 - (b) may be made to either the Supreme Court or the Magistrates Court; and
 - (c) must not be made in relation to a matter that is subject to an appeal to the appeal tribunal that has not been finally disposed of.
- (4) An order may be made under this section instead of, or in addition to, any other order or penalty imposed in proceedings under this Act.
- (5) For the avoidance of doubt –
 - (a) any application made under this section to the Magistrates Court on, or after, the commencement of this section is taken to have been validly made; and
 - (b) any decision made by the Magistrates Court in respect of such an application is taken to have been validly made.

**PART 3 – SAFETY OF ELECTRICITY
INFRASTRUCTURE AND ELECTRICAL
INSTALLATIONS**

Division 1 – General requirements for safe operation

31. General requirements for safe operation

A person who owns or operates electricity infrastructure or an electrical installation must take all reasonable steps to ensure that –

- (a) the infrastructure or installation complies with, and is operated in accordance with, any technical and safety requirements imposed under this Act and the regulations; and
- (b) the infrastructure or installation is safe and safely operated; and
- (c) the infrastructure or installation is maintained in a safe condition and does not pose an electrical safety hazard or risk to the public; and
- (d) the infrastructure or installation is maintained and operated in accordance with –
 - (i) any safety management system accepted by the Director under Part 5; and
 - (ii) the regulations.

Penalty: In the case of –

Electricity Safety Act 2022
Act No. of 2022

s. 32

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

Division 2 – Power supply, ownership, boundaries and access

32. Responsibility for electricity infrastructure and electrical installations

- (1) An electricity entity must take all reasonable steps to ensure that the operation, maintenance, repair and replacement of its electricity infrastructure up to and including the point of supply –
 - (a) are such as to ensure the safe supply of electricity; and
 - (b) comply with this Act.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 5 000 penalty units; or
 - (b) an individual, a fine not exceeding 1 000 penalty units.
- (2) The owner of an electrical installation must ensure that the operation, maintenance, repair and replacement of any electrical installation beyond the point of supply is such as to ensure the safe use of electricity.

Electricity Safety Act 2022
Act No. of 2022

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 2 500 penalty units;
or
 - (b) an individual, a fine not exceeding 500 penalty units.
- (3) Where an electricity entity owns a transformer, equipment or other asset that is beyond the point of supply, the electricity entity is responsible for all maintenance necessary to ensure the safe operation of that transformer, equipment or other asset, including any pole or structure that is part of, or supports, that transformer, equipment or other asset.
- (4) The electricity entity is to determine the location of the point of supply.
- (5) The Director may determine what, if any, electrical equipment or circuit protective devices are to be installed at the point of supply.

33. Installation wiring

- (1) A person who, after the commencement of this section, installs wiring conductors associated with an electrical installation must ensure that the wiring conductors do not cross over land title boundaries.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or

Electricity Safety Act 2022
Act No. of 2022

s. 33

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

(b) an individual, a fine not exceeding 100 penalty units.

(2) Subsection (1) does not apply –

(a) to consumer mains that cross a boundary from private strata title property to common property; or

(b) to consumer mains accessing a point of supply that is on public property, provided that the mains cross only the boundary of the property being supplied; or

(c) to wiring systems contained within a registered easement; or

(d) in circumstances permitted by the Director.

(3) Where an existing electricity conductor crosses a boundary of adjacent land, the owner of the land to which the electricity is delivered is responsible for the safety and maintenance of the conductor and any support structures.

(4) For the purposes of subsection (3), the owner of the land to which the electricity is delivered may access the electricity conductors on the adjacent property for the following purposes:

(a) to inspect and maintain the electricity conductors and any support structures;

Electricity Safety Act 2022
Act No. of 2022

- (b) to remove any vegetation, cuttings, redundant equipment and waste from the inspection and maintenance activity.
- (5) Before accessing land under subsection (4), the owner of the land to which the electricity is delivered must –
 - (a) give the owner of the adjacent property 21 days’ notice of his or her intention to access the property; and
 - (b) not enter the property to conduct the inspection and maintenance until permission has been given by the owner of the property; and
 - (c) repair any damage caused by the inspection and maintenance activities; and
 - (d) notify the owner of the adjacent property upon completion of the inspection and maintenance activities.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

34. Safe envelope clearance

- (1) The Director may determine the minimum safe envelope clearance or may adopt or issue a code

Electricity Safety Act 2022
Act No. of 2022

s. 35

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

of practice in respect of safe envelope clearances.

- (2) Before determining the minimum safe envelope clearance, the Director may consult with any person whom the Director considers appropriate.
- (3) A person must not perform any work in the safe envelope clearance of an aerial wiring system or underground wiring unless the person has written permission for the work from the owner of the electricity infrastructure or electrical installation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

35. Vegetation clearance space

- (1) The Director may determine the minimum vegetation clearance space, or adopt, or issue a code of practice in respect of vegetation clearance space.
- (2) An electricity entity must ensure as far as reasonably practicable in respect of electricity infrastructure, that –
 - (a) the vegetation clearance space is maintained; and

Electricity Safety Act 2022
Act No. of 2022

- (b) any person, employee, PCBU or contractor engaged by the electricity entity in the performance of vegetation clearance space management work is competent to perform that work; and
- (c) any vegetation clearance space management work complies with any permission or authority provided to work in the vegetation clearance space.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (3) An owner or occupier of land or premises must ensure as far as reasonably practicable in respect of any aerial wiring system that is located on or above the land or premises and provides for the supply of electricity to that land or premises, that –
- (a) the vegetation clearance space is adequately maintained; and
 - (b) any person, employee, PCBU or contractor engaged by the owner or occupier in the performance of vegetation clearance space management work is competent to perform that work; and

Electricity Safety Act 2022
Act No. of 2022

s. 35

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

- (c) any vegetation clearance space management work complies with any permission or authority provided to work in the vegetation clearance space.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (4) The owner or operator of an electrical installation must ensure as far as reasonably practicable in respect of any electrical installation, that –
- (a) the vegetation clearance space is maintained; and
 - (b) any person, employee, PCBU or contractor engaged in the performance of vegetation clearance space management work is competent to perform that work; and
 - (c) any vegetation clearance space management work complies with any permission or authority provided to work in the vegetation clearance space.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or

Electricity Safety Act 2022
Act No. of 2022

(b) an individual, a fine not exceeding 20 penalty units.

- (5) The Director may order an electricity entity, owner or operator to remove vegetation from the vegetation clearance space relating to any electricity infrastructure or electrical installation within the period specified in the order.
- (6) The Director may order the isolation of supply if the vegetation removal is not completed as specified in the order.
- (7) The Director may order that the vegetation removal be undertaken by the electricity entity responsible for the power supply to an electrical installation, and the cost for the vegetation removal may be recovered by the electricity entity from the owner or operator.

36. Inspection of aerial wiring systems and supporting structures

- (1) The owner of an aerial wiring system and any supporting structures must ensure that the system and structures are inspected by a competent person to ensure that the system and structures are safe to be, or remain, energised.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 37

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

- (2) The Director may determine a periodic inspection schedule for aerial wiring systems and supporting structures.
- (3) The Director may determine requirements for the inspection of aerial wiring systems and supporting structures.
- (4) The Director may issue or adopt codes of practice or guidelines for the inspection of aerial wiring systems and support structures.
- (5) The owner must maintain a record of the inspections carried out in accordance with subsection (2).

37. Restrictions on work near electricity infrastructure, &c.

- (1) A person must not carry out, or instruct any other person to carry out, any work within the safe envelope clearance for electricity infrastructure without –
 - (a) providing the electricity entity that owns the electricity infrastructure 7 days' notice of the type of work intended to be performed; and
 - (b) obtaining, from the electricity entity, authority to undertake the work, including any relevant conditions on that work; and

Electricity Safety Act 2022
Act No. of 2022

- (c) completing a written risk assessment of the work and the risk mitigation controls to be applied in respect of the work.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) A person must not carry out, or instruct any other person to carry out, any work within the safe envelope clearance for an electrical installation without –
- (a) providing the owner or operator of the electricity infrastructure 7 days' notice of the type of work intended to be performed; and
 - (b) obtaining, from the owner or operator, authority to undertake the work, including any relevant conditions on that work; and
 - (c) completing a written risk assessment of the work and the risk mitigation controls to be applied in respect of the work.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 37

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

- (3) It is a defence to a charge for an offence against subsection (1) or (2) if the defendant establishes that –
- (a) the offence occurred in an emergency and it was not practicable to obtain the authority required by subsection (1) or (2); and
 - (b) the electricity entity, owner or operator was notified as soon as practicable after the work was commenced.
- (4) A person who carries out any work as mentioned in subsection (1) or (2) must not contravene –
- (a) any requirements applicable to the work that are prescribed in the regulations or determined by the Director; or
 - (b) any reasonable requirements made by the electricity entity, owner or operator for the safety of the persons carrying out the work.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Division 3 – Regulated activities, &c.

38. Inspection of suspected unsafe or defective electricity infrastructure and electrical installations

- (1) The Director may order an authorised officer to undertake an inspection of any electricity infrastructure or electrical installation, where there is a reasonable belief that the infrastructure or installation may be unsafe or defective.
- (2) If an authorised officer finds any electricity infrastructure or electrical installation to be unsafe, the authorised officer must –
 - (a) isolate, or cause to be isolated, the electricity infrastructure or electrical installation to make it safe; and
 - (b) record the unsafe issues and any action required to be taken to make the electricity infrastructure or electrical installation safe; and
 - (c) issue a written notice informing the owner of any action taken under this section, and identifying any steps to be taken before energising the electricity infrastructure or electrical installation.
- (3) The electricity entity, owner or operator of any electricity infrastructure or electrical installation that has been isolated under subsection (2) must ensure that the electricity infrastructure or electrical installation is not energised until it is safe.

Electricity Safety Act 2022
Act No. of 2022

s. 38

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (4) If an authorised officer finds any part of any electricity infrastructure or electrical installation to be defective –
- (a) the authorised officer must –
 - (i) record the defects and any actions required to be taken by the owner to rectify those defects; and
 - (ii) issue a written notice informing the owner of any action required to be taken under this section and the period within which that action is to be taken; and
 - (b) the electricity entity, owner or operator must organise rectification of the identified defects by an appropriate competent person or licensed electrical contractor or practitioner.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Electricity Safety Act 2022
Act No. of 2022

- (5) The authorised officer must report the findings of the inspection to the Director in a manner acceptable to the Director.

39. Energisation of electricity infrastructure and electrical installations

- (1) Before the energisation of any electricity infrastructure or electrical installation, or a part of any electricity infrastructure or electrical installation, either for the first time or following isolation, the person energising it must verify that it is safe to energise.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) In verifying that electricity infrastructure or an electrical installation, or a part of any electricity infrastructure or electrical installation, is safe to energise, the person energising it –
- (a) must –
 - (i) take reasonable steps to confirm that a current certificate of electrical compliance has been completed by the responsible contractor or practitioner certifying that the electricity infrastructure, electrical

Electricity Safety Act 2022
Act No. of 2022

s. 40

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

installation or part is compliant with prescribed standards and is safe to energise; or

(ii) inspect and test the infrastructure or installation or part to ensure that it complies with all relevant requirements and standards; and

(b) must obtain any necessary permission to energise the infrastructure or installation or part.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

40. Identification of location of equipment before commencement of work

(1) Where work is to be carried out on or near electricity infrastructure or an electrical installation, the –

(a) PCBU employed or engaged to carry out the work; or

(b) owner or occupier of the land or premises who is carrying out the work –

must ensure that any electrical conductors and associated electrical equipment that are overhead, underground, or in cavities, tunnels or

Electricity Safety Act 2022
Act No. of 2022

trenches, walls or structures on, or directly next to, the area of the planned work, are identified and located before the commencement of that work.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) Once the electrical conductors and associated electrical equipment assets are identified and located, the risks and hazards are to be managed for the work to ensure that –
- (a) the work can be carried out safely; and
 - (b) the appropriate ground clearances to overhead conductors and coverage of underground wiring are maintained on the completion of that work.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

41. Regulated activities to be carried out with due care

An electricity entity, owner or operator must take reasonable steps to ensure that any

Electricity Safety Act 2022
Act No. of 2022

s. 42

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

regulated activity is carried out safely and with due care having particular regard to –

- (a) relevant standards, codes of practice, determinations, directions and orders; and
- (b) good industry practice.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

42. Structures and objects in safety and operational area

- (1) A person must not, without the written authority of the electricity entity, owner or operator, build or place any structure or object in a safety and operational area of any electricity infrastructure or electrical installation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) An electricity entity, owner or operator must, as soon as reasonably practical after becoming aware of a structure or object in a safety and

Electricity Safety Act 2022
Act No. of 2022

operational area of its electricity infrastructure or electrical installation, take steps to remove that structure or object from the safety and operational area.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (3) Any costs or damage associated with the removal of a structure or object are payable to the electricity entity, owner or operator by the person responsible for building or placing the structure or object in the safety and operational area.

43. De-energised or isolated electrical installations

Where any electrical installation has been de-energised or isolated from the network for safety reasons, the owner of the de-energised or isolated electrical installation must ensure that the installation remains de-energised or isolated until it is made safe to energise.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 44

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

44. Inspection and maintenance of prescribed generation and storage systems

The owner or operator of any electrical installation with a prescribed generation and storage system, must ensure that the generation and storage system is tested and maintained, as determined by the Director, so as to ensure that the generation and storage system –

- (a) complies with –
 - (i) any relevant design standards; or
 - (ii) any other relevant standard or code of practice that the Director determines; and
- (b) is safe.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units; or
- (b) an individual, a fine not exceeding 200 penalty units.

45. Electrical installations within hazardous areas

The owner or operator of any electrical installation, or part of an electrical installation, that is within a hazardous area must ensure that it complies with, and is maintained in accordance with, the requirements determined by the Director.

Electricity Safety Act 2022
Act No. of 2022

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

46. High-voltage electrical installations

The owner or operator of an electrical installation that operates above low voltage must ensure that the installation complies with, and is maintained in accordance with, the requirements determined by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

47. Maintenance of electrical installations

The owner or operator of a prescribed electrical installation must ensure that the installation complies with, and is maintained in accordance with, the requirements determined by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or

Electricity Safety Act 2022
Act No. of 2022

s. 48

Part 3 – Safety of Electricity Infrastructure and Electrical Installations

- (b) an individual, a fine not exceeding 20 penalty units.

48. Cathodic protection systems

The owner or operator of a cathodic protection system must ensure that the system complies with, and is maintained in accordance with, the requirements determined by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

PART 4 – SAFETY OF ELECTRICAL EQUIPMENT

Division 1 – Interpretation

49. Interpretation of Part 4

In this Part –

chief executive means the chief executive having the administration of the *Electrical Safety Act 2002* of Queensland;

external certifier means a person or body approved by a regulatory authority under a corresponding law to issue a certificate of conformity or a certificate of suitability;

group means items or components of in-scope electrical equipment –

- (a) that have the same basic electrical characteristics and material composition but may differ in dimension, colour or other aspects; and
- (b) to which, in respect of the relevant standard for the type of in-scope electrical equipment, one or more related test reports apply;

prohibition notice means a notice issued under section 85;

Electricity Safety Act 2022
Act No. of 2022

s. 50

Part 4 – Safety of Electrical Equipment

recall notice means a notice issued under section 87;

regulatory authority means a person or body that under a corresponding law of another jurisdiction is responsible for the monitoring or enforcement of compliance with that law within that jurisdiction.

50. Minister may determine corresponding law

- (1) The Minister may, by notice in the *Gazette*, determine a law of another State or a Territory or of New Zealand to be a corresponding law.
- (2) The Minister may make a determination under subsection (1) if the law –
 - (a) is a law relating to the supply of electrical equipment; and
 - (b) substantially corresponds to this Part.

51. Person not also liable under corresponding law

A person is not liable to be punished for an act or omission that is an offence against this Part if –

- (a) the act or omission is also an offence against a corresponding law; and
- (b) the person has been punished for the offence under the corresponding law.

52. Director may determine electrical equipment not to be in-scope electrical equipment

The Director may determine an item, component or group of electrical equipment not to be in-scope electrical equipment.

53. Standards for electrical equipment that is not in-scope electrical equipment

A person must not supply or offer to supply electrical equipment that is not in-scope electrical equipment unless the electrical equipment –

- (a) satisfies the standard prescribed for electrical equipment of the class or type of electrical equipment to which it belongs; and
- (b) is safe to be connected to an electricity supply.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 54

Part 4 – Safety of Electrical Equipment

54. Determination of electrical equipment to be controlled electrical equipment

- (1) The Director may determine that any electrical equipment, that is not in-scope electrical equipment, is controlled electrical equipment.
- (2) A determination made under subsection (1) takes effect on the date specified in the determination.
- (3) A person must not supply or offer to supply controlled electrical equipment unless the electrical equipment –
 - (a) is the subject of a certificate of conformity issued by the Director that has not expired, or been cancelled or suspended, and is marked as prescribed; or
 - (b) is the subject of a certificate of conformity issued by a regulatory authority that has not expired, or been cancelled or suspended, and is marked as prescribed; or
 - (c) is the subject of a certificate of conformity issued by an external certifier that has not expired, or been cancelled or suspended, and is marked as prescribed.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 55

- (b) an individual, a fine not exceeding 20 penalty units.

Division 2 – Certificate of suitability

55. Meaning of certificate of suitability

A certificate of suitability means a certificate certifying that the relevant –

- (a) level 1 in-scope electrical equipment is safe to use, safe to supply and satisfies the relevant standard; or
- (b) level 2 in-scope electrical equipment is safe to use, safe to supply and satisfies the relevant standard; or
- (c) electrical equipment, that is not controlled electrical equipment or in-scope electrical equipment, is safe to use, safe to supply and satisfies the standard prescribed for that electrical equipment.

56. Application for certificate of suitability of electrical equipment

- (1) A person may apply to the Director for a certificate of suitability in relation to –
 - (a) level 1 in-scope electrical equipment; or
 - (b) level 2 in-scope electrical equipment; or

Electricity Safety Act 2022
Act No. of 2022

s. 56

Part 4 – Safety of Electrical Equipment

- (c) electrical equipment, that is not controlled electrical equipment or in-scope electrical equipment.
- (2) An application under subsection (1) must be accompanied by –
- (a) a test report from an approved laboratory; and
 - (b) a sample of the electrical equipment or colour images showing the internal and external construction of the electrical equipment; and
 - (c) technical documentation which adequately describes the electrical equipment; and
 - (d) the prescribed application fee (if any); and
 - (e) any other document or information reasonably required by the Director.
- (3) The Director may require the applicant to provide –
- (a) a sample of the electrical equipment if the colour images provided are not adequate; or
 - (b) additional information about the electrical equipment.
- (4) The Director may exempt the applicant from the requirement to provide any of the items referred to in subsection (2)(a) or (b) if the Director is of

the opinion that it is not necessary for any of those items to be provided.

57. Consideration of application for certificate of suitability

- (1) After considering an application made under section 56, the Director must –
 - (a) issue a certificate of suitability; or
 - (b) issue a certificate of suitability subject to the carrying out of any specified modifications; or
 - (c) refuse to issue a certificate of suitability.
- (2) If the Director makes a decision under subsection (1)(b), the certificate does not apply to the electrical equipment unless those modifications are made.
- (3) If the Director makes a decision under subsection (1)(c), the Director must notify the applicant in writing of that decision and provide reasons for the decision.

58. Term of certificate of suitability

A certificate of suitability is issued for the term, not exceeding 5 years, specified in the certificate unless it is sooner suspended or cancelled.

Electricity Safety Act 2022
Act No. of 2022

s. 59

Part 4 – Safety of Electrical Equipment

59. Variation of certificate of suitability

- (1) The holder of a certificate of suitability issued by the Director may apply to the Director to vary the certificate.
- (2) The Director may vary a certificate of suitability that he or she has issued –
 - (a) on the application of the holder of the certificate of suitability under subsection (1); or
 - (b) on his or her own motion.

60. Suspension of certificate of suitability

- (1) The Director may, by written notice given to the holder of a certificate of suitability that the Director has issued, suspend the certificate for a specified period if the Director is of the opinion that –
 - (a) in the case of a certificate issued in respect of level 1 in-scope electrical equipment –
 - (i) the electrical equipment no longer satisfies the relevant standard that applies to the electrical equipment; or
 - (ii) the electrical equipment is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment; or

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 60

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- (b) in the case of a certificate issued in respect of level 2 in-scope electrical equipment
- (i) the electrical equipment no longer satisfies the relevant standard that applies to the electrical equipment; or
 - (ii) the electrical equipment is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment; or
- (c) in the case of a certificate issued in respect of electrical equipment that is not controlled electrical equipment or in-scope electrical equipment –
- (i) the electrical equipment no longer satisfies the standard prescribed that applies to the electrical equipment; or
 - (ii) the electrical equipment is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment.
- (2) The suspension of a certificate of suitability takes effect on the service of the notice.
- (3) The Director must lift the suspension of a certificate of suitability immediately if the

Electricity Safety Act 2022
Act No. of 2022

s. 61

Part 4 – Safety of Electrical Equipment

Director is satisfied that the grounds for the suspension no longer exist.

61. Cancellation of certificate of suitability

- (1) The Director may at any time cancel a certificate of suitability that the Director has issued, by giving written notice to the person to whom the certificate of suitability was issued.
- (2) The notice must state –
 - (a) the reasons for the cancellation of the certificate of suitability; and
 - (b) the date of the cancellation of the certificate of suitability.
- (3) A copy of a notice under subsection (1) must be published on a website that is accessible by the public.

62. Certificate of suitability issued by regulatory authority or external certifier taken to be issued by Director

For the purposes of section 63, a current certificate of suitability, or a certificate that certifies similar matters issued by a regulatory authority or an external certifier, is taken to be a certificate of suitability issued by the Director.

63. Suspension of certificate of suitability issued by regulatory authority or external certifier by the Director

- (1) The Director, by written notice given to the holder of a certificate of suitability, may suspend the certificate of suitability issued by a regulatory authority or an external certifier for a specified period if the Director is of the opinion that the electrical equipment in respect of which the certificate of suitability was issued –
 - (a) does not satisfy the relevant standard or the standard prescribed; or
 - (b) is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment.
- (2) A suspension under subsection (1) may be made in respect of –
 - (a) level 1 in-scope electrical equipment; or
 - (b) level 2 in-scope electrical equipment; or
 - (c) electrical equipment, that is not controlled electrical equipment or in-scope electrical equipment.
- (3) If a certificate of suitability is suspended under subsection (1), the Director must notify the regulatory authority or the external certifier that issued the certificate of suitability of that suspension.

Electricity Safety Act 2022
Act No. of 2022

s. 64

Part 4 – Safety of Electrical Equipment

- (4) If the Director is of the opinion that the reason for the suspension of a certificate of suitability no longer exists, the Director must lift the suspension immediately.

Division 3 – Certificate of conformity

64. Meaning of certificate of conformity

A certificate of conformity means a certificate certifying that the relevant –

- (a) controlled electrical equipment is safe to use, safe to supply and satisfies the standard prescribed that applies to that electrical equipment; or
- (b) level 3 in-scope electrical equipment is safe to use, safe to supply and satisfies the relevant standard that applies to that electrical equipment.

65. Application for certificate of conformity

- (1) A person may apply to the Director for a certificate of conformity in relation to –
- (a) controlled electrical equipment; or
 - (b) level 3 in-scope electrical equipment.
- (2) An application under subsection (1) must be accompanied by –
- (a) a test report from an approved laboratory; and

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 66

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- (b) a sample of the electrical equipment or colour images showing the internal and external construction of the electrical equipment; and
 - (c) technical documentation which adequately describes the electrical equipment; and
 - (d) the prescribed fee (if any).
- (3) The Director may require the applicant to provide –
- (a) a sample of the electrical equipment if the colour images provided are not adequate; or
 - (b) additional information about the electrical equipment.
- (4) The Director may exempt the applicant from the requirement to provide any of the items referred to in subsection (2)(a) or (b) if the Director is of the opinion that it is not necessary for any of those items to be provided.

66. Consideration of application for certificate of conformity

- (1) After considering an application made under section 65, the Director must –
- (a) issue a certificate of conformity; or

Electricity Safety Act 2022
Act No. of 2022

s. 67

Part 4 – Safety of Electrical Equipment

- (b) issue a certificate of conformity subject to the carrying out of any specified modifications; or
 - (c) refuse to issue a certificate of conformity.
- (2) If the Director makes a decision under subsection (1)(b), the certificate does not apply to the controlled electrical equipment or the level 3 in-scope electrical equipment unless those modifications are made.
- (3) If the Director makes a decision under subsection (1)(c), the Director must notify the applicant in writing of that decision and provide reasons for the decision.

67. Term of certificate of conformity

A certificate of conformity is issued for the term, not exceeding 5 years, specified in the certificate unless it is sooner suspended or cancelled.

68. Variation of certificate of conformity

- (1) The holder of a certificate of conformity issued by the Director may apply to the Director to vary the certificate.
- (2) The Director may vary a certificate of conformity –
 - (a) on the application of the holder of the certificate of conformity under subsection (1); or

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 69

- (b) on his or her own motion; or
- (c) on being satisfied that the modifications required by a notice given under section 71(1) have been made to the electrical equipment that is the subject of the certificate of conformity.

69. Re-examination

The Director may at any time require any controlled electrical equipment or level 3 in-scope electrical equipment that is the subject of a certificate of conformity that he or she has issued to be re-examined or tested by the Director.

70. Suspension of certificate of conformity

- (1) The Director may, by written notice given to the holder of a certificate, suspend a certificate of conformity that the Director has issued if the Director is of the opinion that –
 - (a) in the case of controlled electrical equipment –
 - (i) the electrical equipment no longer satisfies the standard prescribed that applies to the electrical equipment; or
 - (ii) the electrical equipment is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment; or

Electricity Safety Act 2022
Act No. of 2022

s. 71

Part 4 – Safety of Electrical Equipment

- (b) in the case of level 3 in-scope electrical equipment –
 - (i) the electrical equipment no longer satisfies the relevant standard that applies to the electrical equipment; or
 - (ii) the electrical equipment is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment.
- (2) The suspension of a certificate of conformity takes effect on the service of the notice.
- (3) The Director must lift the suspension of a certificate of conformity immediately, if satisfied –
 - (a) that the grounds for the suspension no longer exist; and
 - (b) that any modifications required by a notice given under section 71(1) have been made.

71. Modifications after issue of certificate of conformity

- (1) If a certificate of conformity is suspended under section 70, the Director may, by written notice given to the holder of the certificate, require that modifications be made to the electrical equipment that is the subject of the certificate.

Electricity Safety Act 2022
Act No. of 2022

- (2) A person to whom a notice is given under subsection (1) must not supply or offer to supply the electrical equipment that is the subject of the certificate of conformity unless the suspension of the certificate has been lifted in accordance with section 70(3).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

72. Cancellation of certificate of conformity

- (1) The Director may at any time cancel a certificate of conformity that the Director has issued, by written notice given to the person to whom the certificate of conformity was issued.
- (2) The notice must state the reasons for the cancellation of the certificate of conformity.
- (3) A copy of a notice under subsection (1) must be published on a website that is accessible by the public.

73. Certificate of conformity issued by regulatory authority or external certifier

For the purposes of section 74, a current certificate of conformity issued by a regulatory authority or an external certifier is taken to be a certificate of conformity issued by the Director.

Electricity Safety Act 2022
Act No. of 2022

s. 74

Part 4 – Safety of Electrical Equipment

74. Suspension by Director of certificate of conformity issued by regulatory authority or external certifier

- (1) The Director, by written notice given to the holder of a certificate of conformity issued by a regulatory authority or an external certifier, may suspend the certificate for a specified period if the Director is of the opinion that the electrical equipment in respect of which the certificate was issued –
 - (a) does not satisfy the relevant standard or the standard prescribed; or
 - (b) is or is likely to become dangerous in normal use as a result of the design or construction of the electrical equipment.
- (2) A suspension under subsection (1) may be made in respect of –
 - (a) controlled electrical equipment; or
 - (b) level 3 in-scope electrical equipment.
- (3) If a certificate of conformity is suspended under subsection (1), the Director must notify the regulatory authority or the external certifier that issued the certificate of conformity of that suspension.
- (4) If the Director is of the opinion that the reason for the suspension of a certificate of conformity no longer exists, the Director must lift the suspension immediately.

Division 4 – Registration of responsible supplier

75. Responsible supplier in Tasmania registered in Register

- (1) A responsible supplier who is registered in the Register is taken to be a registered responsible supplier for the purposes of this Part.
- (2) Subsection (1) does not apply to a responsible supplier whose registration has been cancelled under section 82.
- (3) If a responsible supplier has registered in the Register any level 2 in-scope electrical equipment or level 3 in-scope electrical equipment, the responsible supplier is taken to have registered that electrical equipment for the purposes of this Part.

76. Recording, amendment or removal of matter in Register

The Director may request that the chief executive –

- (a) amend or remove a matter that appears in the Register; or
- (b) record a matter in the Register.

Electricity Safety Act 2022
Act No. of 2022

s. 77

Part 4 – Safety of Electrical Equipment

77. Application for exemption of registered responsible supplier or in-scope electrical equipment

- (1) A person may apply to the Director for an exemption under section 78 in relation to –
- (a) an item of in-scope electrical equipment;
or
 - (b) a type of in-scope electrical equipment;
or
 - (c) a component of in-scope electrical equipment; or
 - (d) any in-scope electrical equipment; or
 - (e) a requirement that applies to a responsible supplier under section 149(2), 150(2) or 151(2).
- (2) An application under subsection (1) must –
- (a) contain details of –
 - (i) the exemption requested; and
 - (ii) the reasons for the exemption;
and
 - (iii) the applicant’s name, telephone number, business and postal address; and
 - (b) be accompanied by any relevant technical information.

Electricity Safety Act 2022
Act No. of 2022

78. Exemption for registered responsible supplier or in-scope electrical equipment

- (1) The Director may, by notice published on a website that is accessible by the public, exempt a type of in-scope electrical equipment from –
 - (a) a requirement of a relevant standard; or
 - (b) a requirement related to the regulatory compliance mark.
- (2) The Director may, by notice in writing given to an applicant under section 77, exempt in-scope electrical equipment registered to a registered responsible supplier from –
 - (a) a requirement of a relevant standard; or
 - (b) a requirement related to the regulatory compliance mark.
- (3) The Director may, by notice in writing given to an applicant under section 77, exempt a responsible supplier from a requirement to supply –
 - (a) the relevant documentary evidence referred to in section 149(2); or
 - (b) the relevant documentary evidence referred to in section 150(2); or
 - (c) a certificate of conformity referred to in section 151(2).
- (4) The Director may grant an exemption –

Electricity Safety Act 2022
Act No. of 2022

s. 79

Part 4 – Safety of Electrical Equipment

- (a) on the application of a person under section 77; or
 - (b) on his or her own motion.
- (5) The Director may impose any conditions that must be complied with to maintain an exemption granted under subsection (1), (2) or (3).
 - (6) The Director may, at any time, by notice published on a website that is accessible by the public, vary or revoke an exemption.
 - (7) If an exemption has been granted on the application of a person under section 77, the Director must notify the applicant in writing of any variation or revocation of the exemption.
 - (8) An exemption granted by a regulatory authority under a corresponding law for a matter that substantially corresponds to a matter referred to in subsection (1), (2) or (3) is taken to be an exemption granted by the Director.

79. Grounds for cancellation of registration of responsible supplier

- (1) This section applies to a registered responsible supplier who supplies, offers to supply or has supplied in-scope electrical equipment in Tasmania.
- (2) The grounds on which the Director may cancel the registration of the registered responsible supplier are any of the following:

Electricity Safety Act 2022
Act No. of 2022

-
- (a) the registered responsible supplier requests cancellation of their registration;
 - (b) the registered responsible supplier has been convicted of an offence against this Part or the regulations applying under this Part;
 - (c) the registered responsible supplier contravenes a prohibition notice or a recall notice;
 - (d) the registered responsible supplier obtained registration in the Register by fraud, misrepresentation or the concealment of facts or making a false declaration;
 - (e) the registration of level 2 in-scope electrical equipment or level 3 in-scope electrical equipment registered by the registered responsible supplier is cancelled under section 82.

80. Grounds for cancellation of registration of level 2 and level 3 in-scope electrical equipment

- (1) This section applies to level 2 in-scope electrical equipment or level 3 in-scope electrical equipment registered to a registered responsible supplier if that equipment is supplied or offered for supply, or was previously supplied or previously offered for supply, in Tasmania by the registered responsible supplier.

Electricity Safety Act 2022
Act No. of 2022

s. 80

Part 4 – Safety of Electrical Equipment

- (2) The Director may cancel the registration of electrical equipment to which this section applies on any of the following grounds:
- (a) the registered responsible supplier requests cancellation of the registration of the relevant equipment;
 - (b) the registered responsible supplier is convicted of an offence against this Part or the regulations applying under this Part;
 - (c) the registered responsible supplier contravenes a requirement of a prohibition notice or a recall notice;
 - (d) the registered responsible supplier registered the relevant equipment by fraud or misrepresentation, the concealment of facts or making a false declaration;
 - (e) the electrical equipment –
 - (i) did not satisfy the relevant standard at the time that the electrical equipment was registered to the registered responsible supplier; or
 - (ii) no longer satisfies the relevant standard that applies to that kind of electrical equipment; or
 - (iii) is the subject of a certificate of suitability or a certificate of

Electricity Safety Act 2022
Act No. of 2022

conformity that is suspended, has been cancelled or has expired; or

- (iv) is or is likely to become dangerous in normal use.

81. Show-cause notice

- (1) The Director may serve on a registered responsible supplier a written notice requiring the registered responsible supplier to show cause why the relevant registration should not be cancelled if the Director believes that –
- (a) a ground under section 79 exists; or
 - (b) a ground under section 80 exists in relation to the registration of level 2 in-scope electrical equipment or level 3 in-scope electrical equipment.
- (2) A notice served under subsection (1) must –
- (a) state each ground in respect of which the Director has formed the opinion that a ground exists under section 79 or 80 to cancel the relevant registration; and
 - (b) specify the facts and circumstances that the Director believes form the basis of the ground; and
 - (c) state the time period within which the registered responsible supplier must respond, that time period being not less than –

Electricity Safety Act 2022
Act No. of 2022

s. 82

Part 4 – Safety of Electrical Equipment

- (i) in the case of the registration of a responsible supplier – 28 days from the date of service of the notice; or
- (ii) in the case of the registration of equipment – 14 days from the date of service of the notice; and
- (d) state the consequences for the registered responsible supplier of not responding to the notice.

82. Cancellation of registration by Director

- (1) The Director may do one, or a combination, of the following:
 - (a) cancel the registration of a registered responsible supplier;
 - (b) cancel the registration of level 2 in-scope electrical equipment registered to a registered responsible supplier;
 - (c) cancel the registration of level 3 in-scope electrical equipment registered to a registered responsible supplier.
- (2) Before making a decision under subsection (1) to cancel a registration, the Director must –
 - (a) serve on the registered responsible supplier a show-cause notice under section 81(1); and
 - (b) consider –

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 83

-
- (i) each submission made by the registered responsible supplier in response to the show-cause notice; and
 - (ii) any reasons given by the registered responsible supplier why the registration should not be cancelled.
- (3) On the cancellation of the registration –
- (a) under subsection (1)(a) – the responsible supplier ceases to be registered for the purposes of this Part; or
 - (b) under subsection (1)(b) – the level 2 in-scope electrical equipment ceases to be registered for the purposes of this Part; or
 - (c) under subsection (1)(c) – the level 3 in-scope electrical equipment ceases to be registered for the purposes of this Part.
- (4) If the Director cancels a registration under subsection (1), the Director must notify the registered responsible supplier and the chief executive of the cancellation.

83. Evidence of registration and registered matters

- (1) A certificate, that appears to be signed by the chief executive and states a matter that appears in the Register, is evidence of the matter.
- (2) A certificate under subsection (1) may state a matter by reference to a date or period.

Electricity Safety Act 2022
Act No. of 2022

s. 84

Part 4 – Safety of Electrical Equipment

- (3) A court must accept a certificate mentioned in this section as proof of the matters stated in it if there is no evidence to the contrary.

Division 5 – Alternative mark to regulatory compliance mark

84. Approval of alternative mark to regulatory compliance mark

The Director may approve an alternative mark for in-scope electrical equipment if the Director believes that the regulatory compliance mark applying to that in-scope electrical equipment is not appropriate in the circumstances.

Division 6 – Prohibition of supply and recall of electrical equipment

85. Prohibition of supply of electrical equipment

- (1) The Director, by notice published on a website that is accessible by the public, may prohibit the supply of specified electrical equipment or electrical equipment of a specified type or class from the date of publication of the notice or from such later date as is specified in that notice.
- (2) The Director, by notice in writing given to a person, may prohibit that person from supplying specified electrical equipment or electrical equipment of a specified type or class from the date of the notice or such later date as is specified in the notice.

Electricity Safety Act 2022
Act No. of 2022

- (3) The Director may exercise a power of prohibition under this section if the Director believes on reasonable grounds that –
- (a) in the case of in-scope electrical equipment – the electrical equipment does not satisfy the relevant standard; or
 - (b) in the case of electrical equipment that is not in-scope electrical equipment – the electrical equipment does not satisfy the standard prescribed in respect of that electrical equipment; or
 - (c) in any case – the specified electrical equipment is likely to become unsafe to use because of its design or construction.
- (4) The Director may withdraw a prohibition made under subsection (1) by notice published on the same website as the website on which the prohibition was published.
- (5) The Director may withdraw a prohibition made under subsection (2) by notice given to the person to whom the prohibition was given.
- (6) This section applies whether or not the electrical equipment was –
- (a) controlled electrical equipment; or
 - (b) issued with a certificate of suitability; or
 - (c) issued with a certificate of conformity; or
 - (d) issued with a certificate by a regulatory authority; or

Electricity Safety Act 2022
Act No. of 2022

s. 86

Part 4 – Safety of Electrical Equipment

- (e) issued with a certificate by an external certifier.

86. Offence to disobey prohibition

A person must not, while a prohibition under section 85 remains in force, do anything prohibited by that prohibition.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units;
or
- (b) an individual, a fine not exceeding 200 penalty units.

87. Recall of electrical equipment

- (1) The Director may make a requirement under this section only if it appears to the Director that –
 - (a) particular electrical equipment, or a particular type or class of electrical equipment, is, or is likely to become, by reason of its design or construction, unsafe to use; or
 - (b) specific action is necessary –
 - (i) to make particular electrical equipment, or a particular type or class of electrical equipment, safe to use; or

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 87

- (ii) to render safe the use of particular electrical equipment or a particular type or class of electrical equipment; or
 - (c) particular electrical equipment, or a particular type or class of electrical equipment, does not comply with the minimum standards prescribed for that equipment or for equipment of that type or class.
- (2) The Director, by written notice served on a person to whom this section applies, may require the person to take, within the period specified in the notice, the action specified in the notice in relation to the particular electrical equipment or electrical equipment of a particular type or class specified in the notice.
- (3) This section applies to a person –
 - (a) who supplies or has supplied electrical equipment in the course of the person’s business; and
 - (b) who has supplied –
 - (i) the particular electrical equipment specified in the notice; or
 - (ii) electrical equipment of a particular type or class specified in the notice.

Electricity Safety Act 2022
Act No. of 2022

s. 87

Part 4 – Safety of Electrical Equipment

- (4) The action specified in the notice may consist of or include any of the following actions in relation to the particular electrical equipment specified in the notice, or electrical equipment of a particular type or class specified in the notice:
- (a) sending a written request to the person to whom the electrical equipment, or equipment of that type or class, was supplied to return the equipment to the place at which it was supplied;
 - (b) placing an advertisement requesting all persons to whom electrical equipment of that type or class was supplied to return the equipment to the place at which it was supplied;
 - (c) making the equipment or equipment of that type or class safe to use or rendering safe the use of that equipment in the manner specified in the notice;
 - (d) carrying out inspections and tests on that electrical equipment or equipment of that type or class;
 - (e) rectifying that electrical equipment, or equipment of that type or class, so that it complies with a specified standard;
 - (f) repairing or replacing that electrical equipment or equipment of that type or class;
 - (g) arranging for the isolation from the supply of electricity of that electrical

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 87

- equipment or equipment of that type or class;
- (h) modifying premises on which that electrical equipment, or equipment of that type or class, is used or installed so that the equipment is safe to use;
 - (i) affixing warning labels to –
 - (i) that electrical equipment or equipment of that type or class; or
 - (ii) the premises on which that electrical equipment, or equipment of that type or class, is used or installed;
 - (j) giving specified information to owners of premises on which that electrical equipment, or equipment of that type or class, is used or installed;
 - (k) giving specified information to occupiers of premises on which that electrical equipment, or equipment of that type or class, is used or installed;
 - (l) placing an advertisement containing specified information in a specified publication that is not a newspaper;
 - (m) publishing specified information on the person's internet site.

Electricity Safety Act 2022
Act No. of 2022

s. 87

Part 4 – Safety of Electrical Equipment

- (5) An advertisement referred to in subsection (4)(b) must be –
- (a) in a form acceptable to the Director; and
 - (b) publicised –
 - (i) as specified by the Director; and
 - (ii) for a period or periods specified by the Director.
- (6) The Director may alter or revoke a requirement under this section by notice given to the person of whom the requirement was made.
- (7) This section applies whether or not the equipment was –
- (a) prescribed electrical equipment; or
 - (b) approved by the Director; or
 - (c) certified by the Director; or
 - (d) approved by a prescribed authority or, under the regulations, was deemed to be approved; or
 - (e) certified in accordance with a prescribed method or prescribed process.
- (8) A person who is required to take action specified in a notice under this section must pay the cost of taking that action.
- (9) A requirement specified in a notice served on a person under this section does not have effect to

Electricity Safety Act 2022
Act No. of 2022

Part 4 – Safety of Electrical Equipment

s. 87

the extent that it is inconsistent with a requirement for the person to take action specified in a recall notice issued under the *Competition and Consumer Act 2010* of the Commonwealth.

PART 5 – ELECTRICITY SAFETY MANAGEMENT

88. Safety management systems

- (1) An electricity entity must have an accepted safety management system in respect of its network assets.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

- (2) An electricity entity, owner or operator of prescribed electricity infrastructure or a prescribed electrical installation must submit a safety management system in respect of that electricity infrastructure or electrical installation to the Director for acceptance when directed to do so by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

- (3) An electricity entity, owner or operator of electricity infrastructure or an electrical installation that is not prescribed for the purposes of this section may submit to the Director for acceptance a safety management

Electricity Safety Act 2022
Act No. of 2022

system if the Director is of the opinion that there is a valid need for an alternative to the relevant legislative requirements.

- (4) A safety management system must comply with any relevant prescribed electricity safety requirements, determinations, standards and codes of practice.
- (5) Before submitting a safety management system, an electricity entity, owner or operator must ensure that the management system, or a part of it, is independently certified in a manner, and by a person, accepted by the Director, as conforming to any relevant standard or determination.
- (6) A safety management system must –
 - (a) be in writing; and
 - (b) specify the scope of the system; and
 - (c) state the risk management activities undertaken, or to be undertaken, by the electricity entity, owner or operator –
 - (i) in order to comply with the duties of the electricity entity, owner or operator under this Act; and
 - (ii) in respect of any other matters, relating to the safe use of electricity, as determined by the Director.

Electricity Safety Act 2022
Act No. of 2022

s. 89

Part 5 – Electricity Safety Management

- (7) A person must not commission or commence to operate any electricity infrastructure or electrical installation to which a safety management system applies or is to apply unless a safety management system, certified under subsection (5), for that infrastructure or installation has been accepted or provisionally accepted by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
 - (b) an individual, a fine not exceeding 500 penalty units.
- (8) A safety management system may be submitted in stages.
- (9) A safety management system must be submitted to the Director for acceptance –
- (a) in accordance with any review schedule contained in the system; or
 - (b) every 5 years –

whichever is more frequent.

89. Safety management system to minimise risk

An electricity entity, owner, or operator, responsible for an accepted safety management system, must have systems in place to design, construct, operate, maintain and decommission

Electricity Safety Act 2022
Act No. of 2022

Part 5 – Electricity Safety Management

s. 90

any electricity infrastructure or electrical installation, to minimise as far as practicable the –

- (a) hazards and risks to the safety of any person arising from the electricity infrastructure or electrical installation; and
- (b) hazards and risks of damage to the property of any person arising from the electricity infrastructure or electrical installation; and
- (c) bushfire danger arising from the electricity infrastructure or electrical installation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units; or
- (b) an individual, a fine not exceeding 500 penalty units.

90. System manager

- (1) An electricity entity, owner or operator must appoint a system manager, who has been accepted by the Director, to manage the safety management system.

Penalty: In the case of –

Electricity Safety Act 2022
Act No. of 2022

s. 90

Part 5 – Electricity Safety Management

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
 - (b) an individual, a fine not exceeding 500 penalty units.
- (2) A system manager must not be appointed unless he or she satisfies the minimum competency levels determined by the Director.
- (3) A system manager must be an employee of the electricity entity, owner or operator responsible for the safety management system.
- (4) The system manager is responsible for –
 - (a) ensuring that the management of the accepted safety management system meets the requirements and any conditions specified in the system; and
 - (b) ensuring that any directions or conditions, regarding the management and control of the accepted safety management system, are complied with; and
 - (c) ensuring that any non-compliance with the accepted safety management system is reported to the Director, within 28 days after its identification; and
 - (d) ensuring that any periodic reporting to the Director is undertaken in accordance with the accepted safety management system.

Electricity Safety Act 2022
Act No. of 2022

- (5) Within 10 days after a system manager ceases to be a system manager, the electricity entity, owner or operator must notify the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
 - (b) an individual, a fine not exceeding 500 penalty units.
- (6) The electricity entity, owner or operator must –
- (a) provide the system manager with the resources necessary to manage the accepted safety management system; and
 - (b) not interfere with the system manager’s management of the accepted safety management system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
- (b) an individual, a fine not exceeding 300 penalty units.

91. Validation of safety management system

- (1) An electricity entity, owner or operator must obtain an independent validation of a safety

Electricity Safety Act 2022
Act No. of 2022

s. 92

Part 5 – Electricity Safety Management

management system before submitting the system to the Director.

- (2) The validation of a safety management system must assess the design, construction, commissioning and operation of the electricity infrastructure or electrical installation to which the system relates and any other prescribed safety matters relating to that infrastructure or installation.
- (3) The electricity entity, owner or operator must establish to the satisfaction of the Director that each person undertaking the validation of a safety management system or part of a safety management system has the necessary competence and ability, and access to information, to form an independent opinion on the validity of the system or part of the system.
- (4) The Director is not required to consider a safety management system until the independent validation is provided.

92. Additional information

- (1) The Director may require an electricity entity, owner or operator to provide any additional information that the Director thinks fit in respect of a safety management system submitted by the electricity entity, owner or operator under this Part.
- (2) The Director is not required to proceed with the consideration of a safety management system until the additional information is provided.

93. Acceptance of safety management system

The Director is to accept a validated safety management system submitted under this Part if satisfied that it has been prepared, in accordance with this Act, for the electricity infrastructure or electrical installation and any relevant orders, determinations and directions of the Director.

94. Refusal of safety management system

- (1) If the Director does not accept a safety management system, the Director must –
 - (a) notify the electricity entity, owner or operator in writing of the non-acceptance; and
 - (b) give the electricity entity, owner or operator an opportunity to modify and resubmit the safety management system.
- (2) A modified safety management system must be submitted to the Director within 28 days after the day on which notice is given under subsection (1).
- (3) If, after considering a modified safety management system submitted under this section, the Director decides not to accept it, the Director must give notice in writing of that decision to the electricity entity, owner or operator, including the reasons for that decision.

Electricity Safety Act 2022
Act No. of 2022

s. 95

Part 5 – Electricity Safety Management

95. Compliance with safety management system

An electricity entity, owner or operator must comply with an accepted safety management system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units; or
- (b) an individual, a fine not exceeding 500 penalty units.

96. Revised safety management system

An electricity entity, owner or operator must submit to the Director a revised safety management system if –

- (a) the safety management system acceptance expires; or
- (b) there are any significant changes in electrical equipment or business operations, or the associated risk management, that may result in a significant increase in the hazards or risks referred to in section 89; or
- (c) there are significant changes to the level of skills of any personnel to whom the system applies.

Electricity Safety Act 2022
Act No. of 2022

97. Director may require submission of revised safety management system

- (1) The Director may at any time, by written notice, require an electricity entity, owner or operator to submit a revised safety management system.
- (2) A notice must –
 - (a) be in writing; and
 - (b) set out –
 - (i) the matters to be dealt with by the required revision; and
 - (ii) the proposed date of effect of the revision; and
 - (iii) the grounds for the requirement.
- (3) The electricity entity, owner or operator to which the notice is issued may make a submission to the Director on all or any of the following grounds:
 - (a) that the revision should not occur;
 - (b) that the revision should be in different terms from the proposed terms;
 - (c) that the revision should take effect on a later date than the proposed date of effect.
- (4) A submission must –
 - (a) be in writing; and

Electricity Safety Act 2022
Act No. of 2022

s. 98

Part 5 – Electricity Safety Management

- (b) state the electricity entity's, owner's or operator's reasons for the submission; and
 - (c) be made within 28 days, or such longer period as the Director allows in writing, after the day on which notice of the requirement is received.
- (5) If an electricity entity, owner or operator makes a submission under this section, the Director must –
 - (a) accept the submission or part of the submission and vary or withdraw the requirement accordingly; or
 - (b) reject the submission.
- (6) The Director must give the electricity entity, owner or operator notice in writing of his or her acceptance or rejection of the submission and the reasons for it.

98. Offence to fail to submit revised safety management system when required

If the Director requires the revision of a safety management system under section 97, the electricity entity, owner or operator must submit a revised safety management system to the Director –

- (a) within a period of time that is not less than 60 days specified by the Director in the notice of requirement, if the

Electricity Safety Act 2022
Act No. of 2022

Part 5 – Electricity Safety Management

s. 99

electricity entity, owner or operator does not make a submission under that section; or

- (b) if the electricity entity, owner or operator has made a submission under that section and the Director has not withdrawn the requirement, within a period of time that is not less than 60 days specified by the Director in his or her decision on the submission.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units; or
(b) an individual, a fine not exceeding 300 penalty units.

99. Application of provisions to revised safety management system

Sections 89 to 95, inclusive, apply to the revision of a safety management system in the same manner as they apply to a safety management system.

100. Audit of safety management system

- (1) An electricity entity, owner or operator must have the operation of its safety management system audited as determined by the Director.

Penalty: In the case of –

Electricity Safety Act 2022
Act No. of 2022

s. 101

Part 5 – Electricity Safety Management

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
 - (b) an individual, a fine not exceeding 300 penalty units.
- (2) An electricity entity, owner or operator must submit to the Director a copy of the report of an audit carried out under subsection (1) within 28 days after receiving the report.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 500 penalty units;
or
 - (b) an individual, a fine not exceeding 300 penalty units.
- (3) The Director may audit an accepted safety management system.

101. Fees for safety management system

The Director may require an electricity entity, owner or operator of a safety management system to pay to the Director prescribed fees and charges in respect of the consideration of an application for, and the acceptance, audit, review and modification of, the safety management system.

PART 6 – SERIOUS ELECTRICAL ACCIDENTS

102. Notification and reporting of serious electrical accidents

- (1) If there is a serious electrical accident, the responsible person must, as soon as practicable after the accident, notify the Director of the time, place and general nature of the accident.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
 - (b) an individual, a fine not exceeding 100 penalty units.
- (2) The responsible person must, within 21 days after the accident or a longer period accepted by the Director, submit a written report to the Director containing full details of the accident, including the main cause, any contributing factors leading to the accident and any relevant outcomes.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
 - (b) an individual, a fine not exceeding 100 penalty units.
- (3) A notification or report under this section is in addition to any notification or report required under the *Work Health and Safety Act 2012*.

103. Interference with site of serious electrical accident

A person must not interfere with the site of a serious electrical accident unless –

- (a) the interference is necessary –
 - (i) to provide medical or other assistance to a person affected by the accident; or
 - (ii) to protect life or property; or
- (b) the interference is permitted by an authorised officer.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

104. Publication of details of serious electrical accidents

- (1) The Director may publish details of serious electrical accidents that the Director considers necessary in the interests of public information and safety.
- (2) No action in defamation arises from the publication of details of serious electrical accidents under this section.

Electricity Safety Act 2022
Act No. of 2022

Part 6 – Serious Electrical Accidents

s. 105

105. Relationship with *Coroners Act 1995*

Nothing in this Part is to be taken as limiting or affecting the jurisdiction of the Magistrates Court (Coronial Division) established under the *Coroners Act 1995*.

Electricity Safety Act 2022
Act No. of 2022

s. 106

Part 7 – Electricity Entities’ Powers and Duties

**PART 7 – ELECTRICITY ENTITIES’ POWERS AND
DUTIES**

Division 1 – Electricity safety officers

106. Interpretation of Part 7

In this Part –

electricity safety officer means a person
appointed by an electricity entity under
this Part.

107. Appointment of electricity safety officers

- (1) An electricity entity may appoint a person to be an electricity safety officer.
- (2) An electricity safety officer may be appointed for a particular role and on conditions specified in the instrument of appointment.
- (3) An electricity entity must not appoint a person to be an electricity safety officer unless the person meets the accepted competence and experience requirements.
- (4) A person may be appointed as an electricity safety officer –
 - (a) for a period specified in the officer’s instrument of appointment; or
 - (b) until the person ceases to hold the office specified in the officer’s instrument of appointment.

Electricity Safety Act 2022
Act No. of 2022

- (5) An electricity safety officer for an electricity entity may only exercise powers under this Act in accordance with –
 - (a) the conditions, if any, specified in the officer’s instrument of appointment; and
 - (b) any directions given to the electricity safety officer by the electricity entity.
- (6) An electricity entity may, by instrument in writing, revoke the appointment of a person as an electricity safety officer.
- (7) The Director may order the electricity entity to –
 - (a) revoke the appointment of a person as an electricity officer for the electricity entity; or
 - (b) include or revoke certain conditions on that appointment.
- (8) Where an electricity safety officer’s appointment is revoked or ceases –
 - (a) the electricity entity is to send the officer a letter of revocation or cessation and record the sending of the letter; and
 - (b) the electricity safety officer must, within 21 days after the revocation or cessation, return the instrument of appointment to the electricity entity.

Penalty: In the case of –

Electricity Safety Act 2022
Act No. of 2022

s. 108

Part 7 – Electricity Entities’ Powers and Duties

- (a) a body corporate, a fine not exceeding 250 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

108. Electricity entity to keep and maintain register

- (1) An electricity entity must keep and maintain a register of its electricity safety officers.
- (2) An electricity safety officer register must contain the following information in respect of each electricity safety officer:
 - (a) his or her name;
 - (b) any applicable conditions of appointment;
 - (c) the date of appointment;
 - (d) the date on which the electricity safety officer ceases to hold an electricity safety officer authorisation, and if the appointment is revoked, the reason why it was revoked;
 - (e) the date on which the instrument of appointment and identity card referred to in section 111 were returned or collected.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or

Electricity Safety Act 2022
Act No. of 2022

- (b) an individual, a fine not exceeding 100 penalty units.

109. Reporting to Director of electricity safety officer administration and management

When requested by the Director, an electricity entity must provide to the Director a register of its electricity safety officers.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

110. Audit of electricity safety officer administration and management

The Director, may audit, or require an independent audit, of an electricity entity’s administration and management of its electricity safety officers.

111. Electricity safety officer identity card

- (1) An electricity entity is to provide each of its electricity safety officers with an identity card.
- (2) The identity card must –
 - (a) contain a photograph of the electricity safety officer taken for the purpose; and

Electricity Safety Act 2022
Act No. of 2022

s. 111

Part 7 – Electricity Entities’ Powers and Duties

- (b) be signed by the electricity safety officer;
and
 - (c) state the electricity safety officer’s title
and level; and
 - (d) identify the electricity safety officer as an
electricity safety officer for the electricity
entity specified on the card.
- (3) An electricity safety officer must, before
exercising a power in respect of another person,
produce the officer’s identity card for inspection
by the other person.

Penalty: Fine not exceeding 5 penalty units.

- (4) Where a person has been appointed as an
electricity safety officer but has not yet been
issued with, or has lost, his or her identity card,
the person may use the instrument of
appointment, together with photographic
identification, as proof of appointment.
- (5) Where an electricity safety officer’s appointment
is revoked or ceases the electricity safety officer
must, within 21 days, return the identity card to
the electricity entity.

Penalty: In the case of –

- (a) a body corporate, a fine not
exceeding 250 penalty units; or
- (b) an individual, a fine not
exceeding 100 penalty units.

Electricity Safety Act 2022
Act No. of 2022

112. Electricity safety officers may enter land or premises in relation to electricity infrastructure

- (1) An electricity safety officer may, at any reasonable time, enter and remain on any land or premises where electricity infrastructure of an electricity entity is situated –
 - (a) to carry out preliminary investigations in connection with the safety of the infrastructure; or
 - (b) to carry out inspection, testing and emergency repair of the infrastructure; or
 - (c) to protect the property of the electricity entity; or
 - (d) to investigate a suspected theft or loss of electricity, or interference with property; or
 - (e) to take action to prevent or reduce the risk of accident; or
 - (f) to isolate any unsafe electricity infrastructure or any unsafe electrical installation.
- (2) If an electricity safety officer for an electricity entity seeks to enter any land or premises under this section and entry is refused or obstructed, the electricity entity, by written notice to the occupier of the land or premises, is to seek consent to enter the land or premises as required by the electricity safety officer.

Electricity Safety Act 2022
Act No. of 2022

s. 112

Part 7 – Electricity Entities’ Powers and Duties

- (3) A notice seeking consent to enter land or premises under subsection (2) must state the reason for, and the date and time of, the proposed entry.
- (4) The time and date of proposed entry must be reasonable.
- (5) If an electricity safety officer enters any land or premises under this section, the electricity safety officer –
 - (a) may be accompanied by such assistants as the electricity safety officer considers necessary or appropriate; and
 - (b) may take any vehicles, machinery or equipment that the electricity safety officer considers necessary or appropriate; and
 - (c) must do as little damage as possible and act so as to minimise the impact of work carried out by the electricity safety officer on the activities of other persons on the land or premises.
- (6) If entry is refused, or obstructed, after a notice is given under subsection (2), the electricity entity may obtain a warrant to enter the land or premises.
- (7) An electricity safety officer must be accompanied by a police officer –
 - (a) when entering any land or premises with the authority of a warrant; and

Electricity Safety Act 2022
Act No. of 2022

- (b) if it is practicable to do so, when entering any land or premises by force in an emergency.
- (8) Subject to this section, an electricity entity must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage, unless such damage is a direct result of the actions of the owner.
- (9) If the occupier of the land or premises and the electricity entity do not agree as to the extent of compensation, the claim for compensation is to be determined –
 - (a) if it is a minor civil claim within the meaning of the *Magistrates Court (Civil Division) Act 1992*, by the Magistrates Court (Civil Division); or
 - (b) in any other case, as if it were a disputed claim for compensation under the *Land Acquisition Act 1993*.

113. Obstruction, &c., of electricity safety officer

A person must not obstruct, hinder, delay, threaten or assault an electricity safety officer in the performance of the officer’s duties under this Act.

Penalty: Fine not exceeding 10 penalty units.

Electricity Safety Act 2022
Act No. of 2022

s. 114

Part 7 – Electricity Entities’ Powers and Duties

Division 2 – Powers relating to electrical installations

114. Entry to inspect electrical installations

- (1) An electricity safety officer may, at any reasonable time, enter and remain on any land or premises –
 - (a) to inspect electrical installations on the land or premises to ensure that it is safe to connect, reconnect or remain connected to, the electricity supply; or
 - (b) to take action to prevent or minimise the risk of an incident occurring; or
 - (c) to investigate any suspected unsafe electrical installation.
- (2) In an emergency, an electricity safety officer may exercise a power of entry under this section at any time and, if necessary in the circumstances, by the use of reasonable force.
- (3) When an electricity safety officer enters any land or premises under this section, the electricity safety officer –
 - (a) may be accompanied by such assistants as the electricity safety officer considers necessary or appropriate; and
 - (b) may take any vehicles or equipment that the electricity safety officer considers necessary or appropriate for the functions which the electricity safety officer is to perform on the land or premises.

Electricity Safety Act 2022
Act No. of 2022

- (4) An electricity safety officer must, if it is practicable to do so, be accompanied by a police officer when entering any land or premises by force in an emergency.
- (5) If in the opinion of an electricity safety officer an electrical installation is unsafe, the electricity safety officer may isolate the electricity supply to the land or premises in which the installation is situated until the installation is made safe to the satisfaction of the electricity safety officer.

115. Entry to isolate supply for safety reasons

- (1) If an electricity safety officer proposes to isolate an electricity supply to any land or premises for safety reasons, the electricity safety officer may, at any reasonable time, enter and remain on the land or premises in order to isolate the electricity supply to the land or premises.
- (2) If entry is refused, or obstructed, the electricity entity may –
 - (a) if it is possible to do so, isolate the electricity supply to the land or premises without entering the land or premises; or
 - (b) if it is not possible to isolate the electricity supply to the land or premises without entering the land or premises, obtain a warrant under section 126 to enter the land or premises for the purpose of isolating the electricity supply, enter the land or premises as authorised and isolate the electricity supply.

Electricity Safety Act 2022
Act No. of 2022

s. 116

Part 7 – Electricity Entities’ Powers and Duties

Division 3 – Powers and duties in emergencies

116. Electricity entity may isolate electricity supply to avoid danger

An electricity entity may, without incurring any liability for failure to supply electricity, isolate the supply of electricity to any region, area, place, land or premises if it is, in the electricity entity’s opinion, necessary to do so to avoid danger to any person or property.

117. Emergency powers of electricity safety officers

In an emergency, to protect persons or property, an electricity safety officer may –

- (a) exercise the powers of entry under this Part at any time and without prior notice if it is not practicable to give such notice; and
- (b) make safe, if it is possible to do so, or isolate, the electricity supply to any land or premises without entering the land or premises; and
- (c) use reasonable force if it is necessary in the circumstances.

PART 8 – ENFORCEMENT

Division 1 – Enforcement of Act

118. Enforcement of Act by Director

- (1) If the Director is satisfied that an electricity entity, owner or operator has contravened this Act, the Director may impose on the electricity entity, owner or operator a monetary penalty not exceeding –
 - (a) 5 000 penalty units for the first day on which the contravention occurs; and
 - (b) a further fine not exceeding 200 penalty units for each subsequent day on which the contravention continues.
- (2) If there is more than one electricity entity, owner or operator that may be taken to have contravened this Act in respect of a single event, the Director may take any action under this section in respect of one or more such electricity entities, owners or operators as the Director thinks fit.
- (3) A decision of the Director under this section may be subject to administrative review under Part 9.

119. Authorised investigations

An investigation by an authorised officer is an authorised investigation if the purpose of the investigation is –

Electricity Safety Act 2022
Act No. of 2022

s. 120

Part 8 – Enforcement

- (a) to monitor compliance with this Act; or
- (b) to gather information about a suspected offence against this Act; or
- (c) to gather information about a personal injury, or damage to, or loss of, property, relating to a regulated activity.

120. Warrant to enter premises

- (1) The Director, an authorised officer or an electricity safety officer may apply to a justice for a warrant to enter any land or premises specified in the application.
- (2) A justice may issue a warrant if satisfied that the warrant is reasonably required for the purposes of this Act.
- (3) A warrant authorises the Director, an authorised officer or electricity safety officer –
 - (a) to enter the land or premises specified in the warrant; and
 - (b) to do anything reasonably required for the administration or enforcement of this Act.
- (4) A warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.
- (5) An application for a warrant may be made by telephone or other prescribed means if the Director, authorised officer or electricity safety

Electricity Safety Act 2022
Act No. of 2022

Part 8 – Enforcement

s. 120

officer considers that the urgency of the situation requires it.

- (6) If a justice decides to issue a warrant on an application under subsection (5), the justice is to –
- (a) complete and sign the warrant; and
 - (b) inform the applicant of –
 - (i) the terms of the warrant; and
 - (ii) the date and time of the issue of the warrant; and
 - (iii) the date and time when the warrant is to cease to have effect; and
 - (c) record on the warrant the reasons for issuing it.
- (7) The Director, an authorised officer or electricity safety officer must –
- (a) complete a warrant form in the same terms as the warrant signed by the justice; and
 - (b) write on the form –
 - (i) the name of the justice; and
 - (ii) the date and time of the issue of the warrant; and

Electricity Safety Act 2022
Act No. of 2022

s. 121

Part 8 – Enforcement

- (c) send to the justice the completed warrant form not later than the day after the warrant is executed or ceases to have effect.
- (8) On receipt of the warrant form, the justice is to attach it to the warrant signed by the justice.
- (9) A warrant form completed under subsection (7) by the Director, an authorised officer or an electricity safety officer has the same force as the original warrant signed by the justice.

Division 2 – Appointment of authorised officers

121. Appointment of authorised officers

- (1) The Director may, by instrument of appointment, appoint a person to be an authorised officer.
- (2) An authorised officer may be, but is not required to be, a State Service officer or State Service employee.
- (3) An authorised officer is subject to the control and direction of the Director.
- (4) An authorised officer holds office on the conditions specified in the instrument of appointment.

122. Conditions of appointment

- (1) An authorised officer may be appointed for a stated term or for an indefinite term that

continues while the officer holds a stated office or position.

- (2) An authorised officer holds office on the conditions stated in the instrument of appointment.

123. When person ceases to be authorised officer

- (1) An authorised officer may resign by written notice given to the Director.
- (2) The Director may remove an authorised officer from office for any reason that the Director considers sufficient.

124. Authorised officer identity card

- (1) The Director must provide each authorised officer with an identity card.
- (2) The identity card must –
 - (a) contain a photograph of the authorised officer taken for the purpose; and
 - (b) be signed by the authorised officer.
- (3) An authorised officer, before exercising a power that may affect another person, must, at the request of the person, produce for inspection by the person the officer's identity card.
- (4) A person must, within 21 days after ceasing to be an authorised officer, return his or her identity card to the Director.

Penalty: Fine not exceeding 5 penalty units.

Division 3 – Powers of authorised officers

125. Powers of authorised officers

If an authorised officer reasonably considers that an offence against this Act has been, is being or is likely to be committed or a code of practice has been, is being or is likely to be contravened in, or in respect of, any electricity infrastructure, electrical installation or safety management system on any land or premises, the authorised officer may enter the land or premises and do any one or more of the following:

- (a) require the electricity entity, owner or operator, or an employee of the electricity entity, owner or operator, to produce any records relating to any electrical work, inspection, testing or maintenance that has been, or is being, carried out;
- (b) search for, examine, take extracts from and make copies of those records;
- (c) require any person who appears to be able to do so to answer any question relating to any electrical work, inspection, testing or maintenance that has been, or is being, carried out under this Act.

126. Powers of entry

- (1) An authorised officer may, for the purpose of performing functions assigned to the authorised officer under this Act, enter and remain on any land or premises.
- (2) When an authorised officer enters any land or premises under this section, the authorised officer –
 - (a) may be accompanied by such assistants as the authorised officer considers necessary or appropriate; and
 - (b) may take any vehicles or equipment that the authorised officer considers necessary or appropriate for the functions that the authorised officer is to perform on the land or premises.
- (3) An authorised officer may use reasonable force to enter any land or premises under this Part if –
 - (a) the entry is authorised by a warrant and the authorised officer is accompanied by a police officer; or
 - (b) the entry is necessary in an emergency.
- (4) A person must not obstruct, hinder, delay, threaten or assault a person who is –
 - (a) authorised to enter land or premises under this section; and
 - (b) acting in accordance with this section or section 127.

Penalty: Fine not exceeding 10 penalty units.

127. General investigative powers of authorised officers

- (1) An authorised officer who enters any land or premises under this Act may exercise any one or more of the following powers:
 - (a) inspect the scene of any serious electrical accident;
 - (b) investigate whether the provisions of this Act are being, or have been, complied with;
 - (c) inspect and test any electrical equipment;
 - (d) inspect, test, or cause to be inspected or tested, any electricity infrastructure or electrical installation;
 - (e) investigate any accident suspected to involve electricity;
 - (f) take for testing and analysis any substance or thing that may relate to an accident;
 - (g) investigate a suspected interference with electricity infrastructure or an electrical installation;
 - (h) search for, examine and copy, or take an extract from, a document or record of any kind as reasonably required for the purposes of the enforcement of this Act;

Electricity Safety Act 2022
Act No. of 2022

Part 8 – Enforcement

s. 127

- (i) take photographs or videos or other records of activities on the land or premises and of any electrical equipment, electricity infrastructure or electrical installation on the land or premises;
 - (j) take possession of any thing that may be evidence of an offence against this Act.
- (2) If an authorised officer takes possession of an object that may be evidence of an offence –
- (a) the authorised officer must give the occupier of the land or premises a receipt for the object; and
 - (b) the object must be returned to its owner –
 - (i) if proceedings for an offence are not commenced within 2 years after the authorised officer takes possession of the object, at the end of that 2-year period; or
 - (ii) if proceedings for an offence are commenced within that period, on completion of the proceedings, unless the court, on application by the Director, orders confiscation of the object.
- (3) A court may order the confiscation of a thing of which an authorised officer has taken possession under subsection (1) if the court is of the opinion that the object has been used for the purpose of committing an offence or that there is some other proper reason for ordering its confiscation.

Electricity Safety Act 2022
Act No. of 2022

s. 128

Part 8 – Enforcement

- (4) If the court orders the confiscation of an object –
- (a) the Director may dispose of the object;
and
 - (b) the person from whom the object is confiscated is not entitled to be compensated for its loss.

128. Power to make rectification order

- (1) If an authorised officer is satisfied, on inspection, testing and investigation, that any electrical equipment, electricity infrastructure or electrical installation is defective or does not comply with this Act, the Director or authorised officer may make a rectification order or undertake any other action as prescribed.
- (2) A rectification order –
- (a) may be made to an electricity entity, owner or operator, or an agent of an electricity entity, owner or operator or any other person who may be responsible for the electrical equipment, electricity infrastructure or electrical installation;
and
 - (b) is to include reasons for the order; and
 - (c) is to give reasonable particulars of the work required to be carried out under the order so as to rectify any unsafe matter, defect or non-compliance; and

Electricity Safety Act 2022
Act No. of 2022

Part 8 – Enforcement

s. 129

- (d) may be made orally but must, as soon as practicable, be given in writing to the electricity entity, owner or operator or its, his or her agent or other responsible person.
- (3) A person against whom a rectification order is made must comply with the order.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
- (b) an individual, a fine not exceeding 125 penalty units.

129. Powers in emergency

- (1) In an emergency, an authorised officer may take any action that he or she considers necessary to protect life or property.
- (2) Without limiting the generality of subsection (1), an authorised officer may take any one or more of the following actions under that subsection:
 - (a) enter any land or premises;
 - (b) isolate an electrical source of danger to life or property;
 - (c) carry out electrical work on any electricity infrastructure or electrical installation;

Electricity Safety Act 2022
Act No. of 2022

s. 130

Part 8 – Enforcement

- (d) give any directions to the electricity entity or the owner or operator of the electricity infrastructure or electrical installation that may be necessary to make it safe;
 - (e) remove or cause to be removed any electrical hazard that may cause a risk to life or property;
 - (f) give any directions that the authorised officer considers necessary to avoid a risk to life or property.
- (3) A person to whom a direction is given under this section must comply with the direction.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 75 penalty units.

130. Power to isolate electricity supply

- (1) Where an electrical installation is unsafe, an authorised officer may isolate, or cause the isolation of, the electricity supply.
- (2) If an authorised officer isolates, or causes the isolation of, an electricity supply under this section, the officer must give written notice to the occupier of the relevant land or premises –

Electricity Safety Act 2022
Act No. of 2022

Part 8 – Enforcement

s. 131

- (a) informing the occupier that the electricity supply has been isolated under this section; and
 - (b) directing that the electricity supply must not be reconnected until arrangements have been made to the satisfaction of an authorised officer to ensure against any future contravention of this Act.
- (3) If an electricity supply has been isolated under this section, a person must not reconnect the electricity supply, or have it reconnected, without the approval of an authorised officer.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
- (b) an individual, a fine not exceeding 500 penalty units.

131. Power to make safe

- (1) If an authorised officer finds that any electricity infrastructure or electrical installation is unsafe, or does not comply with this Act, the officer may –
- (a) isolate, or cause the isolation of, the electricity supply; or
 - (b) give a direction requiring the carrying out of the work necessary to make the

Electricity Safety Act 2022
Act No. of 2022

s. 131

Part 8 – Enforcement

infrastructure or installation safe and compliant with this Act.

- (2) Subject to this section, a direction under this section must be given –
 - (a) in respect of electricity infrastructure, to the electricity entity in charge of the electricity infrastructure; or
 - (b) in respect of an electrical installation, to the owner, operator or responsible person in respect of the installation, or the occupier of the land or premises on which the installation is situated.
- (3) A direction under this section may be given by written notice or, if the authorised officer is of the opinion that immediate action is required, orally.
- (4) If a direction is given orally it must be confirmed in writing as soon as practicable after being given.
- (5) A person to whom a direction is given under this section –
 - (a) must not contravene the direction; and
 - (b) must not reconnect or permit the reconnection of the electricity supply unless the work required by the direction under this section has been carried out, or an authorised officer approves the reconnection of the electricity supply.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units;
or
- (b) an individual, a fine not exceeding 500 penalty units.

132. Power to require information

- (1) An authorised officer may require a person to provide information in the person’s possession relevant to the enforcement of this Act.
- (2) An authorised officer may require a person to produce, for examination by the authorised officer, documents or records in the person’s possession that may be relevant to the enforcement of this Act.
- (3) An authorised officer may require a person to answer any questions that the authorised officer reasonably asks that may be relevant to the enforcement of this Act.
- (4) A person must not, without reasonable excuse, contravene a requirement under this section.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 250 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

- (5) A person is not required to give information or produce a document under this section if the answer to the question or the contents of the document would tend to incriminate the person.
- (6) An authorised officer may retain documents and records produced under this section for the purpose of making copies of them.

Division 4 – Infringement notices

133. Infringement notices

- (1) An authorised officer may serve an infringement notice on a person who has attained the age of 16 years, if the officer is of the opinion that the person has committed an offence under this Act, that is prescribed as an offence for which an infringement notice may be issued.
- (2) An infringement notice is not to relate to 4 or more offences.
- (3) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

Division 5 – Legal proceedings

134. Limitation period for prosecutions

- (1) Proceedings for an offence against this Act may be brought within the latest of the following periods to occur:

Electricity Safety Act 2022
Act No. of 2022

Part 8 – Enforcement

s. 134

- (a) within 2 years after the offence first comes to the notice of the Director;
 - (b) within 1 year after a coronial report was made or a coronial inquiry or inquest ended, if it appeared from the report or the proceedings at the inquiry or inquest that an offence had been committed against this Act;
 - (c) if a notice of defect, issued under the regulations, has been given in relation to the offence, within 6 months after –
 - (i) the notice of defect is contravened; or
 - (ii) it comes to the notice of the Director that the notice of defect has been contravened.
- (2) A proceeding for an offence may be brought after the end of the applicable limitation period in subsection (1) if fresh evidence relevant to the offence is discovered and the court is satisfied that the evidence could not reasonably have been discovered within the applicable limitation period.

PART 9 – REVIEW OF DECISIONS

Division 1 – Administrative review of decisions

135. Interpretation of Part 9

(1) In this Part –

relevant decision means a decision by the Director, an authorised officer or an electricity safety officer, other than a decision in relation to entry to land or premises.

(2) For the purposes of this Division, an interested person is a person whose interests are affected by a decision of the Director or an authorised officer.

136. Application for reasons for decision

(1) An interested person may apply, in writing, to the person who made a relevant decision for a statement of the reasons for the decision.

(2) An application may only be made by a person under subsection (1) in relation to a relevant decision within 28 days after the person receives notice of the decision.

(3) A person who receives under subsection (1) an application in relation to a decision must, as soon as practicable and in any case within 60 days after the application is received, give to the applicant a statement in writing of the reasons for the decision.

137. Application for administrative review

- (1) An interested person may apply to the Director for an administrative review of a relevant decision.
- (2) An application under subsection (1) for an administrative review of a relevant decision must be in writing and must set out in detail the grounds on which the person seeks the review.
- (3) An application under subsection (1) for an administrative review of a relevant decision must be made –
 - (a) within 28 days after the date on which notice of the decision was given to the person; or
 - (b) if the person has applied under section 136 for a statement of the reasons for the decision – within 28 days after those reasons are given under that section.
- (4) An application under subsection (1) for an administrative review of a relevant decision does not of itself affect the operation of the decision.

138. Stay of operation of decision

- (1) Subject to subsection (2), the Director must stay the effect of a relevant decision that is subject to an administrative review under this Part.
- (2) The Director may not grant under subsection (1) a stay in relation to an administrative review

Electricity Safety Act 2022
Act No. of 2022

s. 139

Part 9 – Review of Decisions

under this Part if the Director is of the opinion that the effect of the stay would be to create a risk to public safety or to allow a risk to public safety to continue.

139. Reference of application for mediation

- (1) The Director may refer an application for an administrative review of a relevant decision to a mediator.
- (2) If a mediator achieves an agreed settlement of the matter to which the application relates, the Director must determine the application for review of the relevant decision in accordance with the agreed settlement.
- (3) The parties to a mediation are responsible for their own costs.

140. Decision on application for administrative review of decision

- (1) The Director may, after taking the expert advice, if any, that the Director thinks appropriate, determine an application under section 137 for an administrative review of a relevant decision by –
 - (a) confirming the decision; or
 - (b) amending the decision; or
 - (c) substituting another decision for the decision.

Electricity Safety Act 2022
Act No. of 2022

Part 9 – Review of Decisions

s. 141

- (2) The Director must give the applicant written notice of the Director's determination of the application for an administrative review of the relevant decision as soon as practicable and, in any case, no later than 45 days after receiving the application.
- (3) The Director must, by notice served on the applicant, notify the applicant of –
 - (a) the determination made; and
 - (b) the findings on material questions of fact; and
 - (c) the evidence or other material on which the findings are based; and
 - (d) the reasons for the determination.

141. Delegation of power to review

The Director may delegate his or her power to review decisions, or decisions under this Division, to –

- (a) a review panel appointed under the regulations; or
- (b) a mediator.

Division 2 – Judicial review of administrative decision

142. Judicial review of administrative decision

An interested person may apply to the Magistrates Court (Administrative Appeals

Electricity Safety Act 2022
Act No. of 2022

s. 142

Part 9 – Review of Decisions

Division) for a review of a determination under section 140.

PART 10 – FINANCIAL PROVISIONS

143. Costs of administration

(1) In this section –

electricity distributor means the holder of a licence authorising the distribution of electricity under the *Electricity Supply Industry Act 1995*.

(2) The Treasurer may, by written notice given to an electricity distributor –

(a) require the electricity distributor to contribute to the costs of the administration of this Act on a basis stipulated in the notice; or

(b) vary or revoke a requirement previously imposed under this section.

(3) An amount payable under a notice given under this section may be recovered by the Crown from the electricity distributor as a debt.

144. Recovery of fees, fines and costs

(1) The Director may waive, remit or refund part or all of a fee payable under this Act.

(2) A fee payable under this Act may be recovered as if it were a judgment of the Magistrates Court (Civil Division) and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

Electricity Safety Act 2022
Act No. of 2022

s. 145

Part 10 – Financial Provisions

- (3) Where a person has been ordered to pay a fine or costs by a court or by the Director, and the person is in default in payment of the fine or costs, the amount of the fine or costs is taken to be a judgment of the Magistrates Court (Civil Division) and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

145. Payments into electrical safety inspection service fund

Any money received or recovered under this Act is to be paid into the electrical safety inspection service fund established under section 121E of the *Electricity Supply Industry Act 1995*.

PART 11 – OFFENCES

Division 1 – Offences relating to in-scope electrical equipment

146. Offence to fail to comply with recall requirement

- (1) A person of whom a requirement is made under section 87 must comply with that requirement.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units;
or
 - (b) an individual, a fine not exceeding 200 penalty units.
- (2) A person required to give specified information to an owner or occupier under section 87(4)(j) or (k) does not commit an offence against subsection (1) if the person –
- (a) did not know the identity or location of the owner or occupier; and
 - (b) made reasonable inquiries to identify or locate the owner or occupier for the purpose of giving the owner or occupier the specified information; and
 - (c) could not identify or locate the owner or occupier after making reasonable inquiries.

147. Supply level 1 in-scope electrical equipment

- (1) A responsible supplier must not supply or offer to supply level 1 in-scope electrical equipment to a person, except in accordance with subsection (2), (3) or (4).

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) A responsible supplier may supply or offer to supply level 1 in-scope electrical equipment if –
- (a) the responsible supplier –
 - (i) is a registered responsible supplier; and
 - (ii) supplies or offers to supply the electrical equipment with the approval of the Director; and
 - (b) the responsible supplier –
 - (i) is the manufacturer of the electrical equipment and, at the time when the electrical equipment was manufactured, the electrical equipment complied with the relevant standard; or
 - (ii) is the importer of the electrical equipment and, at the time when

Electricity Safety Act 2022
Act No. of 2022

Part 11 – Offences

s. 147

the electrical equipment was imported into a State or Territory or New Zealand, the electrical equipment complied with the relevant standard; or

(iii) supplies or offers to supply the electrical equipment with the approval of the Director; and

(c) the electrical equipment is safe to be connected to an electricity supply.

(3) A responsible supplier may supply or offer to supply level 1 in-scope electrical equipment if –

(a) the person who supplied the electrical equipment to the responsible supplier is registered under a corresponding law of New Zealand; and

(b) the electrical equipment at the time of its importation was registered as being supplied by the person who supplied the electrical equipment to the responsible supplier under a corresponding law of New Zealand; and

(c) the electrical equipment at the time of its importation or manufacture complied with the relevant standard that applied to the electrical equipment on its registration under a corresponding law of New Zealand by the person; and

(d) the electrical equipment is safe to be connected to an electricity supply.

Electricity Safety Act 2022
Act No. of 2022

s. 148

Part 11 – Offences

- (4) A responsible supplier may supply or offer to supply level 1 in-scope electrical equipment imported by the responsible supplier from a body corporate outside of Australia if –
- (a) the responsible supplier is a related body corporate of an NZ body corporate; and
 - (b) the NZ body corporate is a registered responsible supplier; and
 - (c) the electrical equipment is registered in the Register as electrical equipment supplied by the NZ body corporate; and
 - (d) the electrical equipment at the time of its importation complied with the relevant standard that applied to the electrical equipment on its registration under a corresponding law of New Zealand by the NZ body corporate; and
 - (e) the electrical equipment is safe to be connected to an electricity supply.

148. Supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment

- (1) A responsible supplier must not supply or offer to supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment to a person, except in accordance with subsection (2), (3) or (4).

Penalty: In the case of –

Electricity Safety Act 2022
Act No. of 2022

Part 11 – Offences

s. 148

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) A responsible supplier may supply or offer to supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment if –
- (a) the responsible supplier is a registered responsible supplier; and
 - (b) the electrical equipment –
 - (i) is registered in the Register as electrical equipment supplied by the registered responsible supplier; or
 - (ii) is comprised of 2 or more components or types of in-scope electrical equipment permanently attached to the electrical equipment and the electrical equipment is registered as one item; or
 - (iii) in the case of level 3 in-scope electrical equipment, the electrical equipment is an item of prescribed in-scope electrical equipment and is for use with an item of level 1 in-scope electrical equipment, level 2 in-scope electrical equipment or level 3 in-scope electrical equipment; or

Electricity Safety Act 2022
Act No. of 2022

s. 148

Part 11 – Offences

- (iv) is supplied or offered for supply with the approval of the Director; and
 - (c) the electrical equipment complies with the relevant standard that applied to the electrical equipment on its registration by the registered responsible supplier; and
 - (d) the electrical equipment is safe to be connected to an electricity supply.
- (3) A responsible supplier may supply or offer to supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment if –
- (a) the person who supplied the electrical equipment to the responsible supplier is registered under a corresponding law of New Zealand; and
 - (b) the electrical equipment at the time of its importation was registered as being supplied by the person under a corresponding law of New Zealand; and
 - (c) the electrical equipment complies with the relevant standard that applied to the electrical equipment on its registration under a corresponding law of New Zealand by the person; and
 - (d) the electrical equipment is safe to be connected to an electricity supply.
- (4) A responsible supplier may supply or offer to supply level 2 in-scope electrical equipment or

level 3 in-scope electrical equipment imported by the responsible supplier from a body corporate outside of Australia if –

- (a) the responsible supplier is a related body corporate of an NZ body corporate; and
- (b) the NZ body corporate is a registered responsible supplier; and
- (c) the electrical equipment is registered in the Register as electrical equipment supplied by the NZ body corporate; and
- (d) the electrical equipment complies with the relevant standard that applied to the electrical equipment on its registration under a corresponding law of New Zealand by the NZ body corporate; and
- (e) the electrical equipment is safe to be connected to an electricity supply.

149. Documentary evidence for level 1 in-scope electrical equipment

- (1) The Director may request a responsible supplier, who at any time during the relevant period has supplied or offered to supply level 1 in-scope electrical equipment, to provide the relevant documentary evidence for the electrical equipment.
- (2) The responsible supplier must, within 10 business days after receiving a request under

Electricity Safety Act 2022
Act No. of 2022

s. 149

Part 11 – Offences

subsection (1), supply that relevant documentary evidence.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (3) For the purposes of this section, the relevant documentary evidence is –
- (a) documentary evidence, in English, that the level 1 in-scope electrical equipment satisfied the relevant standard –
 - (i) in the case of a responsible supplier who is the manufacturer of the electrical equipment – that applied to the electrical equipment on its manufacture; or
 - (ii) in the case of a responsible supplier who is the person who imported the electrical equipment – that applied on the importation of the electrical equipment; or
 - (b) a certificate of suitability in respect of the level 1 in-scope electrical equipment.
- (4) Subsection (2) does not apply if –
- (a) the person who supplied the level 1 in-scope electrical equipment to the

responsible supplier is registered under a corresponding law of New Zealand; and

- (b) the electrical equipment at the time of its importation was registered as being supplied by the person who supplied the electrical equipment to the responsible supplier under a corresponding law of New Zealand.
- (5) Subsection (2) does not apply to a responsible supplier who supplied level 1 in-scope electrical equipment imported from a body corporate outside of Australia if –
- (a) the responsible supplier is a related body corporate of an NZ body corporate; and
 - (b) the NZ body corporate is a registered responsible supplier; and
 - (c) the electrical equipment is registered in the Register as electrical equipment supplied by the NZ body corporate.
- (6) In this section, relevant period in relation to level 1 in-scope electrical equipment means a period of 5 years from the date on which the electrical equipment was supplied by a responsible supplier.

150. Documentary evidence for level 2 in-scope electrical equipment

- (1) The Director may request a responsible supplier, who at any time during the relevant period has

Electricity Safety Act 2022
Act No. of 2022

s. 150

Part 11 – Offences

supplied or offered to supply level 2 in-scope electrical equipment registered in the Register as electrical equipment supplied by the responsible supplier, to provide the relevant documentary evidence for the electrical equipment.

- (2) The responsible supplier must within 10 business days after receiving a request under subsection (1) supply the relevant documentary evidence.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (3) For the purposes of this section, the relevant documentary evidence is –
- (a) a compliance folder in English, that includes test reports completed by a prescribed testing body or a prescribed person, that is evidence that the electrical equipment satisfied the relevant standard at the date of registration of the electrical equipment by the responsible supplier; or
 - (b) a certificate of suitability in respect of the electrical equipment.
- (4) Subsection (2) does not apply if –
- (a) the person who supplied the level 2 in-scope electrical equipment to the

Electricity Safety Act 2022
Act No. of 2022

Part 11 – Offences

s. 150

- responsible supplier is registered under a corresponding law of New Zealand; and
- (b) the electrical equipment at the time of its importation, was registered as being supplied by the person who supplied the electrical equipment to the responsible supplier under a corresponding law of New Zealand.
- (5) Subsection (2) does not apply to a responsible supplier who supplied level 2 in-scope electrical equipment imported from a body corporate outside of Australia if –
- (a) the responsible supplier is a related body corporate of an NZ body corporate; and
- (b) the NZ body corporate is a registered responsible supplier; and
- (c) the electrical equipment is registered in the Register as electrical equipment supplied by the NZ body corporate.
- (6) In this section, relevant period means a period beginning on the date of the registration of the electrical equipment in the Register by a responsible supplier, and ending on the date that is 5 years after the day of the expiry or the cancellation of that registration.

151. Documentary evidence for level 3 in-scope electrical equipment

- (1) The Director may request a responsible supplier, who at any time during the relevant period has supplied or offered to supply level 3 in-scope electrical equipment or level 3 in-scope electrical equipment as a component of electrical equipment, to provide a certificate of conformity for the electrical equipment.
- (2) The responsible supplier must, within 10 business days after receiving a request under subsection (1), supply the certificate of conformity in respect of the electrical equipment.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (3) Subsection (2) does not apply if –
 - (a) the person who supplied the level 3 in-scope electrical equipment to the responsible supplier is registered under a corresponding law of New Zealand; and
 - (b) the electrical equipment at the time of its importation was registered as being supplied by the person who supplied the electrical equipment to the responsible

supplier under a corresponding law of New Zealand.

- (4) Subsection (2) does not apply to a responsible supplier who supplied level 3 in-scope electrical equipment or level 3 in-scope electrical equipment as a component of electrical equipment imported from a body corporate outside of Australia if –
- (a) the responsible supplier is a related body corporate of an NZ body corporate; and
 - (b) the NZ body corporate is a registered responsible supplier; and
 - (c) the electrical equipment is registered in the Register as electrical equipment supplied by the NZ body corporate.
- (5) In this section, relevant period means a period beginning on the date of issue of a certificate of conformity and ending on the date that is 5 years after the day of the expiry of the certificate of conformity.

152. Offence for holder of suspended certificate to supply or offer in-scope electrical equipment

A responsible supplier must not supply or offer to supply an item of in-scope electrical equipment that is the subject of –

- (a) a certificate of conformity that has been suspended or cancelled; or

Electricity Safety Act 2022
Act No. of 2022

s. 153

Part 11 – Offences

- (b) a certificate of suitability that has been suspended or cancelled.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

153. Offence to sell unregistered in-scope electrical equipment

- (1) A person must not supply or offer to supply an item of level 2 in-scope electrical equipment or level 3 in-scope electrical equipment if –
 - (a) the item of electrical equipment was purchased by the person for the purpose of supplying it or offering it for supply to another person; and
 - (b) on the date on which the person purchased the item of electrical equipment, the electrical equipment was not registered in relation to a responsible supplier.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

(2) Subsection (1) does not apply to a person if –

- (a) after the date on which the person purchased the item of electrical equipment, the item of electrical equipment is registered in relation to a responsible supplier; or
- (b) the person is a responsible supplier of the electrical equipment; or
- (c) the item of electrical equipment is second-hand equipment.

154. Offence for person other than responsible supplier to supply or offer in-scope electrical equipment

- (1) A person, other than a responsible supplier, must not supply or offer to supply an item of in-scope electrical equipment unless the item is marked with –
- (a) the regulatory compliance mark; or
 - (b) an alternative mark; or
 - (c) any other mark approved by a regulatory authority as an alternative to the regulatory compliance mark.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

- (2) Subsection (1) does not apply to a person if the item of in-scope electrical equipment is second-hand equipment.

155. Offence to supply unmarked in-scope electrical equipment

A responsible supplier must not supply or offer to supply an item of in-scope electrical equipment unless the item is marked with –

- (a) the regulatory compliance mark; or
- (b) an alternative mark; or
- (c) any other mark approved by a regulatory authority, as an alternative to the regulatory compliance mark.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

156. Offence to mark in-scope electrical equipment

- (1) A person must not mark an item of in-scope electrical equipment with the regulatory compliance mark or make a false or misleading representation that an item of in-scope electrical equipment is marked with the regulatory compliance mark, if the electrical equipment

does not satisfy the relevant standard for that item.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (2) In this section, mark includes to mark the label or packaging of an item of in-scope electrical equipment with the regulatory compliance mark or an alternative mark approved by the Director or another regulatory authority.

157. Offence to offer in-scope electrical equipment for hire

A person must not offer for hire an item of in-scope electrical equipment unless –

- (a) the item of in-scope electrical equipment is safe to be connected to an electricity supply; and
- (b) the person ensures that the item of in-scope electrical equipment satisfies the prescribed requirements for the testing, labelling or tagging of the item of in-scope electrical equipment.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or

- (b) an individual, a fine not exceeding 20 penalty units.

158. Offence to supply second-hand equipment that is in-scope electrical equipment

A person, other than a responsible supplier, must not supply or offer to supply second-hand equipment that is an item of in-scope electrical equipment, unless the person ensures that the item of in-scope electrical equipment satisfies the prescribed requirements for the testing, labelling or tagging of the item of in-scope electrical equipment.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Division 2 – Offences generally

159. Offence not to comply with order, direction or determination

A person to whom an order, direction or determination is given under this Act must comply with the order, direction or determination within such period as may be specified in it.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

160. Offence to supply electricity to unsafe electrical installations

- (1) A person must not knowingly supply electricity for use in an unsafe electrical installation.

Penalty: Fine not exceeding 1 500 penalty units.

- (2) An electricity entity, owner or operator must not knowingly supply electricity for use in an electrical installation which does not comply with this Act, otherwise than with the approval of the Director.

Penalty: Fine not exceeding 1 500 penalty units.

- (3) For the purpose of ensuring under this section that an electrical installation complies with the technical and safety requirements of this Act, a person may rely on a certificate of compliance in respect of the electrical installation.

161. Unlawful interference with electricity infrastructure or electrical installations

A person must not, without lawful authority –

Electricity Safety Act 2022
Act No. of 2022

s. 162

Part 11 – Offences

- (a) attach an electrical installation or other thing, or make any connection, to electricity infrastructure; or
- (b) disconnect, damage or interfere with electricity infrastructure; or
- (c) disconnect, damage or interfere with an electrical installation; or
- (d) enter an enclosure containing electricity infrastructure; or
- (e) climb a pole or other structure that forms part of electricity infrastructure; or
- (f) discharge a firearm, or throw or project any object, towards electricity infrastructure or an electrical installation.

Penalty: Fine not exceeding 100 penalty units.

162. Obligation not to interfere with regulated activities

A person must not, except as authorised under this Act, interfere with regulated activities carried out by an owner or an electricity entity.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 000 penalty units; or
- (b) an individual, a fine not exceeding 500 penalty units.

163. Impersonation, obstruction of officials

- (1) A person must not impersonate an authorised officer, an electricity safety officer or any other person who may exercise powers under this Act.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not, without reasonable excuse, obstruct an authorised officer, an electricity safety officer, or any other person, acting in the administration of this Act or exercising powers under it.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person must not use abusive or intimidatory language to, or engage in offensive or intimidatory behaviour towards, an authorised officer, an electricity safety officer, or any other person, acting in the administration of this Act or exercising powers under it.

Penalty: Fine not exceeding 50 penalty units.

164. False or misleading information

A person must not make a statement or representation that the person knows or believes to be false or misleading in a material particular, whether by reason of the inclusion or omission of any particular, in any information provided under this Act.

Penalty: Fine not exceeding 50 penalty units.

165. Confidentiality

- (1) A person who is, or has been, employed in carrying out duties related to the administration of this Act must not disclose confidential personal information, confidential financial information or confidential information relating to business processes acquired in the course, or as a result, of carrying out those duties.

Penalty: Fine not exceeding 200 penalty units.

- (2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that the disclosure of information was authorised under this section.
- (3) A disclosure by a person who is, or has been, employed in carrying out duties related to the administration of this Act is authorised under this section if the disclosure –
- (a) occurred in the course of carrying out official duties; or
 - (b) was authorised by the person to whom the duty of confidentiality is owed; or
 - (c) was authorised by the regulations; or
 - (d) was required by a court or other lawfully constituted authority or under another Act; or
 - (e) was authorised by the Director after consultation, where practicable, with the

person to whom the duty of confidentiality is owed.

- (4) No civil liability attaches to any person for a disclosure of confidential information that is authorised under this section.
- (5) The Director must preserve the confidentiality of information gained in the course of administering this Act (including information gained by an authorised officer under Part 8) that –
 - (a) could affect the competitive position of a retailer or other person; or
 - (b) is commercially sensitive for some other reason.
- (6) Subsection (5) does not apply to the disclosure of information between persons engaged in the administration of this Act.
- (7) Information classified by the Director as confidential is not liable to disclosure under the *Right to Information Act 2009*.

166. Verification of information

- (1) Any information given to the Director under this Act must, if the Director so requires, be verified by a signed declaration.
- (2) A person who makes a declaration verifying information given to the Director under this Act knowing the information to be false or

Electricity Safety Act 2022
Act No. of 2022

s. 167

Part 11 – Offences

misleading in a material particular is guilty of an offence.

Penalty: Fine not exceeding 1 000 penalty units.

167. Offences by bodies corporate

- (1) Where an offence against this Act is committed by a body corporate, every person concerned in the management of that body corporate is taken to have also committed the offence and may be convicted of the offence unless he or she proves that the act or omission constituting the offence took place without his or her knowledge or consent.
- (2) A person referred to in subsection (1) may be convicted of an offence under that subsection whether or not the body corporate is charged with or convicted of the offence.

168. Continuing offence

- (1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission –
 - (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence; and

- (b) is, if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty prescribed for the first-mentioned offence.
- (2) If an offence consists of an omission to do an act that is required to be done, the omission is taken to continue for as long as the relevant person fails to do that act after the end of the period for compliance with the requirement.

169. Statutory declarations

- (1) If a person is required by or under this Act to give information to the Director, the Director may require that the information be verified by statutory declaration.
- (2) If a person is required by the Director under subsection (1) to verify information by statutory declaration, the person is taken not to have given the information as required by or under this Act unless the information has been so verified.

170. General defence

It is a defence in proceedings for an offence under a provision of this Act if the defendant proves that the act or omission constituting the

Electricity Safety Act 2022
Act No. of 2022

s. 170

Part 11 – Offences

offence was reasonably necessary in the circumstances in order to avoid, eliminate or minimise danger to any person or property.

PART 12 – MISCELLANEOUS

171. Exemptions

- (1) The Governor, by order, may declare that the provisions of this Act, or such of the provisions of this Act as are specified in the order, do not have effect in respect of –
 - (a) a specified person or class of persons, or do not have effect to such extent as is specified; or
 - (b) specified electricity infrastructure or a class of electricity infrastructure, or do not have effect to such extent as is specified; or
 - (c) specified electrical equipment, a class of electrical equipment or any other electrical item, or do not have effect to such extent as is specified; or
 - (d) a specified electrical installation or class of electrical installation, or do not have effect to such extent as is specified.
- (2) An order under subsection (1) –
 - (a) may specify the period during which the order is to remain in force; and
 - (b) may provide that its operation is subject to such terms and conditions as are specified in the order.

Electricity Safety Act 2022
Act No. of 2022

s. 172

Part 12 – Miscellaneous

- (3) A person to whom an order under this section applies must comply with any terms and conditions to which the operation of the order is subject.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 500 penalty units; or
- (b) an individual, a fine not exceeding 100 penalty units.

172. Extension of time limits

- (1) The Director may extend time limits fixed by or under this Act.
- (2) A time limit may be extended under this section even though it has, at the time of the extension, already expired.

173. Immunity from personal liability

- (1) No personal liability attaches to an immune person for any act or omission in good faith in the exercise or performance of a power, function, duty or direction under this Act.
- (2) A liability that would, but for subsection (1), lie against a person lies instead against the Crown.
- (3) In this section –

immune person means the following:

- (a) the Director;

Electricity Safety Act 2022
Act No. of 2022

Part 12 – Miscellaneous

s. 174

- (b) a delegate of the Director;
- (c) an authorised officer;
- (d) an electricity safety officer;
- (e) an electricity entity and any officer or employee of an electricity entity, in relation to section 22, 35(4), 35(5) or 35(6);
- (f) an officer or employee of the Crown engaged in the administration or enforcement of this Act.

174. Evidence

- (1) In any legal proceedings, an apparently genuine document signed by the Secretary of the Department stating that a person held a specified appointment under this Act at a specified time is admissible as evidence of that fact.
- (2) In any legal proceedings, an apparently genuine document signed by the Director certifying as to the giving and contents of a delegation, exemption, acceptance, approval or authorisation under this Act is admissible as evidence of the matters so certified.

175. Service of notices

- (1) A notice or other document may be given or served under this Act on a person if –

Electricity Safety Act 2022
Act No. of 2022

s. 175

Part 12 – Miscellaneous

- (a) in the case of a natural person, it is –
 - (i) given to the person; or
 - (ii) left, or sent by post to, the person’s postal or residential address or address of business or employment last known to the server of the notice; or
 - (iii) faxed to the person’s fax number; or
 - (iv) emailed to the person’s email address; or
 - (b) in the case of any other person, it is –
 - (i) left, or sent by post to, the person’s principal or registered office or principal place of business; or
 - (ii) faxed to the person’s fax number; or
 - (iii) emailed to the person’s email address.
- (2) If a notice or other document is required or authorised to be given to or served on the holder of a licence and the licence is held by 2 or more persons, it is sufficient for the purposes of this Act if the notice or other document is given to or served on any one of those persons.

Electricity Safety Act 2022
Act No. of 2022

Part 12 – Miscellaneous

s. 176

- (3) If a copy of a notice is transmitted by fax or email, the notice is taken to have been given on the next business day after it was transmitted.

176. Notices not statutory rules

A notice given by the Director under this Act is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

177. Emergency legislation not affected

Nothing in this Act affects the exercise of any power, or the obligation of an electricity entity, owner or operator to comply with any direction, order or requirement, under the *Emergency Management Act 2006* or any other law relating to emergencies.

178. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may –
- (a) provide for –
- (i) any electricity safety matter associated with the generation, transmission, distribution, use and storage of electricity; and

Electricity Safety Act 2022
Act No. of 2022

s. 178

Part 12 – Miscellaneous

- (ii) any electricity safety matter associated with the design, construction, testing, maintenance and inspection of electricity infrastructure and electrical installations; and
- (iii) the testing, approval, sale and use of electrical equipment; and
- (iv) the issue of notices of defect under this Act; and
- (v) the labelling of electricity infrastructure, electrical installations and electrical equipment; and
- (vi) the exemption (conditionally or unconditionally) of classes of persons, things or operations from the application of this Act or specified provisions of this Act; and
- (vii) the issue of infringement notices for offences under this Act specified in the regulations; and
- (viii) fees to be paid in respect of any matter under this Act and the waiver or refund of those fees; and
- (ix) the procedure for the reporting of serious electrical accidents; and

Electricity Safety Act 2022
Act No. of 2022

Part 12 – Miscellaneous

s. 178

- (x) the procedure for administrative reviews and appeals; and
 - (b) apply, adopt or incorporate all or any of the provisions of a determination, standard, code of practice, guideline or rule relating to electrical equipment, electricity infrastructure, electrical installations or safety management systems and provide that those provisions may be applied, adopted or incorporated as they currently exist, as amended by the regulations or as amended from time to time.
- (3) A regulation may provide that a contravention of the regulation is an offence punishable by a fine not exceeding 500 penalty units.
- (4) The regulations may –
 - (a) be of general application or limited in application according to the persons, areas, times or circumstances to which they are expressed to apply; or
 - (b) provide that a matter or thing in respect of which regulations may be made is to be determined, regulated or prohibited according to the discretion of the Minister or the Director; or
 - (c) refer to or incorporate, wholly or partially and with or without modification, any standard or other document prepared or published by a body referred to in the regulations as in

Electricity Safety Act 2022
Act No. of 2022

s. 179

Part 12 – Miscellaneous

force from time to time or as in force at a particular time.

179. Administration of Act

Until provision is made in respect of this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Workplace Safety and Consumer Affairs; and
- (b) the department responsible to that Minister in respect of the administration of this Act is the Department of Justice.

180. Savings and transitional provisions

- (1) In this section –

commencement day means the day on which Part 3 of this Act commences.

- (2) Any order, direction, notice, certificate, acceptance or approval made, given, issued or granted by –
- (a) the Minister under the *Electricity Industry Safety and Administration Act 1997*; or
 - (b) the workplace health and safety Secretary under the *Electricity Supply Industry Act 1995*; or

Electricity Safety Act 2022
Act No. of 2022

Part 12 – Miscellaneous

s. 181

- (c) the Secretary under the *Electricity Industry Safety and Administration Act 1997*; or
- (d) an authorised officer under the *Electricity Supply Industry Act 1995*; or
- (e) an authorised officer under the *Electricity Industry Safety and Administration Act 1997* –

and in force immediately before the commencement day is valid and remains in force as if it had been made, given, issued or granted under this Act on the same terms and conditions, unless it is sooner revoked in accordance with this Act.

181. Consequential Amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

182. Legislation repealed

The legislation specified in Schedule 2 is repealed.

Electricity Safety Act 2022
Act No. of 2022

sch. 1

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 181

Electricity Supply Industry Act 1995

1. Section 3 is amended by omitting the definition of *workplace health and safety Secretary*.
2. Section 58(2) is amended as follows:
 - (a) by omitting from paragraph (a) “workplace health and safety Secretary” and substituting “Regulator”;
 - (b) by omitting from paragraph (b) “that Secretary” and substituting “the Regulator”.
3. Section 60(2) is amended by omitting “workplace health and safety Secretary” and substituting “Regulator”.
4. Section 84 is amended as follows:
 - (a) by omitting from subsection (1) “workplace health and safety Secretary” and substituting “Regulator”;
 - (b) by omitting from subsection (3) “workplace health and safety Secretary” and substituting “Regulator”.
5. Section 85 is amended as follows:

Electricity Safety Act 2022
Act No. of 2022

sch. 1

- (a) by omitting from subsection (3) “workplace health and safety Secretary” and substituting “Regulator”;
- (b) by omitting from subsection (4) “workplace health and safety Secretary” and substituting “Regulator”.

6. Section 86 is amended as follows:

- (a) by omitting from subsection (1) “workplace health and safety Secretary” and substituting “Regulator”;
- (b) by omitting from subsection (3) “workplace health and safety Secretary” and substituting “Regulator”.

7. Section 89 is amended as follows:

- (a) by omitting from subsection (2)(b)(ii) “workplace health and safety Secretary” and substituting “Regulator”;
- (b) by omitting from subsection (4) “workplace health and safety Secretary” and substituting “Regulator”.

8. Section 95 is amended as follows:

- (a) by omitting from subsection (1) “, workplace health and safety Secretary” first occurring;

Electricity Safety Act 2022
Act No. of 2022

sch. 1

- (b) by omitting from subsection (1) “, workplace health and safety Secretary” second occurring;
- (c) by omitting from subsection (3) “, workplace health and safety Secretary”.

9. Section 96 is amended as follows:

- (a) by omitting the definition of *applicable authority* from subsection (1);
- (b) by omitting from subsection (2) “, the workplace health and safety Secretary”;
- (c) by omitting from subsection (2) “applicable authority” and substituting “Regulator”;
- (d) by omitting from subsection (4) “or workplace health and safety Secretary”.

10. Section 97 is amended as follows:

- (a) by omitting from subsection (1) “or workplace health and safety Secretary”;
- (b) by omitting from subsection (2) “or workplace health and safety Secretary”.

11. Section 98 is amended as follows:

- (a) by omitting from subsection (1) “or workplace health and safety Secretary”;

Electricity Safety Act 2022
Act No. of 2022

sch. 1

(b) by omitting from subsection (2) “or workplace health and safety Secretary”.

12. Section 99 is amended as follows:

(a) by omitting from subsection (1) “or workplace health and safety Secretary”;

(b) by omitting from subsection (2) “or workplace health and safety Secretary”.

13. Section 100 is amended by omitting “or workplace health and safety Secretary”.

14. Section 103(2) is amended by omitting “or the workplace health and safety Secretary, as appropriate having regard to who made the decision that is subject to appeal under this Part.”.

15. Section 105 is amended as follows:

(a) by omitting from subsection (1) “or workplace health and safety Secretary”;

(b) by omitting from subsection (2) “or workplace health and safety Secretary”.

16. Section 112 is amended as follows:

(a) by omitting from subsection (1) “, workplace health and safety Secretary”;

Electricity Safety Act 2022
Act No. of 2022

sch. 1

(b) by omitting from subsection (2) “, workplace health and safety Secretary”.

17. Section 114C is amended as follows:

- (a) by omitting “, the workplace health and safety Secretary”;
- (b) by omitting “or the workplace health and safety Secretary”.

18. Section 114D is amended as follows:

- (a) by omitting from subsection (1) “or workplace health and safety Secretary”;
- (b) by omitting from subsection (9) “or workplace health and safety Secretary”.

19. Section 115(2) is amended by omitting “the workplace health and safety Secretary,”.

20. Section 116 is amended as follows:

- (a) by omitting from subsection (1) “or the workplace health and safety Secretary”;
- (b) by omitting from subsection (2) “or the workplace health and safety Secretary”;
- (c) by omitting from subsection (3) “or the workplace health and safety Secretary”.

Electricity Safety Act 2022
Act No. of 2022

sch. 1

21. Section 116A is amended by omitting “or the workplace health and safety Secretary”.
22. Section 118(1) is amended by omitting “or the workplace health and safety Secretary, as appropriate,”.
23. Section 119 is amended by omitting “, workplace health and safety Secretary”.
24. Section 120 is amended by omitting “*Electricity Industry Safety and Administration Act 1997*” from the definition of *Electricity Safety Minister* and substituting “*Electricity Safety Act 2022*”.
25. Section 121B(1) is amended by omitting “*Electricity Industry Safety and Administration Act 1997*” and substituting “*Electricity Safety Act 2022*”.
26. Section 122 is amended as follows:
 - (a) by omitting from subsection (2BA)(a) “and workplace health and safety Secretary”;
 - (b) by omitting from subsection (2BA)(b) “and workplace health and safety Secretary”;
 - (c) by omitting from subsection (5) “, the Regulator or the workplace health and

Electricity Safety Act 2022
Act No. of 2022

sch. 1

safety Secretary” and substituting “or the Regulator”.

Occupational Licensing (Electrical Work) Regulations 2018

1. Regulation 3 is amended as follows:

- (a) by omitting the definitions of *electrical infrastructure* and *electrical installation* and substituting the following definition:

electrical installation has the same meaning as in the *Electricity Safety Act 2022*;

- (b) by inserting the following definition after the definition of *electricity entity*:

electricity infrastructure has the same meaning as in the *Electricity Safety Act 2022*;

- (c) by omitting “licence.” from the definition of *restricted licence* and substituting “licence;”;

- (d) by inserting the following definition after the definition of *restricted licence*:

telecommunications network means a system, or a series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy.

2. Regulation 4 is rescinded and the following regulation is substituted:

4. Meaning of *electrical work*

(1) Electrical work means –

- (a) work on an electrical installation, whether connected to a network or not, including the repair, alteration, addition or removal of an electrical circuit or associated fittings, equipment or accessories; and
- (b) work on electricity infrastructure, including the repair, alteration, addition or removal of an electrical circuit, lines and wires or associated fittings, equipment or accessories for the generation, transmission or distribution of electricity; and
- (c) work on supporting and protective structures relating to any electrical installation or electricity infrastructure.

(2) Despite subregulation (1), electrical work does not include –

- (a) electrical work performed under an electrical safety management system accepted approved under Part 5 of the *Electricity Safety Act 2022*; or

Electricity Safety Act 2022
Act No. of 2022

sch. 1

- (b) any low voltage electrical work carried out by technical workers trained in the telecommunications industry on telecommunications equipment that is owned and operated by a telecommunications network provider; or
- (c) the insertion of a plug into a socket outlet through which electricity is, or is to be, supplied in order to connect an electrical article or an extension cord to an electricity supply; or
- (d) repair work on an electrical article that is, or is to be, operated at a nominal electrical voltage of 230 volts or less with reference to earth and that electrical article, when manufactured, was to be connected to an electricity supply with a plug and cord; or
- (e) the affixing of a plug or socket to an extension cord through which electricity is, or is to be, supplied at a nominal electrical voltage of 230 volts or less with reference to earth; or
- (f) extra low voltage electrical work on electrical equipment connected to an electrical installation by a plug and socket

Electricity Safety Act 2022
Act No. of 2022

sch. 1

outlet arrangement and is not
located within a hazardous area;
or

(g) work on a portable electronic
device or remote control.

3. Regulation 15(3) is amended by omitting
“electrical” second occurring and substituting
“electricity”.
4. Regulation 16(2)(a) is amended by omitting
“electrical” second occurring and substituting
“electricity”.
5. Regulation 17(2)(a) is amended by omitting
“electrical” and substituting “electricity”.

Electricity Safety Act 2022
Act No. of 2022

sch. 2

SCHEDULE 2 – LEGISLATION REPEALED

Regulation 182

Electricity Industry Safety and Administration Act 1997 (No.
72 of 1997)