

CLAUSE NOTES

Electricity Safety Bill 2022

PART I - PRELIMINARY

Clause 1: Short Title

Sets out the name of the proposed Act.

Clause 2: Commencement

The Act is to commence on proclamation, to enable regulations and administrative processes to be developed.

Clause 3: Interpretation

Sets out the definitions used in the Act and their meanings.

Some key new or amended terms are;

- aerial wiring systems
- de-energised
- defective
- Director
- electrical equipment
- electrical equipment safety system
- electrical installation
- electricity infrastructure
- good industry practice
- in-scope electrical equipment
- isolate
- network
- point of supply
- safe & unsafe
- safe envelope clearance
- safety and operational area
- safety management system
- vegetation clearance space

Clause 4: Regulated activities

Describes the activities in respect of electricity infrastructure, electrical installation, electrical equipment, and certain work near those electricity assets; that constitute a regulated activity for the purposes of the Act, in protecting persons and property.

Clause 5: Application of Act

Sets out the activities that the Act regulates.

The functions and powers of this Act apply to:

- electricity infrastructure (owned by a licensed electricity entity); and
- electrical installations (customer owned); and
- electrical equipment;

no matter when installed, or who had constructed or installed them.

Clause 6: Act binds Crown

Requires the Crown to comply in the same way as everybody else in the community.

Clause 7: Act does not derogate from certain Acts

This Act is in addition to, and does not detract from the;

- *Electricity Supply Industry Act 1995*;
- *Work Health and Safety Act 2012*; or
- *Occupational Licensing Act 2005*.

PART 2 – ADMINISTRATION

Division 1 – Director of Electricity Safety

Clause 8: Director of Electricity Safety

Establishes the statutory position of the Director of Electricity Safety. Describes the requirements and terms their appointment.

Clause 9: Functions of Director

Describes the functions of the Director of Electricity Safety in administering the Act, including the regulating of safety and technical standards.

Clause 10: Powers of Director

Describes the powers of the Director to administer and enforce the Act.

Clause 11: Delegation

Describes the manner in which the Director's powers may be delegated to others.

Clause 12: Advisory committees

Sets out the processes for the Director to establish advisory committees.

Division 2 – Determinations and directions

Clause 13: Making of determinations

The Director may make determinations for the effective administration of electricity safety matters, including new and emerging technologies.

Clause 14: Determinations to be published and made available

Describes the terms in which the Director is to publish determinations and provide access to or copies of the determinations.

Clause 15: Director may make or adopt codes of practice

Provides for the Director to make or adopt codes of practice that assist with the application of the Act's provisions.

Clause 16: Director may make or adopt guidelines

Provides for the Director to make or adopt guidelines that assist with the interpretation or application of the Act's provisions.

Clause 17: Director may require information to be provided

Provides for the Director to require information from persons for the administration of the Act, and obligations of the person to whom such a request is made.

Clause 18: Director may require reports to be provided

Provides for the Director to require reports relating to electricity safety, to be provided by an electricity entity, owner or an operator, if required for the administration of the Act.

Clause 19: Power to direct rectification, &c.

Provides for the Director to direct the owner of electricity infrastructure, electrical installation, or electrical equipment, which is defective or poses a safety risk, to rectify it within a specific timeframe.

If the person does not comply, the Director may isolate of the defective asset to remove the safety risks.

Clause 20: Power to direct isolation, &c.

Provides for the Director to direct the owner of electricity infrastructure, electrical installation, or electrical equipment, to isolate those assets that may be unsafe.

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

Provides for the Director to direct the owner of electricity infrastructure, electrical installation, or electrical equipment that may be or become a hazard, to remove or relocate it.

Clause 22: Power to direct discontinuance of supply

Provides for the Director for safety reasons to direct an electricity entity to isolate its electricity infrastructure from a particular installation.

Clause 23: Power to direct discontinuance of use

Provides for the Director for safety reasons to direct a person in charge of electrical equipment, to discontinue the use of that equipment.

Clause 24: Power to direct discontinuance of practice

Provides for the Director for safety reasons to prohibit, or direct the person to stop, a particular practice.

Clause 25: Power to direct discontinuance of sale

Provides for the Director for safety reasons to direct a person to cease the sale of electrical equipment.

Clause 26: Direction may be oral

Provides for the Director for safety reasons to orally give a direction to a person. The oral direction must be confirmed in writing within 7 days after it is given.

Clause 27: Power of investigation

Provides for the Director powers to carry out, or appoint an authorised officer to carry out, investigations into a serious electrical accidents or other safety matters.

Clause 28: Publication of results of investigation

Provides for the Director to publish a report of an investigation.

Clause 29: Safety and compliance audit

The Director may conduct audits of electricity infrastructure, electrical installation, electrical equipment or a particular practice. Provides for collection of evidence during an audit.

Clause 30: Court orders

Provides for the Director to apply for a court order in relation to a contravention or likely contravention of the Act or a Director's direction, determination, or order under this Act.

PART 3 – SAFETY OF ELECTRICITY INFRASTRUCTURE AND ELECTRICAL INSTALLATIONS

Division 1 – General requirements for safe operation

Clause 31: General requirements for safe operation

Outlines the general requirements for electricity entities, owners and operators for ensuring compliance with the Act, include technical and safety requirements, safe operation and maintenance and the safety of their infrastructure and installation.

Division 2 – Power supply, ownership, boundaries and access

Clause 32: Responsibility for electricity infrastructure and electrical installations

Outlines the safety responsibilities of owners of electricity assets, for its operation, maintenance, repair or replacement.

Clause 33: Installation wiring

A person installing new wiring conductors associated with electrical installation, must not allow them to cross over property boundaries.

Subsection (2) provides exceptions where crossing of property boundaries is acceptable.

Provides clarification of maintenance requirements for the conductor and any support structures assets that cross over boundaries and who is responsible for that work.

Clause 34: Safe envelope clearance

Provides for the imposition of safe working spaces around aerial wiring systems and underground conductors to minimise risks with performing work in their vicinity. The owner of those electricity assets is to give permission for the proposed work before it starts.

Clause 35: Vegetation clearance space

Provides for the imposition of vegetation clearances spaces between trees and electricity infrastructure or installations, to manage possible electric hazards and fire risks. Outlines owner's responsibilities and Directors enforcement powers, for the maintenance of a vegetation clearance space.

Clause 36: Inspection of aerial wiring systems and supporting structures

Outlines the requirements for periodic inspection of aerial wiring systems, including any supporting structures, to ensure they are safe to remain energised.

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

Outlines requirements for working within the safe envelope clearance of infrastructure or installation, to control possible electric shock, fire and explosion risks. This includes notice of planned work, authority to conduct the work, risk assessments and risk mitigation controls.

Division 3 – Regulated activities, &c.

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

The Director may order inspections of suspected unsafe or defective infrastructure and installations. An authorised officer must isolate unsafe installations. The owner must not energise unsafe or defective assets, until made safe by a competent and licensed electrical contractor.

Clause 39: Energisation of electricity infrastructure and electrical installations

Outlines requirements of an electricity entity, owner or operator of infrastructure or installation to ensure their infrastructure or installation is safe to energise for the first time, or after being isolated due to a defect.

Clause 40: Identification of location of electricity assets before commencement of work

Persons who are to conduct work, must locate and identify electricity assets in the work area, and manage the risks associated with those assets, prior to commencing the work.

Clause 41: Regulated activities to be carried out with due care

Outlines matters to be considered by an electricity entity, owner or operator when undertaking regulated activities associated with their infrastructure or installation. They include compliance with relevant standards, codes, determinations, directions, orders, safety management systems and the application of good industry practice.

Clause 42: Structures and objects in safety and operational area

Persons intending to have structures and objects built or placed in the safety and operational area of any infrastructure or an installation, are required to have the authority to perform that work.

An entity, owner or operator is to ensure any unauthorised structure or object is removed.

Clause 43: De-energised or isolated electrical installations

Outlines requirements relating to unsafe installations that were de-energised or isolated, and the rectification required prior to it being re-energised or reconnected.

Clause 44: Inspection and maintenance of prescribed generation and storage systems

The Director is to determine requirements for the owners or operators of prescribed generation and storage systems for their periodic inspection, testing and maintenance, to ensure they are safe.

Clause 45: Electrical installations within hazardous areas

The Director is to determine requirements for owners or operators electrical installations within a hazardous area, to ensure they are maintained in a safe condition.

Clause 46: High-voltage electrical installations

The Director is to determine the owner or operator requirements to ensure high voltage electrical installation are inspected, tested and maintained, to ensure they are safe and operates as designed.

Clause 47: Maintenance of Electrical installations

The Director is to determine the owner or operator requirements to ensure prescribed electrical installations are inspected, tested and maintained, to ensure they are safe and operates as designed.

Clause 48: Cathodic protection systems

The Director is to determine the owner or operator requirements to ensure that a cathodic protection system is inspected, tested and maintained, to ensure it is safe and operates as designed.

PART 4 – Safety of electrical equipment

Division 1 – Interpretation

Clause 49: Interpretation of Part 4

Defines terms for the purposes of this part, which are consistent with those used in the national model legislation for the Electrical Equipment Safety System.

Clause 50: Minister may determine corresponding law

Provides for the Minister to determine another law of a State or Territory, or of New Zealand, to be a corresponding law, if that law relates to the supply of electrical equipment.

Clause 51: Person not also liable under corresponding law

Provides double jeopardy protection for a person under this part, for an act or omission that is also an offence under a corresponding law and the person is being punished for the offence under that corresponding law.

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

The Director may determine that an item, component or group of electrical equipment is excluded from what is in-scope electrical equipment.

Clause 53: Standards for electrical equipment that is not in-scope electrical equipment

Sets out the requirements to ensure a person only supplies or offers to supply, in-scope electrical equipment that satisfies the standard prescribed for that type of electrical equipment and it is safe to connect to an electricity supply.

Clause 54: Determination of electrical equipment to be controlled electrical equipment

The Director may determine that an item, component or group of electrical equipment that is not in-scope electrical equipment, is controlled electrical equipment.

It also sets out the requirements for persons to only supply or offer to supply controlled electrical equipment, if it is subject to a certificate of conformity issued by the Director, a regulatory authority or an external certifier.

Division 2 – Certificate of suitability

Clause 55: Meaning of certificate of suitability

Provides what types of equipment a certificate of suitability may certify.

- Clause 56: Application for certificate of suitability of electrical equipment**
Outlines how a person is to apply to the Director for a certificate of suitability.
- Clause 57: Consideration of application for certificate of suitability**
Sets out the Director's requirements for the consideration of an application for a certificate of suitability.
- Clause 58: Term of certificate of suitability**
The maximum term of a certificate of suitability is 5 years.
- Clause 59: Variation of certificate of suitability**
The holder of a certificate of suitability may apply to the Director to vary a certificate of suitability.
- Clause 60: Suspension of certificate of suitability**
Sets of the grounds on which the Director may suspend a certificate of suitability and also lift a suspension.
- Clause 61: Cancellation of certificate of suitability**
Provides the Director may cancel a certificate of suitability at any time.
- Clause 62: Certificate of suitability issued by regulatory authority or external certifier taken to be issued by Director**
A certificate of suitability issued by a regulatory authority or an external certifier, is regarded as a certificate issued by the Director.
- Clause 63: Suspension of certificate of suitability issued by regulatory authority or external certifier by the Director**
The Director may suspend a certificate of suitability issued by a regulatory authority or an external certifier.

Division 3 – Certificate of conformity

- Clause 64: Meaning of certificate of conformity**
A certificate of conformity covers controlled electrical equipment, or level 3 in-scope electrical equipment, certifying it is safe to use or supply and satisfies the standards applicable to that equipment.
- Clause 65: Application for certificate of conformity**

Outlines the requirements for a person to apply to the Director for a certificate of conformity for an item, component or group of controlled electrical equipment and level 3 in-scope electrical equipment.

Clause 66: Consideration of application for a certificate of conformity

The Director may consider an application for a certificate of conformity and decide whether to issue or to refuse it.

Clause 67: Term of certificate of conformity

A certificate of conformity is valid for 5 years.

Clause 68: Variation of certificate of conformity

The Director may vary a certificate of conformity.

Clause 69: Re-examination

Provides that the Director at any time may require the re-examination or testing of any electrical equipment subject to a certificate of conformity.

Clause 70: Suspension of certificate of conformity

The Director may suspend a certificate of conformity, and also lift that suspension.

Clause 71: Modifications after issue of certificate of conformity

Sets out the requirements when the Director requires modifications of equipment subject to a certificate of conformity.

Clause 72: Cancellation of certificate of conformity

The Director may cancel a certificate of conformity at any time.

Clause 73: Certificate of conformity issued by regulatory authority or an external certifier

A certificate of conformity issued by a regulatory authority or an external certifier is taken to be issued by the Director.

Clause 74: Suspension by Director of certificate of conformity issued by regulatory authority or an external certifier

The Director may suspend a certificate of conformity for equipment that does not satisfy the relevant standard or is likely to become dangerous in normal use.

Division 4 – Registration of responsible supplier

Clause 75: Responsible supplier in Tasmania registered in Register

Outlines the requirements to be registered as a responsible supplier in Tasmania. This clause does not apply to a person whose registration has been cancelled by the Director under clause 82.

Clause 76: Recording, amendment or removal of matter on Register

Provides for the Director to request the chief executive to amend, remove or record a matter entered in the national register relating to a responsible supplier.

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

A person may apply to the Director for an exemption from the requirement of a standard or a compliance mark, in relation to certain electrical equipment.

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

Sets out the requirements, including any conditions that must be complied with, for the Director to exempt certain electrical equipment from the requirement of a standard or a compliance mark.

An exemption by a regulatory authority in another jurisdiction, is taken to be an exemption granted by the Director.

Clause 79: Grounds for cancellation of registration of responsible supplier

The Director may cancel the registration of a responsible supplier in relation to certain electrical equipment in Tasmania.

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

Sets out the grounds on which the Director may cancel the registration of certain electrical equipment that is registered to a responsible supplier in Tasmania.

Clause 81: Show-cause notice

The Director may serve a written show cause notice on a responsible supplier, as to why the relevant registration should not be cancelled.

Clause 82: Cancellation of registration by Director

The Director may cancel the registration of:

- a registered responsible supplier of electrical equipment; or
- certain electrical equipment.

Clause 83: Evidence of registration and registered matters

A certificate of the chief executive is evidence of registration matters.

Division 5 – Alternative mark to regulatory compliance mark

Clause 84: Approval of alternative mark to regulatory compliance mark

The Director may approve an alternative regulatory compliance mark for in-scope electrical equipment, if the Director considers regulatory compliance mark is inappropriate for that electrical equipment.

Division 6 – Prohibition of supply and recall of electrical equipment

Clause 85: Prohibition of supply of electrical equipment

The Director may prohibit: -

- the supply of specified electrical equipment, or electrical equipment of a specific class; or
- a person from supplying from that equipment.

Clause 86: Offence to disobey prohibition

Provides for an offence for breaching a prohibition notice.

Clause 87: Recall of electrical equipment

The Director may require that a person that supplied electrical equipment in the course of their business, is to manage the recall of a particular electrical equipment or electrical equipment of a particular class, that the Director considers:

- is likely to become unsafe to use; or
- specific action is required to make or render it safe to use; or
- does not comply with the minimum standards prescribed for that equipment or equipment of that class.

By a written notice on that person, the Director may require actions, including recalls, testing and making equipment safe.

PART 5 – Electricity safety management

Clause 88: Safety management systems

Provides for an electricity entity, owner or operator to use a safety management system to manage their compliance with the Act and prescribed standards, for the maintenance and operation of their infrastructure, installation or electrical work.

The Director may if required also mandate the use of these systems.

A proposal for safety management systems must be submitted to the Director for its approval prior to it being implemented.

Prior to its submission for approval, the safety management system must be independently certified by a person approved by the Director.

Clause 89: Safety management system to minimise risk

An electricity entity, owner or operator that has had a safety management system accepted, must then implement systems for design, construction, operation, maintenance and decommissioning of the electricity infrastructure or installations to minimise hazards and risks of damage.

Clause 90: System manager

A system manager is to be appointed for implementation of the safety management system. They must have the qualifications or competencies as determined by the Director.

A system manager must be an employee of the electricity entity, owner or operator that is responsible for the operation of an accepted safety management system

The system manager and their employer have specific obligations to ensure the conditions of a safety management system are complied with.

Clause 91: Validation of safety management system

The scope and operational requirements of a safety management system are to be independently assessed and certified, by a person that is recognised by the Director as competent, prior to submission of a proposed safety management system for its approval.

The Director will not consider a safety management system, unless a validation certification is provided.

Clause 92: Additional information

Provides for the Director to request additional information to help determine the adequacy of a submitted safety management system.

The Director is not expected to consider or approve a safety management system, until the requested additional information is provided.

Clause 93: Acceptance of safety management system

Sets out the Director's responsibilities in respect to accepting and approving a safety management system.

Clause 94: Refusal of safety management system

Sets out the Director's responsibilities in relation to refusal of an unsuitable safety management system. The reasons for a refusal are to be given in writing and an opportunity is provided for resubmission of a revised safety management system.

Clause 95: Compliance with safety management system

Relevant persons must comply with an accepted safety management system.

Clause 96: Revised safety management system

A revised safety management system may be submitted to the Director, upon expiry of accepted system, or if there are significant changes to operations that carry an increased risk, or there are significant changes to the personnel to whom the system applies.

Clause 97: Director may require submission of revised safety management system

The Director may require that an electricity entity, owner or operator of an accepted safety management system, is to provide a revised safety management system.

Clause 98: Offence to fail to submit revised safety management system when required

If the Director requires a revised safety management system, the responsible person must submit it within the time specified.

Clause 99: Application of provisions to revised safety management system

Sets out the requirements applicable to the submission and acceptance of a revised safety management system.

Clause 100: Audit of safety management system

Outlines the requirements for the electricity entity, owner or operator to audit and report on their accepted safety management system, and the Director may also audit accepted safety management systems.

Clause 101: Fees for safety management system

Establishes the Director may charge fees in relation to the application, acceptance, audit, review and modification of safety management systems.

PART 6 – Serious electrical accidents

Clause 102: Notification and reporting of serious electrical accidents

Establishes the requirement for notification and reporting of serious electrical accidents within a specific timeframes, and establishes offences if accidents are not notified and reported.

Clause 103: Interference with site of serious electrical accident

Establishes an offence relating to preservation of the site of a serious electrical accident.

Clause 104: Publication of details of serious electrical accidents

Provides for the Director to publish details of serious electrical accidents, if in the interests of public information and safety.

Clause 105: Relationship with *Coroners Act 1995*

Outlines the relationship of this Part to the *Coroners Act 1995*.

PART 7 – Electricity entities' powers and duties

Division 1 – Electricity safety officers

Clause 106: Interpretation of Part 7

Defines the term, electricity safety officer, for this Part.

Clause 107: Appointment of electricity safety officers

Provides that electricity entities may appoint electricity safety officers.

Clause 108: Electricity entity to keep and maintain register

Outlines the requirements for the entity to keep and maintain a register of electricity safety officers, and establishes an offence for not keeping or maintaining the register.

Clause 109: Reporting to Director of electricity safety officer administration and management

Outlines the requirements for the entity to periodically report on the management of electricity safety officers, and establishes an offence for not reporting.

Clause 110: Audit of electricity safety officer administration and management

Provides for the Director to audit or require an independent audit of the electricity entities administration and management of electricity safety officers.

Clause 111: Electricity safety officer identity card

Sets out the requirements for the entity to issue and manage electricity officer identification cards and the electricity safety officer's use of the identification card.

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

Outlines the entry to premises powers of an electricity safety officer.

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

Establishes an offence for obstructing, hindering, delaying, threatening or assaulting an electricity safety officer.

Division 2 – Powers relating to electrical installations

Clause 114: Entry to inspect electrical installations

Outlines an electricity safety officer's powers of entry to land and premises, in relation to the inspection of electricity installations, taking action to prevent or minimise risks, or investigate a suspected unsafe electrical installation.

Clause 115: Entry to isolate supply for safety reasons

Outlines an electricity safety officer's powers of entry associated with the isolation of the installation from the electricity network supply for the safety reasons. It also provides for the isolation of supply should entry be refused or obstructed.

Division 3 – Powers and duties in emergencies

Clause 116: Electricity entity may isolate electricity supply to avoid danger

Outlines an electricity entity's powers to isolate the electricity supply to any region, area, place, land or premises, to avert danger to any person or property.

Clause 117: Emergency powers of electricity safety officers

Outlines an electricity safety officer's powers in an emergency to protect persons and property.

PART 8 – Enforcement

Division 1 – Enforcement of Act

Clause 118: Enforcement of Act by Director

Establishes an offence, where Director is satisfied an electricity entity, owner or operator, has contravened this Act; or if more than one person has contravened this Act in relation to a single event.

A Director decision under this section may be subject to an administrative review under Part 9 of this Act.

Clause 119: Authorised investigations

Establishes the types of authorised investigations that an authorised officer may perform.

Clause 120: Warrant to enter premises

The Director, an authorised officer or an electricity safety officer, may apply for a warrant to enter any land or premises, for carrying out a function under this Act.

Division 2 – Appointment of authorised officers

Clause 121: Appointment of authorised officers

Sets out the process and conditions for the Director to appoint authorised officers.

Clause 122: Conditions of appointment

Outlines the conditions of appointment of an authorised officer, appointed by the Director.

Clause 123: When person ceases to be authorised officer

Provides for when an authorised officer resigns, or their authority is revoked by the Director

Clause 124: Authorised officer identity card

Outlines the requirements for the Director to issue authorised officer identification cards, the authorised officer's use of the card, and its return on ceasing to be an authorised officer.

Division 3 – Powers of authorised officers

Clause 125: Powers of authorised officers

Outlines an authorised officer's investigation general powers they consider 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 to electricity infrastructure or electrical installation.

Clause 126: Powers of entry

Outlines the authorised officer's powers to enter land or premises, including taking assistants, vehicles and equipment, to conduct an authorised investigation.

Includes offences if entry is hindered or an authorised officer is threatened.

Clause 127: General investigative powers of authorised officers

Outlines actions that may be taken by an authorised officer when conducting an authorised investigation, including inspection and testing, examining and copying documents, taking photographs and gathering evidence.

Clause 128: Power to make rectification order

Outlines powers of an authorised officer in respect of actions to rectify any electricity infrastructure, electrical installation or equipment that is defective or non-compliant with this Act.

Provides for an offence of not complying with a rectification order.

Clause 129: Powers in emergency

An authorised officer may take any action in an emergency, that they consider is necessary to protect life or property.

Provides an offence for persons who do not comply with a direction given by an authorised officer during an emergency.

Clause 130: Power to isolate electricity supply

Outlines the actions an authorised officer may take in respect to isolating the electricity supply, if the supply, or an installation being supplied, is unsafe (defective and posing an immediate risk of electric shock or fire).

The supply is not to be restored until the unsafe installation has been rectified.

Provides for an offence for reconnection of electricity supply without approval of an authorised officer.

Clause 131: Power to make safe

Outlines actions an authorised officer may take in respect to making safe unsafe electricity infrastructure or electrical installation.

Provides for an offence to a contravention of a direction, or to reconnect electricity without the appropriate rectifications being undertaken, or a reconnection without approval by an authorised officer.

Clause 132: Power to require information

Sets out the powers available to an authorised officer when seeking information for an authorised investigation under the Act.

Division 4 – Infringement notices

Clause 133: Infringement notices

Outlines the requirements related to infringement notices issued by authorised officers for offences under this Act.

Division 5 – Legal proceedings

Clause 134: Limitation period for prosecutions

Outlines the time limits for commencing proceedings under the Act, specifically;

- two years after the Director becomes aware of an offence; or
- one year after a coronial report or coronial inquiry or inquest ended; and
- six months after a notice of defect has been contravened or it comes to the notice of the Director the notice of defect has been contravened.

It also allows proceedings to be brought after the end of the applicable period, if fresh evidence is discovered or the court is satisfied that evidence could not be reasonably discovered within the period.

PART 9 – Review of decisions

Division 1 – Administrative review of decisions

Clause 135: Interpretation of Part 9

Defines the terms used in this Division.

Clause 136: Application for reasons for decision

Outlines the process for an interested person affected by a decision of the Director or an authorised officer, to apply for a statement of reasons for a decision.

Clause 137: Application for administrative review

Outlines the process for applying to the Director for an administrative review of a decision.

- Clause 138: Stay of operation of decision**
Provides for postponing enforcement of a Director's decision, during the administrative review process, provided that a safety risk is not thereby created.
- Clause 139: Reference of application for mediation**
Sets out the process where the Director may refer administrative review of a matter to a mediator.
- Clause 140: Decision on application for administrative review of decision**
Sets out the Director's requirements for deciding an application for administrative review of their decision.
- Clause 141: Delegation of power to review**
The Director may delegate their power to review an administrative decision to a panel or a mediator.

Division 2 – Judicial review of administrative decision

- Clause 142: Judicial review of administrative decision**
Provides that interested person may apply to the Magistrate Court for a review of an administrative decision.

PART 10 – Financial Provisions

- Clause 143: Cost of administration**
Provides that the Treasurer may require that a licensed electricity distributor shall contribute to the costs of administration of this Act.
- Clause 144: Recovery of fees, fines and costs**
If required, the Director may waive, remit or refund part or all of any fee payable under the Act.
A fee payable under the Act is recoverable as a debt in a court.
- Clause 145: Payments into electrical safety inspection service fund**
All money received or recovered under this Act, are to be paid into the electrical safety inspection service fund established under the *Electricity Supply Industry Act 1995*. It is used to pay for inspections and associated rectification administration of installations that may be unsafe.

PART 11 – Offences

Division 1 – Offences relating to in-scope electrical equipment

Clause 146: Offence to fail to comply with recall requirement

Provides for an offence for a person who fails to comply with a recall of defective electrical equipment.

Clause 147: Supply level 1 in-scope electrical equipment

Establishes an offence for a responsible supplier to supply or offer to supply level 1 in-scope electrical equipment, in contravention of the Act.

Clause 148: Supply level 2 in-scope electrical equipment or level 3 in-scope electrical equipment

Establishes an offence for a responsible supplier to supply or offer to supply level 2 or level 3 in-scope electrical equipment, in contravention of the Act.

Clause 149: Documentary evidence for level 1 in-scope electrical equipment

Establishes an offence for persons who have supplied or offered to supply level 1 in-scope electrical equipment, where the Director has requested documentary evidence for that equipment and that has not been provided.

Clause 150: Documentary evidence for level 2 in-scope electrical equipment

Establishes an offence for persons who have supplied or offered to supply level 2 in-scope electrical equipment, where the Director has requested documentary evidence for that equipment and that has not been provided.

Clause 151: Documentary evidence for level 3 in-scope electrical equipment

Establishes an offence for persons that have supplied or offered to supply level 3 in-scope electrical equipment, where the Director has requested documentary evidence for that equipment and that has not been provided.

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

Establishes an offence for persons that supply or offer to supply in-scope electrical equipment that is subject to a suspended certificate of conformity or certificate of suitability.

Clause 153: Offence to sell unregistered in-scope electrical equipment

Establishes an offence for persons that supply or offer to supply level 2 or level 3 in-scope electrical equipment that was unregistered at the time of purchase or supply.

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

Establishes an offence for persons, other than a responsible supplier, to supply or offer to supply in-scope electrical equipment that does not have an approved regulatory compliance mark, an alternative mark, or other mark approved by a regulatory authority.

Clause 155: Offence to supply unmarked in-scope electrical equipment

Establishes an offence for a responsible supplier that supplies or offers to supply an item of in-scope electrical equipment, which is not marked with a regulatory compliance mark, an alternative mark, or any other mark approved by a regulatory authority.

Clause 156: Offence to mark in-scope electrical equipment

Establishes an offence for persons who mark with the regulatory compliance mark or make a false or misleading representation relating to an item of in-scope electrical equipment that does not satisfy the relevant standard for that item.

Clause 157: Offence for person to offer in-scope electrical equipment for hire

Establishes an offence for persons that offer for hire an item of in-scope electrical equipment unless;

- it is safe to be connected to an electricity supply; and
- that person has ensured the item of in-scope electrical equipment satisfies the prescribed requirements for the testing, labelling and tagging of that item of in-scope electrical equipment.

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

Establishes an offence for persons, other than a responsible supplier, that supply or offer to supply an item of in-scope electrical equipment that does *not* satisfy the prescribed requirements for the testing, labelling or tagging of that item of in-scope electrical equipment.

Division 2 – Offences generally

Clause 159: Offence not to comply with order, direction or determination

Establishes an offence for any person that does not comply with an order, direction or determination issued under this Act.

- Clause 160: Offence to supply electricity to unsafe electrical installations**
Establishes an offence for any person that supplies electricity to an unsafe electrical installation, and what documents that person may rely on to demonstrate that the electrical installation is safe.
- Clause 161: Unlawful interference with electricity infrastructure or electrical installations**
Establishes an offence for any person that makes a connection, interferes with, climbs, disconnects or damages electricity infrastructure, electrical installation or electrical equipment, without lawful authority.
- Clause 162: Obligation not to interfere with regulated activities**
Establishes an offence for persons interfering with the regulated activities carried out by an electricity entity or owner.
- Clause 163: Impersonation, obstruction of officials**
Establishes an offence for persons to obstruct, abuse or intimidate an authorised officer, an electricity safety officer or any other person, in their administration or enforcement of the Act
- Clause 164: False or misleading information**
Creates an offence for knowingly providing false or misleading statement or any other information required under the Act.
- Clause 165: Confidentiality**
Establishes requirements relating to the disclosure of confidential information obtained during administration of the Act and creates an offence for not following those requirements.
- Clause 166: Verification of information**
Establishes an offence for a person to provide false or misleading material following the Director's request for verified information under the Act.
- Clause 167: Offences by bodies corporate**
Offences committed by a body corporate is to be treated the same as those committed by a natural person.
Persons managing or controlling a body corporate are also taken to have committed an offence.
- Clause 168: Continuing offence**

Confirms that liability continues while an offence against the Act remains, and sets out applicable penalties for the duration while the offence continues.

Clause 169: Statutory declarations

Provides for the Director to require any information provided under the Act, may be verified by a statutory declaration.

Clause 170: General defence

It is a defence in proceedings for an offence under the Act if it can be proven that the offence was committed to avert, eliminate or minimise danger to persons or property.

PART 12 – Miscellaneous

Clause 171: Exemptions

Outlines the process for the Governor by an order to declare that certain provisions of the Act, do not have effect in respect of persons, electrical infrastructure, electrical installation or electrical equipment. It also establishes an offence not to comply with any terms and conditions, that form part of the exemption.

Clause 172: Extension of time limits

Provides for the Director to extend time limits that are fixed by or under this Act.

Clause 173: Immunity from personal liability

Provides personal liability protection for a person's acts or omissions, while performing or exercising their duties under this Act, provided those actions were undertaken in good faith.

Clause 174: Evidence

Outlines that evidence of appointments and certain documents signed by the Director are admissible in legal proceedings.

Clause 175: Service of notices

Sets out the circumstances where a notice or any other document has been deemed to have been served on a person.

Clause 176: Notices not statutory rules

Sets out that any notice given by the Director under the Act, is not a statutory rule.

Clause 177: Emergency legislation not affected

Confirms that notwithstanding the requirements of the Act, an electricity entity, owner or operator must comply with any direction, order or requirement, given under the *Emergency Management Act 2006*.

Clause 178: Regulations

Outlines the scope of the regulations that may be made by the Governor-in-Council for the purposes of the Act.

Clause 179: Administration of Act

Administration of the Act is assigned to the Minister for Building and Construction, and the Department of Justice.

Clause 180: Savings and transitional provisions

Outlines the savings and transitional requirements to manage the implementation of the Act and carry over any current proceedings, codes of practice, determinations, orders, notices, approved electrical safety management schemes, and the like, used in the current administration of electrical safety.

Schedule 1 – Consequential Amendments

Clause 181: Consequential amendments

Specifies the legislation to be amended, as outlined in Schedule 1;

- *Electricity Supply Industry Act 1995* (removal of references to work health and safety Secretary); and
- *Occupational Licensing (Electrical Work) Regulations 2018* (amendment of definitions of electricity infrastructure and electrical installation to refer to *Electricity Safety Act 2022*, and amend the meaning of electrical work).

Schedule 2 – Legislation Repealed

Clause 182: Legislation repealed

Specifies legislation that is to be repealed, as outlined in Schedule 2;

- *Electricity Industry Safety and Administration Act 1997*.