

TASMANIA

ELECTRICITY SAFETY BILL 2020

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ELECTRICITY SAFETY BILL 2020

(Brought in by the Minister for Building and Construction, the Honourable Sarah Courtney)

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 the electricity infrastructure, electrical installations and electrical equipment are safe, designed, maintained and managed in a manner that protects persons and property, and for related purposes

Be it enacted by His 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 2020*.

2. Commencement

This Act commences on a day to be proclaimed.

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3. Interpretation

In this Act, unless the contrary intention appears –

aerial wiring system means an above-ground system of conductors and associated equipment that are supported by an insulator or purposed-designed fittings;

approved means approved by the Director;

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

certificate of electrical compliance means the approved form for the notification of prescribed electrical work as required under the *Occupational Licensing Act 2005*;

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 51;

court means the Magistrates Court (Administrative Appeals Division);

defective, in respect of any premises, electrical infrastructure or electrical installations, means –

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- (a) not complying with applicable standards of electrical work, or a code of practice; or
 - (b) degraded or damaged so as to be in an unsafe condition; or
 - (c) in an incomplete and unsafe condition; or
 - (d) premises, electrical infrastructure or electrical installations that is determined to be defective under a code of practice or in accordance with the regulations;

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

disconnection means the separation of electrical equipment, electricity infrastructure or an electrical installation from all sources of supply of electricity;

distribution network means the electrical apparatus and any other electrical equipment owned and operated by an electricity entity and used for the purpose of distributing electricity to a consumer up to and including the point of supply;

electrical apparatus means electrical equipment, lines, cables and conductors used for the generation, conversion, storage, transmission, distribution or utilisation of electrical energy and includes wiring systems, switchgear,

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control gear, accessories, electrical equipment, lights and fittings;

electrical equipment means equipment manufactured and approved in accordance with the electrical equipment safety system;

electrical equipment safety system means the national model regulatory framework, adopted by the Electrical Regulatory Authorities Council, for improving consumer safety in interactions with household electrical equipment;

electrical installation means any electrical apparatus installed for the conveyance, control, protection, measurement or use of electricity whether or not it is connected to a distribution network;

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 apparatus used for the generation, transmission or distribution of electricity that is owned and operated by an electricity entity;

electricity storage system means a system or method, or a number of systems or

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methods, used to safely store electrical energy for later use on demand;

electrical work has the same meaning as in the *Occupational Licensing (Electrical Work) Regulations 2019*;

energise means to connect to a source of electrical supply to enable the flow of electricity;

generation assets means any electrical apparatus that is –

- (a) owned by an electricity entity; and
- (b) used for the generation of electricity; and
- (c) connected to a transmission network or a distribution 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 experienced person or body engaged in a similar type of undertaking under the same or similar circumstances;

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

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in-scope electrical equipment means electrical equipment that –

- (a) operates at or within a prescribed voltage range; 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;

installation generation assets means an electricity generation system, whether or not it is connected to an electricity network, with a nominal capacity of less than 5 megawatts;

operator means a person who is engaged by an electricity entity, owner or operator 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;
- (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

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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) if the premises are Crown land, the Minister, authority or other person responsible for the management of the land;
- (f) in the case of a transportable structure, vehicle or vessel, the registered owner of the structure, vehicle or vessel;
- (g) any other person holding a prescribed interest in the premises;

point of connection means the point where the electrical installation and any electrical equipment connect;

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

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premises means a place to which electricity is supplied and includes –

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

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

safety and operational area has the same meaning as in the *Electricity Wayleaves and Easement Act 2000*;

safety management system means a system referred to in Part 5;

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;

transmission network means the electricity apparatus and any other equipment or plant owned and operated by an electricity entity and used for the purposes of transmitting electricity to the distribution network from the generation assets;

vegetation clearance space means the clearance space determined under section 31.

4. Regulated activities

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

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- (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*.

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 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) establish, 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 electrical infrastructure and electrical installations;
- (b) establish, maintain and regulate prescribed requirements for the ongoing maintenance and suitability for service of electricity infrastructure and electrical installations;

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- (c) establish, maintain and monitor the requirements for the inspection and audit of electricity infrastructure, electrical installations, electrical equipment and electricity safety management schemes;
- (d) advise the minister on legislation and other matters relating to the administration of the 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.

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- (2) For the purposes of this Act and without limiting subsection (1), the Director may –
- (a) enter any land or premises where 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 electrical work, electricity infrastructure or any electrical installation are kept; and
 - (d) take photographs, films and video recordings on any land, or in any 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 electrical work, electricity infrastructure or any 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 –

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- (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.

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, electrical equipment or electricity storage system.
- (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.

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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. Power to direct rectification, &c.

- (1) If, in the Director's opinion, any electrical infrastructure, electrical installation, electrical equipment or electricity storage system is deficient in any respect, the Director may direct the owner or person in charge of the infrastructure, installation, equipment or storage system to carry out specified work to inspect, test, maintain, repair or replace the infrastructure, installation, equipment or storage system within a specified period.
- (2) This section extends to both technical and structural deficiencies.
- (3) If a person does not comply with a direction within the period specified, the Director may disconnect the electrical infrastructure, electrical installation, electrical equipment or electricity storage system.

16. Relocation of certain infrastructure or installations

The Director may direct the person in charge of any electrical infrastructure, electrical installation or electricity storage system that has been erected in, or adjacent to, a public road to remove and relocate the infrastructure, installation or storage system in accordance with requirements stipulated in the direction if, in the Director's opinion, the infrastructure, installation or storage system may be or become a hazard to traffic.

17. Power to direct discontinuance of supply

The Director may direct an electricity entity to discontinue the supply of electricity to a particular electrical installation or a particular part of an electrical installation if the Director considers it necessary to do so for reasons of safety.

18. Power to direct discontinuance of use

The Director may direct the person in charge 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.

19. Power to direct discontinuance of practice

The Director may direct a person to stop a particular practice if the Director considers necessary to do so for reasons of safety.

20. 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;
 - (b) a complaint relating to an electrical safety matter;

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- (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) enter and inspect the place of the accident or other matter;
 - (b) inspect and test any electrical equipment;
 - (c) take photographs;
 - (d) take for testing and analysis any substance or thing that may relate to the accident or other matter;
 - (e) take possession of any thing that may be evidence of an offence;
 - (f) require 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 and take copies of any such records or other materials;
 - (g) make copies of, or take extracts from, any such records or other materials;
 - (h) require the occupier of the place of the accident or other matter to provide reasonable assistance to the authorised

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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.
- (4) A person of whom a requirement is made under this section must comply with the requirement.

Penalty: In the case of –

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

21. Publication of result 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*.

22. Safety and compliance audit

- (1) The Director may arrange for an audit to be carried out in respect of any electrical infrastructure, electrical installation or electricity storage system.

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(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).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units.

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

(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.

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

(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 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 Administrator appointed under the *Occupational Licensing Act 2005*.

23. 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 or determination 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 is 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

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work performed or to be performed by the Director;

(d) any necessary ancillary orders.

(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) application made under this section to the Magistrates Court on, or after, the commencement of this Act 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 INFRASTRUCTURE,
INSTALLATIONS AND ELECTRICAL EQUIPMENT**

Division 1 – General requirements for safe operation

24. General requirements for safe operation

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

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

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Penalty: In the case of –

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

Division 2 – Power supply, ownership, boundaries and access

25. Responsibility for infrastructure and installations

- (1) An electricity entity must ensure that the operation, maintenance, repair and replacement of its electricity infrastructure up to and including the point of supply is such as to ensure the safe supply of electricity.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 5000 penalty units.
- (b) an individual, a fine not exceeding 1000 penalty units; or

- (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.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 5000 penalty units.

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- (b) an individual, a fine not exceeding 1000 penalty units; or
- (3) Where an electricity entity owns a transformer and associated assets that are beyond the point of supply, the electricity entity is responsible for any pole, structure, and assets that are part of, or support, that transformer.
- (4) The point of supply is usually located at the load side terminal of the electricity entity's service protection device for the distribution network or transmission network, however in the event of a dispute as to the exact location of the point of supply, the Director is to determine the location.

26. New power supply lines

An electricity entity must ensure that a private power pole that is part of an aerial wiring system installed after the commencement of this Act –

- (a) does not support power supply lines to more than one customer; and
- (b) does not cross over land boundaries, where there is no supply to premises on that land, unless the supply line is owned by an electricity entity; and
- (c) if associated with strata title properties, is contained within the common property.

Penalty: In the case of –

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(a) a body corporate, a fine not exceeding 500 penalty units.

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

27. Existing power supply lines

Where an aerial wiring system or underground electrical installation supply line crosses a land boundary, the owner of the land to which the electricity is delivered is responsible for the safety and maintenance of the aerial wiring system or underground supply line from the point of supply to the premises.

28. Energisation of electricity infrastructure and electrical installations

(1) Before the energisation of any electricity infrastructure, electrical installation or electrical storage system, the person energising the infrastructure, installation or storage system must verify that it is safe to energise and that it does not pose any risk or hazard to people or property.

Penalty: In the case of –

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

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

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- (2) In verifying that an electrical installation, electricity infrastructure or electrical storage system is safe to energise, the person energising it, must –
- (a) inspect and test the installation, infrastructure or storage system to ensure that it complies with all relevant requirements and standards; and
 - (b) confirm that a certificate of electrical compliance has been completed by the responsible contractor or practitioner certifying that the electricity infrastructure, electrical installation or storage system is, compliant with prescribed standards and safe to energise; and
 - (c) obtain any necessary permission to energise the installation, infrastructure or storage system.

Penalty: In the case of –

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

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29. Identification of location of electricity assets before commencement of activities or work

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

- (a) owner of the land or premises; or
- (b) person conducting a business or undertaking employed to carry out the activity or work –

must ensure any electrical assets that are overhead, underground, or in cavities, tunnels or trenches, walls or structures in the vicinity of the planned activity 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.
- (b) an individual, a fine not exceeding 20 penalty units; or

(2) Once the electrical assets are identified and located, the risks and hazards are to be managed for the activities or work to ensure –

- (a) the appropriate safe envelope clearances are maintained for the activities or works activities; and
- (b) the appropriate ground clearances to overhead conductors and coverage of underground conductors is maintained on

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the completion of those activities or work.

Penalty: In the case of –

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

30. Safe envelope clearance space

(1) A person must not perform any activity in the safe envelope clearance of an aerial wiring system or underground powerlines unless the person has –

- (a) a written risk assessment of the activity and the risk mitigation controls to be applied for the activity; and
- (b) written permission for the activity from the owner of the electricity infrastructure, electrical installation or electricity storage system; and
- (c) written notification clearly specifying the type of activity to be performed and any relevant terms and conditions.

Penalty: In the case of –

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

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

(2) The Director may consult with anybody the Director considers appropriate to determine the safe envelope clearance for an activity.

31. Vegetation clearance space

(1) The Director may determine the minimum vegetation clearance spaces, or adopt, or issue a vegetation management clearance space Code of Practice.

(2) The owner or operator of any electricity infrastructure, electrical installation or electricity storage system, must ensure as far as reasonably practicable, that –

(a) the vegetation near the infrastructure, installation or storage system is managed to ensure the vegetation clearance space is maintained; and

(b) any person, employee or contractor engaged in the performance of vegetation management work is competent to perform that work; and

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

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (3) The Director may order, a person to remove vegetation from the vegetation clearance space within the period specified in the order.
- (4) The Director may order the disconnection of supply if the vegetation clearance space management activities are not completed as specified in the order.
- (5) The Director may order that the vegetation clearance activities be undertaken by the electricity entity responsible for the power supply to an electrical installation, and the cost for the vegetation clearance activities may be recovered by the electricity entity from the owner.

32. Inspection of aerial wiring systems and supporting structures

- (1) The owner of an aerial wiring system and any supporting structures must periodically inspect the aerial wiring system and structures to ensure they are safe to remain energised.

Penalty: In the case of –

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

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- (b) an individual, a fine not exceeding 20 penalty units; or
- (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 for the inspection of aerial wiring systems and support structures.
- (5) A person must maintain a record of the inspections carried out in accordance with subsection (2).

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

- (1) A person must not, without authority from the electricity entity that owns electricity infrastructure, carry out or instruct any other person to carry out any activity within the safe envelope clearance for that electricity infrastructure.

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.

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- (2) A person must not, without authority from the owner or operator of an electrical installation, carry out or instruct any other person to carry out any activity within the safe envelope clearance for that electrical installation.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (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 practical 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 activity was commenced.
- (4) A person who carries out an activity as mentioned in subsection (1) or (2) near electricity infrastructure must not contravene –
- (a) any prescribed requirements that are applicable to the activity; or
 - (b) any reasonable requirements made by the electricity entity, owner or operator for

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the safety of the persons carrying out the activity.

Penalty: In the case of –

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

34. Inspection of suspected unsafe electricity infrastructure and electrical installations

(1) The Director may order an authorised officer to undertake an inspection of any electricity infrastructure, electrical installation or electricity storage system, where there is a reasonable belief that the infrastructure, installation or storage system is unsafe.

(2) If the authorised officer finds any unsafe electricity issues or defects –

(a) the authorised officer must –

- (i) make safe, or have made safe, the unsafe or defect issues; and
- (ii) document the unsafe or defect issues and any actions to be taken to make safe; and
- (iii) issue a written notice to the owner, to identify what needs to be done before re-energising the electricity infrastructure,

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electrical installation or
electricity storage system; and

(b) the owner must –

- (i) ensure that the unsafe electrical infrastructure, electrical installation or electricity storage system is not energised, until the unsafe or defective matters have been rectified; and
- (ii) organise rectification of the identified unsafe issues by an appropriate competent and licensed electrical contractor or practitioner before re-energising the infrastructure, installation or storage system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (3) The authorised officer must report the findings of the investigation, including any rectification order issue, to the Director in the manner approved by the Director.

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Division 3 – Regulated activities, &c.

35. Regulated activities to be carried out with due care

An electricity entity, owner or operator must ensure that any 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 1000 penalty units.
- (b) an individual, a fine not exceeding 250 penalty units; or

36. Structures and objects in safety and operational area

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

Penalty: In the case of –

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

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

(2) An electricity entity, owner or operator must ensure that any structure or object is removed from within the safety and operational area of its electricity infrastructure.

Penalty: In the case of –

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

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

37. Regulated activities near electricity infrastructure

(1) An electricity entity must ensure that any regulated activity undertaken near electricity infrastructure will not be within, or breach, the prescribed safe envelope clearance unless the electricity entity has –

(a) a written risk assessment of the activity and the risk mitigation controls to be applied for the activity; and

(b) written permission for the activity from the owner of the electricity infrastructure or electrical installation; and

(c) written notification clearly specifying the type of activity to be performed and any relevant terms and conditions.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (2) Permission referred to in subsection (1) is to include details of the management and control strategies to ensure the work is undertaken safely.

38. Connection of electrical installations

- (1) A network operator must ensure that an electrical installation that is connected, or is to be connected or reconnected, to its network is safe.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (2) A network operator must ensure that any identified unsafe electrical installation that is connected to its network is made safe or is disconnected until it is made safe.

Penalty: In the case of –

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

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

39. De-energised or disconnected electrical installations

The owner of a de-energised or disconnected electrical installation must ensure that the installation remains de-energised or disconnected until it is made safe.

Penalty: In the case of –

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

40. Inspection and maintenance of aerial wiring systems

The owner or operator of an aerial wiring system must ensure that the wiring system is regularly inspected, tested and maintained so as to ensure –

- (a) compliance with any relevant design standards; and
- (b) that there is no vegetation in the vegetation clearance space; and
- (c) that the aerial wiring system is safe.

Penalty: In the case of –

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

41. Inspection and maintenance of installation generation assets

The owner or operator of any installation generation assets must ensure that the assets are regularly inspected, tested and maintained so as to ensure that the installation generation assets –

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

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units.
- (b) an individual, a fine not exceeding 200 penalty units; or

42. Hazardous area electrical installations

The owner or operator of any hazardous area electrical installations must ensure that the hazardous area electrical installations dossier in

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accordance with AS 60079 is available for review on site, or on the request of the Director or an authorised officer.

Penalty: In the case of –

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

43. High voltage electrical installations

- (1) The owner or operator of a high voltage electrical installation must ensure that the high voltage electrical installations dossier in accordance with AS 2067 is available for review on site, or on the request of the Director or an authorised officer.

Penalty: In the case of –

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

- (2) The owner or operator of any high voltage electrical installation must ensure that the installation is maintained and regularly inspected and tested so as to ensure that the installation –

- (a) complies with any relevant design standards; and

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(b) is safe.

Penalty: In the case of –

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

44. Unconnected electrical installations

- (1) The Director may determine the safety standards required in respect of electrical installations that are not, and are not intended to be, connected to the network.
- (2) The owner or operator of an electrical installation referred to in subsection (1) must ensure that the installation complies with the standards determined by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (3) The owner or operator of an electrical installation referred to in subsection (1) must ensure that the installation is maintained and regularly inspected and tested so as to ensure that it –

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- (a) complies with any relevant design standards; and
- (b) is safe.

Penalty: In the case of –

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

45. Cathodic protection systems

- (1) The Director may determine the safety standards required in respect of cathodic protection systems.
- (2) The owner or operator of a cathodic protection system must ensure that the system complies with the standards determined by the Director.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (3) The owner or operator of a cathodic protection system must ensure that the system is maintained and regularly inspected and tested so as to ensure that the cathodic protection system –

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- (a) complies with any relevant design standards; and
- (b) is safe.

Penalty: In the case of –

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

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Division 1 – Interpretation

46. Interpretation of Part 4

In this Part –

alternative mark means a mark approved by Director under section 81;

certificate of conformity means a certificate referred to in section 61 issued by –

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

certificate of suitability means a certificate that referred to in section 52 and issued by –

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

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

corresponding law means a law determined under section 47;

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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 that –

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

in-scope electrical equipment means electrical equipment that –

- (a) operates at or within a prescribed voltage range; and
- (b) is designed or marketed as suitable for household, personal or similar use –

but does not include electrical equipment of a type that is determined under section 49 not to be in-scope electrical equipment;

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

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

prohibition notice means a notice issued under section 82;

recall notice means a notice issued under section 84;

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;

regulatory authority means a person or body that under a corresponding law of another jurisdiction is responsible for the

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monitoring or enforcement of compliance with that law within that jurisdiction;

regulatory compliance mark means a mark –

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

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

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

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

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

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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 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.

47. 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.

48. 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 –

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- (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.

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

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

50. 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 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.
- (b) an individual, a fine not exceeding 20 penalty units; or

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51. Determination of electrical equipment to be controlled electrical equipment

- (1) The Director may determine that an item, component or group of 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 notice.
- (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.

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

Division 2 – Certificate of suitability

52. 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.

53. 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) an item, component or group of level 1 in-scope electrical equipment; or
 - (b) an item, component or group of level 2 in-scope electrical equipment; or

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- (c) an item, component or group of 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 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 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.

54. Consideration of application for certificate of suitability

- (1) After considering an application made under section 53, 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.

55. 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.

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56. 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 it has issued –
 - (a) on the application of the holder of the certificate of suitability under subsection (1); or
 - (b) of its own motion.

57. Suspension of certificate of suitability

- (1) The Director may, by written notice given to the holder of a certificate of suitability it 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

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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 an item, component or group 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

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

58. Cancellation of certificate of suitability

- (1) The Director may at any time cancel a certificate of suitability it 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.

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

For the purposes of section 53 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.

60. 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 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) an item, component or group of level 1 in-scope electrical equipment; or
 - (b) an item, component or group of level 2 in-scope electrical equipment; or
 - (c) an item, component or group of 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

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issued the certificate of suitability of that suspension.

- (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

61. 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.

62. Application for certificate of conformity

- (1) A person may apply to the Director for a certificate of conformity in relation to –
- (a) an item, component or group of controlled electrical equipment; or
- (b) an item, component or group of level 3 in-scope electrical equipment.

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- (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 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.

63. Consideration of application for a certificate of conformity

- (1) After considering an application made under section 62, the Director must
 - (a) issue a certificate of conformity; or
 - (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.

64. 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.

65. 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.

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- (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
 - (b) of its own motion; or
 - (c) on being satisfied that the modifications required by a notice given under section 62J(1) have been made to the electrical equipment that is the subject of the certificate of conformity.

66. 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 it has issued to be re-examined or tested by the Director.

67. Suspension of certificate of conformity

- (1) The Director may, by written notice given to the holder of a certificate, suspend a certificate of conformity it 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

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- 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
- (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) any modifications required by a notice given under section 62J(1) have been made.

68. Modifications after issue of certificate of conformity

- (1) If a certificate of conformity is suspended under section 62I, The Director may, by written notice given to the holder of the certificate, require that modifications be made to the equipment that is the subject of the certificate.
- (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 62I(3).

Penalty: In the case of –

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

69. Cancellation of certificate of conformity

- (1) The Director may at any time cancel a certificate of conformity it 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.

70. Certificate of conformity issued by regulatory authority or an external certifier

For the purposes of section 57 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.

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

(1) The Director, by written notice given to the holder of a certificate of conformity, may suspend a certificate of conformity 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 conformity 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) an item, component or group of controlled electrical equipment; or

(b) an item, component or group of level 3 in-scope electrical equipment.

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- (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

72. 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 79.
- (3) If a responsible supplier has registered in the Register 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.

73. Recording, amendment or removal of a matter on the Register

Director may request that the chief executive –

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

74. 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 75 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) a group of in-scope electrical equipment; or
 - (e) a requirement that applies to a responsible supplier under section 150(2), 151(2) or 152(2).
- (2) An application under subsection (1) must –
 - (a) contain details of –
 - (i) the exemption requested; and
 - (ii) the reasons for the exemption; and

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- (iii) the applicant's name, telephone number, business and postal address; and
- (b) be accompanied by any relevant technical information.

75. 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 74, 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 74, exempt a responsible supplier from a requirement to supply –
 - (a) the relevant documentary evidence referred to in section 150(2); or

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- (b) the relevant documentary evidence or a certificate of suitability referred to in section 151(2); or
 - (c) a certificate of conformity referred to in section 152(2).
- (4) The Director may grant an exemption –
 - (a) on the application of a person under section 74; or
 - (b) of its 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 application by a person under section 74, 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.

76. Grounds for cancellation of registration of responsible supplier

- (1) This section applies to a registered responsible supplier who supplies or offers to supply or supplied in-scope electrical equipment in Tasmania.
- (2) The grounds for which the Director may cancel the registration of the registered responsible supplier are any of the following:
 - (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 or 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 79.

77. Grounds for cancellation of registration of 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.
- (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 or the concealment of facts or making a false declaration;
 - (e) the electrical equipment –

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- (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 conformity that is suspended, has been cancelled or has expired; or
- (iv) is or is likely to become dangerous in normal use.

78. Show cause notice

(1) Director may, serve a registered responsible supplier a written notice requiring the registered responsible supplier to show cause why the relevant registration should not be cancelled if Director believes –

- (a) a ground under section 63 exists; or
- (b) a ground under section 64 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 Director has formed the opinion that a

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- ground exists under section 63 or 64 to cancel the relevant registration; and
- (b) specify the facts and circumstances that 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 –
 - (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.

79. 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;

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- (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 78(1); and
- (b) consider –
- (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.

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- (4) If the Director makes a decision under subsection (1), the Director must notify the cancellation to –
- (a) the registered responsible supplier; and
 - (b) the chief executive.

80. 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.
- (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

81. Approval of alternative mark to regulatory compliance mark

The Director may approve an alternative mark for in-scope electrical equipment if the Director believes 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

82. 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 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 class from the date of the notice or such later date as is specified in the notice.
- (3) The Director may exercise a power of prohibition under this section if the Director has reasonable grounds to believe 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;

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- (4) The Director may withdraw a prohibition made under subsection (1) by notice published on the same 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 a certificate by a regulatory authority; or
 - (e) issued a certificate by an external certifier.

83. Offence to disobey prohibition

A person must not, while a prohibition under section 68 remains in force, do anything prohibited by that prohibition.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1000 penalty units.
- (b) an individual, a fine not exceeding 200 penalty units; or

84. 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 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 class of electrical equipment, safe to use; or
 - (ii) to render safe the use of particular electrical equipment or a particular class of electrical equipment; or
 - (c) particular electrical equipment, or a particular class of electrical equipment, does not comply with the minimum standards prescribed for that equipment or for equipment of that 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 class specified in the notice.
- (3) This section applies to a person –

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- (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 class specified in the notice.
- (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 class specified in the notice –
- (a) sending a written request to the person to whom the electrical equipment, or equipment of the same 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 class was supplied to return the equipment to the place at which it was supplied;
 - (c) making the equipment or equipment of that class safe to use or rendering safe the use of that equipment in the manner specified in the notice;

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- (d) carrying out inspections and tests on that electrical equipment or equipment of that class;
 - (e) rectifying that electrical equipment, or equipment of that class, so it complies with a specified standard;
 - (f) repairing or replacing that electrical equipment or equipment of that class;
 - (g) arranging for the disconnection from the supply of electricity of that electrical equipment or equipment of that class;
 - (h) modifying premises on which that electrical equipment, or equipment of that class, is used or installed so the equipment is safe to use;
 - (i) affixing warning labels to –
 - (i) that electrical equipment or equipment of that class; or
 - (ii) the premises on which that electrical equipment, or equipment of that class, is used or installed;
 - (j) giving specified information to owners of premises on which that electrical equipment, or equipment of that class, is used or installed;
 - (k) giving specified information to occupiers of premises on which that electrical

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- equipment, or equipment of that 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.
- (5) An advertisement referred to in subsection (3)(b) must be –
- (a) in a form approved by the Director; and
 - (b) placed in a newspaper or newspapers –
 - (i) 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

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- (e) was 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 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.

85. Offence to fail to comply with requirement

- (1) A person of whom a requirement is made under section 71 must comply with that requirement.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1000 penalty units.
- (b) an individual, a fine not exceeding 200 penalty units; or
- (2) A person required to give specified information to an owner or occupier under section 65(3)(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

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- (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.

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PART 5 – ELECTRICITY SAFETY MANAGEMENT

86. Safety management systems

- (1) An electricity entity must submit to the Director for approval a safety management system in respect of its electricity distribution and transmission assets.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units.
- (b) an individual, a fine not exceeding 20 penalty units; or
- (2) A safety management system must comply with any relevant prescribed electricity safety determinations, standards and codes of practice.
- (3) An electricity entity, owner or operator may submit a safety management system in respect of electricity safety matters other than those referred to in subsection (1), to the Director for approval.
- (4) Before submitting a safety management system, an electricity entity, owner or operator must ensure that the management scheme, or a part of it, is independently certified in a manner, and by a person, approved by the Director, as conforming to any relevant standard or determination.
- (5) A safety management system must –

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- (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) to comply with the duties of the entity, owner or operator under this Act; and
 - (ii) in respect of any other matters, relating to the safe use of electricity, that are prescribed.
- (6) A person must not commission or commence to operate any electricity infrastructure, electrical installation or electricity storage system unless a certified safety management system for that infrastructure, installation or storage system has been accepted or provisionally accepted by the Director.
- Penalty: In the case of –
- (a) a body corporate, a fine not exceeding 1500 penalty units.
 - (b) an individual, a fine not exceeding 500 penalty units; or
- (7) A safety management system may be submitted in stages.
- (8) A safety management system may apply to more than a single piece of electricity infrastructure.

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- (9) A safety management system must be submitted to the Director for acceptance –
- (a) in accordance with any review schedule contained in the scheme; or
 - (b) every 5 years –
- whichever is more frequent.

87. 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 any electricity infrastructure, electrical installation or electricity storage system, to minimise as far as practicable the –

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

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 1500 penalty units.
- (b) an individual, a fine not exceeding 500 penalty units; or

88. 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 –

- (a) a body corporate, a fine not exceeding 1500 penalty units;
or
 - (b) an individual, a fine not exceeding 500 penalty units.
- (2) Before accepting a person as manager of a safety management system, the Director must be satisfied that the proposed manager has the necessary technical resources to administer the scheme properly.
 - (3) The system manager must be an employee of the electricity entity, owner or operator.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units;
or

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- (b) an individual, a fine not exceeding 500 penalty units.
- (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;
 - (c) ensuring that any directions or conditions, regarding the management and control of the accepted safety management system, are complied with;
 - (c) ensuring that any non-compliance with the accepted safety management system is reported to the Director, within 10 days after its identification;
 - (d) ensuring that any periodic reporting to the Director is undertaken in accordance with the accepted safety management system.
- (5) If a system manager ceases to be a system manager, he or she must notify the Director within 10 days after so ceasing.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units;
or
- (b) an individual, a fine not exceeding 500 penalty units.

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- (6) The electricity entity, owner or operator must –
- (a) not interfere with the system manager’s management of the accepted safety management system; and
 - (b) provide the system manager with the resources necessary to manage the accepted safety management system:

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units; or
- (b) an individual, a fine not exceeding 300 penalty units.

89. Validation of safety management system

- (1) An electricity entity, owner or operator must obtain an independent validation of a safety management system before submitting the system to the Director.
- (2) The validation of a safety management system must assess the design, construction, commissioning or operation of the electrical installation or electrical infrastructure to which the system relates and any other prescribed safety matters relating to that installation or infrastructure.
- (3) The electricity entity, owner or operator must establish to the satisfaction of the Director that each person undertaking the validation of a

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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 scheme or part of the scheme.

- (4) The Director is not required to consider a safety management system until the independent validation is provided.

90. 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 Division.
- (2) The Director is not required to proceed with the consideration of a safety management system until the additional information is provided.

91. Acceptance of safety management system

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

92. 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 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.

93. Director may determine safety management system

- (1) The Director may determine the safety management system which is to apply in respect of any electrical installation, electricity infrastructure or electricity storage system which is in operation at the time of the determination if –
 - (a) the electricity entity, owner or operator has failed to submit a safety management system for the electricity infrastructure,

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- electrical installation or electricity storage system in accordance with this Act; or
- (b) the Director has decided not to accept a safety management system for the electricity infrastructure, electrical installation or electricity storage system.
- (2) If the Director determines the safety management system to apply to any electricity infrastructure, electrical installation or electricity storage system under this section –
- (a) the Director must give notice in writing to the electricity entity, owner or operator of that determination; and
- (b) the electricity entity, owner or operator must pay the costs associated with determining the safety management system.
- (3) On notice being given to the electricity entity, owner or operator under subsection (2), the safety management system determined by the Director is taken for the purposes of this Act to be the accepted safety management system for the electricity infrastructure, electrical installation or electricity storage system to which it applies.
- (4) Nothing in subsection (3) prevents an electricity entity, owner or operator from submitting a safety management system or a revised safety management system for an electricity infrastructure, electrical installation or electricity

storage system to the Director for acceptance under this Division.

94. Compliance with safety management system

- (1) An electricity entity, owner or operator must comply with the accepted safety management system for an electricity infrastructure, electrical installation or electricity storage system in respect of the design, construction, commissioning, management and operation of the electricity infrastructure, electrical installation or electricity storage system.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units;
or
(b) an individual, a fine not exceeding 500 penalty units.

- (2) An electricity entity, owner or operator must comply with the accepted safety management system for an electricity infrastructure, electrical installation or electricity storage system in respect of the removal, dismantling or decommissioning of the electricity infrastructure, electrical installation or electricity storage system.

Penalty: In the case of –

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

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-
- (b) an individual, a fine not exceeding 150 penalty units.
- (3) An electricity entity, owner or operator must not –
- (a) undertake or permit a modification of an electricity infrastructure, electrical installation or electricity storage system that has the potential to significantly increase the overall levels of risk in respect of the electricity infrastructure, electrical installation or electricity storage system; or
 - (b) undertake or permit a modification of any electricity infrastructure, electrical installation or electricity storage system that has the potential to significantly influence the level of a particular risk or the ranking of risk contributing factors; or
 - (c) make or permit a significant change to the electricity safety management system in respect of any electricity infrastructure, electrical installation or electricity storage system –

unless the Director has approved a certified revision of safety management system in respect of that matter for that electricity infrastructure, electrical installation or electricity storage system.

Penalty: In the case of –

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- (a) a body corporate, a fine not exceeding 1500 penalty units; or
- (b) an individual, a fine not exceeding 300 penalty units.

95. Revised safety management system

An electricity entity, owner or operator must submit to the Director a revised safety management system for any electricity infrastructure, electrical installation or electricity storage system if –

- (a) the safety management system approval expires; or
- (b) there are any changes in business operations or the associated risk management; or
- (c) there are any changes to any electrical apparatus to which the system applies; or
- (d) there are significant changes to the level or skills of any personnel to whom the system applies.

96. 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 for any electricity infrastructure, electrical

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installation or electricity storage system of the electricity entity, owner or operator.

- (2) The requirement 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 of 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) The submission must –
- (a) be in writing;
 - (b) state the electricity entity's, owner's or operator's reasons for the submission; and

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- (c) be made within 28 days, or such later period as the Director allows in writing, after 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.

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

If the Director requires the revision of a safety management system under section 83 above, the electricity entity, owner or operator must submit a revised safety management system for the electricity infrastructure, electrical installation or electricity storage system to the Director –

- (a) within a time that is not less than 60 days specified by the Director in the requirement, if the electricity entity, owner or operator does not make a submission under that section; or

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- (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 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 1500 penalty units;
or
(b) an individual, a fine not exceeding 300 penalty units.

98. Application of provisions to revised safety management system

Sections 90 to 97, inclusive, apply to the revision of a safety management system in the same manner as they apply to a safety management system.

99. Audit of safety management system

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

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1500 penalty units;
or

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- (b) an individual, a fine not exceeding 300 penalty units.
- (2) The electricity entity, owner or operator must submit to the Director a copy of the report of an audit carried out under subsection (1) within 14 days of receiving the report.

Penalty: In the case of –
 - (a) a body corporate, a fine not exceeding 1500 penalty units;
or
 - (b) an individual, a fine not exceeding 300 penalty units.
- (3) The Director may audit an accepted safety management system.

100. Fees for safety management system

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

PART 6 – SERIOUS ELECTRICAL ACCIDENTS

101. Interpretation of Part 6

In this Part –

responsible person means –

- (a) in relation to a workplace, the PCBU managing the work activities at the place where the serious electrical accident occurred; or
- (b) in relation to any infrastructure or associated installation, the officer appointed by the entity responsible for that infrastructure to report any serious electrical accident;
- (c) in relation to premises where work is not being undertaken, the occupier of the premises; or
- (d) in relation to an activity or premises under the management and control of a safety management system, the approved manager of that safety management system; or
- (e) any person prescribed by the regulations as responsible for reporting a serious electrical accident;

PCBU means a person conducting a business or undertaking, as defined in section 5 of the *Work Health and Safety Act 2012*.

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 approved 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. Investigation of serious electrical accidents

The Director may carry out an investigation into a serious electrical accident.

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Part 6 – Serious Electrical Accidents

105. 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.

106. 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*.

PART 7 – ELECTRICITY ENTITIES’ POWERS AND DUTIES

Division 1 – Electricity safety officers

107. Interpretation of Part 7

In this Part –

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

retailer means a person licensed under the *Electricity Supply Industry Act 1995* to sell electricity.

108. Appointment of electricity safety officers

- (1) An electricity entity or retailer may appoint a person to be an electricity safety officer.
- (2) An electricity officer may be appointed at a particular level.
- (3) An electricity entity or retailer must –
 - (a) specify the competence and experience requirements for each level of electricity safety officer; and
 - (b) submit those requirements to the Director for acceptance; and
 - (c) not appoint a person as an electricity safety officer unless those requirements

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have been accepted and the person meets those requirements.

- (4) An electricity entity or retailer may appoint a person to be an electricity safety officer at a level and on the conditions specified in the instrument of appointment.
- (5) A person is eligible for appointment as an electricity safety officer if the person –
 - (a) has the qualifications and experience required for appointment as determined by the Director; and
 - (b) has successfully completed a course of training accepted by the Director.
- (6) 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.
- (7) An electricity safety officer for an electricity entity or retailer 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 or retailer.

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- (8) An electricity entity or retailer may, by instrument in writing, revoke the appointment of a person as an electricity safety officer.
- (9) The Director may order the electricity entity or retailer to revoke –
- (a) to revoke the appointment of a person as an electricity officer for the electricity entity or retailer; or
 - (b) to include or revoke certain conditions on that appointment.
- (10) Where an electricity safety officer’s appointment is revoked or ceases –
- (a) the electricity entity or retailer is to collect the electricity safety officer’s instrument of appointment from the electricity safety officer and record the collection in the electricity safety officer register; and
 - (b) the electricity safety officer must, within 21 days, return the instrument of appointment to the electricity entity or retailer.

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.

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109. Entity and retailer to keep and maintain register

- (1) An electricity entity or retailer must keep and maintain a register of its electricity safety officers.
- (2) The electricity safety officer register must contain the following information:
 - (a) the name of any electricity safety officer;
 - (b) any conditions of appointment applicable to each electricity safety officer;
 - (c) the date of appointment;
 - (d) the date on which the electricity safety officer ceases to hold the 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 were returned or collected.

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.

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110. Reporting to Director

- (1) The electricity entity or retailer must report to the Director –
 - (a) every 3 months in relation to the administration and management of its electricity safety officers; and
 - (b) if the electricity entity or retailer revokes an electricity safety officer’s appointment, the fact of the revocation within 10 days of it occurring.

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

111. Electricity safety officer identity card

- (1) An electricity entity or retailer 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

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- (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 or retailer 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) In the case of an emergency, an electricity entity
or retailer may issue an identity card in the form
of a letter signed on behalf of the electricity
entity or retailer together with appropriate
identification of the electricity safety officer.

- (6) Where an electricity safety officer’s appointment
is revoked or ceases –

- (a) the electricity entity or retailer is to
collect the electricity safety officer’s
identity card from the electricity safety

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officer and record the collection in the electricity safety officer register; and

- (b) the electricity safety officer must, within 21 days, return the identity card to the electricity entity or retailer.

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.

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

(1) An electricity safety officer may, at any reasonable time –

- (a) enter and remain in any land or premises to carry out preliminary investigations in connection with the safety of electricity infrastructure; or
- (b) enter and remain in any land or premises where the electricity infrastructure of electricity entity is situated to carry out inspection and testing of the infrastructure.

(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

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occupier of the land or premises, ask for consent to entry by an electricity safety officer.

- (3) The notice of entry under subsection (2) must state the reason for, and the date and time of, the proposed entry.
- (4) The period of notice of entry under subsection (2) must be reasonable.
- (5) 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.
- (6) In an emergency, an electricity safety officer may exercise a power of entry under this section –
 - (a) at any time and without prior notice if it is not practicable to give such notice; and
 - (b) to make safe, if it is possible to do so, or disconnect the electricity supply to the place without entering the land or premises; and
 - (c) if necessary in the circumstances, by the use of reasonable force.
- (7) 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

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- (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.
- (8) 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
 - (b) if it is practicable to do so, when entering any land or premises by force in an emergency or need for protective works.
- (9) 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.
- (10) 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

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- (b) in any other case, as if it were a disputed claim for compensation under the *Land Acquisition Act 1993*.

113. Obstruction, &c., of authorised entry

A person must not obstruct, hinder, delay, threaten or assault a person who is –

- (a) authorised to enter any land or premises under section 112; and
- (b) acting in accordance with that section.

Penalty: Fine not exceeding 10 penalty units.

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 in any land or premises to which electricity is, is to be, or has been, supplied by the electricity entity, owner or operator –

- (a) to inspect electrical installations in 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.

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- (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 carry out in the land or premises.
 - (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 disconnect the electricity supply to the land or premises in which the installations is situated until the installations is made safe to the satisfaction of the electricity safety officer.

115. Entry to disconnect supply for safety reasons

- (1) If an electricity safety officer proposes to disconnect an electricity supply to any land or

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premises for safety reasons, the electricity safety officer may, at any reasonable time, enter and remain in the land or premises to disconnect 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, disconnect the electricity supply to the land or premises without entering the place or premises; or
 - (b) if it is not possible to disconnect the electricity supply to the land or premises without entering the land or premises, obtain a warrant under to enter the land or premises for the purpose of disconnecting the electricity supply, enter the place or premises as authorised and disconnect the electricity supply.

Division 3 – Powers and duties in emergencies

116. Electricity entity may disconnect electricity supply to avert danger

An electricity entity may, without incurring any liability for failure to supply electricity, disconnect 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 avert 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 disconnect, the electricity supply to the place or premises without entering the place or premises; and
- (c) use reasonable force if it is necessary in the circumstances.

118. 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.

PART 8 – ENFORCEMENT

Division 1 – Enforcement of Act

119. Enforcement of Act by Director

- (1) If the Director is satisfied that an electricity entity has contravened this Act or the conditions of the licence held by the electricity entity, the Director may impose on the electricity entity 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 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 as the Director thinks fit.
- (3) A decision of the Director under this section may be subject to administrative review under Part 9.

120. Warrant to enter premises

- (1) 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.

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- (2) The justice may issue the warrant if satisfied that a warrant is reasonably required for the purposes of this Act.
- (3) A warrant authorises the 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 authorised officer or electricity safety officer considers that the urgency of the situation requires it.
- (6) If the 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

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- (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 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
 - (c) send to the justice the completed 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 an authorised officer or an electricity safety officer has the same force as the original of the 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 control and direction by the Director.
- (4) An authorised officer may be appointed –
 - (a) for a term specified in the instrument of appointment; or
 - (b) for an indefinite term that continues while the officer holds an office, or position, specified in the instrument of appointment.
- (5) 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.

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- (2) An authorised officer holds office on the conditions stated in the instrument of appointment.
- (3) An authorised officer may resign by written notice given to the Director.
- (4) An authorised officer may be removed from office by the Director.

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's 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. Authorised investigations

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

- (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.

126. 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 electricity storage system on any land or premises, the authorised officer may enter the land or premises and do one or more of the following:

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- (a) require the electricity entity, owner or operator, or an employee of the 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, inspect, 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 under this Act.

127. Powers of entry

- (1) An authorised officer may, for the purpose of carrying out functions assigned to the authorised officer under this Act, enter and remain in 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 carry out in the place.

- (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; 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 on land or premises under this section; and
 - (b) acting in accordance with this section or section 128.

Penalty: Fine not exceeding 10 penalty units.

128. 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, electrical installation or electricity storage system;

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- (e) investigate an accident suspected to involve electricity;
 - (f) take for testing and analysis any substance or thing that may relate to the accident;
 - (g) investigate a suspected interference with electricity infrastructure, an electrical installation or electricity storage system;
 - (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;
 - (i) take photographs or videos or other records of activities in the place and of any electrical equipment, electricity infrastructure, electrical installation, or electricity storage system in 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 such proceedings 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 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.
- (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.

129. Power to make rectification order

- (1) If the Director or an authorised officer is satisfied, on inspection, testing and investigation, that any electrical equipment, electricity infrastructure, electrical installation or electricity storage system is defective or does not comply with this Act, the Director or authorised officer

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may make a rectification order or undertake any other action as prescribed.

- (2) A rectification order –
- (a) is to include reasons for the order; and
 - (b) 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
 - (c) 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.
- (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.

130. Powers of authorised officers 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:

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- (a) enter any land or premises;
 - (b) disconnect an electrical source of danger to life or property;
 - (c) carry out electrical work on any electricity infrastructure, electrical installations or electricity storage system;
 - (d) give any directions to the person in charge of the electricity infrastructure, electrical installations or electricity storage system 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 avert 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.

131. Disconnection of electricity supply

- (1) If an authorised officer is of the opinion that the electricity supply to or in an electrical installation is unsafe, the authorised officer may disconnect, or cause the disconnection of, the electricity supply.
- (2) If an authorised officer disconnects or causes the disconnection of an electricity supply under this section, the officer must give written notice to the occupier of the relevant place –
 - (a) informing the occupier that the electricity supply has been disconnected 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 disconnected 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 1000 penalty units;
or
- (b) an individual, a fine not exceeding 500 penalty units.

132. Power to make electricity infrastructure or electrical installations safe

- (1) If an authorised officer finds that any electricity infrastructure, electrical installation or electricity storage system is unsafe, or does not comply with this Act, the officer may –
- (a) disconnect the electricity supply or give a direction requiring the disconnection of the electricity supply; or
 - (b) give a direction requiring the carrying out of the work necessary to make the infrastructure, installation or storage system 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 or electricity storage system, to the person in charge of the installation or system or the occupier of the place in which the installation or system 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.

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- (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 1000 penalty units;
or
- (b) an individual, a fine not exceeding 500 penalty units.

133. 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 inspection by the authorised officer, documents or records in the person's possession that may be relevant to the enforcement of this Act.

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- (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

134. Infringement notices

- (1) An authorised officer may serve an infringement notice on a person who has attained the age of 16 years, if 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.

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- (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

135. Limitation period for prosecutions

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

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- (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.

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PART 9 – REVIEW OF DECISIONS

Division 1 – Administrative review of decisions

136. Interpretation of Part

- (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.

137. Application for reasons for decision

- (1) An interested person may apply, in writing, to the person who made the 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.

138. Application for administrative review

- (1) An interested person may apply to the Director for an administrative review of the 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 requested under section 137 a statement of the reasons for the decision – within 28 days after those reasons are provided 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.

139. Stay of operation of decision

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

140. Reference of application for mediation

- (1) The Director may refer an application for 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 of the relevant decision in accordance with the agreed settlement.
- (3) The parties to a mediation are responsible for their own costs.

141. Decision on application for review of administrative decision

- (1) The Director may, after taking the expert advice, if any, that the Director thinks appropriate, decide an application under section 138 for an administrative review of a decision by –
 - (a) confirming the decision; or
 - (b) amending the decision; or
 - (c) substituting another decision for the decision.
- (2) The Director must give the applicant written notice of the Director's decision on the

application 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.

142. Reference of application for review for mediation or advice

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

143. Judicial review of administrative decision

An interested person may apply to the Magistrates Court (Administrative Appeals Division) for a review of a decision under section 141.

PART 10 – OFFENCES

Division 1 – Offences relating to in-scope electrical equipment

144. 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.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (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 for 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 the electrical equipment was

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manufactured, the electrical equipment complied with the relevant standard; or

(ii) is the importer of the electrical equipment and, at the time 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 for supply the electrical equipment with the approval of the Director; and

(c) the level 1 in-scope 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 complies

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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 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 a 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 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.

145. 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 –

- (a) a body corporate, a fine not exceeding 150 penalty units.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (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 for the purposes of this Part; and
 - (b) the level 2 in-scope electrical equipment or the level 3 in-scope 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

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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

(iv) is supplied or offered for supply with the approval of the Director; and

(c) the level 2 in-scope electrical equipment or the level 3 in-scope electrical equipment complies with the relevant standard that applied to the electrical equipment on its registration by the registered responsible supplier; and

(d) the level 2 in-scope electrical equipment or the level 3 in-scope 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 a 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.

146. Documentary evidence level 1 in-scope electrical equipment

- (1) 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 a request under subsection (1), supply that relevant documentary evidence.

Penalty: In the case of –

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

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- (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 a 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 the electrical equipment is supplied by a responsible supplier.

147. Documentary evidence level 2 in-scope electrical equipment

- (1) Director may request a responsible supplier, who at any time during the relevant period has 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 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.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (3) For the purposes of this section, the relevant documentary evidence is –

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- (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 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 a 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.

148. Documentary evidence level 3 in-scope electrical equipment

- (1) 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 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.
- (b) an individual, a fine not exceeding 20 penalty units; or
- (3) Subsection (2) does not apply if –

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- (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 a 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 date of the expiry of the certificate of conformity.

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

- (1) A responsible supplier must not supply or offer to supply an item of in-scope electrical equipment that is the subject of a suspended certificate of conformity or a suspended certificate of suitability.

Penalty: In the case of –

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

- (2) In this section –

suspended certificate of conformity means a certificate of conformity that is suspended under section 67 or 69;

suspended certificate of suitability means a certificate of suitability that is suspended under section 57 or 58.

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

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

- (a) after the date 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.

151. 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 –

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- (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.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (2) Subsection (1) does not apply to a person if the item of in-scope electrical equipment is second-hand equipment.

152. Offence by the responsible supplier to supply or offer to supply in-scope electrical equipment that is not marked

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

153. Offence to mark in-scope electrical equipment that does not satisfy relevant standard

- (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.
 - (b) an individual, a fine not exceeding 20 penalty units; or
- (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 Director or another regulatory authority.

154. Offence for person 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 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.
- (b) an individual, a fine not exceeding 20 penalty units; or

155. Offence to supply second-hand equipment that is in-scope electrical equipment to another person

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 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.

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

Division 2 – Offences generally

156. Offence not to comply with direction or determination

A person to whom a direction or determination is given under this Act must comply with the 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 500 penalty units.

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

157. Offence to supply or sell electricity to unsafe electrical installations

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

Penalty: Fine not exceeding 1 500 penalty units.

(2) An electricity entity, owner or operator or electricity supplier must not knowingly supply or

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sell 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 the Act, a person may rely on –
- (a) a certificate of compliance; and
 - (b) a statement of compliance –
- in respect of the installations.

158. Unlawful interference with electricity infrastructure or electrical installations

A person must not, without proper authority –

- (a) attach an electrical installation or other thing, or make any connection, to electricity infrastructure; or
- (b) disconnect or interfere with a supply of electricity from electricity infrastructure; or
- (c) damage or interfere with electricity infrastructure or an electrical installation in any other way.

Penalty: Fine not exceeding 100 penalty units.

159. 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, who is engaged in the administration of this Act or the exercise of powers under this Act.

Penalty: Fine not exceeding 50 penalty units.

160. Giving of 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.

161. 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 information 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, subject to subsection (5), 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) Information that is classified by the Director as confidential under section 12 is not liable to disclosure under the *Right to Information Act 2009*.

162. 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 misleading in a material particular is guilty of an offence.

Penalty: Fine not exceeding 1 000 penalty units.

163. Offences by bodies corporate

If a body corporate commits an offence against this Act, each person concerned in the management of the body corporate is, subject to the general defence under section 166, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

164. 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.

165. 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 under subsection (1) by the Director 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.

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

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167. 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 class of electricity infrastructure, or do not have effect to such extent as is specified; or
 - (c) a specified appliance or class of electrical equipment, 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.
- (3) A person to whom an order under this section applies must comply with any terms and

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

168. 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.

169. 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 1000 penalty units; or
- (b) an individual, a fine not exceeding 500 penalty units.

170. Immunity from personal liability

- (1) The Director, a delegate of the Director, an authorised officer, electricity safety officer or any officer or employee of the Crown engaged in the administration or enforcement of this Act, is not personally liable for an act or omission in good faith in the performance or exercise, or purported performance or exercise, of a power, function or duty under this Act.
- (2) A liability that would, but for subsection (1), lie against a person lies instead against the Crown.

171. 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, approval or authorisation under this Act is admissible as evidence of the matters so certified.

172. Service of notices

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

- (a) in the case of a natural person, it is –

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- (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 other document; 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; or
- (c) 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; or

- (d) 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.

173. 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*.

174. 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 electrical infrastructure and electrical installations;
 - (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 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 the guidelines remain in effect.

175. 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: Fine not exceeding 100 penalty units.

- (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.

176. Obligation to preserve confidentiality

- (1) 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 an electricity supplier or other person; or

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- (b) is commercially sensitive for some other reason.
- (2) Subsection (1) does not apply to the disclosure of information between persons engaged in the administration of this Act.
- (3) Information classified by the Director as confidential is not liable to disclosure under the *Right to Information Act 2009*.

177. 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) the generation, transmission, distribution, retailing, metering, conditioning and storage of electricity; and
 - (ii) the construction, testing, maintenance and inspection of electricity infrastructure, electrical installations and electricity storage systems; and
 - (iii) technical, operational and safety requirements and standards and monitoring and enforcing compliance with the prescribed requirements and standards; and

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- (iv) the installation of electricity meters; and
 - (v) the examination and testing of electrical equipment; and
 - (vi) the labelling of electrical equipment; and
 - (vii) 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
 - (viii) the issue of infringement notices for offences specified in the regulations; and
 - (ix) fees to be paid in respect of any matter under this Act and the waiver or refund of those fees; and
 - (x) the procedure for the reporting of serious electrical accidents; and
 - (xi) the procedure for administrative reviews and appeals; and
- (b) apply, adopt or incorporate all or any of the provisions of a determination, standard, guideline or rule relating to electricity infrastructure and provide that those provisions may be applied, adopted or incorporated as they currently exist, as

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

178. Savings and transitional provisions

- (1) In this section –

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

- (2) Any acceptance or approval issued by the Director of Electricity Safety and in force

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

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 Building and Construction; and
- (b) the department responsible to that Minister in respect of the administration of this Act is the Department of Justice.