

## **A SUMMARY OF THE QUEENSLAND ELECTRICAL SAFETY ACT, 2002**

### **THE ACT PLACES ELECTRICAL SAFETY OBLIGATIONS ON:**

- electricity entities such as electricity suppliers
- employers
- self employed people
- designers of electrical equipment and installations
- manufacturers of electrical equipment
- importers of electrical equipment
- suppliers of electrical equipment
- installers of electrical equipment and installations
- repairers of electrical equipment and installations
- people in control of electrical equipment
- workers at places where electrical equipment is located
- other people at these places.

### **ELECTRICITY ENTITIES**

Electrical Entities Are obliged to:

- ensure their works are electrically safe; and
- ensure their works are operated in a way that is electrically safe.

This obligation includes ensuring their works are inspected, tested and maintained.

### **EMPLOYERS OR SELF EMPLOYED PERSONS**

Are obliged to ensure their business or undertaking is conducted in a way that is electrically safe. The obligation includes:

- ensuring that all electrical equipment used is electrically safe;
- if the business includes performing electrical work - ensuring the electrical safety of all people and property likely to be affected by the work; and
- if the business includes performing work where persons might touch or be near exposed parts – ensuring the electrical safety of the persons performing the work.

### **DESIGNERS OF ELECTRICAL EQUIPMENT OR INSTALLATIONS**

Are obliged to:

- ensure the equipment or installation is designed to be electrically safe; and,
- if the design were given to another entity to give effect to - the designer would have to make sure the design was accompanied by information about how to ensure electrical safety.

## **MANUFACTURERS OF ELECTRICAL EQUIPMENT**

Are obliged to ensure:

- manufacturing processes ensured the equipment made, will be electrically safe;
- the final product is electrically safe; and
- the equipment is tested and examined to ensure electrical safety.

## **IMPORTERS OF ELECTRICAL EQUIPMENT**

Are obliged to ensure the equipment is electrically safe. This obligation includes:

- ensuring the electrical equipment is designed to be electrically safe; and
- ensuring the electrical equipment is tested and examined to ensure it is electrically safe.

## **INSTALLERS OF ELECTRICAL EQUIPMENT OR INSTALLATIONS**

Are obliged to ensure that:

- the way the electrical equipment or installation is installed, is electrically safe;
- the processes followed ensure electrical safety when installed; and
- once the equipment or installation is installed – it is tested, examined and confirmed as electrically safe.

## **SUPPLIERS OF ELECTRICAL EQUIPMENT**

Are obliged to ensure that when the equipment leaves them, it is accompanied by information about how to ensure electrically safe use.

## **DESIGNERS, MANUFACTURERS, IMPORTERS AND SUPPLIERS**

Will have an additional obligation to comply with the requirements of electrical safety notifications issued by the chief executive (ie the Director-General of the Department of Industrial Relations).

## **REPAIRERS OF ELECTRICAL EQUIPMENT OR INSTALLATIONS**

Are obliged to ensure that:

- the way the electrical equipment or installation is repaired is electrically safe;
- the processes followed ensure that the equipment or installation is electrically safe when repaired;
- the repaired equipment or installation is electrically safe; and
- the equipment or installation is tested and examined to ensure it is electrically safe.

## **PERSONS IN CONTROL OF ELECTRICAL EQUIPMENT**

Are obliged to ensure that the equipment is electrically safe.

This will not apply if the equipment is located at the person's home or forms part of the works of an electrical entity.

## **WORKERS AT A PLACE WHERE ELECTRICAL EQUIPMENT IS LOCATED**

Are obliged to:

- comply with electrical safety instructions given by the employer;
- comply with electrical safety instructions given by the person in control of the equipment, so long as these instructions are consistent with those given by the employer;
- use personal protective equipment if:
  - the protective equipment is provided by the employer or the person in control of the electrical equipment for electrical safety purposes; and
  - the worker is properly instructed in the use of the protective equipment;
- not to wilfully or recklessly interfere with or misuse anything provided for electrical safety; and
- not to place anyone including themselves at electrical risk.

## **A PERSON OTHER THAN A WORKER AT A PLACE WHERE ELECTRICAL EQUIPMENT IS LOCATED**

Is obliged:

- to comply with electrical safety instructions given by the person in control of the electrical equipment;
- not to wilfully interfere with or misuse anything provided for electrical safety; and
- not to wilfully place anyone in the place at electrical risk.

## **MAXIMUM PENALTIES**

- If the breach caused death or grievous bodily harm: 1000 penalty units (\$75,000 for an individual, \$375,000 for a corporation) or two years' jail.
- If the breach caused bodily harm: 750 penalty units (\$56,250 for an individual or \$281,250 for a corporation) or one year's jail.
- Otherwise: 500 penalty units (\$37,500 for an individual or \$187,500 for a corporation) or six months' jail.

## **REGULATIONS AND CODES OF PRACTICE REGULATIONS**

Regulations identify ways to meet your electrical safety obligations under the Act. If you did not observe those regulations, you would fail to meet your obligations.

Among other things, the regulations set down:

- safety and technical requirements for electrical work;
- safety and technical requirements for work in contact with, or near, exposed parts;
- safety and technical requirements for electrical equipment, electrical installations and works of electricity entities.

- requirements for safety management plans;
- notification and reporting requirements for serious electrical incidents and dangerous electrical events;
- all matters about electrical licences;
- discipline of electrical licence holders; and
- administrative matters.

## **CODES OF PRACTICE**

The Codes of practice give practical advice on how to meet your electrical safety obligations.

A code does not say everything you should or should not do to meet your electrical safety obligations. However, you would fail to meet your obligations if you:

- went against or acted inconsistently with a code of practice; and
- did not adopt a method as effective as, or more effective than, the code.

## **MINISTERIAL NOTICES**

If an urgent situation arises where there is an electrical risk to people or property, the Minister can issue a ministerial notice that details how electrical safety obligations are to be met. If you did not abide by notices of this kind, you would fail to meet your obligations.

## **LICENCES**

### **ELECTRICAL WORK LICENSE**

Under the Act's provisions, only the holder of a current electrical work license may carry out or supervise electrical work in Queensland. Maximum penalty: 400 penalty units (\$30,000).

Only an individual is able to hold a license. Some types of work do not require an electrical work license. These include:

- performing or supervising electrical work for installing or repairing telecommunications cables;
- performing or supervising electrical work as an electrical engineer;
- performing or supervising remote rural installation work;
- performing or supervising electrical work as part of authorised testing of electrical equipment;
- apprentices performing electrical work as part of their calling;
- trainees performing electrical work as part of their calling; and
- students supervised by teaching staff at universities, colleges, schools or similar approved institutions.

The license holder has to comply with all conditions and restrictions included in the license. Maximum penalty: 400 penalty units (\$30,000).

## **ELECTRICAL CONTRACTOR LICENSES**

Only the holder of a current electrical contract license is able to conduct a business or undertaking that includes the performance of electrical work.

Maximum penalty: 200 penalty units (\$15,000 for an individual or \$75,000 for a corporation).

However, a licensed electrical mechanic does not need an electrical contractor license if he or she:

- performs electrical work for themselves or their relatives at premises owned or occupied by them or a relative; or
- carries out minor “make safe” repairs.

A building contractor, who entered a contract that included electrical work to be subcontracted to a licensed electrical contractor, would not need an electrical contractor license.

The holder has to comply with all conditions and restrictions of the license.

Maximum penalty: 200 penalty units (\$15,000 for an individual or \$75,000 for a corporation).

## **DISCIPLINARY ACTION**

The Electrical Licensing Committee will be able to receive and investigate complaints about electrical work.

The licensing committee will be able to act to ensure electrical license holders perform work—or conduct their businesses or undertakings—to appropriate standards. This function will include taking disciplinary action against current holders of electrical licenses and previous holders of electrical contractor licenses.

The committee will be able to:

- cancel, amend or suspend licenses;
- issue reprimands or cautions;
- if the license is an electrical contractor’s license - require the holder to correct a fault or defect within a set period and in a certain way; or impose a maximum fine of 40 penalty units (\$3,000 for an individual or \$15,000 for a corporation).

## **WHAT IS THE SCOPE OF ELECTRICAL SAFETY ACT?**

- Impose electrical safety obligations on a range of persons who may affect the electrical safety of others, include electricity entities, employers, self-employed persons, manufacturers, importers, installers, repairers and suppliers.
- Provide consumer protection for failures by those who perform electrical work to properly perform or complete the work.
- Pave the way for a Commissioner of Electrical Safety. The Commissioner will advise the Minister on electrical safety matters and manage the activities of an Electrical Safety Board and its committees.

- Set up the new Electrical Safety Board and committees, to take part in developing strategies to improve electrical safety, standards of electrical equipment and licensing; and to promote awareness of electrical safety.

### **WHAT ARE THE RESTRICTIONS WHEN WORKING LIVE?**

The Electrical Safety Act 2002 imposes tight restrictions on live work, requiring that it be carried out only where there is no reasonable alternative. For example, the laws may permit live electrical work on traffic lights at a major intersection-but only following a documented risk assessment of the work.

### **WHAT ARE THE RESTRICTIONS WHEN WORKING AROUND LIVE PARTS?**

Persons working around live parts include persons trimming trees and those operating fixed or mobile cranes working near overhead power lines.

The legislation sets down safe approach distances. The Code of Practice establishes safe systems of work to assist individuals in meeting their obligations.

### **WHAT IS A SAFETY MANAGEMENT SYSTEM?**

A safety management system provides for an integrated approach by prescribed electrical entities, their contractors and workers to address hazards associated with equipment, network and methods of work.

Prescribed electrical entities, for example, electricity suppliers, will be required to prepare safety management systems, which will be independently audited to ensure all major hazards and risks are identified and addressed.