

# Impact Analysis Statement

## Summary IAS

### Details

|   |  |
|---|--|
| Lead department                                       | Office of Industrial Relations   |
| Name of the proposal                                  | Testing is a form of energised electrical work (Recommendation 15 of the <i>Review of Queensland's Electrical Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS  |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i>   |
| Date of issue   | September 2024   |

| Proposal type                 | Details   |
|-------------------------------|---|
| Minor and machinery in nature | <p>This proposal is minor and machinery in nature.</p> <p>The proposal seeks to amend the <i>Electrical Safety Regulation 2013</i> (ES Regulation) to provide additional clarification that testing of electrical equipment is a form of energised electrical work ('live work').</p> <p>Recommendation 15 from the <i>Review of Queensland's Electrical Safety Act 2002</i> recommended that it be clarified that 'testing electrical equipment is a form of live work (ES Regulation, Division 1) to address the lack of understanding and awareness.'</p> <p>The proposed amendment is simply clarifying an existing industry and Government expectation. It is not anticipated that the clarification would increase regulatory burden for industry, as it is expected that industry is already complying with requirements of the ES Regulation.</p> |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

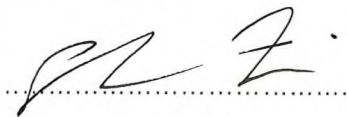
## Summary IAS

### Details

|   |   |
|---|---|
| Lead department                                       | Office of Industrial Relations  |
| Name of the proposal                                  | Prescribing GoldlinQ as a prescribed electricity entity<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS   |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i>  |
| Date of issue   | September 2024  |

| Proposal type                 | Details  |
|-------------------------------|--|
| Minor and machinery in nature | <p>This proposal is minor and has zero regulatory costs. It is designed to provide clarity by expressly declaring GoldlinQ as a prescribed electricity entity.</p> <p>GoldlinQ falls within the definition of an electricity entity as they are 'a railway manager, or light rail manager for a light rail that is exempted under section 20Q or 20QA of the <i>Electricity Act 1994</i>, from the requirements of section 88A of that Act'.</p> <p>GoldlinQ is currently deemed to be a prescribed electricity entity under section 233(c) of the <i>Electrical Safety Regulation 2013</i> (ES Regulation). For clarity and transparency, it is proposed to amend the ES Regulation to clarify the scope of section 233(c) and add GoldlinQ to the list of prescribed electricity entities contained in Schedule 6.</p> |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing  
Date: 18/9/24

# Impact Analysis Statement

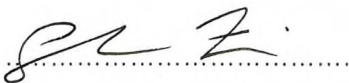
## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Notifying the regulator of removal of a Qualified Business Person or Qualified Technical Person from an electrical contractor's licence<br>(Recommendation 63d – <i>Review of Queensland's Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

| Proposal type                        | Details  |
|--------------------------------------|--|
| <b>Minor and machinery in nature</b> | <p>This proposal is minor and machinery in nature. The proposal seeks to reduce the timeframe in which a licensed electrical contractor is required to notify the regulator when the Qualified Technical Person (QTP) or Qualified Business Person (QBP) on their licence ceases to be a QTP or QBP.</p> <p>Recommendation 63(d) of the <i>Review of Queensland's Electrical Safety Act 2002</i> proposes that licensed electrical contractors are to inform the electrical safety office of a QBP or QTP ceasing to work with a contractor: within 72 hours for the QBP or QTP; and (ii) within 7 days for additional QTPs.</p> <p>With the advancements in technology allowing for immediate notification, it is considered appropriate to reduce the timeframe provided for the licensed electrical contractor to notify the regulator of changes to their licence.</p> <p>In line with the intent of the recommendation, the proposal amends section 49 of the <i>Electrical Safety Regulation 2013</i> to require notification within 10 business days (as opposed to the current 1 month). This is considered the most appropriate approach to ensure that whilst the timeframe is reduced, the notification can occur appropriately within usual business timeframes.</p> |

### Signed



Graham Fraine  
 Director-General  
 Department of State Development and Infrastructure  
 Date: 16/9/24



Grace Grace MP  
 Minister for State Development and Infrastructure  
 Minister for Industrial Relations and  
 Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Requirements for electrical work near energised electrical equipment<br>(Recommendation 67 – <i>Review of Queensland’s Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

#### **What is the nature, size and scope of the problem? What are the objectives of government action?**

Recommendation 67 of the *Review of Queensland’s Electrical Safety Act 2002* (the Review) proposes introducing a requirement for de-energisation prior to work near energised parts of an electrical installation, subject to necessary exemptions for energised work, such as testing for defects or faults in accordance with a risk assessment, safe work method and the usage of appropriate Personal Protective Equipment (PPE).

Under the *Electrical Safety Regulation 2013* (ES Regulation), a person conducting a business or undertaking (PCBU) “must ensure that electrical work is not carried out on electrical equipment while the equipment is energised” (section 14), except in certain circumstances (section 18).

Despite de-energising an electrical installation being worked on directly, risks remain where the electrical worker is performing electrical work near other energised electrical parts. This risk has been illustrated by the regular occurrence of arc flash incidents in Queensland. In the last 5 years, Queensland recorded 34 arc flash incidents which occurred because of work near energised electrical equipment.

An arc flash refers to light and heat produced as part of an electrical explosion or discharge that results from an electrical fault. An unprotected worker impacted by an arc flash can receive significant burns and injuries, which may result in death. Arc flashes generally occur when an electrical worker is working on de-energised equipment but is in the vicinity of energised equipment. Inadvertent contact with the energised section can then occur, producing an arc flash.

Section 7 of the *Managing electrical risks in the workplace code of practice 2021* (the Code) comprehensively covers the topic of working near exposed electrical parts, requiring written risk assessments and the application of the hierarchy of control measures to eliminate or minimise risks, which may include actions like upstream isolation of switchboards. The ES Regulation does not require de-energisation of electrical equipment near the worker, though it does contemplate that it may occur (for example, section 17(1)(b)).

The objectives of government action are to ensure that the number of arch flash and other incidents associated with working on or near energised electrical equipment are reduced.

#### **What options were considered?**

There are two options that have been considered:

- Option 1: Maintain the status quo;
- Option 2: Amend the ES Regulation to require de-energisation prior to work occurring on or near energised parts of an electrical installation.

*Near*, in relation to electrical equipment, means within 3 meters of an exposed energised part of the equipment.

## What are the impacts?

### Option 1: Maintain the status quo

The impacts of this option are that arc flash and other incidents associated with working near energised electrical equipment will likely continue to occur, causing injury and death to Queensland electrical workers.

The Review recognised that the risk posed by working near energised electrical equipment needed to be addressed. The Review in considering the options canvassed to address the risks of working near energised electrical equipment, determined that regulator amendments is the most favourable mechanism. The Review stated that "regulatory amendments represent precise changes without adding complexities and the potential unintended consequences that come from changing a definition for a narrow purpose and most importantly provides the necessary protections to workers".

Arc flash incidents have continued to occur in Queensland despite the existing clear guidance provided by the Code and the use of education and awareness campaigns. As these previous educational approaches have proven unsuccessful, it is considered appropriate to strengthen the requirements around working near energised electrical equipment.

### Option 2: Amend the ES Regulation

The impacts of this option are that the ES Regulation will prohibit work being performed near energised electrical equipment subject to necessary exemptions for energised work, such as: testing for defects or faults in accordance with a risk assessment and safe work method statement and with appropriate PPE. It will impose a positive obligation on PCBUs ensure electrical equipment is tested for energisation before electrical work is carried out near the electrical equipment.

This change will have minor impacts upon industry by requiring them to take the same precautions for electrical work occurring 'near' energised electrical equipment as those currently required for electrical work 'on' energised electrical equipment.

PCBUs and electrical workers should already be familiar with the requirements for de-energisation of energised electrical equipment prior to undertaking work on the energised electrical equipment. It is therefore anticipated workers should only experience a minimal increase in the time required to perform electrical work tasks near energised electrical equipment by the addition of the requirement for de-energisation or the preparation of a risk assessment and safe work method statement.

These minor regulatory impacts are considered appropriate in line with the objective of the ES Act which is focused on eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity.

## Who was consulted?

### Review consultation

The Review identified that some stakeholders, such as the National Electrical Contractors' Association and the Electrical Trades Union, particularly identified that action needed to be taken to address the risks of electrical work near energised electrical equipment.

### Review recommendations consultation

A three-month public consultation period was undertaken following publication of the Review's Final Report.

This consultation process received 88 submissions from registered unions, peak bodies, electricity entities, industry, government departments and individual members of the community. Responses received were broadly supportive of the recommendation to require de-energisation of energised electrical equipment prior to work occurring 'near' the energised electrical equipment.

### ESOLA Regulation consultation

In August 2024, key representatives from registered unions, peak bodies, electricity entities, businesses, and government agencies were provided an opportunity to comment on the draft Amendment Regulation. Feedback received identified a need for greater clarity as to how the requirements apply to electrical work near energised electrical equipment, and the definition of definition of *near* itself. The definition of 'near' remains largely consistent with AS/NZS 4836:2023 Safe working on or near low voltage and extra low voltage electrical installations and equipment (being a reference to 3 meters from an exposed energised part of the equipment). To support industry to navigate these changes, guidance will be made available on the regulator's website.

**What is the recommended option and why?**

The recommended course of action is to make amendments to the ES Regulation to prohibit electrical work being performed near energised electrical equipment, subject to necessary exemptions for energised work. Such as testing for defects or faults in accordance with a risk assessment, safe work method statement and with appropriate PPE.

This option represents the option which will provide the greatest safety outcomes for workers and other persons in Queensland, on balance with the identified regulatory impacts. The minor impact on PCBUs is considered necessary to advance a rigorous and effective electrical safety framework in Queensland and reduce the instances of injury and death caused by arch flash and other incidents associated with working near energised electrical equipment.

Amendments are scheduled to commence on 1 January 2025, to provide time for industry to adjust to these new requirements. In line with normal process, industry will be informed of these changes via updates to the Office of Industrial Relations website, social media posts and emails.

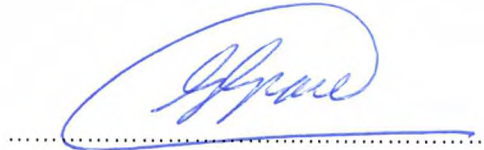
**Impact assessment**

|  | First full year                             | First 10 years |
|--|---|----------------|
| Direct costs – <i>Compliance costs</i> | Negligible.<br>See 'what are the impacts?'. | Nil            |
| Direct costs – <i>Government costs</i> | Negligible.<br>See 'what are the impacts?'. | Nil            |

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Requirements for workers carrying out work in, or otherwise entering, a domestic roof space (Recommendation 68 – <i>Review of Queensland's Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

#### **What is the nature, size and scope of the problem? What are the objectives of government action?**

Recommendation 68 of the *Review of Queensland's Electrical Safety Act 2002* (the Review) proposes introducing a requirement to de-energise a building's electrical installation prior to working in or via the roof space of a domestic building.

The Federal Home Insulation Program (HIP), during 2009-10, highlighted the need to increase electrical safety for workers in roof spaces performing electrical and non-electrical work. Four young people lost their lives whilst installing insulation in roof spaces during the HIP. The Royal Commission into the HIP identified that three of the fatalities were caused by electrocution. The Royal Commission also noted that a 'way in which such a risk might be managed is to turn off the source of electrical supply to the home'.

In all three Queensland cases, electricity supply in the roof space was not turned off prior to undertaking work. The Queensland Coroner investigated the three fatalities in Queensland, with the inquest exploring various issues, including why it was not mandatory to turn the power off. Prior to the HIP, it was not common practice for those outside the electrical industry to de-energise a building's electrical installation when working in or via a roof space. There is now broad awareness of the dangers of working in the roof space of a building where the electrical installation is energised. It is understood that it has become common practice for tradespeople to de-energise a building's electrical installation prior to entering a roof space for work. Peak industry bodies, such as Master Electricians Australia, display information on the risk of working in the roof space of energised buildings on their websites.

Currently, under the *Electrical Safety Act 2002* (the ES Act), a person conducting a business or undertaking has a general duty to ensure that anyone who performs work for the person that involves contact with, or near, exposed electrical parts, is electrically safe. The obligation applies regardless of whether the work is electrical work or another type of work (e.g., pest control, insulation).

However, between 1 January 2017 to 30 June 2024 Queensland still recorded 92 incidents of electrocution or electric shock that occurred as a result of work being performed in, via or adjacent to, ceiling or roof spaces in commercial or residential buildings. This data does not distinguish between the number of incidents occurring in a residential versus commercial building roof space.

The objective of government action is to reduce electrical risks for those working in or via domestic roof spaces. As evidenced by the fatalities during HIP and the ongoing electrical incidents, electrical risk posed by working in or via a roof space extends to all forms of work, both electrical and non-electrical.

#### **What options were considered?**

There are three options that have been considered:

- Option 1: maintain the status quo.

- Option 2: conduct an education and awareness campaign.
- Option 3: create or amend a code of practice.
- Option 4: amend the *Electrical Safety Regulation 2013* (ES Regulation) to introduce new requirements for working in, or otherwise entering for the purposes of undertaking work, domestic roof spaces, to reduce electrical risks.

### What are the impacts?

#### Option 1: maintain the status quo.

The impact of this option is that electrical incidents associated with working in or via domestic roof spaces will likely continue to occur. The Review recognised that the risk posed by working in a domestic roof space needed to be addressed. The Review determined regulatory amendments to be the most effective mechanism to address the risks. Further, the Review found that regulatory amendments were broadly supported during consultation.

Although de-energising a building's electrical installation before working in or via the roof space is becoming more common practice among those in the industry, the continued level of incidents indicates that further action is required to address the problem.

This option does not address the objective of government action.

#### Option 2: conduct an education and awareness campaign.

In isolation, an education and awareness campaign is not considered adequate to address the ongoing risk of electrical incidents in roof spaces.

Information on how to meet work health and safety and electrical safety duties associated with electrical risks of working in a roof space is already provided for on the Office of Industrial Relations [website](#). The [Electrical Safety Office](#) has previously undertaken an education campaign 'Stay safer up there, switch off down here' campaign which highlighted the need to switch off the power before working in a domestic roof space.

Electrical incidents have continued to occur in Queensland despite the clear guidance on the website and the use of education and awareness campaigns. It is therefore considered appropriate to strengthen the requirements around work in or via roof spaces.

#### Option 3: create or amend a code of practice.

Like regulations, codes of practice deal with particular issues, but do not cover all hazards or risks that may arise. A key distinction between a regulation and a topic covered in a code of practice is that a regulation may prescribe offences and fix penalties, whereas a code of practice is limited to being admissible in court proceedings as evidence of what is known about a hazard, risk or control. The contents of a code may help to determine what is reasonably practicable in the circumstances to which the code relates.

However, there are already a myriad of codes which provide guidance on how to meet existing work health and safety, and electrical safety duties – such as the *Electrical Safety Code of Practice 2021– Managing Electrical Risks in the Workplace*.

The policy objective is on focused on reducing electrical risks, with an avenue for the regulator to take compliance and enforcement action to ensure compliance with new requirements. The prescribing of an offence, fixing a penalty, and providing for infringement notice offences are no possible via to an amendment to a code of practice. Whilst codes of practice play a pivotal role in providing practical guidance on how to meet obligations under legislation, in singularity it is not the most effective mechanism to address the risks faced by workers in roof spaces.

#### Option 4: amend the ES Regulation.

The impacts of this option are that the ES Regulation will prohibit workers carrying out work in, or otherwise entering for the purposes of undertaking work, a domestic roof space where the building's relevant electrical installation is energised.

To account for circumstances in which it is not reasonably practicable to carry out the work or entry in a roof space of the building while the relevant electrical installation is de-energised; or the building's relevant electrical installation needs to be energised in order to service, commission or test an energised thing (being non-electrical equipment e.g., an extra low voltage data cable) exemptions to the prohibition will be provided. Whether an exemption applies will be dependent on the individual circumstances of each building, as well as the type of work activity being performed.



These exemptions to de-energising a building's relevant electrical installation are accompanied by additional requirements on the PCBU to implement additional safety measures. These safety measures include recording and keeping a risk assessment and statement for the work or entry, as well as complying with the statement for to work or entry. These requirements are focused on ensuring that electrical risk for workers carrying out work in, or otherwise entering, a roof space of a building with an energised electrical installation are reduced.

A mandatory requirement to de-energise a building's electrical installation before workers carry out work in a roof space, or enter the roof space for the purposes of undertaking work elsewhere, will help to permanently embed the practice and aims to reduce the number of injuries and fatalities occurring through work in roof spaces.

These new requirements are limited primarily to residential premises (note that this is referring to the roof spaces of class 1, class 2, and class 10a buildings under the *Building Code of Australia*). As such, commercial operations generally (unless they fall under the above building classes) will not be impacted.

The requirement is not anticipated to cause significant regulatory burden or adverse impacts on businesses or workers working in, or entering, roof spaces. Given that de-energising a building's electrical installation is already advised by ESO, in line with existing duties and requirements under both electrical safety and work health and safety legislation, and supported by industry, it is anticipated that compliance with these requirements is not onerous on businesses. Compliance with the requirement to de-energise a building's electrical installation is straightforward. Compliance with additional safety requirements where an exemption is met, is consistent with assessing and reducing risks and hazards within the safety frameworks. These new requirements will be supported by education and guidance from the regulator.

The proposed amendment may cause minor inconvenience to residents of a household where their power is turned off at the switchboard while the work is in their roof space. Simple strategies and processes can be put into place to ensure that workers are safe when working in the roof space whilst avoiding undue inconvenience to household owners, such as negotiating an appropriate time for the activity to occur. The focus is on ensuring the safety of workers in the roof space.

These minor regulatory impacts are considered appropriate in line with the purpose of the *Electrical Safety Act 2002* which is focused on eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity.

Any regulatory change will be accompanied by relevant educational and awareness activities to ensure that workers, community and industry are aware of how these changes will affect them and how they can ensure that workers stay safe when working in and entering roof spaces. These costs form part of Governments education and compliance activities as a result of introducing new legislation.

## **Who was consulted?**

### Review consultation

In 2021 during the Review, requirements for working in roof spaces was raised both in the public submission process as well as through the WHS Working Group (a group established for the Review) where it was identified as a key issue for the group's consideration. The WHS Working Group consisted of representatives from the Queensland Council of Unions, Stanwell, National Electrical and Communications Association, the Consultative Committee for Work-related Fatalities and Serious Incidents (formerly known as the Affected Persons Committee), Electrical Trades Union, Master Electricians Australia, Commissioner for Electrical Safety, Powerlink, Resources Safety and Health Queensland and Clean Energy Council. The Review also recognised that a drafted 2019 Amendment Regulation had received broad support at the time of drafting, and that the support for the requirements remained.

### Review recommendations consultation

A three-month public consultation period was undertaken following publication of the Review's Final Report in May 2023.

This consultation process received 88 submissions from registered unions, peak bodies, electricity entities, businesses, government departments and members of the community. Responses indicated broad support of the recommendation to require electrical installations in domestic buildings to be de-energised prior to work occurring in or via the roof space.

### ESOLA Regulation consultation

In August 2024, key representatives from registered unions, peak bodies, electricity entities, businesses and government departments, boards and committees were provided an opportunity to comment on the

drafting. Feedback indicated a need for supporting guidance material to assist industry and the community navigate the changes.

### What is the recommended option and why?

Option 4 is the recommended option.

This option most appropriately responds to the objective of government action and aligns with the purpose of the ES Act. This option is anticipated to provide the greatest safety outcome for workers in Queensland.

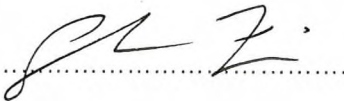
Any minor regulatory impact on business and the community is considered necessary to advance a rigorous and effective electrical safety framework in Queensland and reduce the instances of injury and death caused by working in, or otherwise entering, the roof space of a domestic building with an energised electrical installation.

Amendments are scheduled to commence on 1 January 2025, to provide time for industry to adjust to these new requirements. In line with normal process, guidance will be circulated to industry and community to support navigating these changes via updates to the Office of Industrial Relations website, social media posts and emails. The Office of Industrial Relations will continue to monitor compliance and collect incident data on these new requirements.

### Impact assessment

|                                 | First full year                             | First 10 years |
|---------------------------------|---|----------------|
| Direct costs – Compliance costs | Negligible.<br>See 'what are the impacts?'. | Nil            |
| Direct costs – Government costs | Negligible.<br>See 'what are the impacts?'. | Nil            |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Safety switches for general purpose socket-outlets (Recommendation 74(a) – <i>Review of Queensland’s Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

| <b>Proposal type</b>                 | <b>Details</b>  |
|--------------------------------------|---|
| <b>Minor and machinery in nature</b> | <p>The proposal is minor and machinery in nature and does not pose regulatory burden. The proposal seeks to remove dates associated with safety switch requirements on general purpose socket-outlets to clarify that the requirements apply to general purpose socket-outlets generally.</p> <p>The <i>Review of Queensland’s Electrical Safety Act 2002</i> recommended clarifying and enhancing standards that apply to electrical installations (<i>Electrical Safety Regulation 2013</i> (ES Regulation), Part 6), including by considering removing the date (1 June 1992) to ensure safety switch requirements apply to outlets generally (sections 84 and 85).</p> <p>Provisions in the ES Regulation are currently aimed at bringing older properties up to the AS/NZS 3000:2018 Wiring Rules requirements by requiring approved safety switches for general purpose outlets in dwellings installed before 1 June 1992. This requirement extends to domestic residences within 3 months of date of possession (after 1 September 2002) and for rental residences as soon as practicable. Prior to 1 June 1992, circuit breakers would have been installed.</p> <p>However, since 1992 when the AS3000:1991 Wiring Rules standard came into effect, residual current devices (being safety switches) have been mandatory on all general-purpose socket outlets in all new domestic residences.</p> <p>The inclusion of the various dates in the ES Regulation means it is unclear for consumers that, in 2024, all residences require residual current devices. The proposal therefore seeks to make that clear by removing the reference to 1 June 1992 and 1 September 2002 from sections 82 to 85 ES Regulation.</p> <p>Under section 86 of the ES Regulation, licensed electrical workers and contractors must not perform electrical installation work on an electrical installation installed in a domestic residence unless an approved safety switch has been installed for the general-purpose socket outlets installed in the residence. Where an approved safety switch is not installed for the general-purpose socket outlets installed in the residence the work must</p> |

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|  | <p>include the installation of an approved safety switch for the general-purpose socket outlets unless an exemption applies.</p> <p>Removing the date of the general-purpose socket-outlet installation does not change the compliance requirements, instead it provides clarity that these requirements apply to all general-purpose socket-outlets regardless of their installation date.</p> |
|--|---|

**Signed**



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Director-General  
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Date: 18/9/24



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Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Prescribe water equipment as prescribed electrical equipment (Recommendation 74c – Review of Queensland's <i>Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

### What is the nature, size and scope of the problem? What are the objectives of government action?

#### Background

Under section 72 (Work involving water equipment) of the *Electrical Safety Regulation 2013* (ES Regulation) it has been an expectation since 2002 that particular work on water equipment is done only by licensed electrical workers.

Water equipment is defined by section 72 of the ES Regulation as 'designated equipment that is in, or that surrounds the water container of, a swimming pool, paddling pool, spa pool, water feature or water tub.'

In light of the decision in *State of Queensland v Maryborough Solar Pty Ltd* [2019] QCA 129, the *Review of Queensland's Electrical Safety Act 2002* (the Review) identified concerns about the legal validity of the framework set up by section 72 of the ES Regulation. Recommendation 74(c) of the Review of Queensland's *Electrical Safety Act 2002* (the Review) recommended amendments to ensure there is a legislative basis in the Act for work on water equipment.

#### Prescribed water equipment

In response to recommendations made by the Review highlighting risks of extra low voltage technologies (which were outside the scope of the *Electrical Safety Act 2002* (ES Act)), the *Electrical Safety and Other Legislation Amendment Act 2024* (ESOLA Act) introduced a head of power into the ES Act to prescribe particular items of extra low voltage equipment as *prescribed electrical equipment*. This brings these items into the scope of the electrical safety legislative framework.

To meet the definition of *prescribed electrical equipment* under section 14A of the ES Act the item must be:

- extra low voltage equipment;
- placing, or may place, a person or property at electrical risk; and
- prescribed in the ES Regulation.

Where an item is prescribed as *prescribed electrical equipment* it is subject to the electrical safety framework as applies to electrical equipment. This includes duties, recall, incident notification and licensing requirements.

Water equipment is considered consistent with the risk-based criteria assigned to prescribed electrical equipment in section 14A of the ES Act as it is extra low voltage equipment that may place a person at electrical risk. This is on the basis that being shocked by extra low voltage water equipment in a swimming pool context can cause drowning should loss of muscular control or unconsciousness occur.

### Objectives of government action

The objectives of government action are to ensure that the Queensland community are safe from the dangers of water equipment by ensuring the equipment is safe and installed by licensed electrical workers.

### **What options were considered?**

There are two options that have been considered:

- Option 1: Maintain the status quo.
- Option 2: Amend the ES Regulation to prescribe water equipment as *prescribed electrical equipment*.

### **What are the impacts?**

#### Option 1: Maintain the status quo.

Maintaining the status quo would see the existing section 72 of the ES Regulation maintained despite uncertainty in relation to its ability to enforce licensing requirements. This may mean unlicensed individuals could be installing extra low voltage water equipment as the regulator would be unable to enforce the requirement to hold a licence.

This option does not pose regulatory impacts to industry or community. However, maintaining the status quo does not respond to the objective of government action to ensure that the community are safe from the dangers of water equipment. This is because extra low voltage water equipment remains outside the scope of the electrical safety framework, rendering the regulator unable to enforce safe design, manufacturing and installation of water equipment requirements, unable to issue recalls where the equipment is posing risk to persons and unable to clearly record and properly respond to incidents.

#### Option 2: Amend the ES Regulation to prescribe water equipment as *prescribed electrical equipment*.

Amending the ES Regulation to prescribe water equipment as prescribed electrical equipment would bring water equipment within the definition of 'electrical equipment.' Under this option, upon the prescription of water equipment, section 72 of the ES Regulation would be omitted as the requirements would be duplicative.

#### **Definition of water equipment**

*Water equipment* means any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that:

- *is operated or used for controlling, generating, supplying, transforming or transmitting electricity at extra low voltage;*
- *can only be operated or used when connected to an external source of electricity; and*
- *is designed for used in the interior of the container of a swimming pool, paddling pool, spa pool or bathtub.*

The definition of water equipment is limited to items which can only be operated or used when connected to a source of electricity. This captures equipment such as pool lights and pool pumps that have an electrical cable that connects to a transformer in order to operate. This is consistent with the policy intent of the existing definition at section 72.

This definition ensures that extra low voltage equipment, such as submersible phones and cameras, battery-operated pool toys, and battery-operated pool cleaners, remain outside the scope of the ES Regulation. As these items have not been identified as placing persons or property at an electrical risk, they have not been considered for inclusion at this time.

#### **Regulatory impact**

Water equipment would be subject to the regulatory framework as applies to electrical equipment which includes duties, recalls, incident notifications and licensing requirements.

#### *Licensing requirements*

This change would have negligible impact on industry as it is an existing expectation that particular work on water equipment is only done by licensed electrical workers. Existing exemptions under section 18 of the ES Act provide that where work can be performed by a unlicensed person (e.g., parts of a chlorinator designed to be replaced by a person without electrical knowledge or skill) the work can continue to be done by members of the community or unlicensed workers. Similarly, work on a non-electrical component of water equipment (if the person is not exposed to an electrical hazard) would remain outside of the electrical licensing framework.

### *Supply chain duties*

Supply chain duties would be applied to water equipment as they are applied to other items of electrical equipment to ensure that the water equipment installed and used in Queensland homes and workplaces is safe and is accompanied by relevant guidance for safe use. Supply chain duties would apply to designers, manufacturers, importers, suppliers, installers and repairers of water equipment. Applying supply chain duties to this type of equipment is considered a minor change on the basis that this aligns with existing community expectations.

Consumers assume and expect that the products that they buy are electrically safe. Additionally, those in the supply chain are likely already taking steps to ensure that their products are safe for consumer use as this is in their commercial and reputational interest.

Any regulatory impact on those in the supply chain as a result of these duties is considered justified on the basis of increased safety outcomes for the Queensland community.

### *Ministerial recalls*

Ministerial recall powers ensure that, should a particular type of water equipment be exposing the community to risk, a recall can be promptly initiated to protect Queenslanders from any loss of life, injury or damage to property. Whilst there may be costs to community and industry to comply with a recall, it is necessary in order to protect the safety of the community. Currently, a recall can already be instigated by the Australian Competition and Consumer Commission, which industry and community would be expected to comply with. Ensuring that Queensland is able to independently issue a recall ensures that regulation is most responsive to the risks posed to Queenslanders.

### *Incident notification*

Data gained through the reporting of serious electrical incidents provides valuable insights to the regulator and provide better visibility of emerging risks to the community. Serious electrical incident and dangerous electrical event reporting requirements apply to persons conducting a business or undertaking and distribution entities. If water equipment is prescribed, electrical incidents involving water equipment would be notifiable to the regulator. This minor impact is considered justified on the basis of providing important visibility of dangerous equipment in the community to the regulator.

### **Assessment**

The anticipated regulatory impact as a result of prescribing water equipment as prescribed electrical equipment are considered minor and appropriate in line with the objective of the ES Act which is focused on eliminating the cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. Additionally, these impacts are considered justified on the basis that they contribute to meeting the Government objective of ensuring the Queensland community is safe from the dangers of water equipment.

### **Who was consulted?**

#### Review consultation

The Review identified that action was needed to address the risks of water equipment. No specific commentary from consultation undertaken by the Reviewer in relation to water equipment was contained within the Final Report.

#### Review Final Report consultation

A three-month public consultation period was undertaken following publication of the Review's Final Report.

This consultation process received 88 submissions from registered unions, peak bodies, electricity entities, industry, government departments and individual members of the community. No objections were received to the continued regulation of water equipment.

In the resulting Decision Paper, government identified that as part of proceeding with a head of power to prescribe extra low voltage equipment (introduced by the ESOLA Act) that water equipment was proposed to be prescribed using this power. No objections were received during consultation.

#### Amendment Regulation consultation

In August 2024, key representatives from registered unions, peak bodies, electricity entities, businesses, and government agencies were provided an opportunity to comment on the draft Amendment Regulation. No adverse feedback was received on the change relating to water equipment.

### What is the recommended option and why?

The recommended option is option 2 to make amendments to the ES Regulation to prescribe water equipment as prescribed electrical equipment.

This option represents the option which will provide the greatest safety outcomes for Queenslanders on balance with the identified regulatory impacts. This option also most effectively meets the government objective of keeping Queenslanders safe from the dangers of water equipment, which is not met by Option 1. The minor impact on persons conducting a business or undertaking is considered necessary to advance a rigorous and effective electrical safety framework in Queensland and reduce the risk of injury and death caused by water equipment.

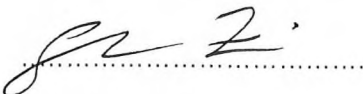
To support implementation and further minimise the impacts of this option, it is proposed amendments will commence on 1 April 2025. A delayed commencement will provide time for industry to prepare to comply with any new regulatory requirements.

It is also proposed a series of communications will occur to ensure industry are aware of the upcoming changes. Additionally, guidance will be available on the WorkSafe website to assist industry in navigating these changes.


### Impact assessment

|                                 | First full year                             | First 10 years |
|---------------------------------|---|----------------|
| Direct costs – Compliance costs | Negligible.<br>See 'what are the impacts?'. | Nil            |
| Direct costs – Government costs | Negligible.<br>See 'what are the impacts?'. | Nil            |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24



# Impact Analysis Statement

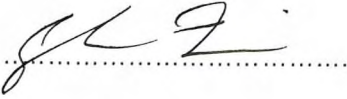
## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Service line example (Recommendation 74(d) – <i>Review of Queensland’s Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

| Proposal type                         | Details   |
|---------------------------------------|---|
| <b>Minor and machinery in nature.</b> | <p>This proposal is minor in nature and has negligible regulatory costs. The proposal seeks to update a technical requirement to be consistent with current industry practice.</p> <p>Section 76 of the <i>Electrical Safety Regulation 2013</i> (ES Regulation) prescribes a number of requirements for where an electrical installation receives electricity distributed by an electricity entity. Requirements include that the person in control of the electrical installation must maintain the facilities for:</p> <ul style="list-style-type: none"> <li>• attaching an overhead service line to supply electricity to the electrical installation; or</li> <li>• the entrance, support, protection and termination of an underground service line to supply electricity to the electrical installation.</li> </ul> <p>Section 76 of the ES Regulation provides examples of facilities that may be provided by a person in control, such as: a service riser bracket or timber backing for the electricity entity’s ‘J’ hook.</p> <p>Recommendation 74(d) of the <i>Review of Queensland’s Electrical Safety Act 2002</i> recommended considering clarifying and enhancing standards that apply to electrical installations (ES Regulation, Part 6), including by considering: ‘(d) updating the examples of facilities that may be provided by a person in control (section 76).’</p> <p>The example provided at section 76 of <i>timber backing for the electricity entity’s ‘J’ hook</i> is outdated and no longer consistent with industry practice.</p> <p>This proposal is intended to update the example to <i>timber backing for a closed eye bolt</i> for consistency and to reflect safe and contemporary practices used by industry.</p> |

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 15/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing  
Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | <p>Electrical Equipment Safety System (Recommendation 75 – <i>Review of Queensland's Electrical Safety Act 2002</i>). Clarifying requirements for:</p> <ul style="list-style-type: none"> <li>• Second-hand in-scope electrical equipment definition (<i>second-hand items</i>).</li> <li>• Sale of second-hand in-scope electrical equipment by non-profit organisation.</li> <li>• Certificates of suitability and recognised external certification scheme.</li> <li>• Public notice.</li> </ul> <p><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i></p> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>Electrical Safety Regulation 2013</i>  |
| <b>Date of issue</b>   | September 2024  |

| <b>Proposal type</b>                 | <b>Details</b>   |
|--------------------------------------|--|
| <b>Minor and machinery in nature</b> | <p>This proposal is minor and is not anticipated to incur regulatory costs for community, industry or government. The focus of this proposal is on clarifying existing expectations and ensuring that the Electrical Equipment Safety System (EESS) can continue to operate as intended to provide safety for consumers of in-scope electrical equipment.</p> <p>The <i>Review of Queensland's Electrical Safety Act 2002</i> provides several recommendations through recommendation 75 (and Appendix 10) focused on clarifying and enhancing Queensland's implementation of the EESS.</p> <p>The EESS is a multi-jurisdictional regulatory framework for low voltage consumer electrical equipment which aims to establish a consistent framework across jurisdictions in Australia. The EESS is established by an intergovernmental agreement (IGA). Queensland is both a signatory of the IGA and establishes the EESS framework in legislation, making it a participating jurisdiction of the EESS.</p> <p><u>Second-hand in-scope electrical equipment definition (<i>second-hand items</i>)</u></p> <p>The EESS framework requires sellers of second hand in-scope electrical equipment to give information to buyers about whether the equipment has been tested for electrical safety (where a test has been done and the equipment is found to be electrically safe information about the test may instead be provided to the buyer). This is important to ensure that buyers of second-hand in-scope electrical equipment are informed about the electrical safety status of the purchased equipment.</p> |

However, due to the existing definition of second-hand this requirement extends to arrangements where one company sells products to another company outside of a wholesale agreement. The products are then considered second-hand despite the fact the products have not been sold or used by a consumer.

This proposal seeks to ensure that the requirements associated with second-hand sales do not extend to these sales between companies, in line with existing expectations. This proposal is focused on removing unintentional regulatory burden for these businesses.

Sale of second-hand in-scope electrical equipment by non-profit organisations

The requirements for the sale of second-hand in-scope electrical equipment equally apply to non-profit organisations (e.g., charities) and other sellers of second-hand in-scope electrical equipment. It is expected that non-profit organisations abide by electrical safety laws and regulations.

This proposal seeks to clarify that non-profit organisations must abide by requirements for the selling of second-hand in-scope electrical equipment in line with existing legislative expectations.

Certificates of suitability and recognised external certification scheme

This proposal seeks to clarify that:

- certificates relating to the suitability of level 1 or 2 in-scope electrical equipment are 'certificates of suitability' in line with terminology used in Victorian legislation and the IGA;
- certificates of suitability issued under a corresponding law are recognised in Queensland;
- recognised external certifications schemes may certify level 1, 2 and 3 in-scope electrical equipment, in line with existing expectations; and
- the requirement to comply with the Equipment Safety Rules applies when certifying level 1 and 2 in-scope electrical equipment in the same way it applies to level 3 in-scope electrical equipment.

Public notice

The regulator is required to publish notice, before deciding an application for a recognised external certification scheme, to announce the regulator's intention to grant the application.

Given the changing nature of access to information and scope of the EESS beyond Queensland's borders, this proposal seeks to replace the requirement to publish the notice in the newspaper notice to instead publish notice on a website. This aligns with more contemporary notification methods.

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

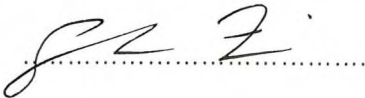
### Details

|   |  |
|---|--|
| Lead department                                       | Office of Industrial Relations   |
| Name of the proposal                                  | Like for like replacement of electrical equipment in electrical installations (Recommendation 78(b) – <i>Review of Queensland’s Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS  |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i>   |
| Date of issue   | September 2024   |

| Proposal type                                 | Details  |
|---|--|
| Regulatory proposals where no RIA is required | <p>This proposal is deregulatory and does not increase costs or regulatory burden on business or the community.</p> <p>The proposal amends the <i>Electrical Safety Regulation 2013</i> (ES Regulation) to prescribe circumstances where an inspection by an accredited auditor is not required following electrical installation work on a hazardous area prior to connection/reconnection. Replacement of electrical equipment in high voltage electrical installations will remain subject to accredited auditor inspections.</p> <p>Section 221(1) of the ES Regulation mandates the requirement for inspection by an accredited auditor on hazardous area electrical installations prior to connection/reconnection after electrical installation work or electric line work to ensure:</p> <ul style="list-style-type: none"> <li>the accredited auditor has confirmed that the electrical installation, to the extent it is affected by the electrical work, has been tested to ensure it is electrically safe and complies with the requirements of the wiring rules and any other standard applying under this regulation to the electrical installation.</li> </ul> <p>This proposal, in line with recommendation 78b of the <i>Review of Queensland’s Electrical Safety Act 2002</i>, amends the requirements to provide that an inspection by an accredited auditor is not required when work on the installation constitutes ‘like for like replacement of electrical equipment’. The proposal prescribes that the following circumstances must be met for the work to be ‘like for like’ replacement of electrical equipment:</p> <p>If the electrical equipment being replaced <u>consumes</u> electricity – the replacement equipment:</p> <ul style="list-style-type: none"> <li>has the same voltage rating as the equipment being replaced;</li> <li>has a current rating that is not greater than the current rating of the equipment being replaced;</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• has a power rating that is not greater than the power rating of the equipment being replaced;</li> <li>• performs its function in the same way as the equipment being replaced;</li> <li>• has electrical characteristics that are the same as or better than the electrical characteristics of the equipment being replaced including when the equipment is operating in circumstances other than normal circumstances; and</li> <li>• is designed to operate at the same frequency range as the equipment being replaced.</li> </ul> <p>If the electrical equipment being replaced <u>controls</u> electricity – the replacement equipment:</p> <ul style="list-style-type: none"> <li>• has the same voltage rating as the equipment being replaced;</li> <li>• has the same current rating as the equipment being replaced;</li> <li>• performs its function in the same way as the equipment being replaced;</li> <li>• has electrical characteristics that are the same as or better than the electrical characteristics of the equipment being replaced including when the equipment is operating in circumstances other than normal circumstances; and</li> <li>• is designed to operate at the same frequency range as the equipment being replaced.</li> </ul> <p>Like for like replacement of cables, wires and switchboards are excluded from the proposal and therefore will continue to be subject to inspection requirements by an accredited auditor under section 221 of the ES Regulation.</p> <p>This proposal is excluded from further regulatory impact assessment on the basis that the scope of existing inspection requirements by accredited auditors are reduced and the proposal is therefore deregulatory in nature.</p> |
|--|---|

**Signed**



Graham Fraine  
 Director-General  
 Department of State Development and Infrastructure  
 Date: 18/9/24



Grace Grace MP  
 Minister for State Development and Infrastructure  
 Minister for Industrial Relations and  
 Minister for Racing  
 Date: 18/9/24

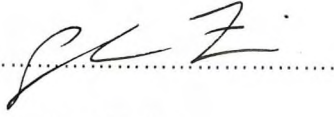
# Impact Analysis Statement

## Summary IAS

|   |   |
|---|---|
| Lead department                                       | Office of Industrial Relations  |
| Name of the proposal                                  | Prescribed Acts for information sharing purposes<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i>                                |
| Submission type                                       | Summary IAS   |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i><br><i>Safety in Recreational Water Activities Regulation 2024</i><br><i>Work Health and Safety Regulation 2011</i> |
| Date of issue   | September 2024  |

| Proposal type                 | Details  |
|-------------------------------|--|
| Minor and machinery in nature | <p>These changes are minor and machinery in nature and do not result in a substantive change to regulatory policy or impacts on business, government or the community.</p> <p>The <i>Electrical Safety Act 2002</i> (ES Act) includes strict requirements for maintaining confidentiality of information obtained or gained access to in the course of exercising any power or functions under the respective Act. An exception to this is for the purposes of administration or enforcement of another prescribed Act.</p> <p>The <i>Work Health and Safety Act 2011</i> (WHS Act) and <i>Safety in Recreational Water Activities Act 2011</i> (SRWA Act) have the same restrictions on sharing of information.</p> <p>This proposal seeks to prescribe additional Acts for purposes of sharing information for the administration or enforcement of each of the Acts (being ES Act, WHS Act and SRWA Acts). This amendment is reflected as:</p> <ul style="list-style-type: none"> <li>the WHS Act, SRWA Act and <i>Labour Hire Licensing Act 2017</i> are prescribed in the <i>Electrical Safety Regulation 2013</i></li> <li>the ES Act and WHS Act are prescribed in the <i>Safety in Recreational Water Activities Regulation 2024</i>; and</li> <li>the ES Act and SRWA Act are prescribed in the <i>Work Health and Safety Regulation 2011</i>.</li> </ul> <p>Prescribing the <i>Labour Hire Licensing Act 2017</i> under the ES Act gives effect to recommendation 83c from the <i>Review of Queensland's Electrical Safety Act 2002</i>.</p> <p>Including these Acts, as prescribed Acts, will clarify existing information sharing practices, increase the operational efficiency of information sharing between regulators, and ensure regulators are informed to respond to safety issues under their frameworks.</p> |

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
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Date: 18/9/24



# Impact Analysis Statement

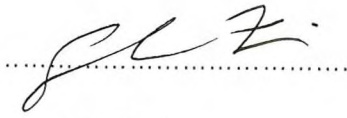
## Summary IAS

### Details

|   |   |
|---|---|
| Lead department                                       | Office of Industrial Relations  |
| Name of the proposal                                  | Months to days (Recommendation 83(e) – <i>Review of Queensland's Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS   |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i>  |
| Date of issue   | September 2024  |

| Proposal type                 | Details  |
|-------------------------------|--|
| Minor and machinery in nature | <p>This proposal is minor and machinery in nature with zero regulatory costs, as it is merely designed to provide clarification of the applicable time frame.</p> <p>At section 50 of the <i>Electrical Safety Regulation 2013</i> (ES Regulation) there are several references to a '1 month' period.</p> <p>For example, section 50(2) of the ES Regulation provides that an electrical contractor licence is:</p> <ul style="list-style-type: none"> <li>automatically suspended, if for a period of <u>1 month</u> the license is without a qualified business person (QBP) or a qualified technical person (QTP) endorsed on the contractor license.</li> <li>automatically cancelled if, within <u>1 month</u> after a licence is automatically suspended, the license remains without either a QTP or QBP endorsed for the licence.</li> </ul> <p>Recommendation 83(e) from the <i>Review of Queensland's Electrical Safety Act 2002</i> which recommended amending the references in sections 49 and 50 of the ES Regulation from "1 month" to "28 days". To give effect to the intent of the recommendation, the proposal amends section 50 to '30 days' (to maintain closer alignment to the existing 1-month timeframe).</p> <p>Definitions of 1 month under the <i>Acts Interpretation Act 1954</i> (Qld) (AIA) were considered. However, the AIA defines month as 'a calendar month.' With the definition of "calendar month" under the AIA meaning a period 'starting at the beginning of any day of 1 of the 12 named months and ending – a) immediately before the beginning of the corresponding day of the next named month; or b) if there is no such corresponding day – at the end of the next named month.' These definitions do not provide any greater clarity than is currently contained within section 50 of the ES Regulation.</p> <p>Given the obligations under section 50 require absolute clarity as they require something to be done within a certain timeframe, the specification of 30 days provides the most certainty for electrical contractor licence holders.</p> |

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
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Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

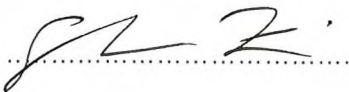
## Summary IAS

### Details

|   |  |
|---|--|
| Lead department                                       | Office of Industrial Relations   |
| Name of the proposal                                  | Remove an incorrect reference (Recommendation 83f – <i>Review of Queensland's Electrical Safety Act 2002</i> )<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS  |
| Title of related legislative or regulatory instrument | <i>Electrical Safety Regulation 2013</i>   |
| Date of issue   | September 2024   |

| Proposal type                 | Details  |
|-------------------------------|--|
| Minor and machinery in nature | <p>This proposal is minor and machinery in nature. The proposal is to remove an incorrect reference in the <i>Electrical Safety Regulation 2013</i> (ES Regulation). Removal of this does not result in a substantive change to regulatory policy or new impacts on business, government or the community.</p> <p>Section 279 of the ES Regulation provides for the duties of a person conducting business or undertaking when supervising a training person. Section 279(2)(b) of the ES Regulation refers to Schedule 9, definition of <i>safety observer</i> subsection (c). Schedule 9 definition of <i>safety observer</i> does not contain a paragraph (c).</p> <p>To give effect to recommendation 83(f) from the <i>Review of Queensland's Electrical Safety Act 2002</i>, the proposal removes the incorrect reference at section 279(2)(b) to bring clarity and avoid any confusion caused by the incorrect reference.</p> |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|   |   |
|---|---|
| Lead department                                       | Office of Industrial Relations  |
| Name of the proposal                                  | Maintaining existing penalty infringement notices<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| Submission type                                       | Summary IAS   |
| Title of related legislative or regulatory instrument | <i>State Penalties Enforcement Regulation 2014</i>  |
| Date of issue   | September 2024  |

| Proposal type                 | Details   |
|-------------------------------|---|
| Minor and machinery in nature | This proposal is minor and machinery in nature.<br>Section references in the <i>Electrical Safety Regulation 2013</i> are renumbered by the <i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> . To ensure that penalty infringement notices for existing infringement notice offences can continue to be issued by an inspector, consequential amendments are made to the <i>State Penalties Enforcement Regulation 2014</i> , Schedule 1. |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
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Date: 18/9/24

# Impact Analysis Statement

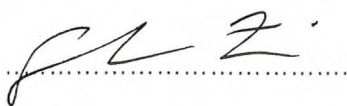
## Summary IAS

### Details

|   |  |
|---|--|
| Lead department                                       | The Office of Industrial Relations   |
| Name of the proposal                                  | Amendments to the <i>State Penalties Enforcement Regulation 2014</i> to prescribe offences related to quad bike-related safety |
| Submission type                                       | Summary IAS  |
| Title of related legislative or regulatory instrument | <i>State Penalties Enforcement Regulation 2014</i>   |
| Date of issue   | September 2024   |

| Proposal type                 | Details   |
|-------------------------------|---|
| Minor and machinery in nature | <p>Amendments to the <i>State Penalties Enforcement Regulation 2014</i> (SPE Regulation) will be made to prescribe three offences for the issuance of Penalty Infringement Notices (PINs). These offence provisions specify that workplaces must ensure that workers wear a helmet when operating quad bikes, prohibit children from operating adult-sized quad bikes and prohibit passengers on quad bikes where the passenger is a child or where there is no seating for a passenger.</p> <p>The amendments to the SPE Regulation will enable the issuing of PINs which provides an alternative, appropriate and efficient enforcement mechanism as an alternative to prosecution through the court system.</p> <p>As such, this regulatory proposal is minor and machinery in nature, and no further impact analysis is required.</p> |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24

# Impact Analysis Statement

## Summary IAS

### Details

|  |   |
|--|---|
| <b>Lead department</b>                                       | Office of Industrial Relations  |
| <b>Name of the proposal</b>                                  | Prescription of an infringement notice offence in the <i>State Penalties Enforcement Regulation 2014</i> for a person conducting a business or undertaking who fails to ensure that a worker does not carry work out in, or otherwise enter, the roof space of a building, unless the relevant electrical installation in the building has been de-energised.<br><i>Electrical Safety and Other Legislation Amendment Regulation 2024</i> |
| <b>Submission type</b>                                       | Summary IAS   |
| <b>Title of related legislative or regulatory instrument</b> | <i>State Penalties Enforcement Regulation 2014</i>  |
| <b>Date of issue</b>   | September 2024  |

#### **What is the nature, size and scope of the problem? What are the objectives of government action?**

The *Electrical Safety and Other Legislation Amendment Regulation 2024* introduces new requirements to ensure a worker does not carry out work in, or otherwise enter for the purposes of doing work, a domestic roof space unless the relevant electrical installation in the building has been de-energised or either of the prescribed circumstances apply (new section 120C of the *Electrical Safety Regulation 2013* (ES Regulation)).

This new requirement responded to electrical risks posed to those working in these roof spaces evidenced by the loss of life during the Federal Home Insulation Program. Further, there is a recorded 92 incidents of electrocution or electric shock between 1 January 2017 and 30 June 2024 as a result of work being performed in, via or adjacent to, ceiling or roof spaces in commercial or residential buildings.

In recognition that there are circumstances in which it is not reasonably practicable to de-energise a building's relevant electrical installation, or the building's relevant electrical installation needs to be energised in order to service, test or commission an energised thing exemptions are provided for. Where a person conducting a business or undertaking (PCBU) considers that the work or entry aligns with an exemption, the PCBU instead must ensure additional safety measures are met to protect workers (e.g., a risk assessment and statement for the work or entry).

The objective of government action is to ensure that PCBUs are meeting their obligation to ensure that work in, or entry into, a roof space only occurs in accordance with the legislation, with the aim of reducing electrical risks for workers. Where PCBUs are not meeting their obligations, immediate compliance action can be taken to disincentivise further offending, ensuring that recurring risks to workers are reduced.

#### **What options were considered?**

There are two options that have been considered to relation to the requirement for a PCBU to ensure, so far as reasonably practicable, that a worker does not carry out work in the roof space of a building, or enter the roof space for the carrying out of work in another part of the building, unless either the relevant electrical installation of the building is de-energised or either of the two prescribed circumstances ('exemptions') apply.

- Option 1: the requirement is not prescribed as an infringement notice offence.
- Option 2: amend the *State Penalties Enforcement Regulation 2014* (SPE Regulation) to prescribe the requirement as an infringement notice offence.

### What are the impacts?

#### Option 1: the requirement is not prescribed as an infringement notice offence.

Without deterrents for working in, or entering into, a roof space where the building's electrical installation is energised, electrical risks to workers are increased. Option 1 does not respond to the electrical risks posed by in or via the roof space where the building's electrical installation is energised. Further, inspectors would be unable to take immediate compliance action (i.e., through issuing a penalty infringement notice (PIN) otherwise known as an on-the-spot fine) to dissuade non-compliant behaviour before an incident occurs.

#### Option 2: amend SPE Regulation to prescribe the requirement as an infringement notice offence

Option 2 most appropriately responds to the objective of government action. PINs are used to encourage compliance with key safety requirements, disincentivising PCBUs from non-compliance and ensuring that workers are safe.

The proposed infringement notice offence is reflective of a similar infringement notice offence aimed at ensuring that electrical work on or near energised electrical equipment does not occur (subject to exemptions) to reduce electrical risks for electrical workers and other persons. The infringement notice offence is also reflective of other infringement notice offences generally issued under the ES Regulation.

The purpose of the *Electrical Safety Act 2002* (ES Act) is directed at eliminating the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. Costs incurred by a PCBU for failing to comply with this requirement (i.e., paying the PIN) is considered minor and justified in line with achieving the purpose of the ES Act. Where a PCBU complies with the requirement, no cost will be incurred.

To support the introduction of these new requirement for work in, and entry into, roof spaces, education to PCBUs, workers and homeowners will include the release of guidance material, social media posts and website updates. Further, commencement of the infringement notice offence will be delayed to 1 July 2025 to ensure appropriate time for PCBUs to comply with the new requirements.

### Who was consulted?

Government consultation occurred with the Department of Justice and Attorney-General.

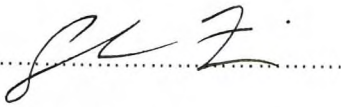
### What is the recommended option and why?

Option 2 is the recommended option. The introduction of an infringement notice offence for a PCBU to ensure, so far as is reasonably practicable, that a worker does not carry out work in the roof space of a building, or enter the roof space for the carrying out of work in another part of the building, unless either the relevant electrical installation of the building is de-energised or either of the two prescribed circumstances apply, is considered appropriate in line with the government objective. The intention of an infringement notice offence is focused on decreasing the risks and number of incidents related to electrical shock or electrocution for those workers who enter domestic roof spaces.

## Impact assessment

|  | First full year                         | First 10 years                          |
|--|---|---|
| Direct costs – <i>Compliance costs</i> | Negligible. See 'what are the impacts?' | Negligible. See 'what are the impacts?' |
| Direct costs – <i>Government costs</i> | Negligible. See 'what are the impacts?' | Negligible. See 'what are the impacts?' |

**Signed**



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

Date: 18/9/24



# Impact Analysis Statement

## Summary IAS

### Details

|   |  |
|---|--|
| Lead department                                       | The Office of Industrial Relations   |
| Name of the proposal                                  | Amendments to the <i>State Penalties Enforcement Regulation 2014</i> to prescribe offences related to crystalline silica |
| Submission type                                       | Summary IAS  |
| Title of related legislative or regulatory instrument | <i>State Penalties Enforcement Regulation 2014</i>   |
| Date of issue   | September 2024   |

| Proposal type                 | Details  |
|-------------------------------|--|
| Minor and machinery in nature | <p>Amendments to the <i>State Penalties Enforcement Regulation 2014</i> (SPE Regulation) will be made to prescribe six offences for the issuance of Penalty Infringement Notices (PINs). These offence provisions ensure persons conducting a business or undertaking:</p> <ul style="list-style-type: none"><li>do not allow or direct workers to perform work that involves manufacturing, supplying, processing or installing engineered stone benchtops, panels or slabs;</li><li>notify the regulator before removing, repairing, making minor modifications or disposing of engineered stone outside the scope of the ban;</li><li>control the processing of crystalline silica substances (CSS);</li><li>comply with silica risk control plans requirements when the processing of a CSS being undertaken is high risk; and</li><li>comply with record keeping requirements when silica risk training is provided.</li></ul> <p>The amendments to the SPE Regulation will enable the issuing of PINs which provides an alternative, appropriate and efficient enforcement mechanism as an alternative to prosecution through the court system.</p> <p>As such, this regulatory proposal is minor and machinery in nature, and no further impact analysis is required.</p> |

### Signed



Graham Fraine  
Director-General  
Department of State Development and Infrastructure  
Date: 18/9/24



Grace Grace MP  
Minister for State Development and Infrastructure  
Minister for Industrial Relations and  
Minister for Racing

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