

# Sunset review of the Electrical Safety Regulation 2013

## Consultation Paper

### Purpose and scope

The Electrical Safety Regulation 2013 (ES Regulation) is subordinate legislation made under the *Electrical Safety Act 2002* (Act). It details compliance requirements and ways of meeting obligations created by the ES Act.

Under the *Statutory Instruments Act 1992*, subordinate legislation automatically expires (or 'sunset') 10 years after its making unless it is remade. The purpose of the automatic expiry is to ensure regulations are regularly reviewed and have continuing relevance to the economic, social and general wellbeing of Queensland. Sunset reviews are not designed to consider changes in policy or introduce additional regulatory or administrative requirements. The ES Regulation is due to expire on 31 August 2026 unless it is reviewed and remade.

The Office of Industrial Relations (OIR) is undertaking a sunset review of the ES Regulation and is now seeking feedback on a consultation draft of the ES Regulation, prior to it being remade. The proposed changes have been made to ensure the ES Regulation continues to achieve the objectives of the ES Act by providing a fit-for-purpose regulatory environment for industry and the community.

This consultation paper provides a summary of proposed changes to the ES Regulation, to assist you in providing feedback.

### How to make a submission

If you would like to provide feedback on the draft ES Regulation, please email OIR at [ESpolicy@oir.qld.gov.au](mailto:ESpolicy@oir.qld.gov.au) by 25 May 2026.

As this is a public consultation process, the Queensland Government is committed to openness in its considerations of public policy and any information in submissions may be published on the Office of Industrial Relations website or included in other documents associated with the policy development process. Please clearly mark any comments or information you wish to be kept confidential.

### Next steps

Feedback provided as part of this consultation process will be subject to policy analysis and government consideration to determine if any additional amendments to the draft ES Regulation are required.

Subject to approval by the Governor in Council, the new regulation will be notified by publication on the Queensland Legislation website, with an intended commencement of 1 September 2026.

## Background

The ES Regulation is subordinate legislation made under the ES Act. It is an integral component of Queensland's electrical safety framework as it provides detailed compliance requirements and prescribes ways to meet obligations created by the ES Act.

The primary objectives of the ES Regulation are to:

- Maintain the continuity of Queensland's electrical safety framework.

- Ensure Queensland's electrical safety laws are aligned (where relevant) with the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.
- Ensure the electrical safety of licensed electrical workers, other workers, licensed electrical contractors, consumers and the general public.
- Enhance consumer protections in relation to electrical work and electrical equipment.
- Prevent cathodic protection systems from damaging or interfering with the property of others.
- Ensure a safe supply of electricity.
- Ensure electrical equipment hired or sold is electrically safe.

In 2013, the ES Regulation underwent a sunset review and was remade without significant changes.

## Previous consideration

The last sunset review of the ES Regulation occurred in 2013, where the regulation was remade with minimal changes. Since this time industry has been provided with opportunities to provide feedback on the efficiency and effectiveness of the regulation, including as part of a 2021 review of the ES Act and during earlier stages of this sunset review process.

### 2021 Review of the ES Act

In 2021, the ES Act was reviewed with a focus on ensuring Queensland's electrical safety laws continue to provide high safety standards for workers and communities, while recognising that new and emerging technologies have had significant effects on electricity generation, storage, and supply.

The ES Act Review made a number of recommendations that were addressed by the *Electrical Safety and Other Legislation Amendment Act 2024 (ESOLA Act 2024)* and the *Electrical Safety and Other Legislation Amendment Regulation 2024 (ESOLA Regulation)*.

Amendments to the ES Regulation made via the ESOLA Regulation, included:

- clarifying the types of testing that form energised electrical work to ensure it is undertaken in line with the energised electrical work requirements
- providing new requirements for PCBUs and workers carrying out work in or entering domestic roof spaces and creating a new infringement notice offence (on the spot fine) where PCBUs fail to meet domestic roof space requirements
- reducing the risk of arc flash injuries by extending requirements for electrical work on energised electrical equipment to apply to electrical work near energised electrical equipment
- reducing timeframes for electrical contractors to notify the regulator of changes to qualified technical persons or qualified business persons on their license in light of online notifications
- providing clarity around requirements for the EESS in regard to second-hand in-scope electrical equipment, the definition of 'certificates of sustainability' and the role of recognised external certification schemes (RECS)
- new provisions to legislate water equipment as prescribed electrical equipment.

Amendments to the ES Regulation made by the ESOLA Regulation were determined out of the scope for the purposes of the sunset review given the amendments have only recently been implemented.

### This sunset review

In February 2025, OIR sought feedback on the 2013 ES Regulation from a range of industry representatives, worker representatives, electricity entities and accredited auditors, to inform the review.

During this time, several opportunities were identified to improve the clarity, readability and consistency of the ES Regulation. Feedback relating to a change of policy or that would introduce additional regulatory requirements were considered out of scope for the purposes of the sunset review.

Matters deemed out of scope for the sunset review but with merit more broadly have been added to OIR's internal policy issues register to be considered and prioritised as part of future policy work.

This consultation includes a consultation draft of the ES Regulation now that it has been remade and provides a second opportunity for industry to give feedback.

## Summary of proposed amendments

Proposed amendments to the 2013 ES Regulation focus on removing duplicative provisions, improving clarity and readability of the regulation and ensuring provisions best align with current and accepted practice. There are no proposed changes to the policy intent of provisions or existing regulatory requirements.

Broadly, the draft remake of the ES Regulation includes structural changes, machinery and grammatical amendments to modernise language and align with contemporary drafting practices and amendments to make provisions clearer and easier to understand and apply.

Amendments are proposed to reorder parts of the ES Regulation to group related provisions and to provide better alignment with the ES Act. This has been done to modernise the ES Regulation, improve its effectiveness and efficiency in achieving its objectives and provide a fit-for-purpose regulatory framework for industry and the community. A high-level overview of the changes to the structure of the ES Regulation is provided in **Appendix 1**.

### Part 1 – Preliminary

Part 1 contains machinery and administrative provisions to help interpret and apply to the ES Regulation.

Key changes proposed for Part 1 include:

- Omitting the sections relating to the purposes of the regulation and how the purposes are to be achieved (sections 3 and 4 of the 2013 ES Regulation). This amendment reflects contemporary drafting practices to not duplicate the purposes as defined in the authorising legislation.
- The definitions for a *qualified business person* and *qualified technical person* (Section 7 of the 2013 ES Regulation) have been relocated to new Part 7 – Licensing, as the definitions only apply to this part.
- Sections 276 and 277 of the 2013 ES Regulation have been moved into this part to ensure that application provisions of the ES Regulation are grouped together. This part has been re-ordered to provide a more logical sequence of provisions.

### Part 2 – General duties of person conducting business or undertaking

Part 2 outlines duties on persons conducting a business or undertaking (PCBU), including requirements for working near overhead and underground electric lines, addressing unsafe electrical equipment and using electrical equipment in the workplace.

This is a new part that groups together existing provisions from the ES Regulation that apply to PCBUs regardless of whether their workers perform electrical work or not. This includes grouping Part 2 (Risk Management), Part 5 (Overhead and underground electric lines) and sections 101 and 102 from Part 6, Division 6 (Workplace electrical installations) of the 2013 ES Regulation. These amendments are intended to promote efficiency and improve PCBUs application of the ES Regulation.

Key changes proposed for Part 2 include:

- Editorial amendments and restructuring of order to improve the clarity and readability of some sections.
- Amendments to new sections 14 – 16 (sections 68 and 69 of the 2013 ES Regulation) that set requirements for a person, plant or thing in relation to what constitutes a safe distance from an underground or overhead electric line. This section has been split apart so that new sections 11 and 14 set out the requirements that apply to an overhead electric line and new sections 14 and 15 make clear what requirements apply to an underground electric line, where the provision was previously silent.

## Part 3 – Ways of ensuring electrical safety of persons and property

Part 3 groups together provisions relating to the electrical safety of persons and property. It provides requirements for persons in control of electrical lines including the installation, maintenance and disconnection of private overhead lines. It addresses requirements for the installation of safety switches in residences, requirements to de-energise the roof space of a domestic building prior to undertaking work and requirements relating to the installation of ceiling insulation.

This part also addresses defects and earthing to reduce the risk of electrical hazards. This is fundamental to the protection of preventing persons from being killed or injured by electricity and property being destroyed or damaged by electricity as it addresses specific safety issues that have occurred.

This part consolidates the majority of provisions that were located in Part 6 of the 2013 ES Regulation with the exception of Part 6, Division 6 relating to specific workplace electrical equipment. New Part 6, Division 6 has been restructured as a stand-alone part in the remade Regulation (see Part 6 for further detail).

Key changes proposed for Part 3 include:

- Omitted section 73 of the 2013 ES Regulation (Work involving an electric motor forming part of vehicle) as the provision is inconsistent with the definition of *electrical equipment* in the ES Act.
- Editorial amendments and restructuring of provisions to improve the clarity and readability of some sections.
- Minor amendment to the definition of *overhead electric line* to make clear it refers to a privately owned electric line and not an electric line owned by an electricity entity.

## Part 4 – In-scope electrical equipment

Part 4 (part 7 of the 2013 ES Regulation) prescribes requirements for part 2A of the ES Act relating to in-scope electrical equipment for the purposes of the Electrical Equipment Safety System (EESS). This part includes provisions for the registration of responsible suppliers, the testing, registration, certification and sale of in-scope electrical equipment, records to be kept by a responsible supplier to demonstrate compliance, usage of the regulatory compliance mark (RCM) for electrical equipment and recording information in the national register.

No changes have been proposed for this part. The EESS is currently the subject of a national review as part of the process to implement the National Electrical Safety Taskforce (NEST) recommendations. NEST recommendations 2, 5 and 6 focus on actions to achieve a consistent fit-for-purpose framework for household electrical equipment, including reviewing requirements for certification, registration, marking and recalls which are the subject of this part of the ES Regulation.

Any changes to this part will be considered at the appropriate time and not pre-empt any national consideration of the EESS requirements.

## Part 5 – Electrical equipment – General

Part 5 groups together general requirements for electrical equipment including requirements to display DIY warning signs, and requirements relating to the sale and hire of electrical equipment.

This part consolidates provisions from Part 8 (Division 1, 2 and 3) of the 2013 ES Regulation. These provisions have been restructured into a single part to improve readability and to provide better alignment with the Part 2, Division 2 (Duties of care) found within the ES Act.

Key changes proposed for Part 5 include:

- Editorial amendments to improve the clarity and readability of some sections.
- Section 194 of the 2013 ES Regulation (Hiring of electrical equipment) has been relocated to new Part 6 relating to workplace electrical equipment.
- As identified during the sunset review, section 192 of the 2013 ES Regulation (Regulator may prohibit the sale or use of electrical equipment on safety grounds) has been omitted from the ES Regulation and has been

relocated to section 120D of the ES Act as part of the *Electrical Safety and Other Legislation Amendment Act 2026* so that it is grouped more appropriately with similar provisions.

- Minor amendments to make clear where a DIY warning sign must be displayed for an item of electrical equipment in an online shop.

## Part 6 – Workplace electrical equipment

Part 6 contains provisions related to workplace electrical equipment from Part 6, Division 6 in the ES Regulation. This part has been restructured to focus on the testing and tagging of workplace electrical equipment and safety switches. Provisions relating to defects and earthing have been relocated to Part 2, Division 5 and provisions relating to electrical lines relocated to Part 3, Division 1. This restructure demonstrates the significance placed on appropriate testing and tagging to prevent electric shock, fires and equipment failure.

Key changes proposed for Part 6 include:

- Editorial amendments and restructuring of provisions to improve the clarity and readability of some sections.
- Amending the definitions for terms used in this part to provide greater clarity and improve readability.

## Part 7 – Licensing

Part 7 prescribes requirement for Queensland's electrical licensing framework for Part 4 of the ES Act. The two main types of electrical licences are electrical work licences and electrical contractor licences. This part contains provisions for different types of licences and what each type of licence authorises the holder to do, eligibility requirements and miscellaneous matters relating to the administration of the electrical licensing framework. This part provides for the safety of industry and community through the licensing of people who perform electrical work.

The content and structure of this part remain largely unchanged to Part 4 (Licensing) in the 2013 ES Regulation; however, several provisions have been renamed, reordered and or restructured to provide clarity and reduce ambiguity.

Key changes proposed for Part 7 include:

- Editorial and structural amendments and amendments to define common terms to improve the clarity and readability of some sections.
- Relocation of the definition and requirements for a *qualified business person* and *qualified technical person* from Part 1 to this part.
- Making clear the general requirements that apply to electrical work licences (subdivision 2).
- Making clear the eligibility requirements for a restricted electrical work licence and electrical work training permit.

## Part 8 – Electrical work

Part 8 provides the requirements for the performance of electrical work that were previously located in Part 3, divisions 1, 2, 3, 3A, 4 and 6 and Part 6, division 1 of the 2013 ES Regulation. This part addresses higher risk activities such as live electrical work and high voltage live line work, testing of electrical work, testing and maintenance of test instruments and safety equipment, isolation and lockout procedures, documentation requirements, and enforcement provisions for misrepresentations regarding electrical work.

Certain aspects of electrical work, such as 'live' work, although undertaken by licensed electrical workers, carry a high risk of injury or death. To minimise this risk, it is important to ensure that such work is only performed when necessary and in as safe a manner as possible. It is also important for the safety of electrical workers that control measures are in place to minimise the risk of electric shock as far as is reasonably practicable through effective isolation and lockout procedures. Furthermore, in the interest of safety of all persons it is imperative that electrical work is tested to ensure it is electrically safe.

Key changes proposed for Part 8 include editorial amendments and restructuring of provisions to improve the clarity and readability of some sections.

## Part 9 – Electricity supply

Part 9 provides requirements for connection of an electrical installation to a source of electricity. It also prescribes testing and certification requirements for an electrical installation. Part 10 (Electricity supply) of the 2013 ES Regulation has been renumbered as this part.

Key changes proposed for Part 9 include minor sequencing changes to the order of sections and editorial amendments to improve the clarity and readability of some sections

## Part 10 – Safety management systems

Part 10 prescribes the requirements for prescribed electricity entities and safety management systems for Part 5 of the ES Act. It provides that a prescribed electricity entity is named in Schedule 6 of the ES Regulation (also Schedule 6 of the 2013 ES Regulation) and sets requirements for safety management systems. Part 11 of the 2013 ES Regulation has been renumbered as this part.

Key changes proposed for Part 10 include:

- Splitting the existing requirements for a safety management system into separate sections to improve clarity and readability of the requirements.
- Providing greater clarity around the detail of annual audit requirements for safety management systems.
- Editorial amendments and restructuring of provisions to improve the clarity and readability of some sections.

## Part 11 – Accredited auditors

Part 11 outlines requirements for the appointment of accredited auditors. Part 12 (Accredited auditors) of the 2013 ES Regulation has been renumbered as this part.

Minor changes proposed for Part 11 include editorial amendments and restructuring of provisions to improve clarity and readability of some sections and to align with contemporary drafting practices.

## Part 12 – Works of an electricity entity

Part 12 prescribes ways of discharging the electrical safety obligations of electricity entities. It addresses earthing and protection, substations, electric lines and control cables, termination requirements for low voltage overhead service lines, service lines, the maintenance of works. Part 9 (Works of an electricity entity) of the 2013 ES Regulation has been renumbered as this part.

Minor changes proposed for Part 12 include editorial amendments and restructuring of provisions to improve clarity and readability of some sections and to align with contemporary drafting practices.

## Part 13 – Cathodic protection systems

Part 13 outlines the requirements for cathodic protection systems to help prevent property from being destroyed or damaged by the effects of corrosion. This part includes requirements for the operation, testing and registration of cathodic systems. This part is Part 13 of the 2013 ES Regulation.

Minor changes proposed for Part 13 include editorial amendments and restructuring of provisions to improve clarity and readability of some sections and to align with contemporary drafting practices.

## Part 14 – Incident notification and reporting

Part 14 provides requirements for incident notification and reporting, including reporting timeframes for serious electrical incidents and dangerous electrical events and the actions required by an electricity distribution entity when advised of electric shock or reasonable safety concerns with electrical equipment. This part is Part 14 of the 2013 ES Regulation.

Minor changes proposed for Part 14 include editorial amendments and restructuring of provisions to improve clarity and readability of some sections and to align with contemporary drafting practices.

## Part 15 – Miscellaneous provisions

Part 15 contains miscellaneous provisions, including requirements for electrical safety contributions, prescribed matters relating to the ES Act and other miscellaneous matters. This part is Part 15 of the 2013 ES Regulation.

Part 15 remains largely unchanged with minor drafting amendments proposed to ensure this part aligns with contemporary drafting practices. Sections 276 and 277 of the 2013 ES Regulation has been moved to new Part 1 (Preliminary) to ensure that application provisions for the ES Regulation are grouped together.

## Part 16 – Repeal and transitional provisions

Part 16 will provide transitional provisions. The transitional provisions will detail how relevant matters, such as applications and licences, made under Electrical Safety Regulation 2013 will continue under the Electrical Safety Regulation 2026.

The transitional provisions are not included in the consultation draft. These provisions will be developed following consultation to ensure that they reflect any changes prior to the proposed remake of the ES Regulation.

## Part 17 – Amendment of legislation

Part 17 provides that consequential amendments can be made to other pieces of legislation to update and align references to the remade ES Regulation as outlined in Schedule 11. Part 17 and corresponding Schedule 11 are not included in the consultation draft.

## Schedule 1 – Prescribed workplaces

This schedule provides a list of prescribed workplaces for the purposes of new section 5 (section 277 of the 2013 ES Regulation). This schedule is Schedule 7 in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 2 – Exclusion zones for overhead electric lines

Schedule 2 provides requirements regarding exclusion zones for overhead electric lines for the definition of exclusion zone. This schedule is Schedule 2 in the 2013 ES Regulation.

Minor amendments to the formatting are proposed for this schedule.

## Schedule 3 – Information to be included in declarations by responsible suppliers

Schedule 3 outlines information to be included in declarations made by responsible suppliers relating to in-scope electrical equipment for Part 4 of the ES Regulation. This schedule is Schedule 3 in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 4 – External licences and electrical work licence equivalents

Schedule 4 outlines the equivalent electrical work licence for external licences for the purpose of new section 190 (section 41 of the 2013 ES Regulation). This schedule is Schedule 1 in the 2013 ES Regulation.

Minor amendments are proposed for this schedule to reflect changes to work licences in other jurisdictions and minor technical amendments to align with contemporary drafting practices.

## Schedule 5 – Prescribed electricity entities

Schedule 5 provides a list of prescribed electrical entities for the purposes of new Part 10 (Part 11 of the 2013 ES Regulation). This schedule is Schedule 6 in the 2013 ES Regulation.

Minor amendments are proposed to reduce duplication, amend trading names and to simplify this schedule and to align with contemporary drafting practices.

## Schedule 6 – Clearance of overhead electric lines (other than low voltage service lines)

Schedule 6 outlines requirements for the clearance of overhead electric lines (other than low voltage service lines) for the purposes of Part 12 (Part 9 of the 2013 ES Regulation). This schedule is Schedule 4 in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 7 - Clearance of low voltage overhead service lines

Schedule 7 outlines requirements on the clearance of low voltage overhead service lines for the purposes of Part 12 (Part 9 of the 2013 ES Regulation). This schedule is Schedule 5 in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 8 – Prescribed Acts – Act, section 193

Schedule 8 provides a list of prescribed Acts for the purposes of new section 306 of the ES Regulation (section 285A of the 2013 ES Regulation). This schedule was Schedule 8A in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 9 – Fees

Schedule 9 outlines the fees for the purposes of new sections 185, 243, 283 and 312 of the ES Regulation (sections 63, 236, 256 and 285 of the 2013 ES Regulation). This schedule is Schedule 8 in the 2013 ES Regulation.

No changes are proposed for this schedule.

## Schedule 10 – Dictionary

Schedule 10 provides the definitions of items listed for the purpose of new section 6 of the ES Regulation. This schedule is Schedule 9 in the 2013 ES Regulation.

Minor amendments are proposed to this schedule to update references, collate definitions across the ES Regulation and align with contemporary drafting practices.

## Schedule 11 – Amendment of legislation

This schedule makes consequential amendments to other pieces of legislation that reference the ES Regulation to maintain currency and accuracy, including the Coal Mining Safety and Health Regulation 2017, Queensland Building and Construction Commission Regulation 2018 and the State Penalties Enforcement Regulation 2014.

Schedule 11 has not been included in the consultation draft as not to pre-empt the Attorney General's consideration of amendments to the State Penalties Enforcement Regulation 2014. The schedule will be finalised following the Attorney General's consideration, prior to the proposed remake of the ES Regulation. No new penalty infringement notices or changes to existing penalty infringement notices are proposed.

## Appendix 1

Overview of the structure of the remade draft ES Regulation compared with the 2013 ES Regulation

Part	Division	Heading	2013 provisions
<b>Part 1</b>		<b>Preliminary</b>	
	Div 1	Introduction	Ss 1 – 2
	Div 2	Application	S 9, pt 15, div 2
	Div 3	Interpretation	Ss 5, 6, 8, 10, 11
<b>Part 2</b>		<b>General duties of person conducting business or undertaking</b>	
	s.13	Risk management	Part 2
	Ss 14-16	Overhead and underground electric lines	Part 5
		General	Part 6, div 6, sdiv 2
<b>Part 3</b>		<b>Ways of ensuring electrical safety of persons and property</b>	
	Div 1	Electric lines	Part 6, div 3
	Div 2	Installation of approved safety switches in domestic residences	Part 6, div 4 (other than s 86)
	Div 3	Roof spaces	Part 6, div 7
	Div 4	Installation of ceiling installation	Part 6, div 5
	Div 5	Other	Part 6, div 2
<b>Part 4</b>		<b>In-scope electrical equipment</b>	Part 7
<b>Part 5</b>		<b>Electrical equipment - general</b>	Part 8
	Div 1	Requirement for warning signs for sale of particular electrical equipment	Part 8, div 1
	Div 2	Prohibition on sale of electrical equipment	Part 8, div 2
	Div 3	Labelling and inspection of electrical equipment	Part 8, div 3
<b>Part 6</b>		<b>Workplace electrical equipment</b>	Part 6, div 6 (other than sdiv 2) and section 194 (Part 8)
<b>Part 7</b>		<b>Licensing</b>	Part 4

	Div 1	Preliminary	New
	Div 2	Electrical work licence authorisation	Part 4, div 1
	Div 3	Requirements for issue of electrical work licence	Part 4, div 2
	Div 4	Requirements for issue of electrical contractor licence	Part 4, div 3 and section 7
	Div 5	Requirements for renewal or reinstatement of electrical licences	Sections 46, 54, 55 and 303
	Div 6	Administration of electrical licences	Part 4, parts of div 3 and 4
	Div 7	Other matters	Part 4, div 4
	Div 8	External licences	Section 41
<b>Part 8</b>		<b>Electrical work</b>	Part 3
	Div 1	Performing electrical work	Part 6, div 1
	Div 2	Electrical work on or near energised electrical equipment	Part 3, div 1
	Div 3 - 8	As per 2013 regulation	Part 3, div 2, div 3, div 3A, div 4, div 6
<b>Part 9</b>		<b>Electricity supply</b>	Part 10
<b>Part 10</b>		<b>Safety Management Systems</b>	Part 11
<b>Part 11</b>		<b>Accredited Auditors</b>	Part 12
<b>Part 12</b>		<b>Works of electricity entity</b>	Part 9
<b>Part 13</b>		<b>Cathodic Protection systems</b>	Part 13
<b>Part 14</b>		<b>Incident notification and reporting</b>	Part 14
<b>Part 15</b>		<b>Miscellaneous provisions</b>	Part 15
	Div 1	Electrical safety contributions	Part 15, div 1
	Div 2	Prescribed matters	Part 15, parts of div 3
	Div 3	Other matters	Part 15, parts of div 3
<b>Part 16</b>		<b>Repeal and transitional provisions</b>	Part 16
<b>Part 17</b>		<b>Amendment of legislation</b>	New