

Impact Analysis Statement

Summary IAS

Details

Lead department	Office of Industrial Relations
Name of the proposal	Amendments to the <i>Electrical Safety Act 2002</i> to support the sunset review and subsequent remake of the <i>Electrical Safety Regulation 2013</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	Electrical Safety and Other Legislation Amendment Bill 2025
Date of issue	21 October 2025

Proposal type	Details
Minor and machinery in nature	<p>This proposal seeks to amend the <i>Electrical Safety Act 2002</i> (ES Act) to address two matters identified during the sunset review and remake of the <i>Electrical Safety Regulation 2013</i> (ES Regulation).</p> <p><i>Defect notices</i></p> <p>Section 74 of the ES Regulation provides that in addition to an inspector, an electricity entity can give a notice to a person requiring an item of electrical equipment be fixed where they identify a defect that affects the electrical safety of the item. If a person fails to take all reasonable steps to ensure the defect is fixed, the person may be liable to a penalty of up to 40 penalty units.</p> <p>It has been identified that there is ambiguity in the regulation-making power of the ES Act, as there is not a clearly defined provision which provides that electricity entities may give a defect notices.</p> <p>The proposed amendment seeks to resolve this administrative issue by explicitly clarifying that section 210 in the ES Act provides sufficient direction for electricity entities to issue defect notices. This amendment will not change the intent or operation of the existing power, but will maintain the status quo under which electricity entities have been operating in good faith for many years and that there was a sufficient power to issue defect notices under the ES Act.</p> <p>Additionally, this amendment does not propose to change procedural fairness for these notices. Currently there is no right for a recipient to seek a review for a defect notice issued by an electricity entity under section 74 of the ES Regulation.</p> <p>A detailed review of natural justice principles, including review rights, will be undertaken as part of the sunset review and subsequent remake of the ES Regulation, which will occur prior to the expiry of the ES regulation on 31 August 2026.</p>

	<p>To further clarify the policy intent of this proposal, existing defect notices given by electricity entities will be retrospectively validated. This will remove any doubt surrounding the validity of the defect notices by ensuring that all defect notices issued by electricity entities under section 74 of the ES Regulation 2013 (and previously under the former regulation) are taken to have been validly made as if the specific power had always existed.</p> <p>Electricity entities are not, and will not, be able to exercise any additional powers or functions under the ES Act as a result of the proposed amendments.</p> <p><i>Unsafe equipment directions</i></p> <p>Section 192 of the ES Regulation provides that the Regulator can prohibit the sale or use of a type of electrical equipment for an indefinite period of time if the regulator has reasonable grounds to believe the item does not comply with the safety criteria in the relevant standard.</p> <p>In recognition of the potential impact of the power, and to align with contemporary practices, this provision will be relocated to the ES Act with similar powers, including those relating to the Regulator's power to issue electrical safety notifications (section 206). Other minor amendments will be made to better contemporise the provision, including a 10-year expiry instead of extending these directions for an indefinite period.</p> <p>To ensure relevant existing gazette notices issued under section 192 of the ES Regulation continue after the section is omitted, a transitional provision is proposed to ensure that certain notices can continue to operate lawfully without interruption and provide administrative consistency.</p> <p><i>Conclusion</i></p> <p>The two proposed amendments are both minor and machinery in nature as both amendments are for the purposes of addressing corrections, technical errors and minor updates. The transitional provisions are required for the purpose of supporting the amendments, and are also machinery in nature as they are required to clarify and maintain the original policy intent.</p> <p>This proposal is minor and machinery in nature and does not require further impact analysis under the Better Regulation Policy.</p>
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Signed



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 Department of State Development, Infrastructure
 and Planning
 Date: 21/10/2025



Jarrod Bleijie MP
 Deputy Premier, Minister for State Development,
 Infrastructure and Planning and Minister for
 Industrial Relations
 Date: 21/10/2025