

~~Young Australians. The new declaration was made by the Ministerial Council on Education, Employment, Training and Youth Affairs on 5 December 2008.~~

~~The Grammar Schools Act 1975 was amended in 2003 following a review of the act. One amendment was that, in order to be eligible to vote or participate in the elections for the board, a donor or subscriber must demonstrate an ongoing commitment to the grammar school by way of donations. In September 2005, the Grammar Schools Act Review Steering Committee assessed the adequacy of the act in the context of the 2003 amendments. As a result of the recommendations of the steering committee, the bill allows a donor or subscriber to voluntarily relinquish their status as a donor or subscriber by notifying the board in writing.~~

~~The bill also amends the James Cook University Act 1997 to facilitate the efficient conduct of elections of convocation members to the council and to implement other amendments suggested by the university that will enable more effective operation of the act.~~

~~Under the Vocational Education, Training and Employment Act 2000, one of the functions of the Training and Employment Recognition Council is to regulate the issuing of qualifications and statements of attainment. The bill clarifies the functions so that the council can declare invalid a qualification or statement of attainment issued in inappropriate circumstances, for example by a registered training organisation acting outside its scope of registration.~~

~~The bill also amends the EGPA to create a legislative head of power for the provision of an approved pre-preparatory learning program for children at certain state and non state schools. This program will be offered to children who are at least 3½ years old and will focus on literacy and numeracy. The bill provides that a pre-preparatory aged child who is provided with this program is not a student of the school or enrolled at the school. This is necessary to ensure that a range of provisions of the EGPA that are not appropriate for this cohort will not apply to them, for example the full range of behaviour management provisions. Instead, the bill provides that the child is registered for the program.~~

~~Section 429A of the EGPA prohibits the use of certain terms by child care providers. The intention of the prohibition is to distinguish the prep year from child care and to limit confusion for parents because the use of those terms by a child care provider could lead to parents assuming that the child care provider is able to provide education in the prep year of schooling. However, since its introduction it has become clear that the prohibition as it stands is not sufficiently broad to achieve this policy intention. The bill therefore amends the EGPA to expand this prohibition and ensure that child care providers must not describe the care they provide in any manner which may suggest that they are providing prep year education, for example by using the acronym 'PREP'. I commend the bill to the House.~~

~~Debate, on motion of Dr Flegg, adjourned.~~

ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.45 pm): I present a bill for an act to amend the Electrical Safety Act 2002, the Electrical Safety Regulation 2002, the Acts Interpretation Act 1954, the Building and Construction Industry (Portable Long Service Leave) Act 1991, the Contract Cleaning Industry (Portable Long Service Leave) Act 2005, the Evidence Act 1977, the Holidays Act 1983, the Industrial Relations Act 1999, the Industrial Relations Regulation 2000, the Industrial Relations (Tribunals) Rules 2000, the Parliamentary Service Act 1988, the Parliamentary Service Rule 2000, the Trading (Allowable Hours) Act 1990, the Workers' Compensation and Rehabilitation Act 2003, the Workers' Compensation and Rehabilitation Regulation 2003, the Workplace Health and Safety Act 1995 and the Workplace Health and Safety Regulation 2008 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Electrical Safety and Other Legislation Amendment Bill.

Tabled paper: Electrical Safety and Other Legislation Amendment Bill, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.46 pm): I move—

That the bill be now read a second time.

The Electrical Safety and Other Legislation Amendment Bill 2009 will reduce electrical safety risks for Queenslanders. It will rectify a situation where Queensland is the only jurisdiction within Australia and New Zealand without the power to recall unsafe electrical equipment. This situation potentially places the electrical safety of Queenslanders at risk, which impacts on the government's Q2 ambitions of supporting safe and caring communities.

Since the commencement of the Electrical Safety Act in October 2002, it has been understood by the Electrical Safety Office and industry generally that under section 206 of the act there was sufficient authority to mandate a recall of unsafe electrical equipment by the issue of an electrical safety notification. However, this law was recently tested in the Industrial Court of Queensland. The court held that section 206 of the act relating to an electrical safety notification did not extend to requiring a recall and other related action to be conducted.

The decision of the Industrial Court highlights the fact that Queensland possesses neither fair trading recall powers nor electrical safety recall powers to mandate a recall of unsafe electrical products in the public interest. Currently, the only way that Queensland can seek a mandatory recall of unsafe electrical equipment is through a formal request to the Australian Competition and Consumer Commission to invoke its powers under the Trade Practices Act 1974.

This bill introduces a mandatory recall power for electrical products. The bill will reduce electrical safety risks for Queenslanders by ensuring the government can act when it believes safety is an issue or has the potential to be a risk to life or property.

The bill enables the minister of the day to make a recall order to compel designers, manufacturers or importers to recall and make safe electrical equipment. Such action would be taken if it is believed that the electrical equipment is or will become an electrical safety risk.

021 Compliance with a recall order becomes an additional obligation under the Electrical Safety Act. This is consistent with the existing obligations of designers, manufacturers and importers under the act, which is to ensure that electrical equipment that they design, manufacture or import is electrically safe.

A supplier of electrical equipment, subject of a recall, also has an important role to play. As part of a recall order, a supplier, including distributors and retailers, will be required, when requested, to provide 'reasonable help' to the 'responsible person' undertaking the recall. 'Reasonable help' may include ceasing the supply of the electrical equipment, identifying or assisting in contacting persons supplied with the electrical equipment and providing information regarding the number of items in stock, sold or returned by customers.

Failure to comply with the requirements of a recall order by the 'responsible person' attracts a maximum penalty of 500 penalty units or six months imprisonment or, in the case of multiple deaths, a maximum penalty of 2,000 penalty units or two years imprisonment may apply. Failure to provide 'reasonable help' by a supplier attracts a maximum penalty of 50 penalty units.

There are approximately 35 electrical product recalls conducted voluntarily by responsible designers, manufacturers and importers each year. I am confident that the majority of designers, manufacturers and importers will continue to do the right thing by conducting an effective voluntary recall should they have an unsafe product in the community. However, should this not be the case, the bill introduced today provides the legislative authority for the government to mandate the recall of unsafe or potentially unsafe electrical equipment where the responsible designer, manufacturer or importer fails to voluntarily remove the electrical risk. These new recall laws bring Queensland into line with other Australian and New Zealand jurisdictions and will reduce electrical safety risks for Queenslanders by ensuring the government can act appropriately when it believes electrical product safety is an issue.

As a separate matter, the recent restructure of Queensland Rail identified a small gap in the coverage of 'entity' obligations with respect to Airtrain Citylink Limited. Airtrain Citylink Limited is a privately owned and operated railway that owns 8.5 kilometres of elevated railway and two stations at Brisbane Airport. The operations of both QR Network Pty Ltd and Airtrain produce a range of similar electrical safety risks, albeit on vastly different scales.

The bill includes 'Airtrain Citylink Limited' in the meaning of 'electricity entity' under the Electrical Safety Act and also includes a consequential amendment to the Electrical Safety Regulation 2002. These changes ensure consistency of 'entity' obligations and will require Airtrain to have, and give effect to, a safety management system for the benefit of passengers and the wider community.

The bill amends the Industrial Relations Act and other consequential acts to enable the Queensland Industrial Relations Commission website to become the official publisher of decisions, awards, agreements, orders and other documents of the Industrial Court of Queensland, the commission itself and the Industrial Registrar. Access to these important industrial documents enables individuals to exercise and safeguard their rights in the workplace.

Currently, the decisions, awards, agreements, orders and other documents of the Industrial Court of Queensland, the commission and the Industrial Registrar are published as the Queensland Government Industrial Gazette by SDS Publications and printed by the government printer, Goprint. The

bound industrial gazette is then distributed to 175 subscribers throughout Queensland. The subscribers to the industrial gazette are made up of legal firms, barristers, unions, employer organisations and libraries.

The bill includes amendments that will abolish the industrial gazette and make all decisions, agreements, awards, orders and other documents freely available on the Queensland Industrial Relations Commission website. This will speed up their public availability while reducing staff administrative procedures and the associated costs. Adoption of electronic service delivery should improve the availability, accessibility, efficiency and effectiveness of the QIRC and Industrial Court of Queensland services. Provision of these documents on the commission website will bring Queensland in line with other states.

The industrial gazette was used by a number of agencies and organisations to publish important industrial notices. Consequential amendments have been made to several acts and regulations to ensure that publication of these notices will continue in the Queensland Government Gazette. To give appropriate effect to this amendment, consequential and transitional provisions were necessary to a number of acts and regulations. These are also included in the bill.

The Contract Cleaning Industry (Portable Long Service Leave) Authority administers the Contract Cleaning Industry (Portable Long Service Leave) Scheme in Queensland pursuant to the provisions of the Contract Cleaning Industry (Portable Long Service Leave) Act 2005. The bill contains amendments that will clarify the ineligibility of trustees and working directors, which the scheme was never intended to cover. They also provide for some administrative changes to improve operating efficiency and compliance. The amendments provide membership for workers in the industry who perform cleaning work in outdoor areas but are currently excluded from membership of the scheme and also provide increased penalties for repeat offender employers.

Concerns have been raised about some recalcitrant employers who continuously fail to comply with their obligations under the legislation relating to lodgement of worker service returns and payment of the levy. Industry consultation has indicated that the current one penalty unit per month, \$100, for failure to comply with the legislation is insufficient to deter repeat offenders. An increase in penalty rates from one penalty unit per month to two penalty units per month for repeat offenders is included in the amendments.

To improve the efficiency of the scheme's operation, employers will no longer be required to report, and pay for, employees who are engaged to work on fewer than five days a quarter. This new provision is intended to reduce the administrative burden on employers and the authority by allowing employers to disregard employees whose engagement period is no longer than five days.

As at 30 June 2009, the scheme had 754 liable employers registered and 49,889 registered workers with service for all or part of the past four years. The authority's board members have raised matters regarding some provisions of the act, in particular, in relation to the definitions of 'cleaning work' and 'premises'. For example, the current definitions preclude membership of the scheme for workers performing cleaning work in open areas, including South Bank Parklands. The proposed amendment to the definitions will result in scheme coverage for workers performing cleaning work in open spaces and parklands whilst still excluding gardening, lawn mowing and other work, which the legislation was never intended to cover. For the avoidance of doubt, in determining whether an individual is engaged to perform, or performs, cleaning work in the contract cleaning industry, the substantial nature of the work and the purpose of the engagement as a whole are to be considered, whether or not individual tasks may fall outside of cleaning work.

The bill will help improve the performance of the scheme, and also include the important provisions already mentioned earlier. Not least of these benefits is the new power to recall unsafe electrical equipment. The Bligh government remains committed to the rights of workers and of workplace and community health and safety. I commend the bill to the House.

Debate, on motion of Dr Flegg, adjourned.

~~MOTION~~

~~Order of Business~~

~~Hon. CR DICK (Greenslopes - ALP) (Acting Leader of the House) (12.56 pm), without notice: I move—~~

~~That government business orders of the day Nos 1 to 10 be postponed.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~