CLEAN ECONOMY JOBS, RESOURCES AND TRANSPORT COMMITTEE

Members present:
Ms KE Richards MP—Chair
Mr PT Weir MP
Mr BW Head MP
Ms JE Pease MP (virtual)
Mr LA Walker MP
Mr TJ Watts MP

Staff present:
Dr A Ward—Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2024

TRANSCRIPT OF PROCEEDINGS

Monday, 10 June 2024

Brisbane

MONDAY, 10 JUNE 2024

The committee met at 9.00 am.

CHAIR: Good morning. I declare open this public briefing for the committee's consideration of the Electrical Safety and Other Legislation Amendment Bill 2024. My name is Kim Richards. I am the member for Redlands and chair of the committee. I would like to acknowledge the traditional owners of the land on which we meet today and pay my respects to elders past, present and emerging. We are very fortunate in this country to have two of the world's oldest continuing living cultures in Aboriginal and Torres Strait Islander peoples. With me here today are: Pat Weir, the member for Condamine and deputy chair; Bryson Head, the member for Callide; Trevor Watts, the member for Toowoomba North; and Les Walker, the member for Mundingburra. Joining us via teleconference is Joan Pease, the member for Lytton.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a copy of instructions to witnesses, so we will take those as read. I also remind any members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that departmental officers are here to provide factual or technical information. Questions seeking opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn their mobile phones off or to silent.

FOX, Ms Andrea, Executive Director, Policy and Workplace Services, Office of Industrial Relations, Department of State Development and Infrastructure

McLEAN, Ms Kirsty, Manager, Electrical Safety Policy, Office of Industrial Relations, Department of State Development and Infrastructure

McPHERSON, Ms Janine, Director, Work and Electrical Safety Policy, Office of Industrial Relations, Department of State Development and Infrastructure

CHAIR: Welcome. I invite you to make an opening statement. Then we will have some questions.

Ms Fox: I thank the committee for the opportunity to make a statement and brief you on the Electrical Safety and Other Legislation Amendment Bill 2024. This bill is driven entirely by the recommendations of a number of reviews of the health and safety framework. The primary purpose of the bill is to implement the first tranche of recommendations from an independent review of Queensland's Electrical Safety Act 2002. The bill also seeks to amend the Work Health and Safety Act 2011 and the Safety in Recreational Water Activities Act 2011 to give effect to recommendations from a 2022 review of the Work Health and Safety Act, the 2018 review of the model work health and safety laws and the 2024 review to extend the scope and application of the industrial manslaughter provisions in the Work Health and Safety Act which was undertaken by Queensland's prosecutor.

The review of Queensland's Electrical Safety Act examined Queensland's electrical safety laws for the first time in nearly 20 years. The review had a focus on ensuring Queensland's electrical safety framework is fit for purpose, particularly in relation to the applicability of new and emerging technologies. The review's final report made 83 major recommendations spanning the electrical safety framework. The government is implementing the recommendations in a staged approach.

The government response was informed by two consultation processes which were undertaken concurrently last year. Firstly, the discussion paper released in May last year explored three key topics raised by the reviewer which related to the sustainability of core terms that underpin this

legislative framework; that is, the definition of electrical equipment and electrical installation and the electrical work definition that falls from that. In addition to the electrical safety framework, it also considered electrical safety around vehicles. The discussion paper canvassed a range of possible options for each topic and encouraged submissions from the public for a period of six weeks. Informed by the 78 submissions that were eventually received, policy analysis and independent economic analysis, a decision paper was then released which outlined the government's proposed approach. That came out in January this year. Concurrently, feedback was invited for a period of three months in response to all of the other remaining recommendations, to which 88 submissions were received in response.

Informed by the outcomes detailed in the decision paper, the bill also amends the definition of electrical equipment to include prescribed electrical equipment. Put simply, prescribed electrical equipment is extra-low-voltage equipment that is placing or may place persons or property at electrical risk and is prescribed by regulation. The prescription of that electrical equipment allows government to take a risk-based approach in responding to risks posed by these new and emerging technologies. Where prescribed, these items will be brought into the scope of the electrical safety framework and as a result are subject to the equipment safety framework, which includes supply chain duties and complying with ministerial recalls. For an item to be prescribed, an amendment regulation must be prepared in line with government processes. This involves a regulatory impact assessment of the proposed changes and consultation. There are no items being prescribed in this particular bill.

Other changes in this bill will allow the government to consider specific items that justify capture under the definition of electrical equipment. The amendments to electrical equipment do not impact or allow the prescription by regulation of automated vehicles such as electric cars, electric trucks and electric buses, which will remain outside of the scope of this framework. Further, the bill introduces new exclusions from the electrical work definition to ensure that particular types of work involving prescribed electrical equipment designed to be completed by unlicensed members of the community continue to be able to be done and will not be inadvertently brought in to require a licence.

This bill also amends the definition of electrical installation to clearly capture new and emerging energy generation and storage systems previously not contemplated when the definition was first drafted in 2002. As we know, in the past 20 years energy generation that was previously only the remit of a small number of electricity entities has become increasingly decentralised. Additionally, with the emergence of renewable energy a variety of new energy storage systems have become available for purchase. Through the bill, clarity is provided that work on energy generation and storage systems is electrical installation work which requires an electrical mechanic licence and must comply with the wiring rules.

Finally, the bill implements several recommendations from the review which are intended to increase the efficiency, operation and administration of the act more broadly. As I mentioned at the start, this bill also amends the Work Health and Safety Act and the Safety in Recreational Water Activities Act by implementing some recommendations of another review. The review of the industrial manslaughter provisions was a recommendation of the 2022 review of the Work Health and Safety Act and was completed by the WHS Prosecutor in February this year. The review involved a substantial consultation process and ended up making three recommendations to improve and modernise the offence. This bill implements all three of those recommendations.

The bill expands the scope of the industrial manslaughter offence in the act to capture work related deaths of people who are not workers, such as bystanders. Capturing people who are not workers in the industrial manslaughter offence ensures the offence applies to all circumstances where an individual is owed a health and safety duty and the negligent conduct of an employer or a senior officer causes that death. This is an important change that more closely aligns Queensland's framework with that of other jurisdictions. Secondly, the bill amends the industrial manslaughter provisions to clarify that multiple parties in a contractual chain can be charged with industrial manslaughter.

Lastly, the bill amends the act to provide for alternative verdicts to industrial manslaughter. Where a verdict of industrial manslaughter cannot be reached, courts will now have the ability to find the defendant guilty of a category 1 or category 2 offence instead. The bill also implements alternative verdicts for the category 1 offence, which means that alternative verdicts will allow the prosecutor to seek the highest penalties available under the act for the most egregious circumstances. The bill amends the category 1 offence to introduce the fault element of negligence into the offence in addition to reckless conduct, which is there now, as you know. This was a recommendation of the national 2018 review of the model work health and safety laws.

The bill also introduces new rights for health and safety representatives and entry permit holders to take photos, video and measurements and to conduct tests. This change was recommended in the WHS Act review, and it will support the monitoring and investigation of health and safety measures or issues. Safeguards to protect privacy are part of the bill. For example, a photo or video can only be taken of workers relevant to the reasonable hazard being reported or suspected contravention. The live streaming of a photo or video is prohibited.

The bill also addresses recommendation 38 of the 2017 best practice review of the act by amending the Work Health and Safety Act to provide the regulator with the ability to regulate the quality of authorisation training. The bill clarifies that authorisation training quality falls within the remit of the act, and therefore the regulator is allowed to set training and assessment standards for it.

Mr WEIR: This committee has been doing a lot in the renewable energy space so I will go straight to that. You talked about alternative generation, and I assume that battery storage comes into it. I am curious as to what these changes will mean, because during that process we heard that we are short of electricians if ever this is going to be delivered on time. Will this improve that, or is it going to create more work so that we need more electricians?

Ms Fox: In terms of changing the definition of electrical installation, we would not expect this to be a concern, particularly in relation to the supply of electricians, because in general I believe electricians would be working on these already. It simply clarifies that the definition is intended to include those in the scope as well. There has been a very rapid change in that model over the last few years, and this brings those types of installations up to the same standard of expectation by the regulator as applies to all the other entities. The Electrical Safety Office already closely monitors these installations, but it clarifies for everybody that they come under the same wiring rules and the same level of electrical expertise is required for those elements.

Mr WEIR: I notice you talked about connections, and that was an issue with solar projects. There was some debate as to whether a qualified electrician was needed to connect them. Does this make any change to that?

Ms Fox: This does not alter the position and what was there previously.

Mr WEIR: I do not want to go outside the scope of the bill, but I was just curious as to why they were not included. I do not know if you can answer that.

Ms Fox: I can comment on that if you like. You are talking about electric vehicles?

Mr WEIR: Yes.

Ms Fox: A range of elements were considered and there was lots of feedback. It came down to a couple of things we saw in the responses that went out to the discussion paper: the economic advantages of pursuing a single-state approach were not there; what is required is a national approach; and it would add a level of complexity that would be very inefficient if you had different regulatory environments for one state over another. The second finding was that, at least at this time, this industry is quite different to other industries in that its pursuit of self-regulation, given the nature of the industry, has been quite strong. So far, as we know, electric vehicles have been high-end vehicles, so it is a market that has been driven by very high expectations of safety, and because of the nature of these vehicles and their cost the industry has done a lot of end-to-end service, where the maintenance is controlled by the industry that produces the cars. Over time we expect there will be more risks that emerge in this industry as we see a second-hand vehicle market emerge and we import a greater range of vehicles. Nonetheless, the findings of that analysis were that a national approach should be taken. That discussion has already started with the industry, which was very interested in meeting government in relation to its concerns and looking at the type of training their automotive mechanics were receiving.

Mr WEIR: We have heard about some concerns from the insurance industry in particular about recharging in a strata community, for example. If you are talking negligence, or perhaps there is a fire, how would that affect the installation of these? I was not too sure about some of the wording in here.

Ms Fox: That is a very good question. It depends to what degree the parts of the process you are talking about are under this legislation's remit or separate to it. The reach of this act is only around—and I am giving a vague answer here—

Mr WEIR: Electrical installation is what caught my eye.

Ms Fox: Is it the batteries that you are talking about?

Mr WEIR: Yes, recharging stations for batteries.

Ms Fox: Did you want to comment further on this one, Kirsty?

Ms McLean: Yes, I can give a bit more information. In terms of the charging systems that are installed to charge vehicles, they are within the remit of the electrical safety framework already. Where they are low-voltage installations, they require a licensed electrical mechanic to complete that work. The charger itself is also electrical equipment. It is just the car or the vehicle that sits outside of the framework. There are duties in terms of installing chargers already.

CHAIR: Is that why buses have been excluded as well, waiting on that national regulation?

Ms Fox: Anything that involves a propulsion system in there is excluded under our legislation.

Mr WATTS: To clarify on that particular point, let's say in a household system, it covers everything all the way through to the battery. However, if that battery is mobile and can propel itself—that is, a car—it stops at the end of the charger?

Ms McLean: Yes. In terms of a vehicle, at the moment, under the definition of 'electrical equipment', section 14 of the Electrical Safety Act has a particular exclusion for parts that provide propulsion to a vehicle. Currently, everything up until the car itself is electrical equipment or part of an electrical installation. The car itself, because the electrical systems provide propulsion for that vehicle—so the battery, for instance—is excluded from the framework and is covered by international standards for importation into Australia.

Mr HEAD: There are now different bits of technology that you can get, and we will see a lot more in this space where you can actually use your car as a battery pack to plug in. If it is a fixed Tesla battery system sitting in your house then it is covered under this act, but if you have a Tesla car with essentially the same battery and technology parked in your garage and plugged in to do the same job then it is not.

Ms Fox: Obviously there are parts of this technology that still have not been probably completely anticipated by people who recharge back on to the grid as they travel and such. The electric vehicle element is definitely outside our framework

Mr HEAD: On the prescription of the technology, at this point in time perhaps the tool that sits between the car and the house to implement that function—because I think with Tesla it is $5,000 or $7,000 or something for that particular thing. It may not currently be prescribed, but the intention is that technologies such as that could be prescribed down the track; is that where the intention of this bill is coming from?

Ms Fox: I am not sure that I am familiar enough with the particular technology that you are talking about.

Ms McLean: Are you talking in terms of home battery systems?

Mr HEAD: This legislation specifically does not prescribe anything, but what is the intention of what does get prescribed? I am assuming that, while the car is separate, perhaps the tool that actually plugs the house to the car in that situation might not currently be prescribed because it might fall out of the current definitions, but would that be something that would be prescribed? Can you comment more generally on what the department would be recommending to be prescribed into the future?

Ms McLean: Anything that currently plugs into a general purpose outlet socket, so into the wall, is electrical equipment currently so that is covered by our framework. In terms of plugging your car to charge it from your home installation, the lead that charges your car is currently covered. In terms of the prescribed equipment framework, I suppose we are looking at the definition of prescribed electrical equipment—

Ms Fox: What it is going to address is just the extra-low-voltage elements that we now consider are going to reach a risk threshold where you would want them to be part of the electrical safety framework. It could be electric scooter and electric bike elements.

Mr HEAD: Because they require propulsion.

Ms PEASE: It is a bit like plugging our mobile phones in to be charged. There is a battery in them but they do not come under this legislation. It is only the power point and the power cord. Is that the department's view?

Ms Fox: That is right. Currently, extra-low voltage falls outside of the framework. That is because, in the past, extra-low equipment were not things that people were concerned about in terms of electrical safety. Now we are seeing inventions that are within the extra-low-voltage space but are capable of a level of risk that meets the threshold that this act is built on.

Mr WATTS: Can you give a few examples? You have things such as scooters and a collection of things that have a battery in them, some with propulsion and some not. Can we get some examples of what you mean by ultra-low-voltage equipment?

Ms Fox: Things like electric bikes and such are extra-low voltage. In terms of that element that you asked about with propulsion in an electric vehicle versus an electric scooter, there is never an intention within this framework that, in prescribing an electric bike, you are going to need an electrician to be working on the electric bike. These appliances are developed or designed in such a way that the householder is supposed to be able to do the majority of the elements around it. It might be the case that, if you were taking apart the battery and working on something in those elements, that would require a level of expertise that does require specific training.

The nature of the definition, I guess, reflects what electric vehicles were like in the past, which did have them standing outside our act. Obviously, we know that increasingly electric vehicles needed to be considered because they were being more broadly developed. However, the findings were that, like I said, this is one that is probably best achieved out of a national approach. They are very highly trained people who work on it. It is not people setting up their own thing on the side of the road. You would not even have a local mechanic work on the repairs of the vehicles. They tend to fly the technicians into regional areas to do the maintenance work if it is broken down on the side of the road and so on. It is a very different development in the market to what we were at with motor vehicles.

Ms McLean: Just to clarify an earlier point, there is an additional amendment to section 14 that excludes the propulsion exclusion from prescribed electrical equipment. Where a piece of extra-low-voltage equipment is prescribed, that propulsion exclusion only applies to low voltage, so that allows government to respond to risks of vehicles such as electric scooters.

Mr WATTS: For a layperson, can you explain how that works?

Ms McLean: There is an amendment to section 14 which provides exclusions to the electrical equipment definition and that excludes propulsion parts of vehicles, so that does not apply to prescribed electrical equipment. It maintains the exclusion of vehicles such as cars and buses, because they operate low-voltage propulsion systems, but excludes from the exclusion prescribed electrical equipment, so any propulsion systems at extra-low voltage can still be prescribed.

Mr WATTS: I am not sure I am totally clear on that. Are a bike and a scooter captured in the same category as a car or the same category as a household—

CHAIR: Blender.

Ms McLean: Bikes and scooters operate at extra-low voltage. Cars and buses and trucks have low-voltage propulsion systems. Low voltage is something that has always been captured by the act so that maintains the exclusion at section 14. Bikes and scooters have not previously been within the remit of the act, being that they are extra-low voltage, so they could be prescribed under the amendments.

Mr WATTS: The clarity is low voltage and extra-low voltage; is that where the line is?

Ms Fox: Correct. I think the difficulty with this act is that the definition brings equipment in and then an exclusion applies to some of that equipment. I think that is what you are picking up on there. You are like, `What does that trigger under?' Electric vehicles were brought within the scope of the act in terms of meeting the threshold of equipment, but then there are provisions to exclude them from it.

CHAIR: Because of the propulsion?

Ms Fox: Yes. It is a bit of a cumbersome act.

Mr WATTS: I am nearly there. I have one final question for clarification. Are the definitions of 'low voltage' and 'extra-low voltage' uniform across state boundaries?

Ms McLean: Yes.

Mr HEAD: What is the voltage cut-off for ultra-low and low?

Ms McLean: Extra-low voltage is up to 50 volts AC, alternating current, or 120 volts DC, direct current. Low voltage goes from 50 volts AC—I might have to correct myself here but I think it is up to 1,000 volts and then 1,500 volts DC, and that is where high voltage starts. If I am incorrect I can come back on that.

Mr WALKER: For clarity on the electric vehicle and the housing side of it, for demarcation purposes they are two different trades. Vehicles will be looked after by the EV industry and where it interfaces with the house is the electrical industry because there is a lead. That is probably where the demarcation is, where that lead touches that vehicle; correct?

Ms Fox: Correct.

Mr WALKER: When they go to read this report there is going to be a big conversation around what is the demarcation point. I ask this question because the Queensland government is leading the way with new TAFE college facilities for EVs and to give a clear demarcation on how we train the EV industry on working on those vehicles. The electrical industry is behind that. With that training and the demarcation, are you really happy with where we are right now, how we get delineation between the two and how we try to capture all the latest technologies? Things are moving so quickly with vehicles, battery storage, solar panels and wind. Are you happy with where we are heading with this bill in general?

Ms Fox: What we found through that discussion paper process and the analysis of it and lots of conversations with industry is that electric vehicles was an area where industry was being very proactive. We looked at some of the TAFE training and such that people were receiving. There was some acknowledgement or recognition to the regulator from the industry that they had not engaged possibly as well as they wanted to with the electrical safety components in terms of talking to electricians, particularly, about whether the training was meeting every element that electricians would consider. There was a great deal of willingness by all parties to move forward and to have those conversations and for electricians to be reviewing and providing input into the parts of the electrical safety training that their people were getting. The analysis did not show a case for why you would particularly bring electricians specifically into that work at this time. Like I said, I guess it will evolve in the future and require some ongoing discussion and monitoring.

Mr WALKER: You mentioned low voltage and extra-low voltage—that is one field of expertise with vehicles and scooters. Electricians are trying to keep up with everything that is emerging in that space, with smart homes and energy efficiency. There is so much to look at in terms of the complications around that. We need to focus, as a government and an industry, on looking at the EV market because it is growing so fast. We talk about tradie shortages. We need to work on that emerging sector with our young people—and the older ones who want to transition from old fuel-driven vehicles to electric, because there is an interface there as well. Will we be able to adapt through regulation to capture some of that?

Ms Fox: That is right. This prescribed electrical equipment process will be an open process similar to a RIS. We will be able to come forward and say which types of equipment we think are meeting this type of risk threshold. The risk will be around things like the prevalence, the level of seriousness of what could occur and the degree to which that sector shows maturity in health and safety. It will be open to discussion. It will be a risk-based discussion with the public. Obviously, we do not as a regulator want to end up regulating every single thing—that would be a very inefficient outcome—but there is definitely a very strong appetite for a regulator to be in the space around some of this extra-low-voltage equipment.

Mr WALKER: We have to be agile. The federal government will be bringing things in and we as a state have to be agile in terms of how the Queensland government safety bill interfaces with them. Things are coming into the country very quickly so we need to be very agile with regulation. Are you happy with the latitude to interface with that quickly and protect people in the industry?

Ms Fox: I think the regulator feels very happy with the engagement with this regulator in that space, yes.

Mr WALKER: Thank you.

Mr WEIR: You mentioned that part of this has come about as a result of the incident at Dreamworld. What were the failings at Dreamworld that this bill would have covered?

Ms Fox: I think you are talking about the changes to industrial manslaughter; is that correct?

Mr WEIR: Yes.

Ms Fox: A whole range of recommendations were made in relation to changes in the organisation: how the auditing of amusement devices happens, licensing and a framework around that. Separate to that is, obviously, that the industrial manslaughter offence did not apply the circumstances of Dreamworld because they were not workers in that horrifying incident; they were outside of that. Those people still fit within the duties of our act—we have duties that apply to bystanders or others in the space—but the current industrial manslaughter offence would not apply to a situation like that. I think the elements that particularly drove the prosecutor's review were less a re-examination of Dreamworld and more about considering how this offence has evolved as other jurisdictions have taken it up. There was interest in aligning our offence now with where others have taken it, which was to include bystanders.

Mr WEIR: Does it complicate it?

Ms Fox: As an offence?

Mr WEIR: Yes.

Ms Fox: Obviously in this space the Criminal Code applies as a manslaughter offence. The industrial manslaughter offence is quite distinct from manslaughter in the Criminal Code. The way it is drafted is targeted at driving a level of accountability to the most senior spaces in an organisation. It has succeeded in changing the level of responsibility and seriousness that people in the most senior positions take around work health and safety. I think it was previously at times seen as something that was delegated down to a work health and safety officer. This industrial manslaughter offence, because it is targeted at the most senior levels, where the evidence of direct involvement with a fatality would be lesser—I think there was a sense from people at the highest levels that we were not necessarily within reach in the incident of a fatality under category 1 and category 2—

Mr WEIR: Which legislation would override—the manslaughter or the industrial manslaughter legislation?

Ms Fox: The state prosecutor would consider it under the Criminal Code first and the WHS Prosecutor considers if that prosecutor does not take that case under that legislation.

Mr WATTS: To clarify: does one exclude the other? If they are found guilty of manslaughter under the Criminal Code, there is no further action for industrial manslaughter?

Ms Fox: Not for industrial manslaughter. There may be other elements.

Mr WATTS: Sure.

Mr HEAD: The former version of this committee held an inquiry into copper theft. Something that was noted was the risk to people—the public and even the people conducting the copper theft. Could sites hit by copper theft be inadvertently caught up in this legislation due to the increase in what is captured under these definitions?

Ms Fox: Our act has very broad-ranging duties so, to be honest, behaviour that happens on a site out of hours by people outside of your immediate workforce is already within the scope of our act. There would be certain elements looked at such as security of the site, the degree to which the site is cleaned up after people have come in and removed elements or how quickly elements that are there are replaced. Our act would already apply to many instances of people doing things out of hours that lead to a health and safety incident. This act simply looks at instances where there is a bystander to whom you currently owe a duty under our act and brings that within scope as well.

Mr HEAD: Currently, if there was copper theft at a sports club, they were slow finding the problem—obviously that is subject to prosecution in court—and a bystander touched a building that was live, they would not be liable but under this bill they would be, if the facility has not gone through the process of due care and diligence to prevent that outcome for that bystander?

Ms Fox: It is very difficult to speculate on hypothetical cases because it is a very high evidentiary threshold that you need to meet, to be honest with you, to take an industrial manslaughter offence forward. There would be instances where something could be damaged out of hours and it leads to a fatality. If you have been—to a level of negligence—shown to not be doing all that is reasonably practical around that then the duties of the act could apply. I am having trouble envisioning a situation where your conduct was so poor that it did not meet public expectations around safety to secure that site and you would not already be in scope around manslaughter.

Mr HEAD: Thank you.

Mr WALKER: On the flip side is the thief who commits the offence and leaves it unsafe. Where does that fall? That is manslaughter, because they know that they should not be touching anything electrical; it should only be a licensed electrician. Do we capture those thieves as well with this legislation?

Ms Fox: If you trespass into a building and then start to modify or destroy parts of the building, on the face of it that is beyond the powers of an employer or business owner to be controlling. If, say, you had a workplace that was not fenced off properly, you had left it largely abandoned for a while and people are coming into that space and then injuring and killing themselves, or it was known that children were coming into the place and playing during the day or on weekends and you were not taking sufficient action around it—there might be circumstances where you saw it—

Mr WALKER: My issue is if someone gets in there—be it with no fence or a fence. We all know that you do not play with electricity or cabling. If you start ripping it out and it is left live, or someone switches a board on and someone gets killed, I would suggest that the thief who has tampered with the equipment is liable. They are no doubt liable under the Criminal Code, but I am thinking about the industrial side as well. If it is not captured there, are there other areas to capture that?

Ms Fox: I will clarify by saying that the bystander element is really to take into account people like visitors onsite or customers. There is no intention—and I really doubt it could reach an evidentiary threshold—that you start to be accountable for thieves coming into your workplace and destroying elements of it. Certainly if one person is altering and destroying elements and manages to electrocute the other person they have brought in, they may be liable under—

Mr WALKER: My question is: in this legislation do we capture the thief tampering with that electrical gear and potentially killing someone?

CHAIR: That would be under the Criminal Code.

Ms Fox: Yes.

Mr WALKER: Are you happy with that? We are talking about electrical safety. So we leave it to the Criminal Code?

Ms Fox: Yes.

Mr WALKER: Thank you.

Ms PEASE: In your opening statement you spoke about regional areas potentially enabling some contractors to do work. Can you elaborate on that? When we were in remote areas considering another piece of legislation we heard concerns about access to appropriately qualified people to undertake that electrical work.

Ms Fox: I will reassure people that the regulator does not envision that any of this legislation particularly alters the landscape around new requirements to have an electrician in places that you would not previously have had an electrician and, therefore, you are running into a shortage or it is exacerbating a shortage. The changes to the nature of electrical equipment do not alter the requirement around the use of electricians. As you probably saw from the decision paper, it was determined at the end that the nature of electrical work warranted more significant analysis by all players about what tasks fit best within the definition of electrical work and what does not. It will be a measured approach where people will have plenty of time to see where that is falling.

Ms PEASE: How do we ensure regional and remote areas are not impacted by this work, except around the discussion paper? Is there work around getting these people trained up and what is the lead-in time?

Ms Fox: There will be a very broad public discussion process. All parties will be able to be a part of that discussion. It will go to the core functions of the act: what tasks do people now believe should be falling within the remit of electric work because it meets that risk threshold and requires some level of knowledge above a general worker working on it? I note that there is a scale of ways this can be dealt with. It is not all through requiring electricians for with everything. Sometimes it is simply a requirement that somebody gets training under their own trade that covers those particular elements of electrical safety. We would not be envisioning that it will lead to a recommendation to government that electric work now encompasses a huge variety of new spaces and it is electricians for everything. If we are finding there are tasks that have evolved over time that require an additional level of knowledge to ensure safety then, obviously, it should be the work of an electrician.

Mr WATTS: I refer to the introduction of category 1 and category 2. Is it that someone is charged with industrial manslaughter but if that does not look like it is going to get up this can step in, or are they separate charges? What are those charges? What is the definition?

Ms Fox: Category 1 is quite similar to industrial manslaughter The purpose of the alternate verdicts is that, yes, the prosecutor can run an industrial manslaughter case and if they find that it is not sufficient to reach the level for a conviction under industrial manslaughter they could give an alternate verdict around category 1. It is the same for category 1 to category 2. What that means is that, from a prosecutor's point of view, they are not limited in taking the strongest offences forward by thinking there is a risk of getting no conviction at all—

Mr WATTS: It can cascade down?

Ms Fox: Yes, that is right.

CHAIR: Thank you. That concludes this briefing. There has been one question taken on notice regarding clarification on the threshold for voltage on extra-low and low. Thank you for appearing before us today. Thank you to Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public briefing closed.

The committee adjourned at 9.46 am.