

## Electrical Safety and Other Legislation Amendment Bill 2024

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# Electrical Safety and Other Legislation Amendment Bill 2024

## SUBMISSION

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## 1. Introduction

The following submission is a joint submission from the Queensland Bus Industry Council (QBIC) and the Bus Industry Confederation of Australia (BIC). We appreciate the opportunity to open a dialogue concerning this topic and the future of the Motor Trades and Bus Industry.

QBIC is the peak representative industry body for the Bus and Coach Industry in Queensland, and as such the “voice” of private Bus and Coach Operators in Queensland. QBIC represents School Services, Commercial Contracts and Long Distance, Tour and Charter operators, Original Equipment Manufacturers (OEM’s), Supply Partners and other associated industry Members. QBIC has over 100-years of history in advocacy and representation following the amalgamation of the Bus & Coach Association (QLD) Inc and the Bus Operators Association (QLD) Inc.

BIC is the national peak body which has embodied a moving people vision and strategy to foster better public transport outcomes and planning for ‘liveable’ cities and regions. Through this focus, the BIC has become well-regarded as the lead organisation for consultation on public transport and people movement, across federal, state and territory governments and the jurisdictions. A significant part of the BIC’s mandate is also to represent bus and coach manufacturers and suppliers on national policy and regulation issues with the National Transport Commission (NTC), the National Heavy Vehicle Regulator (NHVR) and various federal working groups such as the Strategic Vehicle Standards and Environment Group and the Technical Liaison Group.

The BIC’s vision is to enhance the sustainability and liveability of Australia’s cities and regions by moving people using bus and coach transportation. They do this by representing the collective interests of members and assist them in promoting the safety, efficiency and effectiveness of bus and coach transport in Australia.

BICs Moving People Objectives include:

- Ensure that buses and coaches operate safely and effectively,
- ensure the accessibility and mobility needs of Australian’s are met, regardless of where they live or their circumstances,
- promote policies and actions that are environmentally responsible,
- encourage investment in public transport infrastructure and services,
- promote the development of a viable and improved bus and coach industry in Australia,
- foster and promote a viable bus and coach manufacturing industry,
- promote public understanding of the contribution made by the bus and coach industry to Australia’s economy, society and environment,
- promote the use of public transport as a viable alternative to the car,

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- coordinate and make more effective existing federal, state and local government policies and programs that relate to passenger transport.

QBIC and the BIC present this joint submission due to the importance of this consultation and the effect it will have on the national bus industry, the State and Federal Governments timelines for achievement of decarbonisation of the transport industry and the bus manufacturing, maintenance and service industry.

## 2. The Industry Snapshot

The Bus industry is quite simply an essential service and one that ensures all sectors of the community can participate in schools, work, social and tourism activities. It also provides enormous benefit in terms of employment and emergency response in times that rail and other modes of transport are disabled. During the Covid pandemic the bus industry continued as an essential service to ensure that communities, businesses and the public could still engage and undertake their activities. "In Queensland each year, there are approximately 60 million school bus passenger trips . [Hansard questions on notice](#), 8.7 million Regional Urban Bus passenger trips ([data.qld.qconnect-urban-bus-patronage](#)) and 28 million passenger trips on the SEQ TransLink Network ([translink-tracker](#))."

### The Fleet

The bus industry in Australia, as of 2022, had a fleet of over 77,000 vehicles., including over 11500 vehicles in Queensland. The Queensland fleet is currently a mixture of diesel, natural gas and small number of electric and diesel electric hybrid vehicles.

Based on various industry surveys undertaken by the BIC in 2018 and 2020, the bus and coach industry in Australia directly employs more than 85,000 people in a range of jobs including drivers, mechanics, engineers, skilled production workers and transport professionals in various specialised fields such as planning and service delivery.

### The Manufacturing Industry

The BIC estimates that in the manufacturing of the completed bus, \$5 billion is contributed to the Australian economy each year and close to \$1.5 billion in supplies and services to keep the buses operational and delivering services. In 2019 and 2020 industry reported deliveries of buses and coaches were 1,449 and 1,226 respectively. The BIC estimates that the manufacturing sector employs more than 10,000 people in Australia including a strong network of Australian and global component manufacturers (eg. public transport seats) and suppliers that support the build of a bus (eg. air conditioning units) most of whom have setup businesses in Australia.

The Bus Manufacturing Industry in Australia rigorously adheres to the Australian Design Rules (ADRs) to ensure safety, environmental sustainability, efficiency, manufacturing and electrical safety. Manufacturers

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integrate these rules from the initial design phase, ensuring buses meet stringent requirements for crashworthiness, occupant protection, rollover stability, manufacturing and electrical system safety. This involves detailed engineering to comply with standards on seatbelt installations, emergency exits, structural integrity, and the safe management of electrical systems. Electrical safety rules ensure that components are properly insulated, systems are protected from overloading, and emergency shut-off mechanisms are in place to prevent hazards. Compliance is verified through rigorous testing and certification processes, where prototypes undergo a series of assessments to ensure they meet or exceed the prescribed standards. This adherence not only ensures the safety and reliability of buses on Australian roads but also aligns with global best practices, enabling Australian bus manufacturers to compete in international markets by demonstrating high standards of safety, environmental responsibility, and electrical safety.

### Operators

Over several decades, the bus and coach industry has consolidated, with a fundamental shift from generational family-based bus companies in our cities to national and multinational businesses, especially in metropolitan areas. With contract reform, many smaller operators have shifted their focus to being sole providers of charter services, no longer continuing route work. However, in rural and regional Australia, family businesses still predominate. The NTC (2016) estimates that more than 3,000 bus companies are operating across Australia servicing towns and regions, tour and charter services and major cities, and most are small to medium sized businesses.

## 3. The Bill

QBIC and BIC as well as other Motoring Trade Associations have been extensively consulted prior to the drafting of the Bill. Successfully the industry has demonstrated that section 14(2) of the Electrical Safety Act 2002 should remain. This was evident in material circulated by Government Response [es-act-review-updated-government-response.pdf](#), whereby it states

*Recommendation 8 For electric vehicles (or parts thereof) falling within the definition of “electrical equipment” (see Recommendations 2 and 4),*

*Response Initial analysis and consultation on this recommendation formed part of the Decision Paper (topic 3). Government determined that this recommendation will not be implemented as proposed.*

Currently under the Electrical Safety Act 2002 and the Bill a vehicle is defined as

*Vehicle means; any means of transport by land, air or water.*





The Bill does retain section 14 (2) as determined by the Government response as seen here

(2) Electrical equipment **does not include any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire that is part of a vehicle if—**

- (a) the equipment is part of a unit of the vehicle that provides propulsion for the vehicle; or
- (b) the electricity source for the equipment is a unit of the vehicle that provides propulsion to the vehicle.

however, the Bill has inserted a new 14(3).

The proposed 14(3)

The Bill inserts the following

Section 14—

*insert—*

(3) However, prescribed electrical equipment is **electrical equipment** even if it forms part of a **vehicle**.

The explanatory notes state the following

*The Bill amends the definition of ‘electrical equipment’ to include equipment at extra low voltage where it meets a particular risk threshold and is prescribed by regulation. This threshold is met if the equipment is placing or may place persons or property at an electrical risk. Termed ‘prescribed electrical equipment,’ the Bill introduces a head of power to prescribe extra low voltage equipment, where it meets the risk threshold, in the ES Regulation. This risk-based approach will enhance Queensland’s electrical safety legislative framework by increasing its responsiveness to risks posed by extra low voltage equipment that have previously been out of scope. The Bill consequentially ensures that extra low voltage equipment that forms part of a vehicle, including equipment that that provides propulsion for a vehicle, can be prescribed electrical equipment. Given this exclusion is limited to extra low voltage equipment, it could, for example, apply to the propulsion systems of vehicles such as e-scooters, electric skateboards, e-bikes or hoverboards, however, would not impact low voltage vehicle propulsion systems such as those in electric cars, electric trucks and electric buses.*

QBIC and BIC are concerned the change to electrical equipment to include extra low voltage where it meets a risk threshold combined with the explanatory memorandum emphasised below and the addition of section 14(3),

*The Bill consequentially ensures that extra low voltage equipment that forms part of a vehicle, including equipment that that provides propulsion for a vehicle, **can be prescribed electrical equipment. (emphasis added)***





does not support section 14(2) in maintaining the exclusion of vehicles and will remove the current exemption or at least create ambiguity. The Bill clause 14(3) does not make any differentiation of the word vehicle and the explanatory notes clearly shows the intent of the draft is to allow ESO to prescribe equipment of unregulated vehicles or as our industry refers to them as “Personal Mobility Devices”. Queensland Transport and Main Roads website provides relevant information. <https://www.qld.gov.au/transport/safety/rules/wheeled-devices/personal-mobility-devices>

QBIC and BIC propose amendment of section 14(3) to include the words ‘excluding vehicles already covered by the Road Vehicle Standards Act 2018’ or subsequent act as declared from time to time.

This Road Vehicle Standards Act 2018 is commonly referred to as either RVS or RVSA. The RVSA legislation and its regulatory framework sets nationally consistent standards for the safety, environmental and anti-theft performance of all road vehicles being provided to the Australian market for the first time. This includes both new and used vehicles.

Section 78 of the RVA states the following

The Australian Road Vehicle Standards Act 2018 section 78 states the following (emphasis added)

**78 Road vehicle need not comply with State or Territory standards**

*(1) Subject to this Act, a road vehicle may be used in transport on a public road in a State or Territory, even though it does not comply with a road vehicle standard imposed by a law of the State or Territory, if:*

*(a) at the time the road vehicle is provided by a person for the first time in Australia:*

*(i) the vehicle is a new road vehicle; and*

*(ii) the vehicle is on the RAV; and*

*(iii) the vehicle complies with the standards mentioned in subsection (3); and*

*(b) the vehicle:*

*(i) was manufactured or provided by a constitutional corporation for use in transport; or*

*(ii) is owned or used, or to be owned or used, by a constitutional corporation; or*

*(iii) is used, or to be used, exclusively or predominantly in trade or commerce among the States or between a State and a Territory; or*

*(iv) is used, or to be used, in a Territory or Commonwealth place.*

*(2) For the purposes of paragraph (1)(a), in working out whether a road vehicle is provided for the first time in Australia, the provision of a road vehicle in a circumstance mentioned in paragraph (a) to (f) of the definition of **new road vehicle** in subsection (5) is to be disregarded.*

*(3) For the purposes of subparagraph (1)(a)(iii), the standards are:*

*(a) if the vehicle has been modified before the vehicle is provided for the first time in Australia and the modification causes the vehicle to not satisfy the requirements of the entry pathway that applied at the time the vehicle was entered on the RAV—the standards imposed by this Act, at the time of the modification, in relation to the vehicle as modified; or*

*(b) otherwise—the standards imposed by this Act in relation to the vehicle at the time the vehicle was entered on the RAV.*

*Note: For modifications of road vehicles on the RAV, see section 26.*





(4) To avoid doubt, this section does not prevent a law of a State or Territory from prohibiting or regulating a road vehicle's use in transport on a public road in the State or Territory if:

- (a) the vehicle ceases to comply with the standards mentioned in subsection (3); or
- (b) the operation of the vehicle becomes defective in any respect.

(5) In this section:

**new road vehicle** means a road vehicle that has not been used in transport on a public road in Australia or outside Australia, other than:

- (a) to have work done on it; or
- (b) to protect it; or
- (c) to store it; or
- (d) if the vehicle has been imported—to transport it to the importer; or
- (e) if the vehicle is to be exported—to transport it to the exporter; or
- (f) in a circumstance set out in the rules.

**road vehicle standard** means a standard for road vehicles that is designed to:

- (a) make such vehicles safe to use; or
- (b) control the emission of gas, particles or noise from such vehicles; or
- (c) secure such vehicles against theft; or
- (d) provide for security marking of such vehicles; or
- (e) promote the saving of energy.

The current Bill wording we believe allows the State to prescribe Extra Low Voltage electrical equipment on a vehicle if a risk is assessed and as such create a regulation. We believe that the Bill wording causes one of two outcomes

1. An ambiguity is created or
2. The effective removal of the vehicle exemption in section 14(2).

The Office of Queensland Parliamentary Counsel guidance material on Clear Meaning states

"Section 4(3)(k) of the Legislative Standards Act 1992 provides that legislation should be unambiguous and drafted in a sufficiently clear and precise way. The provision embodies a fundamental component of the rule of law, namely the principle that people should be able to understand the laws regulating their behaviour.

...

However, it has also been recognised that legislative drafting presents unique challenges. Legislation is drafted for the public at large, rather than a select audience, so legislative drafters cannot rely on the assumed knowledge of their readers."

We say that the introduction of section 14 (3) introduces an ambiguity and confusion due to the common term used, being vehicle.

## 4. Recommendation

Given the challenges with Section 14(2), (3), and the definition of "vehicle" and the risk framework, QBIC and BIC propose the following amendment to Section 14(3):



(3) However, prescribed electrical equipment is classified as electrical equipment even if it forms part of a vehicle, provided that vehicle is not subject to the Australian Road Vehicle Standards Act 2018. Otherwise, it is exempt as per Section 2.

Additionally, QBIC and BIC suggest that it may assist the bill by incorporating the term "Personal Mobility Device" in Section 14(3) and including a clear definition in the act, similar to the one used by the Queensland Transport Department.

QBIC and BIC acknowledge that Personal Mobility Devices and their charging infrastructure often undergo less rigorous testing and manufacturing processes in some overseas countries where electrical safety standards are lower than in Australia. They also recognize the limited capacity to test every imported device and the need for the ESO to have a mechanism to swiftly address imminent public safety threats. However, QBIC and BIC also want to ensure that the proposed Bill does not unintentionally introduce additional unnecessary state-based regulations which considering section 78 of RVSA may well be unenforceable.

QBIC and BIC appreciate the opportunity to review the Bill and hope that we can work with the Committee and Regulators to ensure clarity about this issue.