

Electrical Safety and Other Legislation Amendment Bill 2024

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14 June 2024

Dr Amanda Ward
Committee Secretary
Clean Economy Jobs, Resources and Transport Committee

By Email: cejrtc@parliament.qld.gov.au

Dear Secretary,

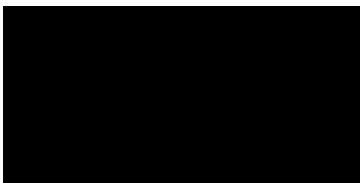
Re: *Electrical Safety and Other Legislation Amendment Bill 2024* – Submission

The National Fire Industry Association of Australia Ltd (**NFIA**) is the peak association operating in the Fire Protection sector. We represent employers, suppliers and industry stakeholders who work at the frontline of Fire Protection, with over 80 percent of the commercial Fire Protection work undertaken in Australia being completed by NFIA Members.

Please find *enclosed* the NFIA's submission to the Clean Economy Jobs, Resources and Transport Parliamentary Committee (**Committee**) regarding the *Electrical Safety and Other Legislation Amendment Bill 2024* (**Bill**).

Should you have any questions or require any further information on any aspects of this correspondence, please contact us using the details provided.

Kind regards,



Joe Smith
Chief Executive Officer
National Fire Industry Association of Australia

Executive Summary

The *Electrical Safety and Other Legislation Amendment Bill 2024 (Bill)* aims to address “*electrical risks posed by particular new and emerging extra low voltage technologies [which] are currently outside of the scope of the electrical safety framework*”.¹

The National Fire Industry Association of Australia Ltd (**NFIA**) supports increased protections against the design and supply of unsafe products. We commend Government’s strong stance on this issue.

However, the NFIA is deeply concerned that the current wording of the Bill gives rise to substantial risks of unintended consequences and conflicts for Queensland’s Fire Protection Industry. This concern relates to the performance of Fire Protection work currently regulated as licensed work under other State legislation.

In-line with the NFIA’s response on 17 January 2024 to the partial exposure draft and policy overview arising out of the *Review of Queensland’s Electrical Safety Act 2002 (ES Act Review)*, the NFIA advocates for the Bill to contain a carve-out to preserve the integrity of the existing Queensland Building and Construction Commission (**QBCC**) Fire Protection licensing framework (**QBCC Framework**), in particular following the significant amendments in 2020.

¹ Explanatory Note, p.4.

Introduction

This submission reflects the position of the NFIA with respect to the Bill.

The QBCC Framework is established under the *Queensland Building and Construction Commission Act 1991* (**QBCC Act**) and the *Queensland Building and Construction Commission Regulation 2018* (**QBCC Regulations**). The QBCC Framework regulates the performance of both ‘wet’ and ‘dry’ Fire Protection work, so that only those with the appropriate licenses can lawfully perform that work.

‘Wet’ Fire Protection refers to systems and equipment such as sprinkler systems, hydrants, and hose reels.

‘Dry’ Fire Protection covers specialised Fire Protection systems and equipment which may have an extra low voltage (**ELV**) electrical component, for example. ‘Dry’ fire can refer to fire panels, detection systems, Emergency Warning & Intercommunication Systems (**EWIS**), cabling specific to Fire Protection, emergency lighting, and alarm systems, for instance.

QBCC Framework

In 2020, the QBCC Framework changed significantly, with the introduction of the:

- *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020* (**BIFOLA 2020**); and
- *Queensland Building and Construction Commission and Other Legislation (Fire Protection Licensing) Amendment Regulation 2020* (**QBCC Fire Protection Licensing Amendment 2020**).

Among other things, these amendments made significant changes to the regulation of ELV Fire Protection work (i.e. ‘dry’ Fire Protection work) via increased protections.

Under the QBCC Framework, **fire protection work**² is a defined subcategory of **building work**³. There are five streams of Fire Protection licence classes under the QBCC Act. The following Fire Protection – Electrical Stream licence classes are established under the electrical stream:

² *Queensland Building and Construction Commission Act 1991* (Qld) s.30CA.

³ *Queensland Building and Construction Commission Act 1991* (Qld) sch.2.

- *Contractor & Nominee Supervisor:*
 - *Design – Fire Alarm Systems*
 - *Certify – Fire Alarm Systems*
 - *Certify – Emergency Lighting*
 - *Install and Maintain – Fire Alarm Systems*
 - *Inspect and Test – Emergency Lighting*
- *Occupational:*
 - *Design – Fire Detection, Alarm and Warning Systems*
 - *Certify – Fire Alarm Systems*
 - *Certify – Emergency Lighting*
 - *Install and Maintain – Fire Alarm Systems*
 - *Inspect and Test – Emergency Lighting*

As it currently stands, holders of the *Electrical—install and maintain—fire alarm systems* licence class (who held the *fire detection, alarm and warning systems - install and maintain - extra low voltage licence* prior to 1 May 2021), have until 1 May 2025 to upskill and complete a UEE31011 Certificate III in Fire Protection Control. This is one of the transition mechanisms currently taking place. Further changes could result in significant Industry confusion.

Given the safety-critical nature of Fire Protection work, including the design, installation, maintenance, inspection, testing and certification of Fire Protection systems and equipment, the Government has already regulated the performance of this work by linking licensing outcomes to appropriate qualification and experience requirements that protect Queenslanders' safety, in a framework specific to Fire Protection. The QBCC Framework ensures that the people performing the work can do so safely and to the required standards.

It therefore follows that any legislative change must not conflict with the existing QBCC Framework established in 2020. The QBCC Framework is also being looked at by other jurisdictions as being the benchmark to work towards, with WA and NSW currently looking at

adopting similar licensing requirements for 'dry' fire. Work on ELV equipment, appliances and cabling associated with Fire Protection systems, where this is already captured by the QBCC Framework, should remain Fire Protection work rather than electrical work.

ES Act Review

In its June 2023 submission to the ES Act Review, the NFIA raised the following concerns regarding Review Recommendation 4:

Further clarification regarding the proposed changes to the definition of ELV is necessary to ensure there are no unintended consequences to such a change, with reference to Fire Protection ELV equipment and systems.

The NFIA strongly supports the current environment in relation to Fire Protection work, as introduced by the BIFOLA 2020 and the QBCC Fire Protection Licensing Amendment 2020. There is a large cohort of contractors and tradespersons who work safely in an ELV environment, for example, installing Fire Protection panels and emergency lighting, who could be adversely affected by the proposed change.

This cohort is currently licensed under either the QBCC or the ESO, and therefore amendments, insofar as they could affect fire protection, should only go so far as to clarify existing industry practice on the ground where necessary, and otherwise maintain status quo.

The NFIA maintains these concerns and remains firmly of the view that any amendments to the *Electrical Safety Act 2002 (ES Act)* must not affect or have the potential to affect the, already licensed, Fire Protection Industry.

The NFIA reaffirmed this position in January 2024.

Key Concern

The Bill amends key definitions in the ES Act of 'appliance', 'electrical equipment', 'prescribed electrical equipment', 'electrical installation', and 'electrical work'.⁴

Whilst the overarching rationale of the changes proposed in the Bill are understood, the Bill gives rise to serious concerns that already-regulated Fire Protection work may either be unintentionally

⁴ Bill cl. 4 – 8.

captured by these definitions or, as a consequence of the Bill, may be capable of being captured by future regulatory amendment. Such outcomes would be inconsistent with the Government's approach in establishing a specific licensing framework for this work under the QBCC Act.

If the Bill were to pass in its current form, this risk would be faced by all Fire Protection contractors, professionals, tradespersons, and apprentices in the 'dry' Fire Protection space.

For example, the NFIA understands that under the Bill work on ELV equipment undertaken by a Fire Protection licence holder is at risk of being captured as 'electrical work' by regulation. The mechanism by which a regulatory instrument can be used to prescribe equipment therefore poses a significant threat to the existing QBCC Framework with respect to 'dry' Fire Protection work.

The NFIA seeks that the Bill is amended to preserve both the integrity of the QBCC Framework, and the ES Act. Work that is already regulated Fire Protection work should remain as it is, and it should not be possible for work already captured by the QBCC Framework to be prescribed as electrical work (as it is already regulated work). An overarching exclusion for Fire Protection would also protect against unintended consequences resulting from the subjective nature of 'risk' as a threshold concept, which is inherently vulnerable to interpretation in a way previously unintended or unforeseen.

The Explanatory Note expresses a desire to *"ensure that basic tasks, designed for unlicensed members of the public to undertake, which involve the connection and disconnection of prescribed electrical equipment to other prescribed electrical equipment or equipment at extra low voltage, remain able to be carried out by members of the community"*.⁵ The earlier Policy Overview also expressed an intent *"to ensure tasks normally undertaken by unlicensed members of the public ... do not inadvertently become electrical work"*. This concern for unintended consequences should also extend to tasks undertaken by licensed professionals under the QBCC Framework.

⁵ Explanatory Note p.27.

Conclusion

The NFIA firmly supports increased protections against the design and supply of unsafe products and we welcome Government's strong stance on this issue.

The QBCC Framework, as amended by the BIFOLA 2020 and the QBCC Fire Protection Licensing Amendment 2020, made significant strides in regulating the safety of ELV work in Fire Protection. We stress that the integrity of this newly-minted framework must be preserved.

The NFIA urges the Queensland Government to amend the Bill to resolve the Fire Protection Industry's serious concerns of unintended consequences and conflicts arising against the existing QBCC Framework.

