

Executive summary

About the Bill

The Bill amends the *Electrical Safety Act 2002* (ES Act) and the Electrical Safety Regulation 2013 (ES Regulation) to:

- confirm that electricity entities can continue to give electrical equipment defect notices, by providing a clearly defined and limited power to prescribe this ability under the ES Regulation
- empower the regulator to give unsafe equipment directions to prohibit the sale, installation and use of unsafe electrical equipment under the ES Act, by elevating the regulator's existing prohibition power for unsafe electrical equipment from the ES Regulation to the ES Act
- clarify the operation of unsafe equipment directions.

The Bill also amends the *Work Health and Safety and Other Legislation Amendment Act 2024* to repeal an uncommenced provision (section 52) which inserts a new section 155A – *Power of regulator to give particular information to particular persons* into the *Work Health and Safety Act 2011* (WHS Act). Commencement of this provision was previously postponed to the end of 28 March 2026 by the *Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025*. This amendment removes an avenue for the regulator to provide information contained in improvement, prohibition and non-disturbance notices to health and safety representatives and work health and safety entry permit holders. The Bill also makes other consequential amendments to give effect to the removal of this provision.

The committee has recommended that the Bill be passed.

All amendments to the ES Act and ES Regulation were supported.

Most submissions to the inquiry concerned the amendments in the Bill to repeal the uncommenced section 155A of the WHS Act. Stakeholders were divided on this proposal.

Issues raised by stakeholders and the committee concerned mechanisms in the WHS Act for health and safety representatives and WHS entry permit holders to access and receive information regarding workplace health and safety issues; issues with the sharing of information in accordance with the WHS Act; the extent of the administrative burden on the regulator expected from commencement of section 155A of the WHS Act; and proposals to amend rather than repeal the uncommenced section 155A to provide safeguards and reduce the anticipated administrative workload. Arguments in support of repealing section 155A and for retaining section 155A were examined.

Legislative compliance

The committee concluded that the Bill is compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.