



STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

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Ms JM Bush MP
Mr TA James MP (via teleconference)
Mr D Kempton MP (via videoconference)
Mr SR King MP
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PUBLIC BRIEFING—INQUIRY INTO THE ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Thursday, 6 November 2025

Brisbane

THURSDAY, 6 NOVEMBER 2025

The committee met at 10.01 am.

CHAIR: Good morning. I declare open the public briefing for the inquiry into the Electrical Safety and Other Legislation Amendment Bill 2025. My name is Jim McDonald. I am the member for Lockyer and chair of the committee. With me here today are: Ms Jonty Bush, the member for Cooper and deputy chair; Mr Terry James, the member for Mulgrave, who is appearing via videoconference; Mr David Kempton, the member for Cook, who is also appearing via videoconference; Mr Shane King, the member for Kurwongbah; and the Hon. Grace Grace, the member for McConnel, who is substituting for Mr Bart Mellish, the member for Aspley.

The purpose of today's briefing is to assist the committee with its examination of the Electrical Safety and Other Legislation Amendment Bill 2025. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee members and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but intentionally misleading the committee is a serious offence. Members of the public may be excluded from the briefing at the discretion of the committee. I remind committee members that officers are here to provide factual or technical information. Questions seeking an 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. Please turn your mobile phones off or to silent mode. Finally, I remind everyone to press their microphone on before starting to speak and off when they are finished. When the red light is showing, it is on.

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

McLAUGHLIN, Mr Stuart, Director, Industrial Work Health and Safety and Electrical Safety Policy, Office of Industrial Relations, Department of State Development, Infrastructure and Planning

PHILIPSON, Ms Beth, Director, Safety Legislation Reform and Inspectorate Policy and Support, Office of Industrial Relations, Department of State Development, Infrastructure and Planning

CHAIR: Welcome. I invite you to brief the committee, after which we will have some questions.

Ms Fox: Thank you. I am Andrea Fox. I am the Executive Director of Policy and Workplace Services in the Office of Industrial Relations. With me today are policy directors Stuart McLaughlin and Beth Philipson. I thank the committee for the opportunity to make a statement and brief you on the Electrical Safety and Other Legislation Amendment Bill 2025.

The bill makes minor and technical changes to the electrical safety and work health and safety frameworks. These changes do not affect the operation of either framework in practice as they only make targeted amendments to maintain and clarify the existing practices. I will speak first to the changes being made to the electrical safety framework.

Firstly, amendments are proposed to maintain a longstanding practice of electricity entities acting in good faith to give defect notices. Since the Electrical Safety Act first commenced in 2002, Queensland electricity entities such as Energex and Ergon Energy have alerted consumers to issues with unsafe electrical equipment. However, that regulation-making power in the Electrical Safety Act does not currently provide a clear head of power for electricity entities to give those kinds of defect notices. This does not apply to electrical safety inspectors, who do have a clear head of power already to give these notices in the Electrical Safety Regulation. The bill makes a minor amendment to confirm

beyond doubt that electricity entities can give electrical equipment defect notices. A validation provision is also included to ensure the notices that are given before the bill commences will continue to operate as they are intended.

This amendment only confirms the existing practices that have been in place for over 20 years. It does not create any new right or powers, and nor will it change enforcement on the ground. Electricity entities will continue to give notices for unsafe equipment, as they have done for many years, and the requirement for the person in control of the equipment to fix the defect remains completely unchanged.

Minor amendments are also proposed in relation to the regulator's existing power to prohibit the sale and use of unsafe electrical equipment. The bill relocates unsafe equipment direction provisions from the regulation to the Electrical Safety Act, in keeping with the way other significant powers such as ministerial recalls are captured. In doing so, minor amendments are being made to provide greater certainty and transparency and to ensure the provisions align with contemporary drafting practices. The changes will not affect how these provisions operate on the ground. The identification of unsafe equipment and enforcement will remain exactly the same. The proposed amendments simply provide greater clarity on how the provisions operate. This includes confirming the regulator's power to prohibit the installation of unsafe equipment as a subset of use. A transitional provision has been included to clarify that seven gazetted prohibitions issued between 2013 and 2024 will remain in effect for a further 10 years under the new framework. These prohibitions relate to the sale, use and installation of electrical equipment that still poses a significant safety risk.

The bill also makes minor amendments to the work health and safety framework. The WHS Act establishes the role of health and safety representatives, commonly known as HSRs, whose primary purpose is to represent the health and safety interests of the work group which elected them. The WHS Act also provides certain rights to WHS entry permit holders who are union officials who hold a WHS entry permit, including the power to enter a workplace for the purpose of inquiring into a suspected contravention of the WHS Act or the ES Act.

The WHS Act has existing provisions which enable both HSRs and WHS entry permit holders to access and receive certain information specifically. An employer is required to inform HSRs and give them a copy of a notice as soon as practicable after becoming aware of the notice. An HSR is also entitled to request and receive information concerning the health and safety of workers in their work group, which may include a copy of a relevant notice. A person to whom a notice is issued, such as an employer, must display a copy of that notice in a prominent area in the workplace as soon as practicable. The WHS Act also provides that a WHS entry permit holder may request to inspect and make copies of any document relevant to a suspected contravention they are investigating, which may include a relevant notice.

In 2024 the Work Health and Safety and Other Legislation Amendment Act amended the act to allow HSRs and WHS entry permit holders to request information contained in an improvement notice, prohibition notice or non-disturbance notice directly from the regulator. This amendment extended the policy intent of recommendation 3B of the 2022 review of the Work Health and Safety Act. This particular amendment has not yet commenced. In investigating implementation of this amendment, it was identified that processes to perform this element and provide additional information-sharing avenues would not be suitable for automation, as had previously been anticipated, due to the importance of ensuring personal and confidential information is not improperly disclosed.

Further, the relevant provision does not include specific limits on the number of requests that can be made, the specific grounds for making requests nor a time period for those requests. Together, these factors have been identified as posing an additional administrative burden on the regulator. For these reasons, the bill proposes to repeal the additional information-sharing provision—section 155A—before it comes into effect and to make minor consequential changes to support that change. I want to emphasise that this does not in any way minimise the existing rights that HSRs and WHS entry permit holders have under the WHS Act which I outlined earlier. As these provisions that we are talking about today have not yet commenced, this will not alter the operation of the existing work health and safety framework or the functions of the WHS regulator. I will conclude by noting that this bill is consistent with the commitment of government to reduce regulatory burden and to make sure regulatory frameworks are straightforward and working as smoothly as possible.

CHAIR: Thank you very much. We will go to the deputy chair for questions.

Ms BUSH: Thank you, Chair. We will go to the member for McConnel.

Ms GRACE: Thank you, Ms Fox, for that really good briefing. I think we are pretty right with the electrical safety aspects in that the bill is clarifying, strengthening and does not really change the intent, but I think we may have a question or two from the member for Kurwongbah. My question is really in relation to the administrative burden you talked about. It has been two years since this legislation was passed. Can you tell me how these notices are issued at the moment? There is a confidentiality clause in the legislation so that that information is not given out. How are these prohibition notices, improvement notices and non-disturbance notices issued at the moment? Are they electronic or are they all manually written out?

Ms Fox: Notices issued by inspectors are currently predominantly used by electronic means—digital.

Ms GRACE: When you say that they are done by electronic means, they would be captured and would be available. Has the department raised concerns other than what you have outlined? How did the repealing of this clause come about? There has been quite a lot of time to implement this. It came out of the review and also because often employers would not have those records—that is, they may not keep a record that is 12 months old or it has been damaged in a flood or something like that. If there is dangerous machinery or something like that and they are wanting to know what the prohibition or improvement notice was, I know that they can still go to the PCBU, but I think this was more about if you required it for health and safety prevention—

CHAIR: Do you have a question, member for McConnell?

Ms GRACE: Yes. What was the basis for this coming forward? What are all of the obstacles other than what has been mentioned?

Ms Fox: It was initially anticipated that this would be a largely automated process and that it would just be a single officer who could maintain that process occurring. When the department looked at what was involved in setting up the IT systems for it, I guess a few things came to light. One was meeting with the right-to-information area of corporate services where it was hoped this function would be added. They indicated that this was quite a significantly different process to what they have and we found out that we would need in this process to be able to identify who the requester was and be certain that we knew who they were, so we were going to have to do proof of ID and such. We then found out that we would have to have privacy and confidentiality requirements about capturing their proof of ID. We would need to make contact with the persons with control of the business and undertaking—PCBU—to check if it is correct that they have these types of workers and this person is eligible to represent that person.

There were also going to be challenges given that, because the nature of this request obviously expanded it beyond immediate contraventions and concerns to sort of like a retrospective element, we learned there would be challenges in obtaining the copies of a lot of notices if stored offsite. There would be all of these difficulties in being able to get them and bring them in in time. There were also concerns about the processes. It could not be done by IT; it would need to be done by an officer specifically and they would need to be quite extensively trained to identify what is a commercial-in-confidence piece of information and what is a piece of personal information in the notices. Then we were told that we would also be obliged to make sure that was vetted by a senior person because we could accidentally release personal information. In essence, we spent some time in the early part as a department making inquiries to set the systems up and then there was some time by the incoming government considering what we had learned in order to set the systems up and making a decision about whether that is what they wanted to pursue.

Mr KEMPTON: You mentioned that the legislation is designed to reduce red tape, so you would therefore hope there would be an improvement in productivity. Is that the case and can you give us any examples?

Ms Fox: I assume you are talking about the WHS amendments, but both lots are not going to reduce current burdens on business because, like I explained, one has not commenced yet—the ones in the WHS Act—and the ones in the Electrical Safety Act do not change any of the operations on the ground. However, the government acknowledges that part of regulatory burden is businesses and workplaces and their workers needing to learn new legislation and how it operates, so there is an element with bringing in new provisions for information requests being a burden for a workplace to learn how those provisions operate, and certainly it was identified that it would be a burden for government in providing these arrangements—these systems—under the regulator.

Mr KEMPTON: There will be an education component around the implementation of these changes?

Ms Fox: The education campaign around these changes will be fairly minimal given that we do not want to confuse people in that they will not see any changes in their operations or their workplaces or expectations on them by us as a regulator. We will certainly include information on our website to note that this legislation passes, if it does, but we will not be overly contacting people about it.

Ms GRACE: Is it not the case, then, that where a rep or an entry permit holder wanted some information they could have gone to the regulator direct, knowing that that information was there? Now the person—the rep or the permit holder—would have to go to the employer, so you are actually increasing the red tape on the employer. The only avenue to get some of this information now may not be directly from the regulator; they would have to go to the employer under existing provisions of the act, so you are actually now putting the whole burden on the PCBU. Could that be an outcome of removing this clause?

Ms Fox: I will invite my director to respond to that.

Ms Philipson: There is the ability for health and safety representatives and entry permit holders to contact PCBUs for this kind of information already in existence, so they have been in operation for about a year. As the executive director mentioned, in terms of the impact of regulatory change and businesses having to adapt, I guess they have had around 12 months to become acquainted with this particular set of information-sharing options and so by repealing a provision that has not yet commenced it is sort of maintaining the status quo, so to speak.

Mr JAMES: The proposed amendment is really a procedural amendment to fix the legislation with the unintended consequences to date; is that correct?

Ms Fox: Can I clarify? I think you are asking about the change to the Work Health and Safety Act, not the Electrical Safety Act.

Mr JAMES: Yes.

Ms Fox: The Deputy Premier in his speech in parliament spoke extensively of concerns about unintended consequences in relation to this. I would just note that he has stated his concerns about that. I hope that answers the question.

Mr KING: I have a follow-up to the member for McConnel's question. I am a little confused. Considering the itinerant nature of workforces in the construction industry—say I am the new health and safety rep. There have been rumours on the site that a particular piece of plant or hazards have existed for quite a period of time and I am the third safety rep in the last six months because of the nature of the work. I want to get that information but the contractors have changed and the person in control does not have that information. I can no longer go to the regulator and find the history of that to make people safe?

Ms GRACE: If the clause is repealed.

Mr KING: If the clause is repealed, yes.

Ms Fox: As a health and safety representative, you could request any information concerning the work health and safety of the workers you represent. If it was in relation to long-term practices around plant or long-term exposure to substances or something like that, you would be entitled to make that request—of the PCBU, sorry.

Mr KING: That is my question. Because of the nature of the shifting sands of the construction industry, if the PCBU no longer has that information and if we are stood down and another contractor has taken over but the plant is still the same, I should be able to go to the regulator and get that information. What is my pathway to get that information if the PCBU wants it? After all, we are all here to keep people safe on construction sites. I am wondering what that is.

Ms Fox: My apologies for not listening to that question properly. As a health and safety representative, you still have access to information through the right-to-information provisions and you could make that request through the regulator.

Ms GRACE: And pay the costs.

Ms Fox: Correct.

CHAIR: Executive Director, thank you for your opening statement. It was very clear and answered a couple of the questions I had. Could you reinforce for the committee the importance of this and the issue of maintaining safety, particularly in the electrical section of the bill?

Ms Fox: You are correct that the ability for electricity entities to issue defect notices is really important. From memory, they issue about 17,000—

Mr McLaughlin: On average per year.

Ms Fox:—defect notices per year. It is a very important provision; it is not a dormant provision. Electricity entities essentially issue these notices in two ways: when they are coming to a site to inspect the site before connecting to electricity but also when responding to people who have contacted them to talk about oddities including things like receiving electric shock or tingles. You are very correct that this is an important provision and there have been no concerns or problems with electricity entities doing so. It is obviously in the interests of the person who is having the notice issued to them because it is about their own safety. I do not know if there is anything else Mr McLaughlin wants to add.

Mr McLaughlin: In addition to the defect notices from entities, the ability for the regulator to issue prohibition notices for sale, installation and use is critical in terms of being able to act in a timely fashion when they become aware of an unsafe piece of equipment through either design or some other fault. Again, the bill seeks to preserve that and to remove any doubt that installation is an area that can be controlled through a prohibition notice. The best example is probably the defective cables from about 10 years ago. If you asked most people whether or not they use electrical cable I imagine they would say no, but the practice of installing that cable created a safety risk. The bill also clarifies that installation is in scope for a prohibition. That is incredibly important.

Ms BUSH: Thank you for coming in. Andrea, I have worked in the Public Service previously for 10 years including in units that deal with public safety notifications and notices to produce. The issues you have raised around confidentiality and privacy, Chinese walls, RTI alternative pathways and commercial-in-confidence are not extraordinary; they are issues that can be dealt with within the department and often arise. Given that this legislation was passed to prevent serious accidents including fatalities, my question is: what other options does the department look at when it encounters these barriers—without going straight to having to repeal this legislation, which is quite extraordinary given it is not even operationalised yet?

CHAIR: That is probably touching on a matter of policy, but I am happy to hear the answer to the question.

Ms BUSH: If it is government policy, I would be interested in hearing that.

Ms Philipson: I think the executive director's earlier comments explained the quite extensive process the department undertook to understand what would be required to implement and operationalise this particular provision. It was quite extensive including talking to all of the various areas of the department. What we learned through that process was that the administrative requirements to support the provision were much higher than had originally been anticipated. Obviously the provision was drafted in the context of a large legislative package. It was decided to delay the commencement of the provision in recognition that further work would be needed to understand what was required to implement and operationalise it. That extensive consultation process that was undertaken with all of the areas that you mentioned you are familiar with did indicate that the requirements to support this particular function were higher than originally anticipated. It was at that point that various options were considered. Within that consideration there was a recognition that there are existing provisions in operation at present that mean that health and safety representatives and work health and safety entry permit holders do have access to this information through an alternative means. All of that information was considered.

Ms BUSH: Andrea, were you going to say something before I clarify?

Ms Fox: I was just going to add that these provisions are different to those of the model laws. It was somewhat out of step with other regulators as well. The other provisions that Ms Philipson was talking about are used, have been long term and are considered adequate. I know that similar provisions do exist in South Australia and Victoria; however, they have more limitations around how you go about accessing those notices—particularly in Victoria, where they have had it for longer. You need to be able to demonstrate the reason or the purpose for which you require that information. There are a few stop points in the process to ensure it is justified, given the burden of pulling together all of the notices.

Ms BUSH: I guess that was my question. What were the options? Typically, the department will have an options paper and that will go up the line to the minister. Did that occur?

Ms Fox: I cannot comment on how the Deputy Premier approached his own consideration of this from a policy perspective, but I can say that there is significant investment required in setting up new systems and IT even to trial elements.

Ms BUSH: Correct, so this came down to a budget decision.

Ms Fox: I cannot comment.

CHAIR: That is not a question, Deputy Chair. That is a statement.

Ms BUSH: I can ask the question and it is a question, Chair. Did this come down to budget? Was budget a consideration in this decision?

Ms Fox: I cannot comment on what he considered.

Ms BUSH: But it was part of a brief that you put up.

CHAIR: Deputy Chair, it is a matter of policy.

Ms BUSH: Chair, it is not a matter of policy.

CHAIR: You asked the question.

Ms BUSH: If it is a matter of policy, Andrea is very welcome to say that it was a decision made by the Deputy Premier. I would be interested—in fact, I will ask a question on that if you come back to me.

CHAIR: How will the changes to workplace health and safety legislation protect the regulator and public servants from being caught up in industrial relations disputes between union representatives and PCBUs?

Ms Fox: I would note that the regulator is very experienced in working in this space, both regulating and providing services to workplaces—workers and employers. We are comfortable and well versed with that element. Of course it is a challenging element for everybody because regulatory power is very significant. I do not have any comment from a departmental perspective on that, but I would note the Deputy Premier's comments in parliament that this is part of his own concern about how the environment is for all parties in industry, and he has his own views on that which he has stated very firmly.

Ms GRACE: In all of the reasons that were given, were abuse and exploitation of the regulator part of the reasons? It has not come in yet, but is there any evidence of abuse of asking a regulator for documents or exploitation of the regulator? Was that part of the briefing or information given from the department for the reasons this could not go ahead—because it could be abused or exploited?

Ms Fox: I would say that in the legislative drafting of this particular provision consideration was given by the department and in the briefings with the Deputy Premier in terms of discussing provisions that are due to commence. Consideration was given specifically to the potential wide nature of these provisions more than anything, noting that about 10,000 improvement notices are issued a year. There was particular consideration around how wideranging requirements to provide notices could be, given that it was also retrospective over the last decade or so. In addition to that, it predominantly duplicates existing paths for accessing information.

Ms GRACE: Could you clarify that please, Ms Fox? You are saying that it duplicates but that is only from the PCBU. If the PCBU or new contractor, as outlined by the member for Kawana, no longer is available for that information and there has been a change and there is a real concern about equipment and whether the improvements or prohibitions have been carried out, the only avenue is to go to the regulator. That is what this was trying to cover off in a preventive way.

Ms Philipson: One point we can clarify is that, as has been mentioned in the discussion so far, health and safety representatives in particular have the right to request and receive information from the PCBU, as you have noted. Should the PCBU change and the information is not to hand or there is a particular safety issue that the HSR perhaps, on behalf of a worker, wants to investigate and they feel that the PCBU is not forthcoming with that information, be it because they have not got the records or they do not want to share it, there is the avenue available to any party in that situation to go to the regulator to request assistance to resolve that particular issue or to go to the Queensland Industrial Relations Commission again to get assistance to resolve it.

CHAIR: Did you have something you wanted to add, Ms Fox?

Ms Fox: I would just add that the penalty for failing to provide information when requested by a health and safety representative is quite significant—up to 100 penalty units, so that is \$10,000—or an on-the-spot fine from us of \$720 for an individual and \$3,600 for a corporation.

CHAIR: That is quite significant. My question is in relation to the issuing of the notice. In answer to an earlier question you spoke about the electronic issuing of notices. How long have they been electronic and is there still the means of being able to provide paper copies if somebody needs it?

Ms Fox: I cannot comment on the degree to which all inspectors now are using digital devices including in regional areas and how long they have been doing it, but it certainly has been a significant transition over the last couple of years. We do store all hard copy notices in archives. Yes, they are offsite in particular storage devices.

Ms GRACE: How long would it take to furnish a prohibition or an improvement or a non-disturbance notice to someone? How long does that take? Does the PCBU have a right to ask the regulator for those documents at any time?

Ms Fox: Member for McConnel, I am making the assumption that you are talking about a PCBU requesting a somewhat historical notice that was issued, because of course they are under obligation by the legislation now with current notices to provide them immediately to the HSR and also to have them on display. It is a really good question. I am not sure whether we have had requests for old notices from PCBUs. I would definitely have to seek advice, if that was a particular area of interest, about how they go about requesting their notices. They would be using them for court cases and such. I will have to check whether they are able to automatically request theirs or whether they have to make a specific request through RTI.

CHAIR: Could I seek clarification around that? Obviously with the large volume of notices issued, there has not been any discovery or large quantity of these requests for additional notices from anybody which showed that that would be an issue.

Ms Fox: I would say that we get a significant number of RTI requests, being a department of regulators. I cannot speak specifically on requests around provision of notices. They are requested for court purposes, certainly. I would have to get some more information.

CHAIR: As you answered the question before, there are obviously significant fines associated with not storing or having access to that information by the responsible PCBUs.

Ms Fox: If you are not being cooperative as a PCBU with your legal obligation to provide information to the health and safety representative or the workplace health and safety entry permit holder that they are entitled to have, there certainly are.

Ms GRACE: In the timeframe, are you saying that there are no electronic means to identify when a notice is being issued—that that part of it is confidential? Therefore, if it is requested, they can be automatically removed from that form. How long does it take to process a form? How long does it take to get a copy of a prohibition notice or an improvement notice or a non-disturbance notice on a very dangerous plant that is playing up again?

CHAIR: Are they four different questions?

Ms GRACE: No. It is all one question.

CHAIR: There are two parts to that: how long does it take to request a notice and to process it and then to lodge it?

Ms GRACE: How long does it take to furnish a request?

Ms Fox: The department is able to access copies of recent notices very quickly and able to read their contents immediately—it would be the same day. In terms of processing the request, I guess as an example, an improvement notice might be issued about bullying and a lack of processes in place or documentation around it, so that would be an example of a notice where you would be wanting to be very careful about what information was mentioned in that notice before it was released and somebody's entitlement to request the notice. A notice may also include commercial-in-confidence information. What we did find is that it is not something that was possible for an information technology program to just readily identify and sort. Under our obligations as a regulator holding personal information, we were informed that we would not be able to discharge that in that way. It would be fair to say, member for McConnel, that one of the most significant pivots in this process was learning that it could not be done as an automated administrative process; it would actually require personnel.

CHAIR: I have no further questions. Do you have another question, member for McConnel?

Ms GRACE: Yes, thank you, around timeframe. On 30 April 2025 in *Hansard*, the minister obtained 10 years of notices regarding the Callide Power Station. They were prohibition and other notices. How long did it take to process 10 years of the notices that had been issued to Callide?

CHAIR: I do not know that that is relevant to this bill, but I am happy if you want to answer the question.

Mr KING: It is actually very relevant.

CHAIR: What was the question? How long did it take to process 10 years—

Ms GRACE: Yes. I am trying to get a timeframe. You are saying it is prohibitive in a way because you have to look at each one because of confidentiality. This is the only example I could find where the regulator has been asked to provide these notices, which you are now extracting. The regulator is saying it is too burdensome to do. The only example I have is the minister requesting 10 years, from March 2015 to November 2024, from the regulator regarding Callide Power Station. To give a feel about the length of time, how long did it take the department to process those notices?

CHAIR: That is about a process. Can you explain to me how that is relevant to this bill and the explanatory notes?

Mr KING: Prohibition notices, Chair. That is what we are talking about.

Ms GRACE: We are talking about prohibition notices. We are talking about improvement notices. We are talking about immediate compliance notices.

CHAIR: Yes, we are.

Ms GRACE: This is most relevant because this clause is going to be repealed before it even comes in and yet we have an example of where the department was asked to collate 10 years of these notices. They are saying the process is prohibitive. This is the only example that I am able to find, from the minister himself, and I am trying to get a feel about what is the timeframe involved in getting 10 years of notices with regard to Callide Power Station.

CHAIR: Member for McConnel, getting a feel is not a reason to ask a question.

Ms BUSH: Point of order, Chair.

CHAIR: It is about what is contained in this bill. The bill does relate to each of things that you outlined, but it does not challenge the integrity of the officers before us or a statement made by a person in *Hansard*. If you cannot explain to me how that timeframe of the 10 years and the request—and I ask you to reword the question—relates to this bill then I will rule that question out of order.

Ms GRACE: Chair, it relates directly to the bill. It is an example of the administrative nature of providing these notices. They are saying this cannot be done. I am trying to get a feel about the justification for repealing it and how long it took for the department to process 10 years of those notices.

CHAIR: Again, it is outside the long title of the bill. If you want to ask a question about how long it takes to process it then that is a different question, but using that specific example of 10 years is not fair for the officers to answer because it is outside this bill.

Ms GRACE: It is not outside the long title of the bill. This is about processing notices from the regulator.

CHAIR: So ask a question about that.

Ms GRACE: How long did it take the regulator to process the notices with regard to 10 years of the Callide Power Station?

CHAIR: I believe that is outside the scope of this bill. It is a question around a circumstance that these officers may be able to answer or may not, but that was a question of the minister at the time.

Ms GRACE: No, the regulator provided these notices that were talked about in the parliament. They were processed by the regulator. That is the only place you can get them. We are trying to get a feel about the prohibitive nature of doing this administratively and I am asking how long it would take to process 10 years of notices with regard to the Callide Power Station. It is the only example that I am aware of.

CHAIR: Executive Director, do you have anything you wanted to say?

Ms Fox: I guess I would note in response to this question that, as I said earlier, there are about 10,000 improvement notices issued a year and about 5,000 prohibition notices issued a year. There are several thousand health and safety representatives trained every year and there are probably roughly more than 350 entry permit holders. The potential for how big this process could be in terms of requests is quite significant.

Ms GRACE: A follow-up question, Chair?

CHAIR: I do think that asking a question around 10 years old actually detracts from the importance of the work of the regulator. That is what I think.

Ms GRACE: That is a comment, not a reality.

CHAIR: Executive Director, how many employers are caught up under the Work Health and Safety Act and the potential scope of notices that could apply to each? It would be an extreme volume; am I correct?

Ms Fox: Yes. I would reconfirm the answer to my previous question that we are a regulator that issues a lot of notices. We are a state that is fortunate to have a lot of workplaces where workers have elected their own health and safety representatives and we have, as I said, between 300 and 400 entry permit holders with members' unions.

CHAIR: I note that the role of entry permit holders is to assist resolving current problems. Can you explain how a 10-year-old prohibition notice would assist an entry permit holder or health and safety representative perform their role?

Ms GRACE: That is a good question—an excellent question.

Ms Fox: Obviously, the way in which the act is drafted has a specific focus on current contraventions, current staff—the current reality and circumstances of that workplace. The provisions for how you can request information are clearly aligned with that. They are driven by what a worker will be trying to resolve in relation to a safety concern for themselves at this current time. There are extensive powers for workplace health and safety entry permit holders and health and safety representatives, as we have noted, to request information—lots of information. It is quite a significant scope of information they can request relevant to the health and safety concern because, obviously, it is very important that it is an informed discussion that is able to resolve those safety concerns. You are correct, I guess, in the assumption in your question that the focus is very much more on current documentation, because that would be the information that is relevant to a current concern.

Mr KING: I want to clarify something. A health and safety rep can go directly to the regulator, and you said earlier that the regulator cannot refuse. You also said something about an RTI process. If you have a site and you uncover some asbestos, you want to go back through the records. If the current person in control of the business is new to the site, you want to know if previous works on that site had discovered the asbestos, what was learned and why it has not been fixed in that time. That is an example of why you would need to go back 10 years. That is not my question; it is just a clarification of what we were talking about earlier.

The health and safety rep, who is elected on the site to make sure everyone goes home safely, has to fund an RTI. Will any money or resources be put aside for that? It would be fairly onerous on a health and safety rep whose sole job is to make sure people are safe. Will there be any financial resources, because an RTI comes at a cost?

Ms Fox: To clarify: you talked about a situation around asbestos. There are significant regulations around your obligations about things like asbestos with registers and notifications. Looking at your hypothetical question, they would be allowed to request the types of information they are seeking from a PCBU in relation to current concerns if it is—

Mr KING: Would the PCBU then go on their behalf back to the—

Ms Fox: If the PCBU is not providing documents that are relevant to concerns—if there is a dispute or an argument about whether this information is allowable for the health and safety representative to see—a health and safety representative could call an inspector for assistance on that. They can go to the Queensland Industrial Relations Commission as well.

Ms GRACE: Would that not be burdensome red tape to have to go through all of that when all they want is a form?

CHAIR: The executive director just answered the question directly to say that the workplace health and safety representative could contact the regulator.

Mr KING: Thank you. I will take that as a yes.

CHAIR: The follow-up question from the member for McConnel was actually a hypothetical.

Ms GRACE: No, it was not.

CHAIR: Do you have any further questions?

Ms GRACE: I do. My question is in relation to the improvement notices on whatever you were saying you have—and I know that there are probably many. There are a lot of employers. How are they filed? If I asked for a specific employer, you would just have to search the employer? You would not be going through thousands and thousands of improvement notices, would you? How are they filed? Is an employer easily identifiable when you do a search?

Ms Fox: The employer is quite easily identifiable in a search. I will note that, in historic notices, there will at times be some anomalies that will need to be considered because people put down a site-specific employer or they put down a broad, general head office employer. There are all sorts of elements like that.

Ms GRACE: There have been two years to clarify all of that.

CHAIR: Member for McConnel, the executive director is being responsive to the question and had not finished.

Ms GRACE: I am just clarifying, Chair.

Ms Fox: The difficulties were less about identifying notices that were relevant to an employer. The difficulties were more in identifying if the person making contact was the person they said they were, which work group they represented and whether the notice was issued in relation to that specific work group at the time. There are similar sorts of difficulties with entry permit holders: 'Are you the relevant entry permit holder for the particular incident that happened at that spot? Do you have identification to show that you are the relevant entry permit holder for that?' It was more in relation to those elements than identifying the employer.

Ms GRACE: Executive Director, when the HSR or the entry permit holder asks an inspector to come to the site, do you go through the same process to ensure the person making the request is the person providing the identification? What process do you go through when you receive a call requesting an inspector? Is the process you outlined to request a form the same process to request a visit to a workplace?

Ms Fox: Obviously, the person requesting an inspector to attend a site does not have their identification checked; however, the inspector considering the issue onsite would indeed go through a similar process to identify whether the person was the elected HSR and whether the documents are relevant to their work group et cetera. They would go through something similar.

Ms GRACE: In relation to the notices that were provided to the minister for the 10-year period, could you take that on notice, please, and give us an indication of how long it took the regulator to process that?

CHAIR: Member for McConnel, I ruled that question out of order and I provided some clarity around—

Ms GRACE: No, you did not.

CHAIR: Can you explain to the committee how that relates to this bill?

Mr KING: Chair?

CHAIR: The member for McConnel asked the question, member for Kurwongbah.

Mr KING: A point of order: this is about prohibition notices and the ability to seek past ones. There would be an administrative burden to do this. Automation is supposed to reduce that. What we are trying to determine is whether there is an administrative burden. The only time we can see there may have been an administrative burden was when the minister did this. We are just asking how long it would take to do that. It may or may not be an administrative burden, but it would assist the committee in our deliberations.

Ms GRACE: And whether we will support the clause or not.

Mr KING: It may be a very good clause.

CHAIR: Executive Director, would you like to take that on notice? You can answer it however you see fit. Thank you.

Mr KING: The chair danced around this in an earlier question. Our GOCs have been issuing defect notices to make people safe, and this will enable them to do it officially rather than unofficially. I could not quite hear what the member asked before. Has there been a challenge or has something happened, or are we just going through the process of fixing it to make it look legitimate?

Ms Fox: This was identified during the sunset review of the Electrical Safety Regulation. If you read the act, it says under the head of power that you can discharge the duty to be able to take action in relation to unsafe electrical equipment. However, it is an opportunity to ensure there were no concerns.

Mr KING: It is a great thing that happens. We hear stories from that industry of little kids who are too scared to have a shower because they get tingles. Having someone come and find what is wrong is great. Thank you.

Ms GRACE: I know the answer to this question, but I want to clarify: this is not just a CFMEU-specific clause that we are repealing here; this applies to all workplaces, all unions and all health and safety reps. Repealing this clause will repeal it for all of those workers, whether they are in a hospital, a school, a restaurant or wherever. It applies to everyone. Could I just get it on the record that that is the case, please?

Ms Fox: You are correct: the provisions are to apply to all entry permit holders, but they have not yet commenced.

Ms GRACE: They have not commenced, but you seem to be outlining that they cannot be processed primarily because of the administration burden, even though the department will have had up to two years in March next year to streamline this; is that correct?

Ms Fox: There has been time spent considering how this would be established. As I indicated, the concern was more about the significant investment in new infrastructure and processes to meet the potential demand.

CHAIR: Thank you, Executive Director. That concludes our questions in these proceedings today. Thank you to everyone who has participated today. Please provide your response to the questions taken notice to the secretariat by 10 am on Wednesday, 12 November 2025.

Thank you to our Hansard reporters and broadcast staff for their assistance and to the secretariat staff. A transcript of today's briefing will be available on the committee's webpage in due course. I declare the public briefing closed.

The committee adjourned at 11.00 am.