Electrical Safety and Other Legislation Amendment Bill 2025

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Submitted by: Shop Distributive and Allied Employees Association

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Submission by
The Shop Distributive and Allied Employees Association (Queensland Branch)

To

State Development, Infrastructure and Works Committee

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Preamble

The Shop Distributive and Allied Employees Association (SDA) welcomes the opportunity to make a submission to the committee's inquiry in relation to the ***Electrical Safety and Other Legislation Amendment Bill 2025***.

The Shop Distributive and Allied Employees Association - Queensland Branch (SDAQ) represents the interests of some 33,000 retail, fast Food, hairdressing, pharmacy, online retailing, modelling and general retail distribution employees.

Whilst the SDA acknowledges the proposed amendments in the 2025 Bill cover various aspects to electrical safety the specific issue which is addressed in the following submission relates solely to the intended amendments of the ***Work Health and Safety and Other Legislation Amendment Act 2024*** ("WHSOLA Act 2024")

Consequently, the SDA appreciates the opportunity to respond to the Bills proposed repeal (before commencement) of the un-proclaimed Section 155A of the WHSOLA Act 2024 that would have allowed Health and Safety Representatives (HSRs) and WHS Entry Permit Holders (EPHs) to directly request copies of inspector-issued notices from the regulator.

It is not the SDA's intention to either support or make comment on any other aspects of the proposed Bill.

SDA Submission

Whilst the SDA acknowledges the Government's stated concerns regarding administrative efficiency and consistency it is our submission that such a reform and amendment and the wholesale repeal of the relevant Section 155A of WHSOLA Act 2024 is premature, inconsistent with the intent of the 2022 Review of the WHS Act, and contrary to Queensland's leadership in work health and safety reform.

Rather than repeal, it is our recommendation that the provision be retained and if necessary, refined to overcome any questions of efficiency. Retaining this element of the legislation does (in our submission) support effective safeguards and strengthens worker representation which was the primary objective of the 2024 WHSOLA reforms.

"Existing mechanisms already allow HSRs and EPHs to access information"

While the Workplace Health and Safety Act (ss 68, 70, 118, 210) already provides some information access pathways, these are limited because:

- They rely on the PCBU to provide or display notices, despite the PCBU often being the subject of the enforcement action. This can delay or restrict access, particularly in multi-employer, franchised, or contract environments.
- Display requirements under Section 210 are not consistently complied with, especially across dispersed or high-turnover workplaces (e.g., retail, logistics, warehousing).
- Access through the ***Right to Information Act 2009*** (Qld Act) is not fit-for-purpose for time-sensitive safety matters. It places an unnecessary bureaucratic hurdle between worker representatives and critical information. The SDA can attest to the

impacts of this as our organisation recently went through this process for a health and safety contravention which the SDA raised to the regulator and the information was only available once the matter was deemed closed thereby taking months to be provided.

- It is also noted that HSRs' ability to request information under s 68(2)(f) depends on the PCBU's cooperation and is especially pertinent if there are strained relationships between parties.

It is, in our submission a requirement and not a duplication process. It represents a strong measure to ensure timely, reliable, and independent access to information when other pathways might fail.

"Insufficient safeguards and potential administrative burden for the regulator"

These concerns can be mitigated through regulation and guidance rather than wholesale repeal:

The SDA suggests that:

- The regulator might require requests to specify reasonable grounds, such as:
    - the HSR represents a work group affected by the notice, or
    - the EPH who raised the initial contravention or is investigating a related contravention
- A limit on frequency or scope of requests can be prescribed

The administrative argument does not justify repeal, it suggests measured implementation. Many Queensland regulators, including WHSQ itself, already handle complex RTI workloads; this provision merely ensures that legitimate "safety representatives" have a streamlined and specific channel.

"The provision is not aligned with other states and territories"

Harmonisation is valuable but should not come at the cost of leading safety reform. Queensland has led safety reform by introducing initiatives that were later adopted nationally (e.g., industrial manslaughter provisions or enhanced psychosocial hazard regulation). We submit:

- That the 2022 Review recommended this enhancement to strengthen worker representation.
- That being different from other jurisdictions is not a "negative" and it merely reflects Queensland's commitment to continual improvement.
- That repealing a progressive reform merely to "align" it with other jurisdictions implies that administrative simplicity outweighs worker safety.

"The regulator would need to manually review notices to protect privacy and commercial information"

Protecting privacy and confidentiality is both important and achievable. Other transparency mechanisms, such as coronial findings, Right to Information releases, and inspector-report summaries, routinely manage the same issues through redaction and partial release.

The regulator already reviews and redacts documents for internal and public release. Extending that practice to safety representatives bound by confidentiality obligations under the WHS Act doesn't make this process exceptionally onerous.

Broader Considerations

The un-commenced provision directly supports "*Recommendation 3B of the 2022 Review*", which sought to enhance the capacity of worker representatives to participate meaningfully in WHS matters. Transparency is central to trust between workers, PCBUs and regulators.

The potential cost to the regulator must be weighed against the preventative benefits. Faster access to enforcement information enables earlier rectification of hazards, hopefully fewer repeat contraventions, and reduced injury rates. All of which lower long-term regulatory and compensation costs. Repealing the provision risks higher downstream costs and lost opportunities for early intervention.

Alternatives

The SDA submits that there are viable alternative methods rather than to outrightly repeal.

Consequently, the following options could preserve the policy intent while addressing Government concerns:

Option One:

> Implement a 12-month pilot of the provision with reporting on volume, cost, and outcomes.

Option Two

> Amend rather than repeal, adding clear request criteria and privacy safeguards.

The SDA respectfully submits that Queensland should retain and implement the information sharing provision, monitor its practical operation, and refine it through evidence rather than conjecture.

This approach upholds Queensland's leadership in safety reform, ensures consistency with the policy intent of the WHSOLA Act 2024, and, most importantly, maintains a system that prioritises the health and safety of workers.

Justin Power
Queensland State Secretary