



Speech by

Hon. GORDON NUTTALL

MEMBER FOR SANDGATE

Hansard 7 August 2002

ELECTRICAL SAFETY BILL

Second Reading

Hon. G. R. NUTTALL (Sandgate—ALP) (Minister for Industrial Relations) (11.46 a.m.): I move—
That the bill be now read a second time.

I am very pleased to introduce the Electrical Safety Bill 2002. Queensland's incidence of electrical fatalities and safety regulatory performance has clearly established the need for new stand-alone electrical safety laws. Electrical safety was one of the first issues I was required to address in my portfolio. On 12 February 2001—the day I was sworn in as the new minister responsible for electrical safety—the Queensland Ombudsman released a report, the first in a series of 10, into 13 electrical fatalities that occurred between 1995 and 1999. The focus of these reports was on the conduct of the investigations of the fatalities by the Division of Workplace Health and Safety and the Electrical Safety Office of the former Department of Mines and Energy.

A second report was released on 10 April 2001. Both reports called for a comprehensive management and strategic review of both agencies as well as a review of key safety roles and provisions under Queensland's electricity laws. At the same time, a report of recommendations from a joint ministerial task force into electrical safety was released to the government in April 2001 which also called for an overhaul of electrical safety laws and functions in Queensland. This report also recommended the development of stand-alone electrical safety legislation based on the Workplace Health and Safety Act 1995 and complementary to other safety legislation.

As a result, in April 2001 I commissioned a ministerial review into the Division of Workplace Health and Safety and the Electrical Safety Office. This comprehensive management and strategic review clearly demonstrated the need for improved performance in the delivery of electrical safety services in Queensland and the need to reduce the incidence of electrical fatalities and incidents in Queensland workplaces and homes. With the second highest electrical fatality record from 1996 to 2001, we are now starting to turn Queensland's electrical safety record around. While it is too early to establish a definite trend, this year's reduction in fatalities from 3.57 to 0.82 fatalities per million people represents a significant improvement.

I turn now to the details of the Electrical Safety Bill. This bill is very significant. It introduces Queensland's first stand-alone electrical safety legislation to improve the state's electrical safety performance. The bill gives effect to the Beattie government's public commitment to introduce electrical safety laws to help turn around the unacceptable number of deaths and injuries arising from contact with electricity in Queensland.

Electricity is now used in all aspects of our daily lives and is an essential product in the modern world. It is vital to Queensland's current and future development. With increased use of electricity in a broad range of circumstances that would not have been thought of just a few years ago, Queensland needs a progressive legislative regime that addresses the circumstances under which electricity can be safely used, both in workplaces and homes. The legislation must also provide the flexibility for the introduction of new technologies and businesses to function and grow. This bill therefore represents significant reform of the legislative framework and standards for the safe supply and safe use of electricity in order to meet community standards and the needs of today.

There has been extensive consultation in the lead-up to the development of this bill, following the recommendations of the two public reviews into electrical safety. I am pleased to indicate the major recommendations of these reviews are now being implemented. I am particularly conscious of those Queensland families who have lost a family member in tragic circumstances, and hope that their pain and suffering can be eased. To those members of GRAVES, that is, the Group Requiring Action for Victims of Electric Shock, who have participated in the consultation over the development of this bill, I give my thanks and also extend my deepest sympathies.

I would now like to outline some of the key features of the bill. The principal object of the bill is to eliminate the human cost to individuals, families and the community of death, injury and destruction that can be caused by electricity. The purpose of the bill is to establish a legislative framework for—

- preventing persons from being killed or injured by electricity; and
- preventing property from being destroyed or damaged by electricity.

Overseen by a new electrical safety regulator directly accountable to government, electrical safety will be separated from the regulation of the electricity industry for the first time, ensuring greater independence, transparency and accountability for electricity distributors, contractors, employees and the community. All electricity aspects currently in place will be removed from the Electricity Act 1994 and the Workplace Health and Safety Act 1995.

A new statutory office holder, the Commissioner for Electrical Safety, is to be appointed to advise the minister on electrical safety matters and standards. The new Electrical Safety Board, chaired by the Commissioner for Electrical Safety, and its statutory committees will help allow industry, unions and the community to participate in developing strategies for improving Queensland's electrical safety. The new Electrical Safety Board's primary function will be to provide advice and make recommendations to the minister about policies, strategies and legislative arrangements for electrical safety. It will also oversee the three statutory committees, that is, the Electrical Licensing Committee, the Electrical Safety Education Committee and the Electrical Equipment Committee.

The Electrical Licensing Committee will provide advice and make recommendations about electrical licensing and training of electrical workers and contractors. This statutory committee will be able to take disciplinary action against holders of electrical licences and previous holders of electrical contractor licences. The Electrical Safety Education Committee will provide advice and make recommendations about the promotion of electrical safety in workplaces and, of course, the broader community. The Electrical Equipment Committee will provide advice and make recommendations about the safety of electrical equipment and energy efficiency.

The Electrical Safety Bill will also establish clear obligations on persons and entities about electrical safety. Obligation holders include designers, manufacturers, importers, suppliers, self-employed persons, employers, persons in control, electricity entities, repairers, installers, workers and other persons. These obligations are consistent with the workplace health and safety obligations in the Workplace Health and Safety Act 1995. It should be noted that obligation holders do not include the owner of a domestic dwelling where the owner resides in the dwelling. However, regulatory requirements to ensure electrical safety and the safety of electrical installations will continue to apply to the owner of a domestic dwelling in a similar manner to those imposed under the Electricity Act 1994.

As a result of concerns expressed by the Ombudsman in relation to a number of investigations into electrical fatalities, the bill imposes an obligation on employers and self-employed persons for the electrical safety of their workers or for themselves when working near exposed live electrical parts. These persons include non-electrical workers, such as crane operators and tree trimmers working around powerlines who may come into contact with electricity in the course of their work.

Importantly, the definition of 'electrical work' contained in the bill has also been significantly broadened from the existing definition of either installing or repairing an electric line or article. 'Electrical work' is now defined as any activity involved with manufacturing, constructing, installing, testing, maintaining, repairing, altering, removing or replacing of electrical equipment. The new definition also takes account of specific concerns expressed by the Ombudsman about the scope of the electricity legislation. The new definition ensures that electrical safety standards should now apply to all aspects of electrical work and is expanded to cover non-electrical workers who may come into contact with electricity as a result of their work. Under the new safety laws, benchmarks for industry and the public will be established by making regulations, codes of practice and ministerial notices on electrical safety and technical requirements, bringing electrical safety regulations into line with modern-day statutes.

New requirements for safety management systems in the bill also recognise it is becoming increasingly difficult for governments to introduce legislative frameworks that specify the outcomes to be achieved in situations where the hazards and risks vary widely according to the workplace. This is particularly so in large complex organisations such as electricity distributors. Under the new laws, the prescribed electricity entities will be required to prepare safety management systems based on hazards and risks across their networks. These management systems are to be developed in consultation with workers and the employer's contractors and independently audited to ensure all major hazards and

risks are identified and addressed. A new enforcement framework for electrical safety will also be established, helping to provide guidance to all stakeholders. The enforcement provisions, including the powers of inspectors, the notice system to ensure compliance with the bill, and the processes for prosecutions are consistent with the Workplace Health and Safety Act 1995.

In addition, the bill includes a new enforcement tool, that is, an 'enforceable undertaking' that has been introduced as part of a holistic approach to enforcement strategy, broadening the options available to help achieve compliance with the new laws. While relatively new to state legislation, the Australian Competition and Consumer Commission currently uses enforceable undertakings under the Commonwealth Trade Practices Act 1974 as an option for enforcement with its legislation. This issue is also being canvassed in the current review of the Queensland Workplace Health and Safety Act 1995.

An enforceable undertaking is an alternative to prosecution available only at the discretion of the electrical safety regulator. It allows the chief executive of the department to enter into a written undertaking with an obligation holder detailing the future actions the obligation holder will take in relation to the alleged contravention. For example, a company may agree to provide publicity or educative programs to deter potential offenders, or implement programs to prevent future contraventions. The main benefits of this new tool include—

- undertakings can be publicised in the community to deter other duty holders from committing similar breaches;
- outcomes of undertakings can be practical and broader in range, as they are not limited by what the legislation allows the courts to impose; and
- they can be implemented on a relatively cost neutral basis.

It is important to note that enforceable undertakings will not replace prosecution for non-compliance. Rather, an undertaking can only be entered into as a means of settling a complaint prior to a prosecution hearing. Just as importantly, an enforceable undertaking will also be a legally binding commitment—enforceable in a court.

From the commencement of the bill, an additional 22 new senior electrical inspectors are to be employed, increasing the number of inspectors and specialist officers to a total of 38. These officers will undertake previous functions of authorised persons currently carried out by electricity distributors on behalf of the Electrical Safety Office and create greater transparency and accountability for officers. I am advised the Department of Industrial Relations will locate the new inspectorate throughout the state, with inspectors based in Cairns, Townsville, Mackay, central Queensland, Wide Bay, south west, Sunshine Coast, north Brisbane, south Brisbane/Ipswich and the Gold Coast.

As I stated earlier, extensive consultation has been undertaken in the development of this bill through the Electrical Safety Task Force and the ministerial review of the Electrical Safety Office. In addition to these public reviews, a reference group comprising representatives from the Electrical Workers and Contractors Board, Energex, Ergon Energy, Powerlink, the National Electrical and Communications Association and the Communications, Electrical and Plumbing Union have all assisted with the drafting of the bill. I would like to take this opportunity to thank these stakeholders and all those people who participated through their submissions and comments to the various consultation and issues papers released for public comment. I am pleased to say that as a result of this intensive consultation in the lead-up to the bill there is broad support of the legislative framework as outlined. I look forward to the continued strong participation of stakeholders with the implementation of the bill and supportive education strategies.

I believe this bill will provide the safety and flexibility needed to foster growth in industry and help lead to a reduction in the unacceptable number of deaths and injuries, creating safer workplaces and safer homes. I commend the bill to the House.

Debate, on motion of Mr Lester, adjourned.
