



Speech by

**Hon. GORDON NUTTALL**

**MEMBER FOR SANDGATE**

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Hansard 4 September 2002

### **ELECTRICAL SAFETY BILL**

**Hon. G. R. NUTTALL** (Sandgate—ALP) (Minister for Industrial Relations) (4.08 p.m.), in reply: Firstly, I thank all members of this parliament for their support of this important piece of legislation before the House today. The fact that 29 out of the 89 members of parliament spoke on this legislation—almost one-third of the parliament—clearly indicates that a number of members for quite some time have had some concern about electrical safety in this state.

The other important issue is that this sitting gives the general public in the gallery the opportunity to see their parliament working in a constructive manner. Sometimes, it is believed that in parliament the government and the opposition are continually combating one another. Today we see a coming together of ideas and views and ways of improving the lot of all Queenslanders. I am particularly proud to bring legislation to this parliament wherein all members of this chamber support such important reforms for the betterment of all Queenslanders.

The issue of improving Queensland's electrical safety performance was one of the very first issues I took on as the Minister for Industrial Relations. 12 February of last year was the day I was sworn in as the minister. On the same day, the Queensland Ombudsman released the first of his reports into 13 electrical fatalities that had occurred between 1995 and 1999. Just 17 months later, we have all but passed the most significant reforms to electrical safety in this state's history. It has been a testimonial to the efforts of all involved that reforms of such significance will be passed with unqualified support from industry, employers, unions, workers and today honourable members on both sides of this House. I thank all of them for their praise for the comprehensive nature of this legislation.

In their overwhelming support today, honourable members have echoed the tragic stories and alarming statistics that have contributed to Queensland's record for the worst electrical safety standards in this country. The development of these reforms has not only given me great satisfaction as the responsible minister but also great personal satisfaction and pride in a government that has acted so decisively to make these reforms a reality four months ahead of schedule.

When cabinet approved the drafting of this legislation in February of this year I made a commitment, not just on behalf of the government but a personal commitment, to ensure that these reforms were not just introduced or debated but were actually implemented by the end of this year. The ability to bring these reforms before the House so soon is in no small part due to the exceptional consultation process that has been instrumental in the development of this legislation.

Two specific reference groups were set up for the development of this bill, involving Energex, Ergon Energy, Powerlink, the National Electrical Contractors Association, the Communications, Electrical and Plumbing Union, the Electrical Workers and Contractors Board and the Australian Industry Group. In November of last year an extensive issues paper was released seeking comments from all Queenslanders on issues such as safety management systems for industry, the regulation of live electrical work, the Electrical Safety Board, the Electrical Safety Commissioner and the definition of 'electrical work'. In addition, a regulatory impact statement was issued on the proposed reform package for the electrical safety regulations.

During that time I met personally with unions, electrical contractors, workers, industry groups, employers and the families of victims of electrical deaths who have worked through such emotional upheaval to assist me and my department in developing what are now Australia's most advanced electrical safety standards. Throughout this process we have been in constant contact with the Ombudsman. Today I acknowledge his support for the work of this government to address his recommendations for improving electrical safety in this state.

Some members have raised questions about the proposed legislation and I would now like to take this opportunity to address those concerns. The honourable member for Southern Downs raised the issue of allowing members of the public to carry out their own electrical wiring work in the home. He raised research by a constituent into low fatality rates in some countries where this type of work is legal. It is well recognised that here in Australia environmental and demographic conditions such as humidity, open access to water and less clothing for a hot climate all exacerbate exposure to the risk of injury from any electrical work.

In developing this bill we did consider this issue of allowing the public to carry out their own wiring in the home as part of the public benefit test. But it is not reasonable to allow an unlicensed person to carry out electrical wiring work for important reasons beyond just environmental and climatic reasons. The work performed by unlicensed persons is obviously not subject to the rigorous testing requirements that are vital to ensure that any electrical work is safe. Any contractor could tell us a story of how they thought a wiring job was correct until testing showed otherwise.

In complying with the wiring rules, a qualified electrical contractor has to consider the suitability of wiring systems in the vicinity of pools, for example, or ensure there are no sharp edges near cables. The unqualified person may not be aware of the fire dangers of installing products and devices adjacent to certain building materials that could be flammable in the vicinity of heat or electricity, particularly in the instances of electrical fault. Without being certain that the work complied with safety standards, insurance costs could escalate. In New Zealand, where home handy work is allowed, the incidence of such work is not high because of the costs involved in paying a qualified person to test the work and take responsibility for the safety of the project. The cost-benefit analysis just does not stack up. There was no justifiable benefit to the community, because the additional cost of testing and certifying that the work did not expose the householder to the risk of shock or fire far outweighed the savings of doing the electrical work yourself.

The honourable member for Caloundra raised a letter from a constituent questioning the responsibility of the purchaser and not the seller to install a safety switch in homes sold after 1 September this year. I can assure all honourable members that the government is keen to make every conceivable effort to have safety switches in every home in Queensland. Legal advice has suggested that attempts to inhibit the sale of a property would be problematic. I know the honourable member for Caloundra raised concerns that enforcing safety switches along those lines would raise further issues. Of prime concern was that the regulation did not impose an inappropriate legislative restriction on the sale of a property; that is to say, a person's compliance with the safety switch regulation should not inhibit the purchase of a home. In addition, a legislative requirement on the seller would fail to take account of practical considerations such as whether the home was being bought for demolition purposes or for substantial renovations. In these instances, a legislative requirement to install a safety switch before the sale would, of course, be meaningless. In this case, the legislation still allows a seller and a buyer to enter into the sale of a home on their own terms with sufficient regard to the rights and liberties of the individuals involved.

Both the REIQ and the Queensland Law Society have agreed to amend the standard contract so that a potential buyer of a property will clearly know whether a safety switch has been installed in a home. In addition, the regulation requires the seller to declare whether the premises have a safety switch. That declaration is on the form 24 property transfer information form. My department will have access to those transfer forms and is currently developing an audit strategy to ensure the regulations are properly complied with.

I acknowledge also the concerns raised by the honourable member for Hinchinbrook as to whether clause 3, which is titled 'Act binds all persons', meant that government owned electricity entities such as Ergon Energy, Energex and Powerlink have immunity from prosecution under this bill. I can assure the honourable member that, as company GOCs, these entities do not have immunity from this legislation and that they are subject to the same enforcement tools, such as improvement notices, electrical safety protection notices and fines, as everybody else.

The honourable member for Gladstone also raised the issue that clause 3(2) meant that the state was not bound by the bill. Again, I can assure the honourable member that the state is subject to the same enforcement regime other than prosecution under this bill as any other employer. The member for Gladstone also raised concerns that the price of safety switches could escalate unfairly now that these lifesaving devices have been made mandatory. I can assure the member that I will be keeping an eye on prices to ensure that costs do not escalate unfairly. I have encouraged all

prospective home owners to obtain at least two quotes, and I am pleased that the major electrical distributors are allowing home owners to pay for a safety switch by instalments on their electricity accounts. I expect also that competition in the marketplace will prevail to keep prices competitive.

The member for Gladstone also raised the issue of the electrical safety contribution by distributors and whether these costs would be passed on to the consumer. Historically, funding for electrical safety has always been factored into the tariff structure of these entities for electricity pricing. I can inform the House, however, that the electrical safety contribution proposed under this bill constitutes 0.185 per cent tariff revenue for 2000-01. That means that it is less than 1c in the dollar. At this ratio, the contribution is not expected to lead to any increase in power costs to the consumer in the foreseeable future.

The member for Gladstone also raised a query by the Scrutiny of Legislation Committee as to why my department thought it appropriate that regulations under the bill should be able to prescribe significant penalties. I will now read to the House the response to that question given to the Scrutiny of Legislation Committee, which I believe will answer the member's query. It states—

The ability for a regulation to prescribe penalties up to 40 penalty units is an appropriate and necessary tool to emphasise the seriousness of a breach of a regulation and to act as an effective deterrent to obligation holders.

The regulation will prescribe safety standards and requirements necessary to ensure the electrical safety of all persons. It is intended that a maximum penalty of 40 penalty units will be prescribed for these requirements, as a breach may result in death or an electrical shock being received by a person. A lesser penalty for these provisions would downplay their significance.

As the bill will apply to workplaces also covered by the Workplace Health and Safety Act 1995, consistency with the provisions of that act has been sought. The Workplace Health and Safety Act 1995 allows the regulation to impose a maximum penalty of 40 penalty units. It is proposed that maximum penalties below 40 penalty units will be imposed for administrative provisions where a breach would not affect safety outcomes.

In addition, the honourable member made specific reference to fines of up to 400 penalty points. I responded to that issue to the Scrutiny of Legislation Committee in this way—

Queensland's poor electrical safety record necessitates the creation of these offences. The offences are aimed at reducing the human cost to individuals, families and the community from death and injury caused by electricity. A breach of these clauses may have severe consequences for the electrical safety of all persons. For example, the performance of electrical work by an unlicensed person can cause death or shock not only to the person performing the work but also to their family and members of the public.

The penalty levels imposed accord with the magnitude of risk to the electrical safety of persons. Further, in considering appropriate penalty ranges, the penalty levels in recent health and safety legislative regimes such as the Workplace Health and Safety Act 1995 and the Dangerous Goods Safety Management Act 2001 were reviewed. The penalty levels in the bill are largely consistent with these regimes.

The member for Gladstone also raised concerns in relation to Queensland Rail and public access to high voltage lines. The member suggested that Queensland Rail needed to do more to ensure that access to high voltage lines was restricted through the use of fences. I would expect that the safety management system that Queensland Rail will be required to prepare would take into account the critical issues of public access to these high voltage lines.

The honourable member for Darling Downs raised the issue of safety switches in workplaces in the rural industry. To answer his question, the rural industry is currently being consulted on this issue through a regulatory impact statement on requirements for the rural industry under the workplace health and safety regulations. Along the same lines, the honourable member for Darling Downs asked whether there had been any consultation on the bill with rural groups. In general terms, the issues paper that formed the basis of this legislation gave every Queenslanders an opportunity to have their say in the proposed reforms to electrical safety. Specifically, I can inform the House that the proposed codes of practice regarding working around live electrical parts went directly to Agforce, Farmsafe and the Queensland Fruit and Vegetable Growers Association for their individual comments. In addition, the Aircraft Agricultural Association of Australia submitted a paper on the issue of working around or near live electrical parts.

The member for Darling Downs also referred to electrical safety concerns on behalf of Mrs Eva Robotham here in Townsville. In the time since he raised this issue, I can inform the honourable member and all honourable members of this House that an inspector has gone to her place today to discuss these problems. In fact, he is probably there at this time. I am only too happy to keep the honourable member informed of developments in that regard. The member for Tablelands referred to the questions raised by the Scrutiny of Legislation Committee, and I table a copy of the questions and detailed information that was provided to the committee in response.

The member for Nanango raised concerns regarding the lack of line marking as it affects agricultural pilots. I understand that officers of my department are currently consulting with the agricultural pilot industry in relation to the new regulation. I will ask these officers to raise the issue of line marking with both Energex and Ergon and also to discuss any alternative mechanisms that may also assist in identifying powerlines for agricultural pilots.

Somewhere along the way industry, employers, government, contractors, manufacturers, workers and even home owners have dropped the ball. We have become too complacent with an energy source that, while essential, is also deadly. As proud as I am of these reforms, reforms alone will not save lives. Just as we have contributed to declining safety standards, every Queenslanders now has the best possible opportunity to reverse this trend. How we enact, enforce and support these new laws and regulations will determine its success and whether we can truly reduce the unacceptable number of electrical deaths and injuries here in Queensland. I believe we can and so do the hundreds of people who have shaped this legislation. All stakeholders—every business, worker, union, employer, manufacturer, distributor and home owner—will have to work together to make these reforms work in the interests of preventing electrical deaths and injuries in Queensland.

In closing, I particularly want to thank the staff in my Department of Industrial Relations and in my office, whose efforts have ensured not only smooth passage of such a comprehensive bill but the overwhelming support of all stakeholders along the way. In particular, I want to thank Mr Paul Goldsbrough, who has worked diligently and tirelessly in the preparation of this legislation. I commend the bill to the House.

Motion agreed to.