



Speech by


Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 8 March 2011

ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Message from Governor

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.31 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

ELECTRICAL SAFETY AND OTHER LEGISLATION
AMENDMENT BILL 2011

Constitution of Queensland 2001, section 68

I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Electrical Safety Act 2002, Electrical Safety Regulation 2002, Industrial Relations Act 1999, Industrial Relations Regulation 2000, Industrial Relations (Tribunals) Rules 2000 and the Workers' Compensation and Rehabilitation Act 2003, and to make minor and consequential amendments of legislation as stated in the schedule, for particular purposes.


GOVERNOR

(sgd)

Date: 7 MAR 2011

Tabled paper: Message, dated 7 March 2011, from Her Excellency the Governor recommending the Electrical Safety and Other Legislation Amendment Bill [\[4013\]](#).

First Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.32 pm): I present a bill for an act to amend the Electrical Safety Act 2002, Electrical Safety Regulation 2002, Industrial Relations Act 1999, Industrial Relations Regulation 2000, Industrial Relations (Tribunals) Rules 2000 and the Workers' Compensation and Rehabilitation Act 2003, and to make minor and consequential amendments of legislation as stated in the schedule, for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Electrical Safety and Other Legislation Amendment Bill [\[4014\]](#).

Tabled paper: Electrical Safety and Other Legislation Amendment Bill, explanatory notes [\[4015\]](#).

Second Reading



Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.33 pm): I move—

That the bill be now read a second time.

The bill currently before the House includes national model legislation outlining the new harmonised premarket requirements for the sale of electrical equipment in Australia and New Zealand to ensure consumer safety. The bill also provides for a national register of safe electrical equipment. This register can be accessed by consumers, suppliers, retailers and electrical safety inspectors to improve postmarket surveillance of electrical equipment being sold in Australia and New Zealand.

Existing legislation governing the safety of electrical equipment across Australia and New Zealand was enacted some years ago, at a time when most electrical equipment was manufactured onshore. Individual states and territories had somewhat different safety requirements for sale of equipment based on their conformity with Australian and New Zealand standards and local requirements. As the members of this House would be aware, since that time the electrical equipment industry has undergone a technological revolution and become global in a manufacturing and supply sense. The cost and availability of electrical equipment has also changed during this time, resulting in equipment being offered for sale at very low prices. It is imperative that these lower prices and availability of electrical equipment to the public not be at the expense of safety. This is particularly important with respect to equipment that could result in death by electric shock or fire such as room heaters, water pumps and lighting products. House fires started by electrical equipment tragically claim 15 lives across Australia and New Zealand each year and cost the community \$489 million per annum on average.

Electrical safety regulators in Australia and New Zealand have been working to meet these challenges and collectively decided in 2007 that a formal review of current arrangements was necessary. This review, finalised in 2009, resulted in a number of recommendations aimed at creating the uniform legislation that is contained in this bill. It also provides for an improvement in compliance activity needed to support the bill once enacted across Australia and New Zealand. The Queensland government is committed to implementing the recommendations of this review to reduce serious electrical incidents, injuries and property damage related to electrical equipment.

The Queensland Electrical Safety Office, which is part of the Department of Justice and Attorney-General, has played a leading role in the development of this bill as national model legislation. This model is an example of how states and territories can work together in implementing national reform. Once enacted in Queensland, this model legislation is to be enacted in other jurisdictions in Australia and New Zealand within 12 months. This will result in a uniform system for electrical equipment safety across Australia and New Zealand, providing consistent regulatory requirements for overseas and local manufacturers and suppliers of this equipment in a global market. Queensland is leading the way by becoming the first Australian jurisdiction to implement this important new safety legislation.

This bill also establishes a national register of electrical equipment that conforms to Australian and New Zealand safety standards. The register will act as the gateway for the supply of safe equipment to consumers. Energy Safe Victoria is to host the register. It is a close partner with Queensland in its establishment, as well as in relation to all other aspects of the national scheme. Western Australia, South Australia, Tasmania, the territories and New Zealand have now also committed to the model legislation and are working through their own local processes. New South Wales has indicated limited involvement in the national scheme in the short term whilst moving to align with it in the medium term.

This bill establishes the concept of a responsible supplier of electrical equipment for the first time in Australia and New Zealand. These suppliers will be listed on the national register, providing assurance for retailers and consumers that they are sourcing safe equipment from the market. The responsible supplier will be the person or company who manufactures equipment in, or imports it into, Australia or New Zealand. They will be responsible for ensuring these products are safe to introduce into the community. Responsible suppliers must declare that their equipment meets relevant safety standards where it is considered low-risk equipment. However, where the equipment is considered medium or high risk, more will be asked of them.

Compliance folders and test reports will be required to prove this equipment is safe as part of the national system. The system takes a risk based approach to safety regulation in accordance with best practice regulatory methods. Responsible suppliers will then mark their products with the Regulatory Compliance Mark. This is to be used as the single mark indicating electrical equipment safety to consumers across Australia and New Zealand. It will act in a similar way to the Compliance Europe mark in communicating suitability for the local market to retailers and consumers.

Responsible suppliers will have their products check-tested by regulators under the national system to ensure the accuracy of declarations, compliance folders and test reports. These tests will be done randomly, based on incident data collected by regulators. Responsible suppliers of products that fail these tests will be traced through the national register and compliance and recall actions taken by regulators to ensure safety. The passage of this bill will enable electrical safety regulators to better protect consumers by making it much more difficult for unsafe electrical equipment to enter the Australian and New Zealand markets. It will also provide a more robust compliance and enforcement framework to respond to any safety breaches in an environment where overseas manufacturing and internet sales have become prevalent.

Industry was consulted throughout the review process by regulators. The bill has the support of the electrical manufacturing and supply industry in Australia and New Zealand. As a result, a set of workable transitional arrangements has been included in the bill to allow industry to comply and ensure that electrical equipment supply to Australia and New Zealand is not interrupted by these important changes in the law.

The Queensland government has been active in ensuring the electrical safety of Queenslanders in all segments of the electrical industry under the Electrical Safety Plan 2009–14 and in creating safer communities as part of Q2 initiatives. These reforms are the latest in a series which has seen electrical fatalities in Queensland reduced from above the national average prior to 2002 to well below the national average in recent years. Safety of electrical equipment is an important part of ensuring this safety record remains intact.

As well as electrical safety reforms, the bill deals with one of the last legacies of the Work Choices legislation, by protecting local government employees from the expiry of certain federal awards and agreements on 27 March 2011. Despite local governments returning to the state industrial relations jurisdiction in 2008, Work Choices gave some federal instruments a five-year life for local governments that were not constitutional corporations when Work Choices commenced. The expiry of these federal instruments means that affected local government employees could lose their entitlements.

The bill ensures that equivalent state instruments are in place when the federal instruments expire, so entitlements are retained. The state instruments will provide the same pay as the federal instruments and restore conditions that were removed under Work Choices, consistent with the 2008 amendments that returned local governments to the state jurisdiction.

The amendments maintain the industrial instruments that applied to the parties through their own negotiation or arbitration. Of course, if the parties want to change these industrial arrangements, for example by applying for a new award, they are free to do so through the normal industrial processes. It is not the intention of the government, through this bill, to influence any matter that might be before the commission in relation to future award coverage.

Another change to the industrial relations framework concerns the Queensland Workplace Rights Ombudsman. The ombudsman was established in 2007 in response to Work Choices. It is currently a statutory requirement that there be an ombudsman. With the significant changes to the industrial relations landscape since then, including the repeal of Work Choices and the establishment of the national Fair Work system, it is now desirable that there be greater discretion in relation to the ombudsman's office. The bill provides this discretion.

Also, to ensure the best use of resources, the bill provides that the ombudsman may conduct industry reviews but only at the request of the minister. This is to save duplication of functions with the Queensland Industrial Relations Commission, which also has the power to conduct reviews, and with the Commonwealth, which now has jurisdiction over all of Queensland's private sector employers.

In announcing these changes, I would like to commend the current ombudsman, Commissioner Don Brown, and his office for the work they have undertaken, particularly in relation to protecting our most vulnerable workers.

The bill also contains other amendments. The bill provides for the removal of Queensland workplace agreements from the state industrial relations system to give effect to a commitment to the Commonwealth, as part of Queensland's referral of its private sector industrial relations powers. There are no workers in the state jurisdiction on these agreements.

The bill also clarifies issues concerning workers compensation appeals to the Industrial Court of Queensland by clarifying the operation of the 21-day limit and ensuring that, consistent with appeals of industrial matters, the appeals are limited to errors of law or excess or want of jurisdiction. These provisions are subject to any overriding legislation. I commend the bill to the House.