Speech by

Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 22 March 2011

ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (5.42 pm): I rise to support the Electrical Safety and Other Legislation Amendment Bill 2011 which has recognised, amongst a number of other things, a need to improve post-market surveillance of electrical products. We all use electrical appliances. As a community I think we should be able to have faith in what we are buying over the counter. I welcome the amendments in this bill which will allow the community to have much greater faith in the electrical appliances that we buy.

This improvement, particularly in post-market surveillance, will protect the general public and the industry itself from unprincipled suppliers of unsafe equipment who unfairly compete on price by sacrificing product safety. That was always the major gripe that I heard from those in the business community who always do the right thing. Nothing makes them more angry than when those who are competing against them in the market do not apply the safety standards that they apply on a daily basis and take away their market share.

This bill introduces, with industry support, uniform legislation across different state jurisdictions. This uniform legislation will enhance post-market enforcement and improve the traceability of unsafe electrical equipment that may have found its way into the marketplace. The bill provides for a nationally consistent check testing program between the various states and territories. This will eliminate the problem of buying something across the border or buying something in Queensland that unfortunately does not meet the safety standards. We can buy safe equipment here but we may not necessarily buy it in other states. A nationally consistent approach is welcomed and I wholeheartedly support it.

Under this program, products will be purchased from retail shelves and sent for post-market testing by recognised testing laboratories to see whether they meet relevant safety standards. This will help to ensure that products claimed to be safe meet minimum safety standards. I believe that is good news for all consumers.

The bill requires the responsible supplier—that is, the importer or manufacturer—of in-scope electrical equipment to register on a national register and declare that the products they are supplying are electrically safe and comply with the relevant safety standards. In-scope electrical equipment is everyday appliances that are designed and marketed as suitable for household, personal or similar use. It is those everyday appliances we use. I know that sometimes I have bought an electrical appliance that has not been expensive thinking that it has been safety checked. It is quite concerning when one gets an electrical short or something like that in a hair drier, for example. That has happened to me in the past. Clearly, some of these appliances have not been tested and have made their way onto our shelves. This bill will try to eliminate that from occurring.

The bill requires a responsible supplier to be the holder of an Australian business number, an ABN, or its New Zealand equivalent. Being the holder of an ABN will enable electrical regulators to trace the supplier of an unsafe electrical product quickly and easily and have that supplier recall affected products as a matter of urgency should an issue arise. I think it is a wonderful step forward when it comes to the quick recall of electrical products that are seen to be dangerous to the average consumer.

I believe that all stakeholders will benefit from the improved product safety that this bill will deliver. The bill will also clarify responsibilities for industry, including manufacturers and importers. They will now know that they are responsible for the electrical safety of the products they supply. We will put the onus back on those people. They have to be absolutely sure that what they are bringing in meets the safety regulations. There are no buts about it. Before they can supply the product they have to meet that electrical safety requirement.

The bill also allows for significant penalties should a responsible supplier, after having declared their products to be electrically safe, be found to have introduced to the marketplace defective or unsafe products that do not meet minimum safety standards. Once again, there are penalties if they do the wrong thing. There is clarity to enable them to do the right thing.

This bill will restrict and hopefully eliminate less scrupulous suppliers from entering the Australian and New Zealand supply chain with unsafe products. This bill will ensure that that will not happen in the future. Post-market enforcement, market check testing and public awareness campaigns will be fully self-funded, with funds being generated from the registration of responsible suppliers and their products.

Industry, as part of the extensive consultation process, has shown its full support for the contents of this bill. I applaud the industry for that. Those who do the right thing in this industry do not want to see those who do the wrong thing become a threat to their market share.

There are a couple of other things in relation to this bill that I will address. This bill is a great example of individual state governments, industry and regulatory authorities working together to improve electrical equipment safety. A nationally consistent approach is a wonderful gain not only for the residents of Queensland but also for the rest of Australia.

There are a couple of other issues in this bill that I want to raise. Local government agreements will expire under the federal system due to Work Choices taking over the industrial regulation of constitutional corporations. I had to draw my breath in when I heard the member for Currumbin attempt to make sense of this amendment. Clearly, from the questions she posed in this House to the minister, she has absolutely no idea how the federal system interplays with the state system. The amendments that are in this bill are sensible and necessary because they give employees certainty. We have to remember that Work Choices was the legislation that took a lot of rights away from workers and it is very difficult to hear those opposite suddenly become the bastion of the working class or the protectors of working-class rights when they sat there and did nothing when Work Choices legislation was introduced at the federal level and in fact were the cheerleaders for it coming in in the first place.

The government had a choice here in relation to Work Choices. Not all governments—and the member for Currumbin referred to the legal decision in relation to Etheridge—are constitutional corporations. What would the member for Currumbin want: some covered by the federal, some covered by the state? I believe that we made the right decision in making a bold statement and showing leadership when we said, 'We're not going to have a two-tier industrial system in this state. We will cover all of the local government organisations and they will come under the jurisdiction of the state Industrial Relations Commission.'

A government member: Long overdue.

Ms GRACE: Long overdue. Unfortunately, there were certain awards and agreements that were made under the federal jurisdiction due to retire in March 2011. This does not disadvantage any employees in their expiration at that date and in fact keeps them all intact as a state instrument which provides certainty and the ability for the employer—the local government in this case—and workers, with their unions, to negotiate any changes that they want in terms of the Queensland state industrial relations system. It is no more difficult or simple than that. If you do not get that then I do not know what you get when it comes to industrial relations. You do not need crown law advice to explain that to you. It is pretty simple. The interpretation is there. It ensures that workers are not disadvantaged. It puts them into the jurisdiction where we believe they should be now. As I said, it is nothing more difficult or less than that.

In relation to some of the other changes, I applaud the removal of Queensland workplace agreements consistent with what has happened federally. I have never in my life been supportive of individual agreements and I am proud to say that this government, although allowing for Queensland workplace agreements, put enough protections in those agreements in the legislation that there is not one of them in the state jurisdiction—unlike Work Choices, which allowed individual agreements to strip away workers' rights and entitlements and they proliferated in the federal jurisdiction, had no no-disadvantage test and actually allowed employers to offer under-age workers an individual agreement with absolutely no no-disadvantage test. We now have a situation where we are removing them from the state jurisdiction. I think that is long overdue and I commend the minister for making that decision. I also welcome the fact that, because of the protections we had, it is interesting how employers do not choose to use individual agreements where a no-disadvantage test—a real one—applies and they cannot get away with it.

Mr Moorhead interjected.

Ms GRACE: Of course, as the member for Waterford has just reminded me, they were public documents, not secret documents that were held in the top drawer of the employer's desk. I also welcome that not happening. In relation to the changes to appeals to the Industrial Court, I believe that the amendments the minister has brought into the House will now mean that we have a consistent appeal process. I welcome those amendments as well. This bill is a great step forward for electrical safety. I welcome the other amendments that I mentioned, and I commend the bill to the House.