




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 22 May 2024

ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. G GRACE** (McConnel—ALP) (Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing) (11.30 am): I present a bill for an act to amend the Electrical Safety Act 2002, Electrical Safety Regulation 2013, the Safety in Recreational Water Activities Act 2011 and the Work Health and Safety Act 2011 for particular purposes. I table the bill and the explanatory notes and a statement of compatibility with human rights. I nominate the Housing, Big Build and Manufacturing Committee to consider the bill.

Tabled paper: Electrical Safety and Other Legislation Amendment Bill 2024 [835](#).

Tabled paper: Electrical Safety and Other Legislation Amendment Bill 2024, explanatory notes [836](#).

Tabled paper: Electrical Safety and Other Legislation Amendment Bill 2024, statement of compatibility with human rights [837](#).

I am proud to introduce the Electrical Safety and Other Legislation Amendment Bill 2024. The Miles government takes the safety of Queenslanders—whether it be in the home or in the workplace or in the community—incredibly seriously. This bill continues our proud record of strengthening and improving safety laws. The bill modernises and enhances our electrical safety framework by giving effect to the *Review of Queensland's Electrical Safety Act 2002*. It also complements the important work health and safety improvements that were made earlier this year in the Work Health and Safety and Other Legislation Amendment Bill 2024.

These changes implement recommendations from the 2018 *Review of the model work health and safety laws*; the 2022 *Review of Queensland's Work Health and Safety Act 2011*; and the subsequent Work Health and Safety Prosecutor's 2024 review to examine the scope and application of the industrial manslaughter provisions in the Work Health and Safety Act.

Queensland's first standalone Electrical Safety Act was introduced in 2002. In the decades since, the way we produce and consume electricity in Queensland has changed dramatically, and we are using technologies we could not have imagined two decades ago. Who in 2002 could have predicted our Queensland Energy and Jobs Plan, with its huge investment in renewable energy which will decarbonise our economy and transform our electricity supply. That is why I appointed Mr Dick Williams to conduct an independent review of Queensland's Electrical Safety Act 2002 in order to ensure our electrical safety framework is responsive to risks posed by both new and emerging technologies now and into the future. Mr Williams was eminently qualified to lead the independent review with decades of knowledge and experience and I thank him. The independent review involved extensive consultation through the establishment of an industry reference group and two working groups. Mr Williams's final report contained 83 recommendations which comprised 150 sub recommendations. I again thank Mr Williams for his extensive work on the review and I extend my thanks to all the stakeholders who have participated in consultation during the review of the act and the development of this bill.

The independent review's recommendations are broad ranging, complex and often highly technical. They touch on aspects across the whole electrical safety framework. The government undertook two concurrent consultation processes to ensure the government's response to the recommendations was appropriate and proportionate. First, in May 2023, a discussion paper was established for consultation on the key definitions within the act and on emerging technologies. Over the six-week consultation period, 78 submissions were received.

The second consultation process, which also commenced in May 2023, invited feedback on all the remaining recommendations of the Electrical Safety Act 2002 review final report. Over the three-month consultation period, 88 submissions were received. I want to thank each and every person who took the time to take part in this important process.

I now turn to amendments to the Electrical Safety Act 2002 that are contained in the bill. The need for the Electrical Safety Act's key definitions to remain contemporary and to respond to emerging risks from new technology was a key finding of the review. The consultation process revealed broad support for amending the definition of electrical equipment to address the risks posed by new and emerging technologies. As a result, the bill amends the definition of 'electrical equipment' to include a new category of equipment known as 'prescribed electrical equipment'. Prescribed electrical equipment is extra low voltage equipment that is placing or may place a person or property at electrical risk and is prescribed by regulation.

This expansion of the electrical equipment definition provides a risk-based approach to new and emerging technology. It allows Queensland's electrical safety framework to capture prescribed items of extra low voltage equipment for the first time. In practice, this means that the government can be responsive to the electrical risks posed by new and emerging technology. This may include assessing the risk of particular lithium ion batteries such as those in e-scooters. When an item of electrical equipment becomes 'prescribed electrical equipment' it is brought into Queensland's electrical safety framework. This means it will be subject to supply chain duties as well as to ministerial recall powers. Supply chain duties are imposed on designers, manufacturers, importers, suppliers and installers. They ensure electrical equipment that enters the community is safe and is supplied with information about how it must be used to ensure it remains electrically safe.

Ministerial recall powers ensure when a particular piece of prescribed electrical equipment is exposing the community to risk, a recall can be promptly initiated. This will save lives. The change will also require the businesses to notify the electrical safety regulator of serious electrical incidents and dangerous electrical events involving prescribed electrical equipment. This will give the regulator better visibility of emerging risks to the community. Fires started by extra low voltage electrical equipment like e-bike batteries or e-scooters are sadly a regular item on news reports. This change will provide government with improved tools to respond to these risks.

The Electrical Safety Act currently contains exclusions which allow members of the community to perform certain tasks which do not require specialised electrical knowledge such as plugging appliances into a socket outlet. The bill introduces new exclusions which ensure tasks relating to prescribed electrical equipment do not inadvertently require a licence and can continue to be safely undertaken by members of the community without specialised electrical knowledge. Another key change in the bill is an amendment to the definition of 'electrical installation'. This change clarifies an electrical installation includes a group of permanently connected electrical equipment that is powered not only by main's power but also by a battery or other storage technology. This change provides much needed clarity to industry. It reflects the current and emerging technological environment where there is an increased reliance on battery systems.

The bill also clarifies an 'electrical installation' includes a group of permanently connected electrical equipment that generates electricity. This will ensure, for example, smaller solar farms which do not meet the power generation requirements to be 'generation entities' are captured as 'electrical installations'. Smaller generating technology like this was not technologically possible and, therefore, not contemplated when the definition of electrical installation was drafted in 2022. This change ensures the definition is fit for purpose and recognises our increasingly decentralised energy production.

The review found that ambiguity exists about whether the replacement of similar appliances such as a hot-water system or a stove is 'electrical installation work' and therefore must be completed by an electrical mechanic licence holder. The bill amends the act to clarify that this type of work is not electrical installation work and therefore may be completed by licensed electrical fitters and, in particular circumstances, restricted electrical licence holders. This is in line with industry and community expectations.

The bill clarifies the disciplinary powers of the Electrical Licensing Committee. This ensures proportionate disciplinary action can be taken in response to matters before the committee, allowing them flexibility in their actions. This flexibility includes the ability to impose a condition or restriction on a licence as part of a disciplinary action and to also change or discharge a condition or restriction. Importantly, the changes empower the committee to change a condition or restriction in a way that is beneficial to the person. This could include examples such as extending the amount of time for the licence holder to comply with a condition if there have been extenuating circumstances which have meant the condition could not be complied with in the original timeframe.

The Electrical Equipment Safety System is a regulatory framework aimed at increasing consumer safety when interacting with household electrical equipment. The bill gives effect to areas of reform for Queensland's implementation of the EESS framework identified in the review. It makes the definition of in-scope electrical equipment more flexible to allow it to respond to technological changes by prescribing a voltage range. It clarifies the definition of 'corresponding laws' to clearly identify in the regulations which jurisdiction's laws are recognised. It also removes a redundant database requirement for the EESS which was reflective of old and outdated record management systems.

The bill aligns the Electrical Safety Act with some of the key changes made to the WHS Act. The bill aligns the powers of inspectors with those under the Work Health and Safety Act in respect of the production of documents and answers to questions. The bill amends the Electrical Safety Act to more accurately reflect the independent Work Health and Safety Prosecutor's existing standing to bring prosecutions under the Electrical Safety Act. The changes align with provisions in other Queensland safety legislation and increase the operational efficiency of the Office of the Work Health and Safety Prosecutor. As I said earlier, Mr Williams provided a comprehensive suite of recommendations. The legislative changes contained in this bill are just the beginning of the process of considering and implementing review recommendations.

The bill will be complemented by a future regulatory package. In addition, I intend to establish a working group in the coming months to focus on the definition of 'electrical work'. It will comprise representatives from industry, registered unions, technical experts, electricity entities and government departments. I recognise the potential impact which changes to this definition could have on workers and industry. This working group will have the expert knowledge to provide me with appropriate recommendations for change which are proportionate and justified.

This bill also makes important changes to continue to strengthen and modernise the Work Health and Safety Act and the Safety in Recreational Water Activities Act. Any work related death is a terrible tragedy that causes unimaginable pain and grief to the person's loved ones. As I have said before in this House, workers sell their labour, not their health. In October 2023, acting on a recommendation from the Work Health and Safety Act review, I asked the independent Work Health and Safety Prosecutor to undertake a review of the industrial manslaughter offence. The industrial manslaughter review was informed by a substantial consultation process with confidential submissions sought from 28 organisations. The bill implements all three recommendations from this review. First, the bill will expand the scope of industrial manslaughter to capture work related deaths of bystanders—for example, a member of the public is killed by scaffolding collapsing onto a public area from a worksite. The bill ensures that the death of any person who is owed a health and safety duty is treated with the same level of seriousness.

Secondly, the bill implements the recommendation to introduce alternative verdicts to industrial manslaughter and also implements alternative verdicts for category 1 offences. Currently, there is no provision for alternative verdicts in the Work Health and Safety Act. The bill amends the act to provide for an alternative verdict of a category 1 or category 2 offence for industrial manslaughter. It also provides an alternative verdict of a category 2 offence for category 1 offences. This change will support the Office of the Work Health and Safety Prosecutor in seeking the highest penalties available under the Work Health and Safety Act. Prosecutions can be commenced with the knowledge that, where the jury is not satisfied beyond reasonable doubt that the defendant is guilty of the offence they have been charged with, the offender can be found guilty, where the evidence supports it, of an alternative lesser offence rather than being acquitted.

Finally, the bill implements the recommendation to clarify beyond doubt that multiple parties in a contractual chain can be charged with industrial manslaughter. The bill also continues the delivery of an election commitment to implement recommendations of the review of the model work health and safety laws by Marie Boland. The bill introduces the element of negligence to the category 1 offence in addition to the existing element of reckless conduct. This means that, where the duty holder's negligent conduct leads to a high risk of serious harm, they can be subject to the same significant penalties as the reckless conduct category 1 offence. The bill replicates these amendments in both the Work Health and Safety Act and the Safety in Recreational Water Activities Act.

The bill implements further recommendations from the independent review of the Work Health and Safety Act relating to the powers of health and safety representatives and entry permit holders. In recognition of the important role of health and safety representatives and entry permit holders to workplace safety, the reviewers recommended the introduction of powers for health and safety representatives and entry permit holders to take photos, videos, measurements and conduct tests. Photos and videos can be taken when inquiring into a suspected contravention to record a risk or hazard to the health and safety of relevant workers at the workplace. Importantly, photos and videos may only capture workers directly related to the suspected contraventions.

The bill also notes that other laws may apply to the taking of photos or videos at workplaces. This includes laws that restrict the capturing of images in sensitive workplaces such as correctional facilities, as well as privacy and human rights laws. The power for health and safety representatives and entry permit holders to take measurements and conduct tests at the workplace will also support their roles in identifying health and safety issues and monitoring controls. This may include measuring noise and dust levels or workplace temperatures.

The bill introduces changes to support the establishment of a regulatory approval framework, allowing the regulator to prescribe minimum training standards and enforce compliance for registered training organisations delivering training. This will assist the government's future implementation of recommendations from the 2017 best practice review of workplace health and safety Queensland.

From 2022 to 2025 this government has partnered with the Wiggles to promote electrical safety. By all accounts it has been a smash hit, delivering great value for money. Although it might be unorthodox, I would like to quote from the hit song *Electricity* which has come from that partnership and which has had nearly five million views on YouTube alone. To quote from the chorus of the song—I will save everyone by not singing it—'Electricity, although it can't be seen; it's very dangerous to touch.' The Wiggles have done an amazing job in promoting this message.

Recently we were at the Carina C&K, which had entered a competition and won, where the Wiggles performed live. The Minister for Education and I were there, representatives from the Electrical Safety Office were there and our Commissioner of Electrical Safety was there. The kids had a ball. The message was about electricity safety as well as, of course, singing along to Wiggles songs. They are one of the biggest bands in Australia. They have done an amazing job of spreading the electrical safety message amongst the community. I thank them for doing that and I look forward to catching up with them. They are a really amazing bunch of people. They are so friendly and great with the kids. Every parent and child was standing up and singing away with the Wiggles.

Electricity is dangerous. It is everywhere in our modern lives. This bill and our ongoing work to overhaul our electrical safety framework are based on that reality. Our work health and safety reforms will make people safer at work and ensure that employers take safety seriously. This bill continues the Miles government's proud record of making people safer at home, at work and in the community. I commend the bill to the House.

First Reading

Hon. G GRACE (McConnel—ALP) (Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing) (11.51 am): 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.

Referral to Housing, Big Build and Manufacturing Committee

Mr DEPUTY SPEAKER (Mr Lister): In accordance with standing order 131, the bill is now referred to the Housing, Big Build and Manufacturing Committee.