




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 21 August 2024

ELECTRICAL SAFETY AND OTHER LEGISLATION AMENDMENT BILL; WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (8.57 pm): I rise to make a contribution to the cognate debate, but I will limit my contribution to the Electrical Safety and Other Legislation Amendment Bill 2024 as a member of the Clean Economy Jobs, Resources and Transport Committee. I will begin with the amendment that proposes to amend the definition of 'electrical equipment'. The bill proposes to introduce a head of power to prescribe extra-low-voltage equipment where it meets the risk threshold in the Electrical Safety Regulation. This was supported by Master Electricians Australia and the National Electrical and Communications Association, which each noted that the amendment will 'positively address our previously raised concerns regarding high-risk, extra-low voltage equipment'.

The NECA submitted that the following equipment should be specifically included as prescribed items in the regulation: battery energy storage systems; conversion equipment associated with ELV and LV supplies; off-power grid supplies to houses; and ES3 telecommunications, data cabling and equipment. The department advised that, while the definition of 'electrical equipment' is to be amended by the bill, it does not seek to prescribe any items as 'prescribed electrical equipment'.

Certain stakeholders raised concerns about clause 5 of the bill and whether the testing of fire related safety equipment was impacted by the proposed amendment. This fire protection work is currently regulated as licensed work under other legislation which is referred to as the Queensland Building and Construction Commission framework. The National Fire Industry Association stated—

... the Bill gives rise to serious concerns that already-regulated Fire Protection work may either be unintentionally captured by these definitions or, as a consequence of the Bill, may be capable of being captured by future regulatory amendment. Such outcomes would be inconsistent with the Government's approach in establishing a specific licensing framework for this work under the QBCC Act.

The ETU stated that they do not support the current licensing requirements for fire protection work. The MEA also proposed that the bill allow for licensed electrical contractors to inspect and test emergency lighting and to install and maintain fire alarm systems, advising that—

Licensed electrical workers are adequately trained to perform such tasks and would not require additional qualifications to be obtained.

To assist with these concerns noted by the ETU, MEA and NFIA, the QBCC provided advice on the interaction between the definition of fire protection work under the QBCC Act, saying—

Anyone carrying out fire protection work must be licensed, with the QBCC Act recognising fire protection licences and other licences or authorisations under the QBCC Act or another Act for fire protection work.

Clause 5 of the bill proposes to provide that extra-low voltage equipment that forms part of a vehicle, including equipment that provides propulsion for a vehicle, can be prescribed electrical equipment. The MTAQ sought confirmation that the bill would not allow the government to regulate work on electric vehicles, contending that service and repair work on electric vehicles must remain the

responsibility of automotive technicians. The department gave assurances that the amendments to 'electrical equipment' do not impact or allow the prescription by regulation of automated vehicles such as electric cars, electric trucks and electric buses, which will remain outside the scope of the framework. The committee recommended the department should maintain active consultation with the motor vehicle industry stakeholders about legislation and regulations that may impact the repair and service of electric vehicles. These changes seek to clarify which tasks are not electrical work and, therefore, do not need to be completed by a licensed electrical worker.

The bill seeks to clarify that the connection and disconnection of prescribed electrical equipment with other extra-low voltage equipment where the voltage does not exceed extra-low voltage remains outside of the electrical licensing framework. The ETU submitted—

The current legislation seemingly permits ... work such as building or repairing ducts, conduits or troughs, cable tray work and above and underground cable installations to be performed under inadequate supervision.

The department responded that this matter was outside the scope of the bill. However, work has commenced to establish a working group to consider the definition of 'electrical work' and ancillary terms such as 'supervision'. Clause 7 of the bill proposes to implement changes to the electrical installation definition as the existing definition is no longer fit for purpose in the contemporary technological environment. The bill amends 'electrical installation' to clearly capture new and emerging energy generation and storage systems previously not contemplated when the definition was drafted in 2002. The changes would clarify that an electrical installation includes a group of permanently connected electrical equipment that is powered by a battery or other storage technology. The MEA welcomed the amendments that integrate battery and other storage technology within the act's definition in recognition of the rapid evolution towards electrification.

Clause 20 of the bill proposes amendments to section 141 of the ES Act to establish a compulsory process whereby a person must produce documents or answers to questions upon written notice by an inspector if an inspector has entered the place within 30 days. The Queensland Law Society raised some concerns around this aspect of the bill stating that—

Unfortunately, section 141A abrogates the fundamental legal right to privilege against self-incrimination. This abrogation could significantly impact the individual.

Under fundamental legislative principles in the report, it states—

The current legislation provides that a person must not, without a reasonable excuse, refuse or fail to comply with requests for documents or to answer questions. The proposed new process reverses the onus of proof, and evidential burden, onto the person to whom the request for documents or answers is made to demonstrate the reasonable excuse.

Clause 33 of the bill clarifies that electrical installation work does not include the replacement of similar appliances in particular circumstances. For example, the similar appliance must have the same voltage rating; the current and power ratings of the similar appliance must not be greater than the old appliance; and the similar appliance must perform the same function in the same way as the old appliance.

Parts 4 and 5 of the bill propose amendments to the WHS Act and SRWA Act to include: negligence as a fault element in the category 1 offence in the WHS Act and the SRWA Act and expand the scope of the industrial manslaughter offence to capture negligent conduct leading to the death of individuals—for example, bystanders and other persons. Currently, under the WHS Act, a person commits a category 1 offence if they have a health and safety duty and, without reasonable excuse, expose an individual to whom they owe a duty to a risk of death or serious injury. Clause 42 of the bill includes 'negligence' in the category 1 offence rather than 'gross negligence'. This is consistent with the terminology used in the industrial manslaughter offence in the WHS Act, which means existing standards of criminal negligence would apply to both offences.

There is another aspect of this bill that I want to finish on. Clause 46 of the bill provides that EPHs and HSRs may take photos and videos and take measurements or conduct tests at the workplace when performing their duties. The Queensland Law Society submitted—

If the photos or videos are used inappropriately (for example, publically shared), there could be significant considerations for the individuals involved.

The LGAQ also commented on the lack of prohibition of an EPH posting images and videos on social media or through electronic means. There is nothing in the bill to suggest when the video or image is required to be deleted. This is a concern. One has only to look at the recent activities at the Cross River Rail site which resembled gang warfare rather than a worksite, much like what is happening in the streets of Goondiwindi, unfortunately, at the moment. We have seen that workers have been followed home and attacked at their home. If these images are used for the wrong purpose, that could have a serious impact on other workers at the site. We fully support the taking of these photos and videos in relation to a safety incident; we want workers to return home safe. However, there need to be strict guidelines around the footage that is taken so it is not used inappropriately.