

Question on Notice

No. 788

Asked on Tuesday 23 May 2006

MR FOLEY ASKED THE MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS AND MINISTER FOR SPORT (MR BARTON)—

QUESTION

With reference to a constituent of mine who has asked if it could be made a condition of sale, that the vendor fit an electrical safety switch to the house/building being sold (as a person has to get a roadworthy certificate before they can sell a car, so this could be done in a similar manner and ensure a quicker safety uptake) -

ANSWER

There is already a statutory requirement in Queensland for installation of safety switches in domestic residences within three months following purchase. This was the first such legislation in Australia and it came into force from 1 September 2002. Under this requirement, vendors are required to give the purchaser, on or before possession date, written advice on whether an approved safety switch has been installed in the property. If not, the purchaser has three months to have a safety switch installed.

Electrical Safety Office Inspectors undertake audits and inspections of houses and buildings as part of their annual audit program. Any breaches of the requirement to install safety switches are responded to by the issue of an improvement notice or an infringement notice.

The option of imposing the obligation of installing a safety switch on the vendor, prior to sale, was canvassed at the time the safety switch legislation was developed. It was decided that requiring an informed purchaser to install a safety switch was a more practicable option.

Considerations that did not support vendor installation, prior to sale, included:

- 1) Enforcement of such a provision would become difficult where non-complying vendors are not reasonably able to be located or do not remain in Queensland.
- 2) Many house sales are made to purchasers who then demolish the dwelling or substantially renovate the property. A safety switch installation prior to sale would serve no useful purpose in such cases and would be viewed as an unreasonable impost.

- 3) Making safety switch installation by the vendor a mandatory condition of a contract would unnecessarily encroach on the prerogative of the parties to contract to negotiate terms to their own satisfaction.
- 4) It could be deemed unreasonable to impose an obligation on an intending vendor to install a safety switch in expectation of the completion of a contract of sale, where the sale did not eventuate.

Where a domestic residence fails to sell and is, instead, used for rental purposes, rental tenancies are now required to have an approved safety switch installed within six months of a residential tenancy agreement being entered into. The obligation for having the safety switch installed applies to the property owner.

Queensland has the most comprehensive legislative requirements for the installation and retrofitting of safety switches of any Australian jurisdiction. While all of the approximately 600,000 homes built in Queensland since 1992 had a safety switch installed at the time of construction, for the approximately 1.1 million older Queensland homes the legislative initiatives have already made a difference.

I have instituted a program whereby Energex and Ergon meter readers check for safety switch installations in houses built prior to 1992. This program has checked some 350,000 pre-1992 dwellings so far and has revealed that 79% of these have a safety switch installed. With the recent introduction of safety switch requirements to residential tenancies we are continuing to work to increase coverage to the maximum extent.