



The Australian Industry Group
51 Walker Street
North Sydney NSW 2060
PO Box 289
North Sydney NSW 2059
Australia
ABN 76 369 958 788

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QLD Electrical Safety Act 2002 Review
By email: espolicy@oir.qld.gov.au

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Ai Group is a peak employer organisation representing traditional, innovative and emerging industry sectors. We have been acting on behalf of businesses across Australia for nearly 150 years. We also maintain an active network of members, through our Electrical Equipment and Manufacturers Suppliers Forum (EEMSF), who are involved in the manufacture and supply of electrical products into the Australian and New Zealand markets.

Ai Group commends the QLD Government on the wide-ranging review of the Electrical Safety Act 2002. We particularly commend the Government for introducing flexibility into the Act to enable regulations to be made as new technologies arise.

Ai Group has provided observations on the **recommendations** in the Final Report that will have an impact on our members. We encourage the QLD Government to ensure that legislation is aligned with other jurisdictions when making changes that potentially impacts product suppliers. Non-alignment of QLDs product regulatory framework with other jurisdiction ultimately means the QLD consumer pays more and has less choice.

Recommendation 4: *To ensure the Act keeps pace with technological change, consider creating a general category of exception to the “extra low voltage” threshold for the definition of “electrical equipment”, to reflect risk to life and property by ELV electrical equipment.*

Ai Group comment:

We support this recommendation noting that the details of this will determine its significance to our members. Members noted that *“In respect of refrigeration and air-con products etc, ELV controls will become more prevalent as A2L refrigerants become more common.”*

Recommendation 8: For electric vehicles (or parts thereof) falling within the definition of “electrical equipment” (see Recommendations 2 and 4), consider requiring: (a) appropriately licensed electrical workers to carry out the electrical work on the electrical components when the vehicle is serviced and or repaired, to ensure the safety of owners/operators and community; and (b) appropriately licensed electrical workers carry out the electrical work on the electrical components of the vehicle when an electric vehicle requires on-road break-down work to ensure safety of owners/operators, the community and first responders.

Ai Group comment

Ai Group suggests that the focus should be appropriately skilled electrical workers rather than licensed electrical workers as Electrical Vehicles require different specialist skills.

Recommendation 12: Evaluate existing powers to make subordinate legislation and amend the Act as required to enable regulations to be made with respect to new technologies and methodologies that pose an electrical safety risk, as those technologies arise (Act s 210).

Ai Group comment

Ai Group supports this approach to responding to new technologies however we recommend that:

- i. Wherever possible these new regulations call up technical standards to ensure national and international harmonisation*
- ii. There are efforts made through ERAC, or other means, to ensure the regulatory response is aligned with other jurisdictions.*

Recommendation 20

Consider clarifying the meaning of miscellaneous terms found in core definitions of the Act and Regulations, to ensure stakeholder understanding and appropriate scope. Specifically, within the Act, it is considered that further clarification is required in relation to:

(b) the meaning of “an area in which the atmosphere presents a risk to health and safety from fire or explosion”, to assist with straightforward application to real world situations (s 14(1)(c))

Ai Group comment

Ai Group supports noting that our refrigeration members have commented that “The details of this will determine its significance, I think. In respect of refrigeration and air-con products etc. Many standards now require application of definitions in the AS/NZS60079 series of standards, becoming more significant as A2L refrigerants become more common, and the classification of a hazardous area that is not normally hazardous, but may become hazardous temporarily (such as with a gas leak).”

Recommendation 21

Consider implementing enhanced regulation of the supply chain for in-scope electrical equipment by adopting additional duties found in “non-conforming building products”

(NCBP) legislation, administered by the Queensland Building and Construction Commission, including consideration of:

- (a) ensuring the product/equipment is safe as per the safety standard; and
- (b) ensuring each level of the supply chain only passes on products with the required information for the product/equipment; and
- (c) reporting requirements for licensed electrical workers when they encounter work employing non-conforming electrical products; and
- (d) ensuring requirements to comply with recall orders extend throughout the supply chain and including in multiple jurisdictions. In addition, consideration of expanded duties in relation to non-conforming electrical equipment to:
 - (e) empower the Regulator to require, on demand, the supplier of relevant equipment to provide that equipment for testing at no cost to the Regulator (s 184); and
 - (f) enabling the Regulator to impose a condition on a certificate of conformity (s 155(a)); and
 - (g) establishing prohibitive penalties for non-conforming electrical equipment; and
 - (h) clarifying the relationship between NCBP legislation scope and electrical safety requirements and legislation

Ai Group comment

Ai Group is in generally agreement with the “whole of supply chain” compliance idea however we would encourage the Government to ensure that proposed changes are aligned with the EESS regulations.

Recommendation 22

Consider strengthening requirements for importers and suppliers of electrical equipment to confirm they conform with the appropriate standard or Regulations, whichever is greater, and are electrically safe prior to sale.

(i) noting that the applicable standard or Regulations is that at the time of import or manufacture in Australia.

Ai Group comment

As for Recommendation 21 Ai Group encourages the Government to ensure that proposed changes are aligned with EESS regulations. Recommendation 22 raises the issue of certificates/testing of appliances and the standards applicable at the time of testing, not at time of import or manufacture that differs from current EESS requirements.

Recommendation 23

Consider enhancing the Regulator’s powers to cancel responsible supplier registrations; for example, where the person is ineligible, overseas or interstate (Regulations ss 139-142)

Ai Group comment

We encourage the Government to ensure that any changes to roles or definitions of the “responsible supplier” align with the EESS regulation and practices.

Recommendation 24

Consider including explicit duties of Qualified Technical Persons (QTP) in electrical safety legislation, as set out in current ESO guidance on the role of a QTP (as published on the WorkSafe website The role of the qualified technical person (QTP) | WorkSafe.qld.gov.au), requiring QTPs to:

- (a) develop and implement a safe system of work, and review and update procedures; and
- (b) ensure currency of worker competence and that scope of work is within a worker's current license scope and competence level; and
- (c) ensure appropriate levels of supervision for all workers, including apprentices and trainees (recommendation 13); and
- (d) annually arranging training and skills programs for workers, and regularly consult with workers on training needs; and
- (e) advise the PCBU and workers on compliance matters, including Australian Standards, legislation, and codes of practice

Ai Group comment

Ai Group notes that increasing the duties of the QTP (from “ESO guidance” to “legislated requirement”) causes significant change in any business and the impacts are unclear. It will likely add costs to the operation of the business, including restructuring, that is ultimately passed onto the consumer. We encourage the Government to weigh up the benefit of such a change with the costs that will be imposed. We would again raise the issue that given the mobility of electrical workers nationally, do such changes to legislation in relation to the QTP duties place QLD out of step to other jurisdictions in terms of licensing regimes.

Recommendation 25: Consider introducing a requirement that all businesses that employ (non-contract) electrical workers also must directly employ a QTP.

Ai Group comment

This potentially adds costs to our members with manufacturing facilities and therefore balancing this with the benefits need to be considered. One member opined “Where are the steps for becoming a QTP and why can't we train a current in-house person?”

Definition of “importer”.

“It is key that the definition for importer is appropriate in accounting for the relevant person in a variety of complex business arrangements while simplifying the element of ‘importing’ as far as evidentiary proof is required to support enforcement outcomes.

Recommendation 27: Clarify the meaning of “importer” for the purpose of ensuring the appropriate scope of duties to ensure products imported are electrically safe.

Ai Group comment

If by “complex business arrangements” on-line suppliers and those who purchase from them are included in legislative changes, then we suggest that such definitions are made explicit noting that the definition of importer is defined in the Customs Act.

Recommendation 34

Consider the introduction of CPD requirements for all licence holders, phasing in a requirement at initially low points attainment threshold (recommended at 6 hours/year equivalent or similar), to be increased over a suitable period of time until full implementation is achieved over no more than two contractor licence periods (six years).

- (a) It is considered that a full CPD program would not exceed a total of 20 hours CPD per year, or 60 hours each three-year licensing period upon full implementation. It is further recommended that for electrical contractors, professional development activities may include four areas of competence being technical, safety, business and leadership to ensure maintenance of competency across the scope of the licence; and
- (b) for licensed electrical workers who hold a supervisory or management role, a maximum of 15 hours CPD per year across technical, safety and leadership; and
- (c) and for electrical worker license holders, a maximum of 12 hours CPD per year across technical and safety in accordance with the maintenance of competency across the scope of the licence.

Ai Group comment

The recommendation is worthy however Ai Group raises cost concerns for manufacturing business. Consideration should be given to additional costs that are likely to be burdened on business noting that CPD follows the employee.

Recommendations 35

Consider reforming licence renewals to include testing to ensure licensee competency has been maintained through the licensed period, including by considering the following amendments: (a) empowering the Commissioner to conduct an initial review of licensing renewal assessments, supported by the Electrical Licensing Committee (ELC); and (b) informed by review outcomes, the Commissioner and ELC to develop and recommend a skilling/training program inclusive of an overview of legislative requirements, relevant changes in legislation, codes of practice and standards, requirements when working with apprentices and trainees and young people and other testing requirements as appropriate; and (c) empower the Electrical Safety Office to develop a licence renewal assessment informed by these outcomes.

Ai Group comment

As for Recommendation 34

Recommendation 36

Consider introducing licence renewal assessment every five years for electrical workers and every three years for electrical contractors.

Ai Group comment

As for Recommendation 34

Recommendation 38

Consider providing all licensed electrical workers with an electronic copy of relevant Australian Standards as part of licencing fees (related to Recommendation 62).

Ai Group comment

Ai Group supports this recommendation as we are concerned with the cost barrier for users to access standards that limits take up. Notwithstanding this the costs of providing a standard may add to the cost if the license noting that Standards Australia has developed an App for in the order of \$100 that will allow access to Australian only standards.

Recommendation 66

Consider phasing in a requirement for safety switches on all sub-circuits in all domestic, commercial and industrial settings, both on and off-grid. In addition, propose that Government work collaboratively to address potential cost impacts that may disproportionately affect vulnerable consumers.

Ai Group comment

Ai Group supports in principle the fitting of safety switches on industrial sub-circuits however consideration must be given to risk. Fitment of RCDs may lead to nuisance tripping on critical infrastructure items, which could be very costly to rectify.

For example Ai Group member manufacture battery chargers that are used in critical infrastructure. Due to the other mandatory legislation requirements for EMC, many chargers and similar equipment have high earth leakage current due to the capacitors necessary to mitigate EMC emissions. This means that RCDs are prone to nuisance tripping, taking the power supply for critical infrastructure out of service.

Ai Group urges the Government to allow asset owners to use discretion exercised by an experienced Engineer about the risk either way of installing the switch, rather than making it mandatory on all circuits no exceptions by legislation.

Recommendation 69

Consider introducing a phased-in requirement for an electrical safety certificate to be issued by a licensed electrical worker, initially at the point of sale of a property and

later every 5 years, confirming the property's electrical installation is safe and compliant with electrical safety standards and legislative requirements including, for example, safety switch requirements

Ai Group comment

Ai Group supports the concept of issuing an electrical safety certificate to be issued but we do not believe that it is cost effective to action every 5 years.

Recommendation 70

Consider a phased introduction of a requirement for a licensed electrical worker to perform an electrical safety inspection on all properties within five years of commencement of this requirement, and thereafter within five years of the last electrical safety inspection or receipt of an electrical safety certificate [see Recommendation 69, directly above], whichever is later. (a) it is further recommended for consideration that where an inspection identifies asbestos panels and boards within electrical switchboards, the homeowner must replace to meet current standards. It is suggested that homeowners have up to two years from the date of initial identification to rectify.

Ai Group comment

Identifying asbestos and subsequent removal in panels and switchboards is a worthy objective however:

- i. removal creates the exposure to asbestos dust during removal and thus a high risk for the workmen and owner; and
- ii. asbestos can only be positively identified with testing that will impose considerable cost imposts on the consumer.

Recommendation 72

Consider the introduction of record keeping by the wholesaler or retailer at the point of sale of prescribed electrical equipment, being equipment that must be installed by a licensed electrical worker. Prescribed electrical equipment would include specified fixed wired electrical accessories, components and electrical appliances. The purchaser's name and address or other contact information and the specific equipment purchased must be recorded. It is recommended these records should be made available to the Electrical Safety Office on request for the purposes of regulatory activities such as assisting with recalls and identifying unlicensed electrical work in the interest of electrical safety.

Ai Group comment

A worthy initiative however again cost impacts associated with setting this up in with retailers will create additional cost burden that will ultimately be born by the QLD consumer.

Ai Group welcomes discussion with the QLD Government on the issues raised in this

submission. Please contact [REDACTED]
[REDACTED].

Yours sincerely,
Louise McGrath - Head of Industry Development and Policy