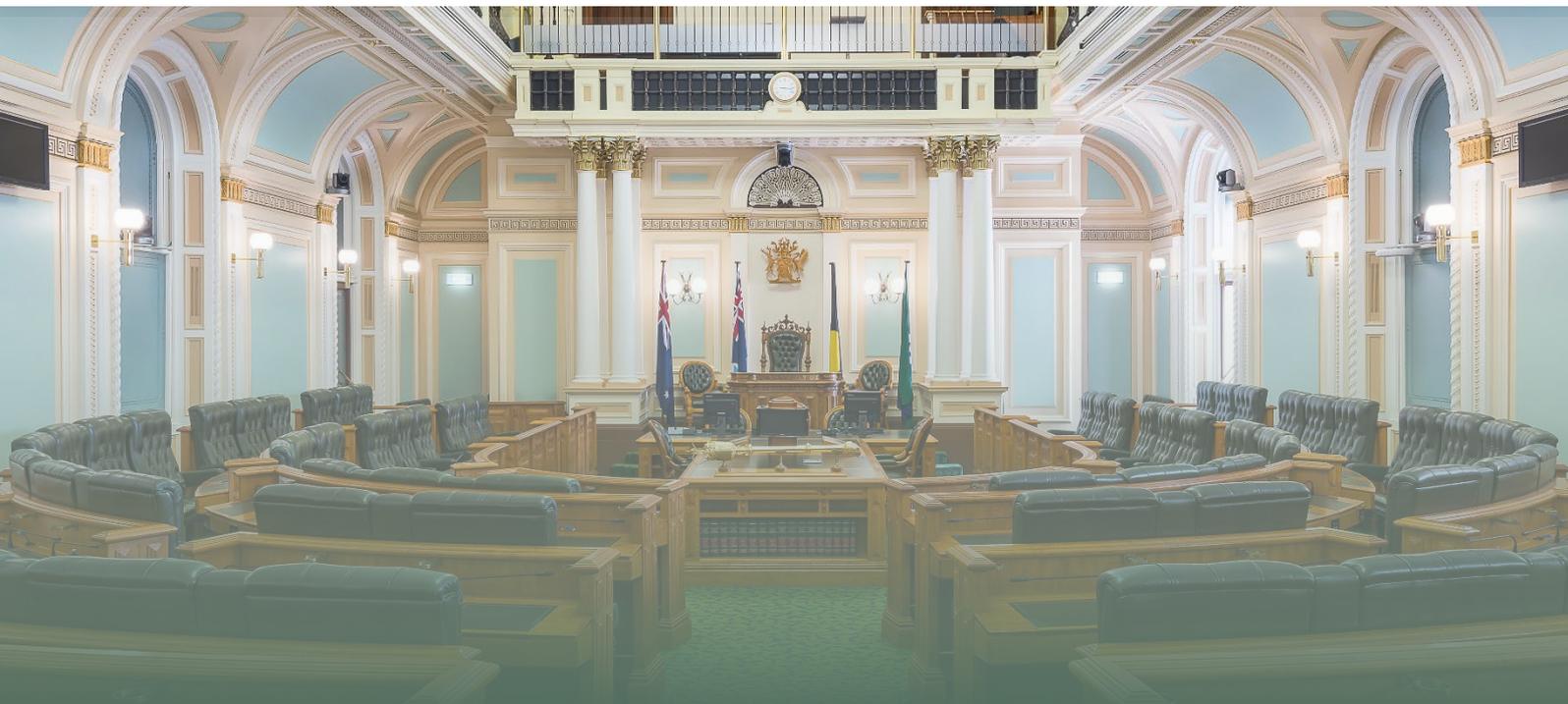




QUEENSLAND PARLIAMENT **COMMITTEES**

Electrical Safety and Other Legislation Amendment Bill 2025

State Development, Infrastructure and Works Committee



Report No. 19

58th Parliament, December 2025

State Development, Infrastructure and Works Committee

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Chair's foreword

This report presents a summary of the State Development, Infrastructure and Works Committee's examination of the Electrical Safety and Other Legislation Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee has recommended that the Bill be passed.

On behalf of the committee, I thank all inquiry participants making submissions and appearing at the public hearing for their valuable contributions. I also thank my fellow committee members and Parliamentary Service staff.

I commend this report to the House.

A handwritten signature in blue ink, appearing to read 'Jim McDonald', with a stylized flourish at the end.

Jim McDonald MP
Chair

Executive summary

About the Bill

The Bill amends the *Electrical Safety Act 2002* (ES Act) and the Electrical Safety Regulation 2013 (ES Regulation) to:

- confirm that electricity entities can continue to give electrical equipment defect notices, by providing a clearly defined and limited power to prescribe this ability under the ES Regulation
- empower the regulator to give unsafe equipment directions to prohibit the sale, installation and use of unsafe electrical equipment under the ES Act, by elevating the regulator's existing prohibition power for unsafe electrical equipment from the ES Regulation to the ES Act
- clarify the operation of unsafe equipment directions.

The Bill also amends the *Work Health and Safety and Other Legislation Amendment Act 2024* to repeal an uncommenced provision (section 52) which inserts a new section 155A – *Power of regulator to give particular information to particular persons* into the *Work Health and Safety Act 2011* (WHS Act). Commencement of this provision was previously postponed to the end of 28 March 2026 by the *Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025*. This amendment removes an avenue for the regulator to provide information contained in improvement, prohibition and non-disturbance notices to health and safety representatives and work health and safety entry permit holders. The Bill also makes other consequential amendments to give effect to the removal of this provision.

The committee has recommended that the Bill be passed.

All amendments to the ES Act and ES Regulation were supported.

Most submissions to the inquiry concerned the amendments in the Bill to repeal the uncommenced section 155A of the WHS Act. Stakeholders were divided on this proposal.

Issues raised by stakeholders and the committee concerned mechanisms in the WHS Act for health and safety representatives and WHS entry permit holders to access and receive information regarding workplace health and safety issues; issues with the sharing of information in accordance with the WHS Act; the extent of the administrative burden on the regulator expected from commencement of section 155A of the WHS Act; and proposals to amend rather than repeal the uncommenced section 155A to provide safeguards and reduce the anticipated administrative workload. Arguments in support of repealing section 155A and for retaining section 155A were examined.

Legislative compliance

The committee concluded that the Bill is compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

Recommendation

Recommendation 1 **4**

The committee recommends that the Bill be passed.

1. Overview of the Bill

The Electrical Safety and Other Legislation Amendment Bill 2025 (Bill) was introduced by the Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations, Hon Jarrod Bleijie MP, on 28 October 2025 and was referred to the State Development, Infrastructure and Works Committee (committee) for examination.

1.1 Aims of the Bill

The stated objectives of the Bill are:

- to ensure Queensland’s electrical safety framework continues to protect Queenslanders by minimising, and where possible, eliminating electrical risks to people and property by confirming electricity entities can give electrical equipment defect notices, and empowering the regulator to give unsafe equipment directions to prohibit the sale, installation and use of unsafe electrical equipment
- to reduce the administrative burden of the regulator and re-align Queensland with other states and territories by removing an additional avenue for health and safety representatives and work health and safety (WHS) entry permit holders to request and receive information in certain notices from the regulator, which has not yet commenced.¹

The Bill amends the *Electrical Safety Act 2002* (Electrical Safety Act; ES Act) and the Electrical Safety Regulation 2013 (Electrical Safety Regulation; ES Regulation) to:

- confirm that electricity entities can continue to give electrical equipment defect notices, by providing a power to prescribe this ability under the ES Regulation
- empower the regulator to give unsafe equipment directions to prohibit the sale, installation and use of unsafe electrical equipment under the ES Act, by elevating the regulator’s existing prohibition power for unsafe electrical equipment from the ES Regulation to the ES Act
- clarify the operation of unsafe equipment directions.

The Bill amends the *Work Health and Safety and Other Legislation Amendment Act 2024* to repeal an uncommenced provision (section 52) which inserted a new section 155A into the *Work Health and Safety Act 2011* (Work Health and Safety Act; WHS Act). This amendment removes an avenue for health and safety representatives (HSRs)² and work health and safety entry permit holders (WHS entry permit holders; EPHs)³ to request information contained in improvement, prohibition and non-disturbance notices from the

¹ Explanatory notes, p 1. The ‘regulator’ refers to both the regulator of the electrical safety and work health and safety legislative frameworks as this is a shared appointment: Department of State Development, Infrastructure and Planning, correspondence, November 2025, p 2.

² A health and safety representative, in relation to a worker, means the health and safety representative elected under part 5 of the *Work Health and Safety Act 2011* for the work group of which the worker is a member.

³ See *Work Health and Safety Act 2011*, pt 7 for who can be a WHS permit entry holder. A union can apply for the issue of a WHS entry permit to a union official; *Work Health and Safety Act 2011*, s 131.

regulator.⁴ The Bill also makes other consequential amendments to give effect to the removal of this provision.

1.2 Other jurisdictions

Electrical safety – Electrical equipment defect notices

The explanatory notes state that most other jurisdictions provide for an electricity entity to give a notice requiring that defective electrical equipment or installations be fixed, but ‘there are differences across jurisdictions regarding the legislation used to achieve this, core definitions and how powers are delegated’.⁵

Electrical safety – Unsafe equipment directions

The majority of jurisdictions have specific powers for the relevant regulator (or Minister) to prohibit the sale, supply, hire and/or use of unsafe electrical equipment. This power is included in jurisdictions’ equivalents of the ES Act, rather being prescribed by regulation. The explanatory notes state that ‘Queensland will be the only state specifically empowered to prohibit the installation, as a subset of use, of unsafe electrical equipment’.⁶

Work health and safety – Provision of information contained in improvement, prohibition and non-disturbance notices

The explanatory notes state that the amendment to remove the power of the regulator to give, on request, HSRs and WHS entry permit holders information contained in improvement, prohibition and non-disturbance notices ‘will re-align Queensland with other states and territories’.⁷

There are similar provisions for the regulator to provide information in work health and safety legislation in South Australia and Victoria.⁸ These laws include some limitations on accessing information. For example in Victoria, WorkSafe Victoria’s Informal Release of Information program enables access to documents without making a formal request under that state’s *Freedom of Information Act 1982* (Vic). Certain types of documents, including improvement, prohibition, and non-disturbance notices, inspection reports and enquiry outcome reports can be obtained for free by eligible persons who demonstrate the reason or purpose for requesting the information. Provision of the information is at the discretion of WorkSafe Victoria, and personal, health and commercially sensitive information is not released.⁹

⁴ See improvement notices (s 191), prohibition notices (s 195), non-disturbance notices (s 198), *Work Health and Safety Act 2011*.

⁵ Explanatory notes, p 10.

⁶ Explanatory notes, p 10.

⁷ Explanatory notes, p 10.

⁸ See public briefing transcript, Brisbane, 6 November 2025, p 5.

⁹ WorkSafe Victoria, *Guide to informal release of information*, <https://www.worksafe.vic.gov.au/guide-informal-release-information>; see also *Occupational Health and Safety Act 2004* (Vic), s 7(1)(e). *Note*: ‘Eligible persons’ include interested persons (such as a person assisting a HSR, or an employee or former employee) and representative organisations (such as a union representative with responsibilities at the workplace, or an employer organisation representative who has coverage or an interest in the relevant industry of the workplace).

1.3 Inquiry process

The committee considered 10 submissions to its inquiry (see Appendix A for a list of submitters). The committee conducted a public briefing with officers from the Office of Industrial Relations, Department of State Development, Infrastructure and Planning (department) and a public hearing with witnesses from construction industry associations, unions, and legal and union peak bodies contributing (see Appendix B and Appendix C for lists of witnesses).

1.4 Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (Legislative Standards Act), and the *Human Rights Act 2019* (Human Rights Act).



1.4.1 *Legislative Standards Act 1992*

The committee concluded that the Bill complies with the Legislative Standards Act.

The committee considered issues of fundamental legislative principle relating to the proposal for the ES Act to provide for a regulation to be made which allows electricity entities to issue defect notices. The committee was satisfied that the Bill has sufficient regard to the rights and liberties of individuals. The issues are discussed in section 2.2.1 of this report.

Part 4 of the Legislative Standards Act requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain. Explanatory notes were tabled with the introduction of the Bill. The committee was satisfied that the notes contain the information required by Part 4 and a level of background information and commentary to facilitate understanding of the Bill's aims and origins.



1.4.2 *Human Rights Act 2019*

Assessment of the Bill's compatibility with the Human Rights Act identified limitations on property rights in relation to the amendments to the ES Act, and the right to freedom of expression in relation to the amendment of the WHS Act. These are discussed in sections 2.2.2 and 2.3.9 of this report. The committee concluded that the Bill is compatible with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the Human Rights Act. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.5 Should the Bill be passed?

The committee is required to determine whether to recommend that the Bill be passed.



Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

2.1 Key themes

All submissions regarding the ES Act supported the proposed amendments.

Most submissions to the inquiry concerned the amendments in the Bill to repeal uncommenced section 155A of the WHS Act.¹⁰ Stakeholders were divided on this proposal.

Matters raised by stakeholders and the committee during the examination of the Bill included:

- mechanisms in the WHS Act for HSRs and WHS entry permit holders to access and receive information regarding the workplace health and safety issues
- issues with the sharing of information in accordance with the WHS Act
- support for repealing section 155A of the WHS Act
- the need to retain section 155A of the WHS Act
- the extent of the administrative burden on the regulator expected from commencement of section 155A
- proposals to amend rather than repeal the uncommenced section 155A to provide safeguards and reduce the anticipated administrative workload.

2.2 Amendments to the *Electrical Safety Act 2002* and *Electrical Safety Regulation 2013*

2.2.1 Power to issue electrical equipment defect notices

The Bill amends the ES Act to prescribe that a regulation may provide for an electricity entity¹¹ to give notices requiring action to be taken in relation to defective electrical equipment.¹²

While the ES Act has a general head of power to make regulations concerning electrical safety,¹³ there is no specific head of power for electricity entities to give electrical equipment defect notices. This is despite it being long standing practice, since the ES Act commenced in 2002, for Queensland electricity entities to alert consumers of issues with

¹⁰ Bill, cls 10-13, Schedule 1.

¹¹ Electricity entities include, for example, a generation entity, transmission entity or distribution entity; *Electrical Safety Act 2002*, schedule 2; explanatory notes, p 1.

¹² Bill, cl 6 (*Electrical Safety Act 2002*, amends s 210).

¹³ *Electrical Safety Act 2002*, s 210.

electrical equipment,¹⁴ for example, if an electricity distributor such as Energex or Ergon Energy attends a property while undertaking their duties to inspect or maintain works and they observe defective electrical equipment such as a damaged general power outlet or unsafe switchboard.¹⁵ Electricity entities in Queensland issue about 17,000 defect notices per year.¹⁶

Currently, section 74 of the ES Regulation provides that an electrical safety inspector or an electricity entity can give a written notice to a person in control of electrical equipment requiring them to fix any defect affecting the equipment's electrical safety.¹⁷ The amendment to the ES Act¹⁸ removes any doubt that electricity entities are able to give electrical equipment defect notices under section 74 of the ES Regulation. The Bill also retrospectively validates past defect notices given by electricity entities before the proposed amendment.¹⁹



Fundamental legislative principles – administrative power and natural justice

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.²⁰ Legislation should also be consistent with principles of natural justice,²¹ including the right to hearing or review in respect of administrative decisions made under statute.

As outlined above, the Bill amends ES Act to prescribe that a regulation may provide for an electricity entity to give notices requiring action to be taken in relation to defective electrical equipment. Under the ES Regulation, if such notice is given to a person in control of the electrical equipment, the person must take all reasonable steps to ensure the defect is fixed.²² Contravention of this provision attracts a maximum penalty of 40 penalty units (\$6,676).²³

The power introduced by the Bill is clearly defined, however, as the explanatory notes acknowledge, there is no right to seek review of a defect notice given by an electricity entity under the ES Regulation.²⁴

¹⁴ Explanatory notes, p 2.

¹⁵ Explanatory notes, p 1.

¹⁶ Public briefing transcript, Brisbane, 6 November 2025, pp 4-5.

¹⁷ Explanatory notes, p 1.

¹⁸ Bill, cl 6.

¹⁹ Bill, cl 7.

²⁰ *Legislative Standards Act 1992*, s 4(3)(a).

²¹ *Legislative Standards Act 1992*, s 4(3)(b).

²² Electrical Safety Regulation 2013, s 74.

²³ A penalty unit is \$166.90; Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, ss 5, 5A.

²⁴ Explanatory notes, p 7. *Note:* notices given by an electrical safety inspector under s 74 of the Electrical Safety Regulation 2013 are subject to internal/external review, however the statement of compatibility (p 5) advises that in practice, most notices are given by electricity entities and are not subject to review.

The explanatory notes advise that a review of natural justice principles will be undertaken as part of the sunset review of the ES Regulation, including the specific provision regarding defect notices.²⁵ Further:

... while not currently subject to review processes, the ability for an electricity entity to give electrical equipment defect notices is aligned with the ES Act's purpose to eliminate the human cost to individuals, families and the community of death, injury and damage to property that can be caused by electricity.²⁶

Committee comment



The committee considers the amendment to the Electricity Safety Act to provide that a regulation may provide for an electrical entity to give defect notices has sufficient regard to fundamental legislative principles, noting that the amendment supports the overall public safety purposes of the Electrical Safety Act and gives legislative certainty to the long-standing practice of electricity entities issuing notices to fix defective electrical equipment.



Fundamental legislative principles – retrospectivity

To have sufficient regard to the rights and liberties of individuals, legislation should not adversely affect rights and liberties, or impose obligations, retrospectively.²⁷

As noted above, the Bill retrospectively validates past electrical equipment defect notices²⁸ and therefore imposes obligations retrospectively²⁹ – as a person who was given notice under the ES Regulation prior to the Bill's commencement must still take all reasonable steps to ensure the defect is fixed. Further, any other actions taken because of the giving of the notice are taken to be valid.³⁰ The explanatory notes state:

The retrospective validation of past notices is limited in application, and is intended to avoid doubt and confirm the long-standing practice of protecting against electrical safety risks where an electricity entity undertaking their duties under the ES Act or ES Regulation identifies defective electrical equipment under a person's control.³¹

Without a validating provision, the statement of compatibility highlights that a defect notice may be challenged on the basis that it was 'issued without proper authority, potentially voiding the notice and any compliance or enforcement action taken against a person for non-compliance'.³² The explanatory notes emphasise that these notices were issued in

²⁵ Explanatory notes, p 7. The statement of compatibility (p 5) advises that review must be completed by 31 August 2026.

²⁶ Explanatory notes, pp 7-8.

²⁷ *Legislative Standards Act 1992*, s 4(3)(g).

²⁸ Bill, cl 7 (*Electrical Safety Act 2002*, new pt 24).

²⁹ Explanatory notes, p 8.

³⁰ Bill, cl 7 (*Electrical Safety Act 2002*, new s 261).

³¹ Explanatory notes, p 9.

³² Statement of compatibility, p 7.

good faith on the basis there was already sufficient regulation making power in the ES Act.³³

Committee comment



The committee considers the retrospective validation of past electrical equipment defect notices is justified in the circumstances, noting the intention is to provide legislative certainty and the impact on individual rights and liberties is likely to be minimal.

2.2.2 Unsafe equipment directions

The ES Regulation currently provides that the regulator may prohibit the sale or use of electrical equipment by any person if the regulator believes on reasonable grounds that the item does not comply with safety criteria within the relevant standard (currently, AS/NZS 3820:2020 Essential safety requirements for electrical equipment).³⁴

The Bill amends the ES Act and ES Regulation to provide that unsafe equipment directions are given by the regulator under the ES Act instead, by inserting new section 122D which provides that the regulator may, by gazette notice, give directions (unsafe equipment directions) regarding the sale, installation, or use of particular items of electrical equipment, or types of electrical equipment.³⁵

In addition to elevating the regulator's power to prohibit the sale and use of unsafe electrical equipment from the ES Regulation to the ES Act, the Bill:

- clarifies the existing application to allow the regulator to prohibit the sale, installation or use of an item of electrical equipment or a type of electrical equipment if it is unsafe
- sets out grounds for the regulator to give an unsafe equipment direction and other matters the regulator may consider in doing so
- specifies that a set period of not more than 10 years applies
- confirms the right of individuals to seek an external review of the regulator's decision by the Queensland Civil and Administrative Tribunal (QCAT)
- requires the regulator to publish a copy of each unsafe equipment direction and a notice with sufficient information for a person to apply for a QCAT review on the department's website, and to give a copy of the direction and information notice to a person selling the unsafe equipment.³⁶

The Bill confirms that the regulator cannot delegate its power to give an unsafe equipment direction.³⁷ This means that a decision to prohibit the sale, installation or use of such

³³ Explanatory notes, p 8.

³⁴ Explanatory notes, p 2.

³⁵ Bill, cl 4.

³⁶ Explanatory notes, p 5.

³⁷ Bill, cl 3.

equipment must be made personally by the regulator, rather than delegating the function to a departmental officer as has occurred to date when issuing these prohibitions.³⁸

The Bill also includes transitional arrangements concerning the treatment of certain prohibitions for unsafe electrical equipment that were gazetted in accordance with section 192 of the ES Regulation. Seven gazetted prohibitions from 2013 to 2024 relating to the sale, use and/or installation (as a subset of use) will continue to have effect as unsafe equipment directions for a further period of 10 years, in recognition that the equipment continues to present a safety risk.³⁹

In regard to these changes, the department advised that ‘the identification of unsafe equipment and enforcement will remain exactly the same. The proposed amendments simply provide greater clarity on how the provisions operate’.⁴⁰



Human rights – right to property

A person has the right to own property alone or with others.⁴¹ Property includes real and personal property and would include electrical equipment. Property also includes economic interests connected with the operation of a business or business activities.⁴² A person has the right not to be arbitrarily deprived of their property.⁴³

The Bill limits the right to property through amendments to the ES Act that allow the regulator to give an unsafe equipment direction⁴⁴ and an electricity entity to give an electrical equipment defect notice.⁴⁵ This potentially limits an individual’s right to property because if a person receives an unsafe electrical equipment direction they would not be able to sell, install or use that specific item, or type, of electrical equipment.⁴⁶ These notices can be given for a period of up to 10 years,⁴⁷ which could represent a substantial limitation on a person’s property rights. Electrical equipment defect notices may also impact property rights, though arguably to a lesser extent, as the notice requires a person to do something to their property (i.e. remedy the defect) before electricity is connected or otherwise used.⁴⁸

The purpose of the limitation is public safety – to ensure appropriate and swift action can be taken in regard to unsafe electrical equipment.⁴⁹ This is a legitimate purpose and also aligns with the broader purpose of the ES Act to eliminate the human cost to individuals,

³⁸ Department of State Development, Infrastructure and Planning, correspondence, 5 November 2025, p 5.

³⁹ Bill, cl 7; explanatory notes, p 5; Department of State Development, Infrastructure and Planning, correspondence, 5 November 2025, p 5.

⁴⁰ Public briefing transcript, Brisbane, 6 November 2025, p 2.

⁴¹ *Human Rights Act 2019*, s 24(1).

⁴² Nicky Jones and Peter Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, para 4.416 (p 249).

⁴³ *Human Rights Act 2019*, s 24(2).

⁴⁴ Bill, cl 4 (*Electrical Safety Act 2002*, new s 122D).

⁴⁵ Bill, cl 6 (*Electrical Safety Act 2002*, amends s 210).

⁴⁶ Bill, cl 4 (*Electrical Safety Act 2002*, new s 122D(2)).

⁴⁷ Bill, cl 4 (*Electrical Safety Act 2002*, new s 122D(3)(b)).

⁴⁸ Statement of compatibility, pp 3-4.

⁴⁹ Statement of compatibility, p 3.

families and the community of death, injury and destruction that can be caused by electricity.⁵⁰ Allowing unsafe or defective equipment to continue to be used presents a risk not only to the individual concerned, but to others in the vicinity.⁵¹

There is a rational connection between the limitations and their purpose as the amendments would continue to allow unsafe electrical equipment to be identified and appropriate action taken. While the impacts may include loss of electricity until a defect is fixed, or a restriction on the ability of a business to sell specific electrical equipment (leading to loss of profit), the provisions can only be used where there is an electrical safety risk.⁵² For an unsafe equipment direction to be issued, for example, the regulator must be satisfied on reasonable grounds that an item of electrical equipment is, or is likely to become, unsafe in use or has inadequate information marked on the equipment.⁵³ Acting as a further safeguard, decisions regarding unsafe equipment directions are communicated through information notices, providing for review through the *Queensland Civil and Administrative Tribunal Act 2009*.⁵⁴

Committee comment



The committee considers the amendments to the Electrical Safety Act provide an appropriate balance between the property rights of certain individuals and the broader public safety purpose of ensuring that defective or unsafe electrical equipment is identified and appropriate action taken. Therefore we consider any limitation on property rights is demonstrably justified in the circumstances.

2.2.3 Stakeholder support for changes to electrical safety legislation

Stakeholders who made submissions regarding the amendments to electrical safety legislation fully supported the changes.⁵⁵

Committee comment



The committee supports the Bill's amendments to Electrical Safety Act and Electrical Safety Regulation.

⁵⁰ *Electrical Safety Act 2002*, s 4.

⁵¹ Statement of compatibility, p 4.

⁵² Statement of compatibility, p 4.

⁵³ Bill, cl 4 (*Electrical Safety Act 2002*, new s 122D(1)).

⁵⁴ Bill, cl 4 (*Electrical Safety Act 2002*, new s 122D(8),(9)). See also *Queensland Civil and Administrative Tribunal Act 2009*, s 157.

⁵⁵ Civil Contractors Federation Queensland, submission 3, p 2; Consultative Committee for Work-Related Fatalities and Serious Incidents, submission 4, p 1.

2.3 Repeal of uncommenced section 155A – Power of regulator to give particular information to particular persons

2.3.1 Policy objective for inclusion of section 155A in the *Work Health and Safety Act 2011*

The *Work Health and Safety and Other Legislation Amendment Act 2024* (assented to 24 March 2024) included a provision⁵⁶ to insert a new section 155A into the WHS Act. Section 155A (in full below) provides that the WHS regulator may, on request, give information contained in improvement, prohibition and non-disturbance notices to a HSR for a worker for the workplace to which the notice relates, or to a WHS entry permit holder representing a relevant union for a worker for the workplace to which the notice relates.

155A Power of regulator to give particular information to particular persons

- (1) This section applies if an inspector issues any of the following notices (each a relevant notice)—
 - (a) an improvement notice about a contravention of a provision of this Act at a workplace;
 - (b) a prohibition notice about an activity that is occurring, or may occur, at a workplace;
 - (c) a non-disturbance notice relating to a site at a workplace.
- (2) The regulator may, at the request of an entitled person, give the person information contained in the relevant notice, other than information that is—
 - (a) personal information about an individual; or
 - (b) confidential commercial information.
- (3) For subsection (2), a person is an entitled person if the person is—
 - (a) a health and safety representative for a worker for the workplace to which the relevant notice relates; or
 - (b) a WHS entry permit holder representing a relevant union for a relevant worker for the workplace to which the relevant notice relates.
- (4) In this section—

relevant union see section 116.

relevant worker see section 116.⁵⁷

The explanatory notes for the *Work Health and Safety and Other Legislation Amendment Bill 2023* (which implemented recommendations from the *2022 Review of the Work Health and Safety Act 2011 – Final Report* (the WHS Act Review Report)⁵⁸ and the national *2018 Review of the model work health and safety laws* (the Boland Review))⁵⁹ explain the policy objective of the provision. The explanatory notes for that bill state that:

⁵⁶ Section 52, *Work Health and Safety and Other Legislation Amendment Act 2024*.

⁵⁷ Section 116 of the *Work Health and Safety Act 2011* defines *relevant union* as the union that a WHS entry permit holder represents, and *relevant worker*, in relation to a workplace, as a worker— (a) who is a member, or eligible to be a member, of a relevant union; and (b) whose industrial interests the relevant union is entitled to represent; and (c) who works at that workplace.

⁵⁸ Charles Massy, Craig Allen, Deirdre Swan, *Review of the Work Health and Safety Act 2011 - Final Report*, December 2022, <https://www.oir.qld.gov.au/system/files/2023-04/review-work-health-safety-act-final-report.pdf>.

⁵⁹ Marie Boland, *Review of the model Work Health and Safety laws - Final report*, December 2018, <https://www.safeworkaustralia.gov.au/doc/review-model-whs-laws-final-report>.

The WHS Act Review found that for HSRs to be able to perform the role envisaged by the WHS Act, it is necessary for HSRs to be completely integrated into the identification and resolution of safety issues at the workplace. The reviewers identified the need to clarify:

- the interaction between HSRs, inspectors and WHS entry permit holders; and
- the right of HSRs to receive relevant information about work health and safety.

To address these issues, the Bill requires PCBUs [persons conducting a business or undertaking] to:

- inform an HSR when an inspector or WHS entry permit holder is on site, and permit the HSR to accompany them, where the visit is relevant to their work group; and
- provide HSRs with copies of enforcement notices issued by an inspector, copies of entry notices provided by WHS entry permit holders, and mandatory incident notifications made to the regulator by the PCBU.

The Bill also enables HSRs to request that a PCBU provide information concerning the work health and safety of workers in their work group. The PCBU is obliged to comply with such a request.

As an extension of the policy intention for the recommendation to require PCBUs to provide HSRs with a copy of enforcement notices, the Bill also inserts new section 155A which enables the regulator to provide a WHS entry permit holder or HSR with relevant information from an improvement notice, prohibition notice or non-disturbance notice issued by an inspector under Part 10 of the WHS Act. While an HSR will be entitled to receive a copy of an enforcement notice under the proposed amendments to section 70, establishing a mechanism for informal administrative release of information from enforcement notices on request is intended to assist both WHS entry permit holders and HSRs in fulfilling their roles under the WHS Act and enhance awareness of WHS issues identified by inspectors that may be relevant to the entry permit holder or HSR. Personal information about an individual or confidential commercial information cannot be disclosed under new section 155A. In addition, the Bill provides that section 271 (Confidentiality of information) applies to a WHS entry permit holder or HSR who obtains information under new section 155A.

Commencement of section 155A (as inserted by section 52 of the *Work Health and Safety and Other Legislation Amendment Act 2024*) was postponed to the end of 28 March 2026, in accordance with section 15DA(3) of the *Acts Interpretation Act 1954*, by the Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025.⁶⁰

2.3.2 Policy objective for repeal of uncommenced section 155A

The explanatory notes state that the repeal of section 155A from the WHS Act is required because ‘attempts to operationalise this reform identified insufficient safeguards and an unanticipated administrative burden for the regulator’.⁶¹ Specifically:

- the provision does not prescribe ‘limits on the number of requests that can be made, nor specific grounds for making requests’

⁶⁰ See SL 2025 No. 9 – Work Health and Safety and Other Legislation Amendment (Postponement) Regulation 2025, tabled on 12 March 2025.

⁶¹ Explanatory notes, p 4.

- ‘the process for the regulator releasing this information is not suitable for automating, and all notices requested would need to be manually reviewed to ensure personal information or commercial in confidence information is not unintentionally released’
- the provision ‘is also not aligned with other states and territories’.⁶²

The explanatory notes state that the intention is to repeal section 155A before the provision commences on 29 March 2026.⁶³

The explanatory notes identify other avenues for HSRs and WHS entry permit holders to access and receive information regarding workplace health and safety issues, and state that ‘these provisions ensure that consultation between workers, their representatives and the PCBU about health and safety issues at a workplace are informed by relevant information’.⁶⁴ The specific avenues identified in the explanatory notes are discussed in more detail in section 2.3.4 below.

The Deputy Premier provided more information about the policy objective for the repeal of section 155A when introducing the Bill:

There are already mechanisms in place under the Work Health and Safety Act to help representatives access information. ... these provisions are about managing active or current safety matters. There is a stark difference, however, between a HSR receiving a current notice in relation to a current compliance issue, compared with a HSR obtaining a 12-year-old notice.

The truth is the former Labor government carved out a special pathway for entry permit holders, like the CFMEU, to exploit the regulator and to weaponise information against employers. ...

...I fail to comprehend how the former government believed copies of outdated enforcement and compliance notices would truly benefit a CFMEU official in performing their role as an entry permit holder.

...It is clear Labor’s information-sharing laws would be used as nothing but an information-gathering exercise by the CFMEU, and it would not be in the interests of safety, but merely as a means to harass non-unionised workforces. The law, as it stands, could easily be used to gather material to launch a targeted campaign on businesses and stifle productivity in the process.⁶⁵

2.3.3 Work health and safety information

Stakeholders both for and against the repeal of uncommenced section 155A told the committee that issues with the use of health and safety information currently affects workers and workplaces.

Construction industry associations supporting the repeal of section 155A stated that other provisions of the WHS Act ‘have been used inappropriately to cause productivity issues,

⁶² Explanatory notes, p 4.

⁶³ Explanatory notes, p 4.

⁶⁴ Explanatory notes, p 3.

⁶⁵ Hon Jarrod Bleijie, Deputy Premier, Minister for State Development, Infrastructure and Planning, and Minister for Industrial Relations, Legislative Assembly, record of proceedings, 28 October 2025, pp 3329-3330.

administrative burden and the like',⁶⁶ such as 'a number of instances where sites are shut down for a very minor or a very isolated' event rather than a more 'proportionate response to the safety incident',⁶⁷ and stated that they 'are seeking to ensure that kind of misuse is not able to occur'.⁶⁸

Unions supporting the retention of section 155A to enable information to be obtained directly from the regulator, referred to reprisals from employers against HSRs who exercise their rights under the WHS Act to obtain a copy of a notice.⁶⁹ They cited 'many cases of HSRs being relentlessly targeted by their employer for actively trying to protect themselves and their colleagues' and noted that 'HSRs representing workers in hierarchical workplaces... can be even more reluctant to exercise these rights'.⁷⁰

2.3.4 Mechanisms to obtain information

As noted in section 2.3.2 above, the explanatory notes identified the following avenues, other than the mechanism provided in section 155A of the WHS Act, for HSRs and WHS entry permit holders to access and receive information regarding the workplace health and safety issues:

- HRSs may be entitled to receive copies of important information directly from the PCBU, including right of entry notices given by WHS entry permit holders; improvement, prohibition or non-disturbance notices issued by WHS inspectors; and notifiable incidents (sections 70(1)(ca), (cb) and (cc), WHS Act)
- HRSs may request and receive information concerning the health and safety of workers in the work group they are elected to represent (section 68(2)(f), WHS Act)
- a WHS entry permit holder may request to inspect and make copies of any document directly relevant to a suspected contravention they are investigating, which may include copies of notices issued by WHS inspectors to the PCBU (section 118(1)(d), WHS Act)
- if a person is issued with an improvement, prohibition or non-disturbance notice, as soon as possible, they must display a copy of the notice in a prominent area within the workplace (section 210, WHS Act)
- for all worker representatives, information may also be available through the *Right to Information Act 2009*.⁷¹

However submitters⁷² explained that while the WHS Act provides other pathways to access information, in practice these are limited because:

- they rely on the PCBU to provide a copy or display notices, despite the PCBU often being the subject of the enforcement action, which can delay or restrict access

⁶⁶ Master Builders Queensland, public hearing transcript, Brisbane, 19 November 2025, p 3.

⁶⁷ Master Electricians Australia, public hearing transcript, Brisbane, 19 November 2025, p 3.

⁶⁸ Master Electricians Australia, public hearing transcript, Brisbane, 19 November 2025, p 3.

⁶⁹ Queensland Council of Unions, public hearing transcript, Brisbane, 19 November 2025, p 12.

⁷⁰ Submission 7, p 4.

⁷¹ Explanatory notes, p 3.

⁷² Submissions 2, 7, 9.

- HSRs' ability to request information under section 68(2)(f) depends on the PCBU's cooperation, which is especially pertinent if there are strained relationships between parties
- display requirements under section 210 of the WHS Act are not consistently complied with by PCBUs, especially across dispersed or high-turnover workplaces (such as retail, logistics, and warehousing)
- access to information through the *Right to Information Act 2009* is not fit-for-purpose for time-sensitive safety matters as it can take months for information to be provided (see also section 2.3.6 below).

The Queensland Law Society (QLS) told the committee that 'the fact is that people do not comply with the Work Health and Safety Act all the time' and questioned the options available for worker representatives to obtain information, without section 155A, if a PCBU is not complying with their obligations to communicate about notices issued to them.⁷³

The department advised that if a PCBU refuses to comply with their legislative obligations to provide this information to a HSR or WHS entry permit holder, or if a PCBU changes and notices cannot be located, the HSR or WHS entry permit holder can request a WHS inspector to be appointed to assist in resolving the issue, or they can lodge a dispute with the Queensland Industrial Relations Commission.⁷⁴

The department also highlighted that:

It is an offence for a PCBU to fail to comply with an obligation under the WHS Act in respect of providing information. For example, a maximum penalty 100 penalty units (or \$10,000) applies if a PCBU is found to have failed to provide a notice to a HSR under s.70(1)(cb) of the WHS Act.⁷⁵

2.3.5 Stakeholder support for repealing section 155A

A majority of submitters supported the amendment proposed in the Bill to repeal the uncommenced section 155A of the WHS Act.

Master Electricians Australia (MEA) submitted that the amendment 'ensures enforcement information remains accessible to those directly involved in a matter while preventing vexatious requests'.⁷⁶ MEA contended that 'the existing unrestricted power is vulnerable to overuse, with no requirement to demonstrate relevance to a specific workplace or incident' suggesting that 'unchecked access risks misuse and creates unnecessary administrative burden as businesses shift their focus from practical risk management to unwarranted levels of risk management' which 'could further impede construction productivity'.⁷⁷

⁷³ Public hearing transcript, Brisbane, 19 November 2025, p 9.

⁷⁴ Public briefing transcript, Brisbane, 6 November 2025, p 6; Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 6.

⁷⁵ Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 6.

⁷⁶ Submission 1, p 2.

⁷⁷ Submission 1, p 1.

Similarly, the Civil Contractors Federation Queensland (CCF Qld) submitted that section 155A, allowing entry permit holders including ‘union officials from the CFMEU, which has many recorded instances of intimidation’ to request information contained in improvement notices, prohibition notices or non-disturbance notices directly from the regulator, ‘undermines the privacy of business owners and would have substantially increased the administrative burden on the regulator, for no positive safety outcomes and a host of risks to many of our members’.⁷⁸ CCF Qld described the provision as ‘an enormous overreach which went beyond a reasonable and balanced approach to safety’.⁷⁹

Master Builders Queensland (MBQ) also supported this amendment, stating that section 155A ‘would enable unions to access building sites and provide unreasonable access to workers’ records, without any limits or reasonable justification’.⁸⁰ Further, MBQ rejected the notion that section 155A was necessary to enable worker representatives to access historical records:

There are many other parts of the legislation that do not require going back in time to look at potential data points and information that a PCBU has to manage an imminent risk to a worker. If there is an imminent risk to a worker, there is right-of-entry legislation—under 117. A union can utilise that part of the legislation to seek access to a site to manage a suspected contravention. I do not think it requires going back in time to look at records and history for things that could be five, 10, 15 or 20 years old. That would be a fishing expedition to acquire information to be used, in our view, in an inappropriate way.⁸¹

2.3.6 Stakeholder support for retaining section 155A

In addition to being a mechanism to enable worker representatives to access to information when other avenues in the WHS Act are not effective, section 155A addresses other issues with processes, according to the Queensland Council of Unions (QCU), Shop Distributive and Allied Employees Association (Queensland Branch) (SDA Queensland), and the Queensland Nurses and Midwives’ Union. These stakeholders submitted that:

- the policy intention of section 155A, to establish a mechanism for informal administrative release of information by the regulator, enables more timely access to information than undertaking a dispute resolution process – which is important for time sensitive WHS issues and/or when addressing risks to health and safety from an immediate or imminent exposure to a hazard⁸²
- in circumstances where a PCBU fails to comply with their obligation to give a copy of an improvement, prohibition and non-disturbance notice to a HSR, the mechanism allows a HSR to obtain a copy of the notice in a less adversarial way than appointing

⁷⁸ Submission 3, p 4.

⁷⁹ Submission 3, p 4.

⁸⁰ Submission 5, p 1.

⁸¹ Public hearing transcript, Brisbane, 19 November 2025, p 6.

⁸² Submissions 2, 7, 9.

an inspector to assist in resolving the issue, or filing a work health and safety dispute in the Queensland Industrial Relations Commission (QIRC)⁸³

- the provision enables HSRs who fear reprisal from a PCBU for seeking information about an issue to request information directly from the regulator rather than the PCBU⁸⁴
- by allowing WHS entry permit holders to request copies of notices, section 155A provides a way to obtain this information when workers are not represented by HSRs – many workers in Queensland are not represented by HSRs⁸⁵ and where there are few or no HSRs in industries, it falls to WHS entry permit holders to raise WHS issues (this is particularly relevant in the retail and fast food sectors for example, which are characterised by a young workforce, in precarious employment, who are ‘typically not encouraged to speak up and typically do not’ raise WHS issues with their employers)⁸⁶
- allowing WHS entry permit holders to request copies of notices also provides an avenue to obtain the information when HSRs are fearful of reprisals, without the HSR being identified as a person requesting the information⁸⁷
- seeking to access notices under the *Right to Information Act 2009* is not appropriate for the purpose of obtaining information for WHS matters – because the minimum timeframe to process such applications (35 business days) is not fast enough for a WHS issue that is urgent, and because a representative is not able to receive information on an issue or a suspected contravention until ‘the matter has been deemed closed by the regulator’, which ‘makes it almost a pointless endeavour’ as without the information it is not possible ‘to see whether or not that PCBU is complying or following steps’⁸⁸
- costs and administrative burden associated with the application are also issues with using Right to Information provisions for the resolution of WHS issues⁸⁹
- section 155A provides HSRs and WHS entry permit holders with a way to access to the information contained in historical notices about recurring WHS issues in the workplace – as historical notices can provide context and communicate a view previously formed by an inspector and can assist with reaching a resolution about a WHS issue, rather than appointing an inspector or filing a dispute with the QIRC⁹⁰
- while arguments in support of repealing section 155A have been focused largely on the construction industry, construction industry employer associations, or construction unions, the amendments would apply to all workers and all PCBUs⁹¹ – noting that more than 90% of approximately 3.01 million working Queenslanders do

⁸³ Submission 7.

⁸⁴ Submission 7; public hearing transcript, Brisbane, 19 November 2025, pp 12, 17.

⁸⁵ Public hearing transcript, Brisbane, 19 November 2025, pp 14, 17; submission 7, p 5.

⁸⁶ Public hearing transcript, Brisbane, 19 November 2025, pp 12-13.

⁸⁷ Submission 7, p 5.

⁸⁸ Submission 2; public hearing transcript, Brisbane, 19 November 2025, pp 13, 16.

⁸⁹ Submission 7, p 5; public hearing transcript, Brisbane, 19 November 2025, p 6.

⁹⁰ Public hearing transcript, Brisbane, 19 November 2025, p 14; submission 7, pp 5, 6.

⁹¹ Public hearing transcript, Brisbane, 19 November 2025, pp 11, 16.

not work in construction, and one in four working Queenslanders work in the healthcare, social assistance, or retail trade industries.⁹²

Response to support for the informal release of information

In response to submissions for retaining the mechanism for informal release of information provided by section 155A, the department advised:

HSRs and EPHs still have rights to informally access information directly from the PCBU.

While PCBUs and HSRs may be reluctant to canvas issues openly, it is an obligation under the WHS Act and strongly encouraged for them to consult directly in the first instance. Consultation is an essential part of all parties managing health and safety risks in the workplace.

PCBUs, HSRs and workers are also entitled to seek help from representatives to facilitate difficult conversations. An HSR can also request the assistance of an EPH, or any other person who may help to discuss WHS issues in the workplace (s.81 (3) of the WHS Act). Where consultation breaks down further, the parties are able to request the assistance of a WHS inspector or to take the matter to be heard by an independent Commissioner at the QIRC.⁹³

The committee asked the department about options for HSRs and WHS entry permit holders to obtain information related to long term issues in a workplace, such as hazards associated with particular plant or exposure to substances that have existed for a long period of time, or situations where the PCBU no longer has a record of the information or the PCBU for a workplace has changed.

The committee were advised by the department that HSRs would be entitled to request historical information from the PCBU, to access the information through Right to Information provisions, or make a request through the regulator:

If the PCBU is not providing documents that are relevant to concerns—if there is a dispute or an argument about whether this information is allowable for the health and safety representative to see—a health and safety representative could call an inspector for assistance on that. They can go to the Queensland Industrial Relations Commission as well.⁹⁴

The department also advised that:

An EPH exercising a right of entry to investigate a suspected contravention is entitled to inspect and make copies of any documents held by the PCBU (s.118), including on the PCBU's computer, or from another person (s.120). These avenues all facilitate accessing historical information if directly relevant to the suspected contravention for their relevant worker/s.⁹⁵

⁹² Public hearing transcript, Brisbane, 19 November 2025, p 11.

⁹³ Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 9.

⁹⁴ Public briefing transcript, Brisbane, 6 November 2025, p 9.

⁹⁵ Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 9.

2.3.7 Administrative burden

Administrative burden for regulator

The department described the administrative difficulties with implementing section 155A of the WHS Act, which included that:

- it was initially anticipated that the process would largely be automated, with a single officer to maintain it, but ‘one of the most significant pivots in this process was learning that it could not be done as an automated administrative process; it would actually require personnel’
- the process would require proof of identity (such as a driver's licence) from the person making the request, and ensure this information was stored in accordance with privacy laws
- the regulator would need to determine if the person requesting the notice had standing to make the request as a HSR, or the appropriate WHS entry permit holder, for a worker for the workplace to which the notice relates
- the process would require notices to be located, retrieved and copied, which may include sourcing historical notices archived off-site
- the process would require an appropriately trained officer to review, identify and redact personal and commercial-in-confidence information, and a mechanism for review by a senior staff person to avoid release of personal or confidential information.⁹⁶

The department's expectation that the implementation of section 155A could be an automated process was challenged by some stakeholders. The QLS told the committee that it is not ever possible to automate the provision of information of this nature as ‘you need to make assessments and review to see what information needs to be redacted because it is personal or medical information’.⁹⁷

Some submitters were also concerned that a resourcing matter would prevent the implementation of section 155A and result in the provision being repealed.⁹⁸ As QLS noted, ‘the regulator has these functions under the Act and should be appropriately resourced to carry out these functions. The alternative, potentially, is getting the employer to do so, which would then be burdensome on the employer’.⁹⁹

SDA Queensland agreed that protecting privacy and confidentiality is important but submitted that this is achievable as the regulator already reviews and redacts documents for internal and public release and ‘extending that practice to safety representatives bound by confidentiality obligations under the WHS Act doesn't make this process exceptionally onerous’.¹⁰⁰ Further SDA Queensland noted that ‘other transparency mechanisms, such

⁹⁶ Public briefing transcript, Brisbane, 6 November 2025, p 3; see also Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 7.

⁹⁷ Public hearing transcript, Brisbane, 19 November 2025, p 8.

⁹⁸ Public hearing transcript, Brisbane, 19 November 2025, pp 10, 16, 18.

⁹⁹ Public hearing transcript, Brisbane, 19 November 2025, p 8.

¹⁰⁰ Submission 2, p 4.

as coronial findings, Right to Information releases, and inspector-report summaries, routinely manage the same issues through redaction and partial release'.¹⁰¹ SDA Queensland stated:

The administrative argument does not justify repeal, it suggests measured implementation. Many Queensland regulators, including WHSQ itself, already handle complex RTI workloads; this provision merely ensures that legitimate "safety representatives" have a streamlined and specific channel.¹⁰²

The committee also sought information from the department about:

- the amount of time the department had assessed it would take for the regulator to furnish a copy of a prohibition, improvement, or non-disturbance notice
- whether PCBUs have the right to ask the regulator, at any time, for a notice that was issued more than 5 years prior.¹⁰³

The department did not provide further advice about timeframes, or whether PCBUs are able to 'automatically request' the notices 'or whether they have to make a specific request through RTI'.¹⁰⁴

Provision of information at discretion of regulator

Stakeholders noted that section 155A(2) provides that information is to be released at the discretion of the regulator, that is: the regulator *may*, at the request of an entitled person, give the person information contained in the relevant notice, other than information that is personal information about an individual, or confidential commercial information.¹⁰⁵

Administrative burden for PCBUs

Noting that the repeal of section 155A would remove the avenue for the regulator to provide copies of notices directly to HSRs and WHS entry permit holders and result in these representatives needing to request this information from PCBUs instead, the committee asked the department about the likely administrative impact on PCBUs.

The department told the committee that as HSRs and WHS entry permit holders are currently able to seek this kind of information from PCBUs, 'in terms of the impact of regulatory change and businesses having to adapt ... [PCBUs] have had around 12 months to become acquainted with this particular set of information-sharing options and so by repealing a provision that has not yet commenced it is sort of maintaining the status quo'.¹⁰⁶

¹⁰¹ Submission 2, p 3.

¹⁰² Submission 2, p 3.

¹⁰³ Public briefing transcript, Brisbane, 6 November 2025, pp 6, 7.

¹⁰⁴ Public briefing transcript, Brisbane, 6 November 2025, p 6; see also Department of State Development, Infrastructure and Planning, correspondence, 12 November 2025, p 1.

¹⁰⁵ *Work Health and Safety and Other Legislation Amendment Act 2024*, s 52, inserting s 155A in *Work Health and Safety Act 2011*. Submission 9, p 4.

¹⁰⁶ Public briefing transcript, Brisbane, 6 November 2025, p 4.

2.3.8 Proposal to amend section 155A rather than repeal

The QLS and SDA Queensland suggested that rather than repealing the provision, section 155A be amended to set parameters for the type of information that can be released, and in what circumstances ‘to ensure the provision is utilised appropriately and does not cause undue administrative burden’.¹⁰⁷

The QLS and SDA Queensland suggested options for amending the provision which could preserve the policy intent, including:

- a 12-month pilot of the provision with reporting on volume, cost, and outcomes
- amending rather than repealing the provision, adding clear request criteria and privacy safeguards, or prescribing a limit on timeframes, frequency, or scope of requests.¹⁰⁸

In addition to setting out the specific requirements for requests in the WHS Act, submitters suggested guidelines could be developed to assist the regulator to comply with its confidentiality and information privacy requirements and to exercise its discretion to provide information under section 155A.¹⁰⁹

In response to these suggestions the department advised that ‘it would be disruptive and inefficient to implement systems and processes to support the provision, and for it to be later repealed’.¹¹⁰ The department’s response to submissions did not comment on the suggestion that section 155A be amended to include criteria to limit any potential administrative burden and safeguard the appropriate use of the provision.¹¹¹

Committee comment



The committee supports the proposed amendments to the WHS Act, however this view was not unanimous.

The committee agrees that it is in the public interest for workplaces to be safe and for HRSs and WHS entry permit holders to have the information they need to fulfill their roles under the WHS Act. We note that the amendments will not change existing rights to information under the WHS Act, and that HRSs and WHS entry permit holders will continue to be entitled to rely on existing mechanisms to access information under the WHS Act. The committee also encourages PCBUs to continue to share information in good faith and in accordance with their obligations, so that WHS issues can be resolved as quickly and effectively as possible.

¹⁰⁷ Submission 10, p 1; submission 2, p 2.

¹⁰⁸ Submission 2, pp 2, 3; public hearing transcript, Brisbane, 19 November 2025, p 8.

¹⁰⁹ Submission 7, p 6; submission 10, p 1.

¹¹⁰ Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025, p 7.

¹¹¹ See Department of State Development, Infrastructure and Planning, correspondence, 18 November 2025.



2.3.9 Human rights – freedom of expression

Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds.¹¹² The right to freedom of expression also incorporates a right to freedom of information, a positive right to access information held by government bodies.¹¹³

The Bill's proposed amendments to repeal section 155A¹¹⁴ potentially limit the right to freedom of expression because they remove an additional avenue for HSRs and WHS entry permit holders to obtain information contained in relevant notices from the regulator.

According to the statement of compatibility, the purpose of the limitation on freedom of expression in repealing these amendments is to 'remove an unanticipated administrative burden' from the regulator.¹¹⁵ The statement of compatibility elaborates:

The relevant provision contains insufficient safeguards in relation to the number of requests that can be made, the basis for making requests, and constraints on how far back the information can be sought. The process for the regulator releasing this information is not suitable for automating, and all notices requested would need to be manually reviewed to ensure personal information or commercial in confidence information is not unintentionally released.¹¹⁶

The statement of compatibility considered whether there were alternative approaches to removing the provision, including retaining the ability for HSRs and WHS entry permit holders to request information from the regulator, but even with 'safeguards to manage the administrative burden', concluded that this approach would still divert limited resources from the regulator's core functions.¹¹⁷

Committee comment



The committee notes that the purpose of the limitation on freedom of expression is to preserve the resources of the regulator to allow it to perform its core functions and that there are other mechanisms for information sharing in the WHS Act. Therefore we consider the limitation is demonstrably justified in the circumstances.

¹¹² Human Rights Act, s 21(2).

¹¹³ Nicky Jones and Peter Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, para 4.296 (p 209).

¹¹⁴ Bill, primarily cl 12.

¹¹⁵ Statement of compatibility, p 8.

¹¹⁶ Statement of compatibility, p 8.

¹¹⁷ Statement of compatibility, p 9.

Appendix A – Submitters

Sub No.	Name / Organisation
1	Master Electricians Australia
2	Shop Distributive and Allied Employees Association (Queensland Branch)
3	Civil Contractors Federation Queensland
4	Consultative Committee for Work-Related Fatalities and Serious Incidents
5	Master Builders Australia
6	Confidential
7	Queensland Council of Unions
8	Confidential
9	Queensland Nurses and Midwives' Union
10	Queensland Law Society

Appendix B – Officials at public briefing

Brisbane, 6 November 2025

Department of State Development, Infrastructure and Planning

- Ms Andrea Fox, Executive Director, Policy and Workplace Services, Office of Industrial Relations
- Ms Beth Philipson, Director, Safety Legislation Reform and Inspectorate Policy and Support, Office of Industrial Relations
- Mr Stuart McLaughlin, Director, Industrial Work Health and Safety and Electrical Safety Policy, Office of Industrial Relations

Appendix C – Witnesses at public hearing

Brisbane, 19 November 2025

Master Electricians Australia

- Mr Matthew Duncan, Technical Support Manager
- Mr Jordon Carlisle, Workplace Relations Manager

Civil Contractors Federation Queensland

- Mr Kristian Marlow, Policy Advisor

Master Builders Queensland

- Mr Rob Maroney, General Manager, Workplace Relations

Queensland Law Society

- Ms Kate Brodnik, Principal Policy Solicitor
- Mr Rohan Tate, Member, QLS Industrial Law Committee

Queensland Council of Unions

- Mr Nate Tosh, Legislation and Policy Officer

Shop Distributive and Allied Employees Association (Queensland Branch)

- Mr Darryn Gaffy, Senior Industrial Officer
- Mr Matt Littleboy, WHS Officer

Statement of reservation



Statement of Reservation

State Development,
Infrastructure and Works
Committee

Electrical Safety and Other Legislation
Amendment Bill 2025



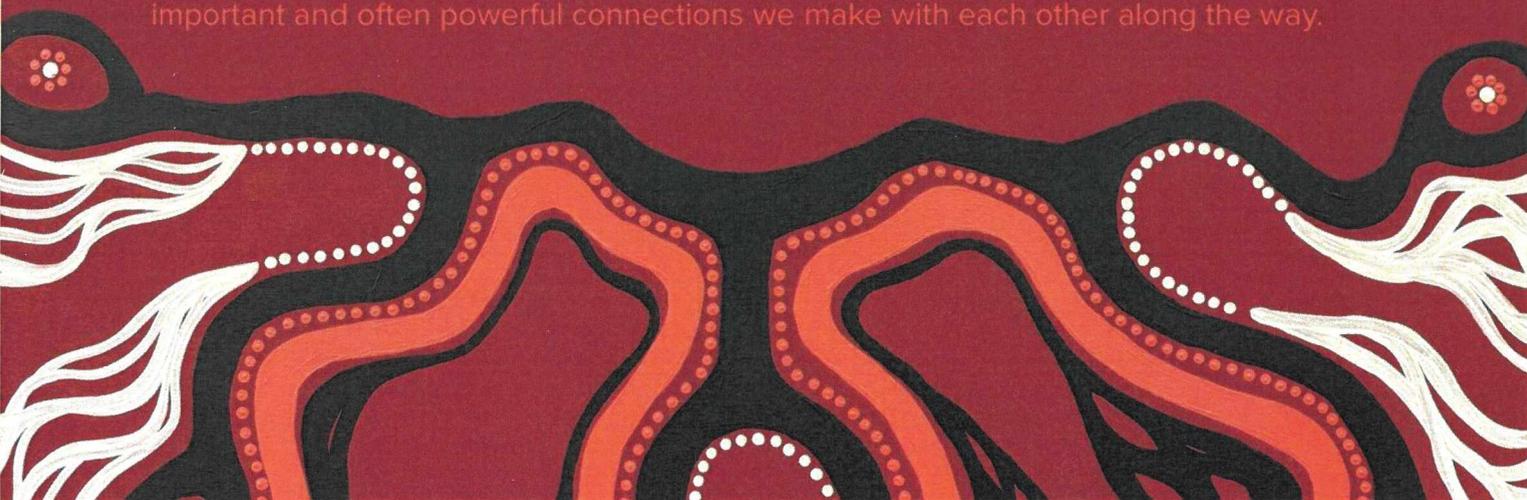


Acknowledgment of Country

We acknowledge the Traditional Owners of the lands, seas, skies and waterways from across Queensland.

We pay our respect to the Elders, past, present and emerging, for they hold the memories, traditions, the culture and hopes of Aboriginal peoples and Torres Strait Islander peoples.

This artwork by The Hon Leeanne Enoch MP is called "The Power of Many" from her "Connections" series. It represents the paths we take to reach our goals and the many important and often powerful connections we make with each other along the way.



Queensland Labor Opposition

The continued reform of Queensland's electrical safety framework is essential to the protection of Queenslanders and their property from electrical risks at home, in the workplace and in public spaces.

The Queensland Labor Opposition supports this work wholeheartedly.

Likewise, the Queensland Labor Opposition supports legislative enhancements that provide clarity and certainty in the pursuit of these important aims, including by retrospectively regularising and confirming the validity of electrical equipment defect notices given by electricity entities over many years.

However, the Queensland Labor Opposition cannot support the use of this minor but nonetheless meaningful reform as a legislative cover for the Crisafulli LNP Government to further undermine worker rights and worker representation without basis, without justification and without evidence, as is proposed by amendments to the *Work Health and Safety Act 2011*.

ELECTRICAL SAFETY ACT 2002

The Queensland Labor Opposition considers the proposed amendments to the *Electrical Safety Act 2002* are generally appropriate.

ELECTRICAL EQUIPMENT DEFECT NOTICES

Currently the *Electrical Safety Regulation 2013* allows for an electricity entity such as Ergon, Energex or an electrical safety inspector to provide a written notice to a person in control of electrical equipment requiring them to rectify any defect which may render the equipment unsafe.

This scenario commonly arises when Energex or Ergon attends a property to inspect electrical infrastructure or an electrical installation and notes defective electrical equipment such as an unsafe switchboard or damaged power outlet.

The longstanding practice of Energex and Ergon in providing defect notices in respect of unsafe or faulty electrical equipment is a valuable public service and ensuring their enforceability by nominating an explicit head of power is an entirely appropriate reform agenda.

The amendments to the *Electrical Safety Act* and *Electrical Safety Regulation* to maintain the longstanding practice of electricity providers issuing defect notices, via the creation of a clear right to prescribe this ability under the *Electrical Safety Regulation*, is therefore supported by the Queensland Labor Opposition.

The Queensland Labor Opposition expresses its deep gratitude to the thousands of electrical workers who undertake the essential work of identifying risks and seeking their rectification. There is no doubt that this valuable work prevents many deaths and injuries each and every year.

UNSAFE EQUIPMENT DIRECTIONS

Similarly, the proposed amendments to relocate the head of power of the regulator to prohibit the sale or use of electrical equipment on safety grounds from the *Electrical Safety Regulation* into the *Electrical Safety Act*, is considered to be appropriate and proportionate to the potentially serious risks such prohibitions seek to ameliorate.

These changes will expand the power to allow for more nuanced responses to risk by the regulator that are currently available under the existing power in the *Electrical Safety Regulation*.

The Queensland Labor Opposition therefore supports these amendments.

WORK HEALTH AND SAFETY ACT 2011

Every worker deserves to be safe at work and to come home safely to their families and friends.

The Queensland Labor Opposition will always stand up for the rights of workers to ensure workplaces in Queensland are safe.

The 2022 Review of the *Work Health and Safety Act 2011* recommended reforms to the *Work Health and Safety Act 2011*, including the provision of an additional avenue for health and safety representatives and Workplace Health and Safety (WHS) entry permit holders to request the regulator to provide them with information contained in improvement notices, prohibition notices or non-disturbance notices.

This is in addition to existing avenues for provision of such information, including seeking the information directly from the person conducting a business or undertaking (the PCBU), through their work group, via WHS entry permit holders or by seeking the information through the *Right to Information Act 2009*.

As the Queensland Council of Unions (the QCU) noted in its submission to the committee inquiry:

“Section 155A ... establish[es] a mechanism for informal administrative release of the information from the regulator to the HSR” (p.4).

This benefits workers by permitting their representatives to request relevant notices without risk of employer reprisals, allowing a Health and Safety Representative (HSR) to obtain relevant notices in a less adversarial, more timely way than having to file a dispute and circumventing issues with lack of capacity in the Queensland Industrial Relations Commission to hear applications for notices to be provided.

As the Shop Distributive and Allied Employees’ Association (the SDA) submission states that s155A in the WHS Act, which is the section subject to repeal in this Bill, represents a:

‘strong measure to ensure timely, reliable and independent access to information’. (p.4)

The Queensland Labor Opposition considers that while not yet implemented, this additional informal avenue for access to essential information about workplace safety is an important addition to the toolkit of workers and their representatives in the essential work of making Queensland workers safer.

The additional avenue was reasonable and indeed necessary in instances where relevant information may not be available through the usual employer and workplace channels. For example, if a new contractor had taken over a project following a financial collapse of a previous contractor, or a flood or fire had made workplace-based records irretrievable, then access to such documentation via the regulator could be the only avenue available.

More importantly, the yet to be implemented provision would have provided an avenue to gain essential safety information in the event of employers refusing to meet their obligations to provide information, instead of being required to lodge an application with the Queensland Industrial Relations Tribunal.

As the Queensland Council of Unions notes in its submission, the refusal by a PCBU to provide notices to HSRs and EPHs as required under the Act is “reasonably foreseeable”, given such provision may create a:

“reasonable concern that carrying out associated work would expose them to a serious risk to their health or safety... In these circumstances, a worker has a right to cease work, and an HSR with the same reasonable concern may exercise their right to direct workers to cease work.” (p.3)

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“Recalcitrant PCBUs may... be reluctant to provide the relevant information to their workers because it may provide an HSR with a reasonable concern that warrants the exercising of other powers and functions.” (p.3)

These rights therefore go to the most fundamental rights of workers in relation to safety – the right to know of a risk or hazard in the workplace and to cease work until it is rectified.

The Queensland Labor Opposition considers the removal of these provisions to be a direct attack on the safety of workers and the ability of their representatives to ensure their safety.

As noted by the Queensland Law Society in its submission:

“The provision of relevant information to enable those with health and safety roles to assist workplaces to respond to safety risks is important. It is appropriate, in our view, for the regulator to play a role in sharing information with those officers, with restrictions, to ensure the provision is utilised appropriately and does not cause undue administrative burden.”

As noted in the submission made to the committee inquiry by the Shop Distributive and Allied Employees’ Association (the SDA), the regulator is already familiar with *Right to Information Act 2009* processes and is therefore familiar with having to review and redact documents.

Expecting workers and their representatives to access such notices through Right to Information processes also *“places an unnecessary bureaucratic hurdle between worker representatives and critical information.”* (p.2) Further, expecting Work Health and Safety representatives to bear the cost of applications under the *Right to Information Act 2009* in order to access workplace safety notices places an onerous imposition on the volunteers holding these positions.

The Crisafulli LNP Government argues that the repeal of section 155A is about efficiencies; that it would have imposed administrative burdens on the regulator (both in its setup and ongoing operations) that were beyond business as usual.

Yet when Queensland Labor Opposition committee members sought evidence to support this assertion, anticipated processing timeframes, or instances of improper or excessive use, departmental officers were unable to provide answers and explicitly indicated that some matters would need to be taken on notice during the committee hearing process.

The subsequent written response to those questions taken on notice from the Director-General of the Department of State Development, Infrastructure and Planning did not, in the view of the Queensland Labor Opposition, address the substance of the questions asked. Instead, it asserted that the issues had already been responded to during the committee briefing, despite, in the view of the Queensland Labor Opposition, the record clearly demonstrating that no such answers were provided.

The Queensland Labor Opposition has grave concerns about the response provide by the Department of State Development, Infrastructure and Planning as it did not provide any further information to the questions that were asked and did not let the sunshine in.

It was noteworthy that for all the government’s claims about the risk of section 155A being improperly utilised to access information unreasonably, it is understood by the Queensland Labor Opposition that the one person who appears to have made application to the regulator for such information is the Deputy Premier, Minister for State Development, Infrastructure and Planning and the Minister for Industrial

Relations, when he sought ten years' worth of notices for purely for what only can be described as political purposes.

In its submission, the Queensland Nurses and Midwives Union (the QNMU) notes the Crisafulli LNP Government's repeated attacks on worker safety to date, including requiring Workplace Health and Safety permit holders to provide 24 hours' notice to access sites, along with the repeal of the provision that would have allowed HSR and WHS permit holders to take photos, videos, measurements and conduct tests at the workplace when undertaking their role.

The QNMU rightly notes that the Crisafulli LNP Government:

“demonstrates a pattern of poor public policy... and a dismissal of the evidence and informed recommendations of the 2022 Review of the WHS Act. This forms part of a broader and alarming trend of policy regression by the Government in the area of workplace health and safety...” (p.3)

LACK OF CONSULTATION

As the QCU notes, the Crisafulli LNP Government completely failed to consult with workers, unions or other stakeholders on the *Work Health and Safety Act 2011* changes in this Bill.

Yet again, the Crisafulli LNP Government has attacked worker safety, without even the basic courtesy of discussing their proposed changes with workers or their representatives.

Instead, the Explanatory Notes suggest that the Parliamentary Committee process will “provide an appropriate forum for the community and any impacted persons to raise issues in relation to these proposed amendments.” (p.10)

Consultation for workplace reforms, particularly those which impact safety, should not be left exclusively for parliamentary committees, as good as they may be. Rather it requires early and ongoing engagement with industry partners, so that Queenslanders can be assured safety for its workers is not compromised.

CONCERNS REGARDING THE DEPARTMENT'S RESPONSE TO QUESTIONS ON NOTICE

It was deeply concerning that the Questions on Notice asked and accepted in the Departmental briefing 6 November 2025 by Queensland Labor Opposition committee members were not, in the view of the Queensland Labor Opposition appropriately or transparently responded to by the Department of State Development, Infrastructure and Planning, in correspondence signed by the current Director-General, Mr John Sosso.

Two Questions on Notice were taken; the first was in relation to whether the PCBU has the right to request from the regulator any improvement or non-disturbance notices and how long that would take; the second was how long it took the Regulator to process a request for ten years of historical information from the Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial relations, in relation to the Callide Power Station.

In the departmental written response, signed by the Director-General, the committee was advised:

“I note that the Committee requested further information from the Office of Industrial Relations on two matters. The Departmental officers attending the public briefing responded to each of these matters to the extent relevant during the briefing and the OIR has no additional information to provide the Committee at this time.”

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It is the strong view of the Queensland Labor Opposition that this statement by the Director-General on behalf of the Department of State Development, Infrastructure and Planning, does not accord with the record of proceedings and does not assist the committee discharge its democratic role in the parliamentary process.

The questions put by the Member for McConnell and the Shadow Minister were deemed to be in accordance with the Standing Orders and were accepted by committee and the department, because they provided a response, albeit in the view of the Queensland Labor Opposition, a not very helpful response.

The Director General's response on behalf of the Department of State Development, Infrastructure and Planning is in contrast with the exchange during the public briefing. It is clear from the exchange, when the Departmental Officer states "*I would definitely have to seek advice¹...*" that they did not proffer a response to the Member for McConnell's question at the time the question was asked.

The Queensland Labor Opposition will explore this matter further during the Second Reading debate, noting the limitations of what can be outlined in this Statement of Reservation.

CONCLUSION

The Queensland Labor Opposition thanks the submitters and witnesses who engaged with committee process and also the Queensland Parliamentary service staff, in particular the secretariat of the committee and Hansard for their support during the inquiry.

The parliamentary committee process is an important process to enable parliamentarians on behalf of their communities, and indeed all Queenslanders, the ability to scrutinise legislation before it is considered by the Legislative Assembly of the Queensland Parliament.

While supportive of amendments to the *Electrical Safety Act* and *Electrical Safety Regulation*, the Queensland Labor Opposition sees the amendments to the *Work Health and Safety Act 2011* as yet another attempt by the Crisafulli LNP Government and particularly the Deputy Premier and Minister for Industrial Relations, to chip away at workers' ability to ensure their workplaces are safe and to hold recalcitrant employers to account and require them to provide the information workers and their representatives need to ensure Queensland workplaces are safe.

The Queensland Labor Opposition members on the committee wish to state that not all committee comments, statements or elements of the committee report align to the views of the Queensland Labor Opposition.

As such, the Queensland Labor Opposition reserves its right to articulate further views through the second reading debate of the Bill, when it comes on for debate in the Legislative Assembly of the Queensland Parliament.



JONTY BUSH MP
MEMBER FOR COOPER
DEPUTY CHAIR OF THE COMMITTEE



SHANE KING MP
MEMBER FOR KURWONGBAH

¹ Public Briefing – Inquiry into the Electrical Safety and Other Legislation Amendment Bill 2025, 6 November 2025, p7

Queensland Labor Opposition



**BART MELLISH MP
MEMBER FOR ASPLEY**