

Electrical Safety and Other Legislation Amendment Bill 2024

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Submission to

Clean Economy Jobs, Resources and Transport Committee

*Electrical Safety and Other Legislation Amendment
Bill 2024*

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Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Clean Economy Jobs, Resources and Transport Committee for the opportunity to provide feedback on the *Electrical Safety and Other Legislation Amendment Bill 2024* (the Bill).

The QNMU is Queensland's largest registered union for nurses and midwives, representing over 74,000 members. The QNMU is a state branch of the Australian Nursing and Midwifery Federation (ANMF) with the ANMF representing over 326,000 members.

Our members work in health and aged care including public and private hospitals and health services, residential and community aged care, mental health, general practice, and disability sectors across a wide variety of urban, regional, rural, and remote locations.

The QNMU is run by nurses and midwives, for nurses and midwives. We have a proud history of working with our members for over 100 years to promote and defend the professional, industrial, social, and political interests of our members. Our members direct the QNMU's priorities and policies through our democratic processes.

The QNMU expresses our continued commitment to working in partnership with Aboriginal and Torres Strait Islander peoples to achieve health equity outcomes. The QNMU remains committed to the Uluru Statement from the Heart, including a pathway to truth telling and treaty. We acknowledge the lands on which we work and meet always was, and always will be, Aboriginal and Torres Strait Islander land.

Protecting and improving the health and safety of our members is core union business. The QNMU has provided comprehensive submissions to previous reviews of the *Work Health and Safety Act 2011* (WHS Act) as well as the recent inquiry into the *Work Health and Safety and Other Legislation Amendment Bill 2024*. We continue to engage in opportunities to clarify and strengthen existing WHS frameworks and ensure the overall effectiveness of the WHS Act. As such, we support the Bill in giving effect to recommendations from a range of safety related reviews, including:

- *2022 Review of the Work Health and Safety Act 2011;*
- *2024 Review to examine the scope and application of the industrial manslaughter provisions in the WHS Act;*
- *2018 Review of the Model Work Health and Safety Laws; and*
- *2017 Best Practice Review of Workplace Health and Safety Queensland.*

The QNMU expresses broad support for the Bill and focuses our submission on the work health and safety elements that are relevant to our membership.

General comments

The Bill implements additional recommendations from the independent review of the WHS Act relating to the powers of health and safety representatives (HSRs) and entry permit holders. This includes amending the WHS Act to clarify their powers to take photos, videos, measurements and conduct tests in the performance of their roles. The QNMU supports the Bill in recognising the important work of HSRs and entry permit holders and will facilitate their role in identifying health and safety issues in the workplace. We consider the proposed safeguards within the Bill to be relevant and appropriate.

Compared to many industries and occupations in Australia, workplace related deaths in the healthcare and social assistance sector are considerably low (Safe Work Australia, 2023). However, health workers are not immune from serious injuries and fatalities in the workplace. We express broad support for the proposed changes to industrial manslaughter provisions. This includes expanding the scope of industrial manslaughter to capture work-related deaths of bystanders, such as a member of the public. Expanding the scope will ensure that any person who is owed a health and safety duty is treated with the same level of seriousness. We also recognise the introduction of alternative verdicts for category 1 offences and category 2 offences for industrial manslaughter (if not satisfied beyond reasonable doubt) will create a more fulsome framework that supports alternative verdicts for the most serious offences in the WHS Act. This amendment would bring Queensland's laws in line with similar provisions enacted in other jurisdictions across Australia.

The inclusion of negligence as a fault element of the category 1 offence in the WHS Act, in addition to the existing element of reckless conduct, is also supported. This will ensure greater accountability so that employers who engage in negligent conduct that leads to serious harm are subject to the same significant penalties as the reckless conduct category 1 offence.

The Bill also introduces changes to support the establishment of a regulatory approval framework, allowing the regulator to prescribe minimum training standards and enforce compliance for registered training organisations (RTOs) delivering training. The QNMU welcomes this change and acknowledge this was a key recommendation from the *2017 Best Practice Review of Workplace Health and Safety Queensland* review.

References

Safe Work Australia. (2023). *Key Work Health and Safety Statistics Australia, 2023*. <https://data.safeworkaustralia.gov.au/insights/key-whs-stats-2023#:~:text=Overall%2C%20the%20number%20and%20rate,180%20workers%20died%20per%20year.>