EDUCATION, EMPLOYMENT AND TRAINING COMMITTEE

Members present:
Ms KE Richards MP—Chair
Mr JP Lister MP
Mr MA Boothman MP
Mr N Dametto MP
Ms JC Pugh MP
Mr DJ Brown MP

Staff present:
Mr R Hansen—Committee Secretary
Mr L Melia—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Tuesday, 30 January 20244

Brisbane

TUESDAY, 30 JANUARY 2024

The committee met at 11.03 am.

CHAIR: Good morning. I declare open this public hearing. I am Kim Richards, the member for Redlands and chair of the Education, Employment and Training Committee. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. We are very fortunate in this country to have two of the world's oldest continuing living cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me here today are: Mr James Lister, the member for Southern Downs and the deputy chair; Mr Mark Boothman, the member for Theodore; Mr Nick Dametto, the member for Hinchinbrook; Ms Jess Pugh, the member for Mount Ommaney, who is stepping in for Mr Barry O'Rourke, the member for Rockhampton; and Mr Don Brown, the member for Capalaba.

Today's public hearing forms part of the committee's consideration of the Work Health and Safety and Other Legislation Amendment Bill 2023. The Hon. Grace Grace, the Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing, introduced this bill in the Legislative Assembly on 30 November 2023. The bill was then referred to this committee for consideration. This meeting of the committee is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Witnesses are not required to give evidence under oath or affirmation, but I remind you that intentionally misleading the committee is a serious offence.

KING, Ms Jacqueline, General Secretary, Queensland Council of Unions

TOSH, Mr Nate, Legislation and Policy Officer, Queensland Council of Unions

CHAIR: Welcome. Before I turn to questions from the committee, would you like to give us an opening statement?

Ms King: Thank you to the committee for the opportunity to appear here today. I would also like to acknowledge the traditional owners of the land on which we meet today and pay our respects to their elders past, present and emerging. The Queensland Council of Unions is the peak council for unions in Queensland. We represent around 400,000 union members and 25 affiliates. Protecting and improving health and safety is what we regard as core union business. It is something that we advocate and fight for every day. Every worker and their family have a fundamental right to make sure they can go to work safely and return home safely every day.

Queensland unions and our affiliates participated in the independent review of the Work Health and Safety Act and we have been involved in ongoing discussions with the department on the drafting of the amendments that are before you in the bill. We would like to take the opportunity to thank the minister, the minister's office and the department for their consultations and deliberations in these matters.

Queensland unions support the key tenets of the bill that we believe will overall improve and strengthen the role, powers and functions of health and safety reps. They ensure that the issue resolution and the dispute resolution processes about health and safety matters in workplaces are more efficient for all parties and that they better streamline provisions relating to work health and safety entry permit holders around workplace representation issues. Having strong, trained and empowered health and safety reps is a key to the effective management of health and safety in workplaces. No-one else is better placed to understand and advocate for workers about the health and safety issues that impact on them in their workplaces, to ensure compliance with health and safety laws and to protect workers' health and safety.

On that basis, we support the amendments—there are quite a large amount and we refer to our submissions on that basis—in particular, those that streamline the processes to conclude the negotiation of work groups and the election of health and safety reps and that strengthen the processes to resolve issues and disputes, in particular those that arise around serious risks to health and safety matters in relation to the cease work notice provisions. We note that the bill also clarifies and streamlines representation rights for workers and better aligns the statutory rights to enter and remain at workplaces for the purposes of assisting to resolve health and safety issues, noting that

they are generally for relevant unions, meaning a registered union that has the rules that entitle it to represent the industrial interests of particular workers affected by a particular work health and safety issue. Those changes are consistent with other industrial laws that provide for rights to enter and remain at a workplace but also restrict access to workplaces where the union has eligibility rules to enrol members and represent them, such as under the Commonwealth Fair Work Act and the Industrial Relations Act of Queensland.

In conclusion, we believe that the bill contains significant improvements to Queensland's health and safety legislative framework, which is designed to better protect workers' health and safety and lives and is consistent with its objects. On that basis, we commend the bill.

Mr LISTER: Thank you very much for your appearance today. I looked into the reports that informed this bill, that is, the Boland review and the state's review of the WHS Act last year. One of the things that was raised in the Boland review was a confusion about whether a union official was able to be the 'any person' to assist an HSR in dealing with workplace safety matters. There were cases where employers were saying, 'You can't come on because you haven't got a permit' when, in fact, they were actually seeking to attend in their capacity as a friend or assistant to an HSR. That being the case, why is it necessary to make it only registered industrial organisations that can provide that person as proposed under the bill instead of 'any person', so that union officials are not incorrectly locked out?

Ms King: I believe you are referring to two Federal Court full bench cases that actually override what happens in terms of state legislation. They set the precedent, essentially, for right of entry to workplaces. One of those you are referring to in the Boland report was in relation to section 68 of the act, which is about assisting a health and safety rep. The other provision, which is very similar, is in section 81(3) in terms of the health and safety act. I think the bill adopts a similar approach to both of those, but both of those Federal Court decisions—one was a Queensland matter and one was a Victorian matter—relate to both of those provisions and essentially state that if you are a union and the act is providing that there is a right then you need to hold an entry permit. That is what those matters relate to.

The tightening of the bill in terms of representation rights is simply saying 'if you are a relevant union'. It is tightening it so that if you are a registered union then you do not just get to go into any workplace. You can go into a workplace where you are entitled to represent the industrial interests of those particular workers, which is what we are saying is consistent with industrial laws so that you do not have unions going into areas that they do not have coverage of. It is about, I guess, easing and eliminating demarcation disputes and ensuring representation rights are embedded within the bill. It does not preclude an individual from coming in and representing—a friend as you referred to or an aunty, as I have heard it described as. If you really feel the need to do that then that does not exclude them but it makes it fairly clear, where there are registered unions operating, that the existing rules of coverage will apply in terms of health and safety legislation. If you read the legislation about who is not excluded, it does not preclude a person being able to come in and assist a health and safety representative, whether that is under section 68 or section 81(3). It is mainly designed around registered unions and relevant unions.

CHAIR: And that they hold the relevant permit to be acting—

Ms King: That is the Federal Court cases. It does not state that in here, but both Federal Court cases basically say that if any legislation says that you have a statutory right to either enter or enter and remain at a workplace, as is the wording in here now, then you have to hold a relevant permit to do that. Again, to hold a permit you have to undertake prescribed training and you have to have a permit issued by an industrial registrar, and you can have that permit revoked or have conditions placed upon it and all of that. If you think about it, a statutory right to enter and remain is actually overriding common law trespass laws. It is a fairly high standard in terms of legislation and there are built-in protections in relation to that.

Mr LISTER: Apart from an aunty or a friend in the most literal sense and a registered industrial organisation, the effect of this bill would be to eliminate everybody else in the 'any person' category, and that could include a professional involved in that particular area of safety if they were not with the union, to put it blandly. Is that necessary?

CHAIR: My understanding is that section 81(3) does not preclude a physiotherapist or an ergonomist and so on entering the workplace under that particular clause.

Ms King: That is correct. You have to look at who is excluded, so who is a suitable entity, so that you can get someone to come in and assist you if there is an ergonomic problem and there is a particular health and safety professional. What it does exclude is people purporting to be from a union

that is not registered. It definitely excludes a non-registered union. As I said before, I think the design of the legislation and why we support it in that manner is that if you are going to give people a statutory right to override common law trespass—remember, this is an employer's workplace and a business—then you have to have protections, and the levels of protections are really in relation to people having to have an entry permit. That is what the Federal Court has already decided on two occasions. To do that in that space, you then have to undertake relevant training around health and safety, know when and what you can do to exercise that permit, what the restrictions are and, importantly, get balance.

The bill also contains protections from an employer hindering or obstructing an entry permit holder. If an employer feels that a permit holder is abusing or overstepping the limits of their permit as well, there are processes to appear before the Queensland Industrial Relations Commission for either parties to resolve disputes about that. It is a very formalised mechanism where there are formal parties involved, but there are protections that sit around those representation rights.

Mr BOOTHMAN: My question goes to your comments about the demarcation disputes between unions. I note that the CFMEU in its recommendations talks about exactly that. Do you have any information about any disputes between the unions, especially the CFMEU, going into sites which are held by other relevant unions?

Ms King: I am aware that there are some demarcation disputes that occur from time to time. In terms of particular matters, I could not refer you to those today. Whether that is the CFMEU or other unions involved in that space, I think the bill provides important protections for everybody by allowing for a dispute resolution process to the Queensland Industrial Relations Commission and to allow for conditions to be placed on entry where they have a permit in that space. I think there are enough protections if those things do occur. At that point in time, there is a process for the parties to deal with it.

Mr DAMETTO: Thank you for giving evidence today and addressing the committee. Are your members satisfied that the amendments proposed in the bill will not unduly and unfairly impact the PCBUs in rural areas? If they are concerned, how could the bill be amended to address those concerns?

Ms King: I think the amendments in the bill are fairly balanced. I think the independent reviewers were quite cognisant of the fact that the laws have to balance the views of workers. Workers are at the heart of the health and safety system. Our health and safety legislative framework is about actually protecting and ensuring that workers' lives are not placed at risk—that their physical and their psychological safety is not placed at risk. It allows for a range of different processes of consultation depending on the size of a PCBU or an employer—whether that is regional or whether it is city based. You can have health and safety reps for a work group. If it is a small employer, a work group might cover the whole of that employer. If there are five or 10 employees, that can be negotiated.

These things can be negotiated. It is flexible. It does not say that you have to have a one-size-fits-all. We think there is enough balance in that system. There is enough recourse to the industrial inspectorate if there are issues for consultation, and then there is the issue resolution. What we particularly like and support in the bill are the improvements to streamline the issue resolution process at the workplace level. This makes sure the people can work through their matters and resolve them as quickly as they can. If they cannot, the dispute resolution process is there for both employers and workers and their representatives to resolve those matters.

Mr BROWN: With regard to the streamlining of the election of reps and also the committees that are formed, can you give some examples where that has been held up by employers?

Ms King: I will not name the employer, but there is one in particular in the aged-care sector where negotiations went on for at least two years where lawyers were involved. There were multiple work sites across Queensland for the one employer, and unions were involved in negotiating in that space. Because of the process under the current legislation, there is no way to intervene in that to have a formal mediation or conciliation or arbitration by the commission. That was one of the things where we strongly recommended the commission's jurisdiction should be broadened so that those matters could be brought under, I guess, their purview. That is one particular case, but I am also aware of cases across a range of employers.

We have the health and safety representative support service, which provides support for over 1,000 health and safety reps here in Queensland. We have heard of fairly common matters for the last four years that I have been at the Queensland Council of Unions. We are very supportive that the processes now will truncate that—so the 14 days requirement to sit down and negotiate what the work groups will be, and then that can be extended by agreement to have inspectors involved in that

process, but then if parties still do not agree they have recourse to the Industrial Relations Commission to try to resolve those matters. We believe that should get any of those matters fast-tracked and back on track.

Mr BROWN: I think that is particularly important in recent years with COVID, particularly in a setting such as aged care. I know there have been incidents with regard to cleaners at airports. By having this legislation and the amendments, do you believe it will address these sorts of situations where workers can act collectively in a quicker fashion to get these matters resolved?

Ms King: Absolutely. As I say, it is not just the aged-care sector. Education is another sector where we have experienced it, as well as security and, as you say, cleaners at the airports et cetera. I think the framework which just says that the parties have a certain period of time to negotiate within, that that can be extended by agreement if they need additional time, and then you have the processes of having inspectors involved and then either party—if employers do not agree with any outcomes or the workers—can take the matters to a tribunal and get that back on track.

Our experience has been that mainly the big corporations—so it is not normally a small business—have lawyers involved and the lawyers will sit down and often frustrate the negotiation process so you never get an outcome to it, or an employer will put on the table that you can only have one representative. I think one of the four large banks here in Queensland a few years back proposed that there be one health and safety rep for every workplace in Queensland. The idea of a health and safety rep is that they are there to represent workers in their particular work group—they are there, they are available, they are readily accessible by workers whether they are shiftworkers or day workers, and they understand the nature of the work that is actually involved because they know the type of work and what is happening—as opposed to somebody ringing someone very remotely in Brisbane to deal with a matter in the cape.

CHAIR: We are out of time, unfortunately. Thank you for appearing before the committee today. That was a really valuable contribution.

WARD, Mr Lyle, Training and Workforce Adviser, Australian Meat Industry Council (via teleconference)

WOLENS, Ms Cheryl, General Manager Workforce Services, Australian Meat Industry Council (via teleconference)

CHAIR: Welcome. Before I turn to questions from the committee, would you like to make a short opening statement?

Ms Wolens: We are thankful for the opportunity to attend today to support our submission on behalf of our members regarding the Work Health and Safety and Other Legislation Amendment Bill 2023. AMIC is the peak body representing red meat and pork retailers, wholesalers and processors and smallgoods manufacturing across the country. Our industry is one of the largest manufacturers in Australia today and we exist for a clear reason: to help our members achieve and maintain profitability and to ensure our members are recognised for the crucial role they play in the agribusiness supply chain. We are the only industry association representing the post-farmgate Australian meat industry and we work with members, governments and industry groups to influence policy and provide technical and other services to the industry.

AMIC appreciates and acknowledges the importance of appropriate workplace health and safety laws to protect both the employees and the employer and to ensure everyone has the ability to attend work and go home safe every day. Our concerns are to ensure that the objective of the workplace health and safety laws provides checks and balances and safety precautions that are reasonable for the size and the impact of our enterprises. The Australian Meat Industry Council is the voice of Australian businesses in the crucial and complex post-farmgate meat industry. Our 1,500-plus members employ tens of thousands of people and are significant contributors to their local economies. We thank you for your time in allowing us to attend today and answer any questions you may have on our submission.

CHAIR: Thank you. Deputy Chair, would you like to start with the first question?

Mr LISTER: Thank you for joining us today. I note that in your submission you made a number of criticisms of the bill and how it relates to the workplace environment and the industrial relations environment facing your industry. You said that the bill seems to expand a union presence within industries and that it increases regulation for you but makes it easier for unions. Can you expand on that? What kinds of conduct are you concerned might be enlivened by this bill if it were to pass?

Ms Wolens: For us, our concern is that when you read through the bill it does feel like the unions have a greater ability to access the workplace and become more involved in an environment where employers should be able to work with their workforce in that regard, and to prolong impact into decisions that a business would be entitled to make around their workforce and their safety measures. We do not see unions as subject matter experts. When you look at the provisions in the bill, it appears that there are additional rights there for them to come in and take a more broad perspective of their ability to inject into influencing HSRs for stop work for various reasons, whether they are legitimate reasons or not.

I guess our industry is concerned that some of these processes that are in this bill could have detrimental impacts in that space regarding the unions' growth in power or ability to step in in these safety incidents or events as they come up. If we look at some of our members, they have certainly had impact—where unions have come on site and demanded to enter the workplace due to various issues. When we have had workplace health and safety lobby onto the site to also get involved in it, they have gone out and inspected and said there is actually no issue to answer for for the business. The concerns for our members are that those instances may increase and cause further work stoppages and costs to the business.

CHAIR: Have you had a chance to read the response by the department to some of the issues that you raised?

Ms Wolens: No, unfortunately, I have not.

CHAIR: When you get the opportunity, I would recommend you look at that because I think you might find that some of those issues are responded to quite clearly.

Mr BOOTHMAN: You said that the HSR may not have the ability to make a properly informed decision. What type of training do you think would be needed for individuals to be able to go onto work sites and ensure the decision-making process is actually done in a correct manner?

Ms Wolens: If I understood that question—

Mr BOOTHMAN: When it comes to the training of these individuals, what would you like to see happen?

Ms Wolens: If I look at the HSR training, predominantly what we see now is that HSRs have a five-day training course. In my view, we have health and safety officers, advisers and managers working within most of our businesses and none of the smaller businesses have the HSR. For me, I think they should be aligned. If we are going to give them increased powers around being able to stop work and those kinds of things, it should be aligned to maybe a cert IV or a diploma level of training to give them a greater understanding of the accountability and responsibility they are taking on.

Mr BOOTHMAN: Do you also feel that potentially there should be a 'fit and proper' test when it comes to these individuals to ensure they are in the best mindset of the interests of the worker and obviously working with the businesses themselves?

Ms Wolens: Yes, I think that would be advantageous. If you look at first aiders as an example, we have people who are first aiders within businesses and at certain times, whilst they are recognised as first aiders—they are paid to be first aiders when there is an event or an incident—they do not always want to be involved in that, for whatever circumstance, so it would be good if we could have some measures and balances in place, for sure.

Mr DAMETTO: What additional training is necessary for a HSR to be trained to the appropriate level to issue cease work notices in your sector?

Ms Wolens: If I am hearing that correctly, I think it is very similar—and I may be wrong—to the previous question. I think it should be at a cert IV level so that they understand the responsibility and accountability of what that is meaning with cease work notices.

CHAIR: With regard to the cease work notices, I am interested in your thoughts on the requirement within this legislation for the HSR to provide to the PCBU the cease work notice for them to deploy that advice.

Ms Wolens: I certainly think a HSR should have the ability to—any employee, for that matter—be able to say that they are not performing a task or a specific work requirement if they feel unsafe or they feel that they have not been trained appropriately to do so. That is certainly not what we are arguing, but I think it needs to be raised in an environment where they are liaising with safety officers, safety coordinators, safety advisers, supervisors and the business to ensure they are addressing the issue appropriately, and that it is a matter of where we are working together to get suitable outcomes and solutions versus it is just an automatic, 'Hands down. Stop work. We are not working until we get workplace safety reps in here,' from the government or the unions or whatever. I think it should be more of a consultative approach through the process when we are looking to cease work. If they cease it short term—I am not saying if it is not safe they should not stop it automatically, but I think we have to look at in the meat industry. We run chains; there is a big flow-on effect—there is animal welfare and there is health and hygiene of meat and products—so it needs to be done in consultation and it needs to be raised early.

CHAIR: As I said previously, it would probably be very good for you to look at the clarity that the department has provided in their response to your submission on some of those matters. I think you will find comfort in that. Thank you very much for your time here this morning; we appreciate it. We also appreciate the submission that you have made. I note that there were no questions taken on notice. Thank you very much again for your time today.

HOLMES, Ms Georgia, Policy and Communication Advisor, Master Electricians Australia

LEHMANN, Mr Chris, National Advocacy Manager, Master Electricians Australia

CHAIR: Welcome. Before we turn to questions from the committee, I invite you to make a brief opening statement.

Mr Lehmann: Thank you, Chair. Master Electricians Australia is the largest trade association representing electrical contractors in Queensland, and we are a registered industrial organisation. The majority of our members are small to medium employers, and we support our members to run safe, compliant and ethical businesses, providing them with the tools to do so,—such as our safety system, technical support, workplace relations advice—and we actively engage with both government and the ETU in public and private forums to promote industry governance and safety.

MEA supports initiatives which improve employee health and safety and redress negotiation power imbalances. However, we are conscious they can impose unfair burden on persons conducting a business or undertaking if designed and applied too broadly. We are concerned the proposed wording within specific clauses under the Work Health and Safety and Other Legislation Amendment Bill 2023 is at risk of having an even broader interpretation than is currently the case, in effect giving health and safety permit holders unfettered workplace access and beyond the original bill's intent.

It is a common practice, unfortunately, within the construction industry that health and safety issues are already used by union officials as permit holders for powers-of-entry purposes other than genuine breaches or instances of imminent risk or threat to health and safety. There are many examples of this on the public record, with union officials being fined for inappropriate use of the current POE provisions. This may be done to further negotiations or to provide leverage on workplace issues which are in no way related to genuine occupational health and safety issues. For these reasons, in our submission MEA have suggested additional wording to be integrated within specific clauses which we believe will better ensure health and safety permit holders are not using the amended Work Health and Safety Act 2011 for agendas beyond the health and safety issue at hand.

We believe that some of the proposed amendments have the practical effect of providing unfettered powers-of-entry access to a site for union officials as permit holders and to be able to broaden the scope of the inquiry at will. We believe that the amendments we have recommended address this in a way that is fair and consistent, limiting the likelihood of unfair disruption to businesses and maintaining the already adequate powers under the existing act.

Mr LISTER: Thank you, Mr Lehmann and Ms Holmes, for your appearance today. You talked about unfair disruption to a work site. In your view, does this bill, as written, make it more or less likely that industrial organisations with ill intent will be able to exercise their ill intent than now?

Mr Lehmann: It provides more of an incentive to do so. It broadens the reasons or the aspects for which someone can get a power of entry to a site. We believe that the current arrangements are already adequate. They are already being abused in some instances. As I said, there are matters on the public record where union officials have been fined for inappropriate use of powers-of-entry access.

CHAIR: In terms of clause 81(3) and tightening up its use for entry, could you talk to that a little bit?

Mr Lehmann: Our suggested amendment under section 48(2): if workers are represented by health and safety representatives, a consultation must involve that representative.

CHAIR: I was referring to section 81(3).

Mr Lehmann: 81(2)—I am on the wrong page. We note that 81(2) imposes somewhat of a time limit on how the health and safety representatives can be present at a PCBU's workplace by legislating that the parties are to make reasonable efforts to achieve a timely, final and effective resolution. However, our concern is seemingly unfettered access to all health and safety matters beyond the issue at hand. At line 14 on page 33 it says 'to enter and remain at the workplace for the purpose of'. There does not appear to be a limit to the scope of the H and S matters that a health and safety representative can be exposed to during these negotiations.

CHAIR: That is when it is a relevant union as a permit holder.

Mr Lehmann: Yes.

CHAIR: I am talking in the sense of 81(3) and it tightening that up—that is, it is not for relevant union purposes but for somebody who might be a physio or ergonomist, somebody working in this space to help the employee.

Mr Lehmann: I am sorry. The way we read that, it seems to be expanding the time or the issues that could be dealt with when there is a permit holder on site.

CHAIR: In the department's response, those issues you have raised are quite well covered. They are being uploaded to the website at the moment. Again, I would recommend you go through those responses to clarify that for you.

Mr BOOTHMAN: Similar to my previous question to the other group, what are your thoughts on the education levels for workplace health and safety officers? Should it be ensured that there is an increase in understanding of what their roles are et cetera?

Mr Lehmann: I would concur with the people from Meat and Livestock Australia. Either a diploma or cert IV would be seem much to be more appropriate for someone who is able to stop work on a site—someone who is appropriately trained, rather than a one-week course.

Ms PUGH: Besides potentially a diploma or cert IV, can you expand on any other requirements you think should be around that training for qualified persons for HSR that would be useful?

Mr Lehmann: I am not an OH&S permit holder. I have not done a cert IV. Along with what I hear from my colleagues and the opinion of the previous people appearing, I do believe there needs to be sufficient rigour around the people who are able to make these calls. It would seem to be that a cert IV or diploma level would be the minimum.

CHAIR: Your position would be similar, then, to the meat industry's, which is that more training is required for HSR?

Mr Lehmann: Yes.

Mr BOOTHMAN: I will ask the same question that I asked the previous group from the Australian meat industry: do you think 'fit and proper' tests of these individuals need to be a key part to ensure these individuals coming on site are fit and proper to actually do their job?

Mr Lehmann: We had not considered it in our response, but that would seem to be reasonable. There have been cases of multiple reoffending and malfeasance by permit holders in the past, so I would think a 'fit and proper' test would be sensible.

CHAIR: Do you mean that in terms of permit holders, or do you mean that in terms of the HSR that is on site?

Mr BOOTHMAN: The individuals going on site representing the union associations, just to ensure that—

CHAIR: Permit holders in terms of fit for purpose? Are you not referring to HSRs?

Mr BOOTHMAN: No.

Mr DAMETTO: Mr Lehmann and Ms Holmes, thank you very much for appearing today and giving evidence to the committee. My question—and you have touched on it already, Mr Lehmann—is in regard to striking that balance between the rights of the PCBU and the unions that have access to these work sites. You have indicated that you think the balance is not equitable at the moment. Can you talk a little bit more to how you would be ensure that there is union access but also that the PCBU can work commercially?

Mr Lehmann: We are not contending that as the bill is written currently the previous bill is not equitable. We are saying that there are cases of people abusing that power, that they are already currently using it for purposes for which it was not intended to gain an advantage maybe in other discussions with a business. What we are saying is: there are already sufficient provisions there that are being abused. Making the provisions easier just to remove the likelihood that someone is going to be pinged for it does not seem to be helping; it does not seem to be equitable. It is very disruptive and costly, especially in those cases where people have had workplace health and safety issues used against them for industrial purposes to recover that lost productivity and disruption to the workforce. We are saying that the current set of arrangements should be policed properly and should not be expanded and made more lax so that there is really unfettered access for any permit holder to come on site.

Mr BROWN: Working on a construction site is pretty dangerous, is it not, in your opinion?

Mr Lehmann: I have been an electrician for 38 years. I ran an electrical contracting business for 20 years. Yes, it is very dangerous, or can be very dangerous.

Mr BROWN: Add electricity to that as well?

Mr Lehmann: Yes.

Mr BROWN: You focused mostly in your submission on the one or two bad eggs that use it for the wrong reasons, and you also admit that they get fined as well. What is stopping them still being fined under this legislation amendment, and is it unimportant enough to ensure that workplace health and safety reps and their representatives have the ability to get on site to resolve matters, particularly in a dangerous industry such as construction and particularly with electricity?

Mr Lehmann: Just as there may be only one or two bad eggs in the union movement who are abusing their power as permit holders, the industry is not rife with employers—and most of our members are small to medium enterprises—who are doing the wrong thing. I do not see the pressing need, a demonstrated need, to make rights of entry any more lax than they currently are. The workplace health and safety system in Queensland, we believe, works quite well. In the national role that I have, I see that Queensland performs very well in relation to other jurisdictions. I do not see the pressing need for those powers of entry—that is the main thing that we are concerned about in this bill—to be broadened and used for other industrial purposes.

Mr BROWN: You probably do not see the need, but changes to workplace health and safety legislation since 2012, when Newman was in government, have seen a decrease in fatality rates on construction sites of 35 per cent. This could go further than that. Isn't it worth saving every person's life and looking at measures that decrease deaths on construction sites and trying to get those numbers down even further than this government has already done?

Mr Lehmann: We could also walk around in bomb suits with gloves on. We do not do that. This is about managing risk. We are very serious at Master Electricians about helping our members to run safe, compliant businesses. We have invested quite a bit of money in a safety system and into giving high-quality workplace relations advice to members. We work collaboratively with the government in many forums and committees around improving safety. We are talking about powers of entry. That is the main thing we are concerned about in our submission.

Mr BROWN: The main changes that this government last made to this legislation were to powers of entry. By going further and making this more streamlined, aren't we going to further reduce the percentage of fatalities on construction sites? Isn't that a good goal to have?

Mr Lehmann: It does not necessarily follow.

Mr BROWN: The record shows a 35 per cent decrease since 2012.

Mr Lehmann: You do not need to pull the same lever a number of times.

Mr BROWN: We can and we are.

Mr Lehmann: We could employ more inspectors. We could make sure the regime of inspections and compliance is enforced in industry. We would be very much in support of that.

Mr BROWN: Are you happy to pay for it?

Mr Lehmann: We already do. Our members pay money to be a member of our association and pay extra for their safety system that we provide.

Mr BROWN: You do not pay for the state inspectors.

Mr Lehmann: In effect we do anyway as taxpayers and with the fees and charges that employers pay. We think the balance currently works quite well. It should actually be enforced more, as proven by the instances where powers of entry have been abused. We do not think making them lax is going to improve the situation.

CHAIR: You have used the word 'lax' in a couple of instances and note that one of the issues with the legislation is that the term 'representative' under the current act has multiple meanings. Part of the reforms within this legislation is to provide greater clarity and definition around the legitimate groups and how they have access. Which parts of it do you think are lax when, on my reading and interpretation of it, it is providing more clarity and definition and actually tightening it up?

Mr Lehmann: It seems to provide more scope. If you look at our suggested amendments to the bill's clauses around 'nature of the consultation'—

CHAIR: More scope in the sense of what? That is what I am trying to get to the bottom of. On my reading and interpretation of it, it is tightening up the term 'representative' by giving much more clarity and definition around who can represent a worker in that space—the HSR, the registered union

with eligibility, being a legitimate permit holder under the federal scheme, and then other people who come in to assist in a workplace. To me, it looks like it is tightening up the definition and provides more clarity around who enters and when they do not enter. When you say 'lax' in scope, could you give me more around what that looks like to you?

Mr Lehmann: Georgia, you helped me draft this. Could you speak to that?

Ms Holmes: We were focused more in terms of the entry requirements. Our concern is that once they get in they are going to have too much scope to look at. It is not so much who is going in; it is what is available to those representatives. Our focus was on making sure that the focus is on the issue at hand and that it is not about access to every other issue that they might be able to identify when entering a site.

Mr LISTER: You referred to productivity. If I understand you correctly, you were making a point that nefarious activity linked to access powers has a negative impact on productivity. Is it the case that that would mean that for the same amount of dollars a hospital could not be built with so many rooms or a road could not be built with so many lanes or the alternative would be that the taxpayer would have to pay more for infrastructure?

CHAIR: That is seeking a very broad opinion from somebody who does not have the expertise to answer that question, I would suggest, Deputy Chair.

Mr Lehmann: I could not back that up.

CHAIR: No. I would not think so. We are out of time. Thank you very much for appearing before the committee today. We appreciate your contribution.

DEARLING, Mr Craig, General Manager, Workforce Services, Master Builders Queensland

RAYMOND, Ms Kate, General Manager, Advocacy and Policy, Master Builders Queensland

CHAIR: Thank you for joining us. I invite you to make a brief introductory statement before the committee has questions for you.

Mr Dearling: Master Builders Queensland would like to thank the committee for the opportunity to appear today. Master Builders provided a written submission to the independent review on 23 September 2022. We met the reviewers in person on 14 October 2022. We also made a submission to this committee on 10 January 2024.

Master Builders are supportive of robust work health and safety legislation combined with education, regulation and enforcement, and we support the minister's comment in her speech introducing the bill on 30 November 2023 that 'We must do all we can to ensure workers are protected in the workplace and that employers comply with health and safety laws.'

In our first submission to the review back in September 2022 we highlighted that one of the objects of the act is maintaining and strengthening the national harmonisation of laws relating to work health and safety and to facilitate a consistent national approach to work health and safety in Queensland. We submitted at that time that any recommended changes to the act that move further away from the model act—the model harmonised act—must be carefully considered having regard to productivity and safety impacts. We do note that this bill contains changes that place Queensland in a position of diversion from the harmonised legislation.

We also note that another object of the act is promoting the provision of advice, information, education and training in relation to work health and safety. We support this object of the act but raise concerns that some of the provisions of the bill may not be in line with this object.

We did just receive a copy of the department's response in relation to some of the issues we raised, but I have not had a chance to fully review it. I would just note that new section 155A provides for the regulator to, upon request by a HSR, give a HSR enforcement notice relating to contraventions or activities relating to a workplace. We do have concerns that notices that might be unrelated to that HSR's workplace could be sought under that provision. I have quickly read, however, the department's response. We will go through that in a bit more detail when we have time. Our reading of the bill is that that is not providing a benefit to health and safety.

In any case, regardless of new section 155A, section 97 of the act requires PINs to be displayed at the workplace and section 210 requires notices issued by the regulator to be displayed at the workplace. Therefore, we do not see any need or reason why the regulator would have to provide notices when they are already being displayed and provided for at the workplace.

Whilst we do not oppose generally the QCU submission that HSRs should have a right to request and receive information about the WHS of workers and that a PCBU should provide copies of relevant notices to the HSR and notify the HSR about notifiable incidents, we do not support allowing access to irrelevant notices as it is not necessary, keeping in mind that we have to review the department's response to that submission.

We do maintain that the regulator should focus its efforts on education and improvement, consistency in approach and focus on advice to business as to how to comply with provisions of the act. We further submit, in line with the objects of the act, that work health and safety inspectors be adequately informed and trained to be able to advise PCBUs on how to improve and to focus on education and improvement. However, we note that last Friday the minister announced an independent review of Workplace Health and Safety Queensland which may address or look into some of these issues.

On the subject of training and education, we support the bill's explanatory note in relation to HSRs' expanded cease work directions powers. The explanatory notes say that training for health and safety representatives will cover the cease work notice direction to ensure they understand and have the confidence to exercise these powers if the need arises.

On that point of education, we also note that the power of an HSR to issue a cease work notice is an expanded power. There are some concerns in relation to that where we are taking a worker and giving them the power to cease work and the implications that potentially can come with that. We submit that the government inspectors should be the best qualified to assist with ceasing work in conjunction, of course, with HSRs and, where relevant, union officials who hold the requisite permits.

New section 80(1) expands the powers of the HSR to direct work to cease where they have a reasonable concern that to carry out the work would expose a worker to a serious risk to the worker's health or safety emanating from an immediate or imminent exposure to a hazard. As that is not defined in the bill or the act—I note that the department has said that there is information on their website; we also note that there is extensive case law on this—we would submit that guidance and education be given to HSRs to ensure there is no misuse of powers due to any ambiguity about what is a serious and imminent risk.

We note that the Civil Contractors Federation in their submission raised proposed section 50B(2)(a), which requires the PCBU to notify the workers in writing that a worker may request the election of one or more health and safety representatives. While it was a long time ago, the Robens report from 1972, which has been the fundamental structure for regulating WHS since it was published, found that in relation to worker representation 'an obligatory appointment can sometimes lead others to act as though their own responsibilities for safety and health are thereby decreased'. We would hope that the HSR framework continues the way it is, where it is workers who voluntarily seek to be appointed rather than a PCBU directly saying, 'You have to be the HSR.' That is why we submit that effective safety representation is achieved through the current HSR model. We say that this could all be improved through support, education and assistance from the regulator, and that is where the focus needs to be. We are happy to take any questions that the committee might have.

CHAIR: Thank you very much. Deputy Chair, the first question is from you.

Mr LISTER: There are no questions from me, but thank you very much for your appearance today.

Mr DAMETTO: Thank you for coming along and for giving us a pretty robust overview of your thoughts on the bill. My question is around the saying 'if it ain't broke, don't fix it'. Is there anything in this bill that may address some of the inefficiencies or deficiencies in the current Workplace Health and Safety Act?

Mr Dearling: No.

Mr DAMETTO: I am happy with that. That gives plenty of opportunity for someone else to ask questions.

CHAIR: My key takeaway is that you, like some of our previous submitters, have said that additional training around HSR would be of value.

Mr Dearling: Yes, definitely. The Master Builders are an RTO. We have the HSR training course but we do not deliver it because we do not get enough interest in it being delivered. I have never done the HSR course.

CHAIR: Why is that? You are an RTO and you do not have enough interest from your members to take up the training?

Mr Dearling: We have to pay a trainer, typically. To cover the costs we need minimum numbers and for the HSR training we do not get them. I have done the cert IV in OH&S. It is different. I know that the CSTC run the course. Maybe it is something I should do so I at least understand what they learn there. We do not have enough demand to run the course at Master Builders.

CHAIR: That is very interesting.

Ms PUGH: Do you know where they are doing the training, then? They surely must be getting training from somewhere. Are they going to other RTOs?

Mr Dearling: They are. One of the concerns we have—and if I look back to when I was a lot younger and we did the WHSO, there was a construction-specific workplace health and safety officer course and then there were other ones for services, manufacturing et cetera whereas the HS course is just a generic course. The Construction Skills Training Centre at Salisbury runs it. There are training providers in Townsville, Mackay and Gladstone that run it as well as the Gold Coast and Sunshine Coast. There are not a lot of them, no.

Ms PUGH: The member asked you what you think should be the minimum requirements, or are there any changes that you think should be made to the current training?

Mr Dearling: I have not done the training and I do not think a HSR should do a cert IV or a diploma. I have done the cert IV and that is not what it is about. You learn about health and safety theory when you do your cert IV. You do not learn about what is unsafe scaffold, formwork et cetera.

I would say that HSR should be industry-specific and there should be a specific one for construction. Whilst I have not been a HSR, I have been in a position where, working for a builder, I had the union on one side telling me there is imminent risk and to shut the job and I had the site manager on the other side saying, 'Don't shut the job. There is not a problem.' At the back of my mind I knew that if we shut the job we were going to lose about 200 grand. They were looking at me saying, 'Craig, make a decision.' That is a lot of responsibility in an organisation.

Effectively, this bill says to HSRs, 'We are placing that responsibility on you.' It is a lot to take on as a worker. If you look at construction where concrete might be arriving, if there is $100,000 worth of concrete ready to be poured and a HSR thinks, 'I don't know how I feel about this,' and then we say to them, 'You have to shut the job,' it is a lot of responsibility. I do hope that a lot of support is provided to them. We would submit that additional training to cover those construction-specific issues should be provided.

Ms PUGH: Can I clarify? Sorry, you speak very fast. You said not necessarily a cert IV but additional training is required. Am I paraphrasing you correctly?

Mr Dearling: Yes, sorry. I did talk a little bit quick. I do not believe that a cert IV is necessary, but I think industry-specific training, especially in construction, to understand the powers and when to use them is important. I do not think the theory about health and safety that you cover in a cert IV is always relevant to a HSR. Our position on HSRs is that they are workers; they understand how to do the work and how to work safely. Good PCBUs will work closely with their workers to understand what the safety issues are. Because of the responsibility of a HSR, I think it is important that the training does not necessarily need to be extended beyond five days, but understanding some of the industry-specific issues would be a good idea.

Ms Raymond: Craig, I will pick up on your comment. I note the department's response in relation to the issue raised by quite a few submitters on the ability to cease work without attempting to resolve the matter where there is serious imminent risk and that that is not defined. In construction, it is quite a concern if that was to be misapplied deliberately or unintentionally. While, as the department has pointed out, you can go off to the QIRC and challenge it, that time frame is far too long. In construction, it can result in millions of dollars of cost to a project if work is ceased at a particular point in time and you cannot bring it back. If concrete is ready to be poured and work is ceased and it turns out that should not have happened, millions of dollars can be lost and the productivity losses are quite huge.

CHAIR: Can you talk about the impact? In terms of that stop work, the requirement now is for the HSR to provide that written advice to the PCBU to deliver. Can you say what that would mean in the construction industry?

Mr Dearling: One of the things I noticed in reading a lot of the other submissions is that it has perhaps been forgotten or missed that HSRs have existing powers to cease work. What is happening here is it is being put in writing.

CHAIR: You are right, and it is the PCBU versus the HSR doing that piece.

Ms Raymond: Yes. Instead of saying to a worker, 'Stop work,' it is saying—

CHAIR: Unless there is obviously significant risk in that moment. However, in my mind this is providing a strengthened framework around the HSR providing in writing—in terms of being able to do that verbally versus in writing, I think it is important to have anything of a serious nature that could have an implication of substantial financial burden in writing, and it has that ability to be followed through with the QIRC as a documented reason for the nature of the cease work request to make sure it is not frivolous in nature.

Ms Raymond: The in-writing requirement is supported. The direction to the PCBU is quite a difference. We are really looking for some more rigour around when work can be stopped without notice, essentially. We think it is important that there be sector-specific training as well for the construction sector. I take your point that it is currently a right, and Master Builders absolutely supports every worker on site feeling able to say, 'No, I am not comfortable doing a task' that they feel is unsafe and being able to raise that. We do have a concern that the way the provisions could work in practice could result in some substantial lost productivity.

CHAIR: Thank you very much for your time here today. The allotted time has concluded. We appreciate your very valuable contribution.

CHESSHER-BROWN, Ms Kirsty, Chief Executive Officer, Urban Development Institute Australia Queensland

COX, Ms Anna, Director of Policy and Regional Services, Urban Development Institute Australia Queensland

CHAIR: Welcome. Thanks for joining us today.

Ms Chessher-Brown: Good afternoon, committee members and staff and thank you for the opportunity to speak today. As most of you are aware, the Urban Development Institute of Australia Queensland is the state's leading property development industry peak body, with a membership spanning planners, engineers, developers, builders, surveyors, ecologists, lawyers and many other trades and professions related to the delivery of housing across Queensland. Our 12 regional branches across the state allow us to speak with the voice of regional Queenslanders. Our research foundation, now more than a decade old, ensures our advice is contemporary and evidence based. As a result, the institute is uniquely positioned to observe and understand the current housing crisis and highlight its potential interaction with the bill.

As the institute notes in our submission of 10 January, the housing crisis that is currently engulfing Queensland is the most severe since the end of the Second World War. House prices have now reached a median of over a million dollars both in Queensland and on the Gold Coast. Rental vacancies fell to below a third of balanced levels and have stubbornly remained there. Wait times for public housing have blown out, with people who made applications before the pandemic having waited an average of 5½ years so far, and 43,000 Queenslanders are stranded in insecure housing or outright homelessness.

In the face of this disaster, government, community and industry have come to an agreed understanding that more houses, or dwelling supply, is the only way out of this crisis. What is more, the number of new houses needed is enormous, both to battle our way out of the crisis and to cater for the forecast additional two million people expected in Queensland over the next 25 years. In fact, the Queensland government's recently released South East Queensland Regional Plan *ShapingSEQ* has identified that 863,800 additional homes will be needed by 2046. While homes of all types are needed, Queensland government policy, as articulated in *ShapingSEQ*, is for more higher density housing in existing communities. Homes such as units, apartments, duplexes, terrace houses and the like are more complex to build than traditional house and land packages.

Effectively what this means is that, at the same time as governments at all levels are calling on industry to move as fast as is safely possible to deliver urgently needed housing across the state, housing construction is set to become more difficult. For this reason, any regulatory or legislative change that impacts the industry's ability to safely deliver enormous numbers of new housing at the fastest rate possible needs careful consideration as well as an assessment for unintended consequences and downstream effects.

As noted in our submission, the consultation period allowed for this bill was grossly insufficient and poorly timed as it fell directly over the longstanding and well-known traditional Christmas-new year shutdown in the housing construction industry.

Among possible unintended consequences of the bill is its impact on program and productivity. Declining productivity in housing construction has been identified by leading industry participants as a key driver of the escalating cost of new dwellings. Even as the post-COVID material and supply shortages may appear to be easing, a substantial decline in productivity has been observed across residential construction, particularly over the past three years.

Housing construction is a time-sensitive industry, and any delays affect the scheduling of subsequent trades, often delaying the commencement of the next trade. So declining productivity is impacting both programs and project completion. For example, if a concrete pour is cancelled or halted, the next scheduled pour may not be able to be secured until days or weeks later—as opposed to the next day, which was normal in the more balanced materials and trade conditions of the past. Prolongation of program caused by, among many other things, declining productivity is a major factor in the delay of housing commitments in sectors such as the apartment sector, which, as I mentioned a moment ago, will increasingly be relied on by the Queensland government for housing supply.

The current housing crisis, however, has introduced exponentially more pressure on all segments of the industry as both government and the community call for the delivery of additional new housing as quickly as is safely possible. Some examples of the provisions contained within the bill which require further assessment of their potential impact on housing supply include the cease

work directions, involvement of more parties and consultation at a place to be agreed by all parties. I would also note that we have obviously just received the department's response to our concerns and submission which we are obviously still in the process of digesting.

The assessment of the provisions by the committee, in our opinion, should be through the lens of: 'Will these measures improve safety and how? Will these measures slow the safe delivery of housing? If so, by what margin, and how will this impact home prices? If the measures do not improve safety, do they need to be implemented now, or could they be delayed until the housing crisis is resolved?'

In conclusion, in consideration of this bill, the institute urges the committee to ensure that the severity of the Queensland housing crisis is not ignored and that all provisions are considered through the lens of our community's shared goal to see urgently needed new housing delivered as quickly as is safely possible.

Mr LISTER: Thank you very much for coming in. You asked a rhetorical question: 'Will the measures in this bill improve safety and what will be the economic implications?' Can you hazard a guess at whether this will improve or reduce productivity and whether it will improve or reduce safety? I am talking about these changes as opposed to the status quo.

Ms Chessher-Brown: We certainly would love to be able to provide a more definitive answer on that but, given the time urgency of the submissions process, our consultation and the ability for us to undertake consultation with members has been severely limited. However, we do feel that the importance and urgency of the housing crisis warrants significant consideration of that. We are hearing from members that it is incredibly difficult to deliver particularly apartment supply across Queensland currently, for a range of factors that we have experienced—

CHAIR: I was going to say, there are a few reasons for that existing, well beyond public safety.

Ms Chessher-Brown: Indeed. This bill, amongst very many other things at all levels of government at the moment, is an opportunity to reflect on the potential changes that could result from those potential changes and the implications on the housing crisis. As I said, there are many reasons that we are currently in the situation we are in, and now is an excellent time to reflect upon the changes that have been made previously and the changes that are before us.

Mr LISTER: The bill is due back to parliament on 24 February so there is not a great deal of time between now and then to have a reasoned consideration of those things.

Ms Chessher-Brown: It is very important, though.

Mr BOOTHMAN: Thank you for coming here today. You have answered all of the questions that I was going to ask.

Ms Chessher-Brown: Excellent.

Mr BOOTHMAN: Certainly what you have brought up is very concerning.

Mr DAMETTO: Thank you very much for your very comprehensive submission as well as your presentation to the committee this morning. You are speaking to something that I have noticed in the housing crisis around the world. It seems that, yes, we are doing things in a very safe manner here in Australia, but I think the correlation between safety and the measures that we are putting in place during the construction phase are adding significantly to housing and unit prices. Has the institute done any costings globally to compare what is happening here in Australia to house prices abroad?

Ms Chessher-Brown: Certainly it would seem that many other cities across the globe have experienced similar issues, particularly in relation to the material shortage and supply chain issues that we saw in the early stages of COVID. We are very cognisant that in Queensland at the moment we are facing some unique challenges in relation to skills and labour availability, the availability of head contractors and the appetite for those head contractors to work on and complete residential construction processes and projects in light of the other very significant levels of construction activity in sectors like health and infrastructure. Therefore, a laser-like focus is needed in terms of looking at our productivity, our length of programs and all of the activities that are undertaken during the course of residential construction, because what we do know is that the outlook is fairly dire in relation to the delivery of apartments across Queensland, particularly South-East Queensland. That will put an immense amount of strain and pressure on house prices generally and rental vacancies and rents.

CHAIR: We have to prioritise the key issues in terms of delivering as that relates to this legislation. It would appear that there are key impediments coming from greater places in terms of supply and what the pricing markets and access to tradies looks like at the moment.

Ms Chessher-Brown: Yes. Unfortunately, there are no silver bullets and there is not just one issue. There are competing priorities too for skills, labour, materials. There are competing priorities that we are facing. It does not look like it is getting any easier, which is why it is important to analyse every change that is before us currently in that light.

Ms Cox: Just to contextualise that a little more broadly with our main message today—cautioning to be very careful about an examination of consequences, intended or unintended—for us this is very consistent with our message on a wide range of policy matters that we interact with the Queensland government on. One of our overriding recommendations to the Queensland Housing Summit and round table was to slow the pace of change because of the pressures that industry is under following COVID, trade shortages and now severe skills shortages. It is a consistent message each time we are asked to comment on or consider proposed change in any sector, whether that is planning with SEQRP, whether it is having interactions with local government and, of course, we saw the relevance of it here as well. As you mentioned before, there are a range of issues—

CHAIR: On a much grander scale, I would suggest.

Ms Cox: They are incredibly complicated. In many cases they are interrelated, interconnected. We have seen the importance, every time we have the opportunity to comment, just to bring it back to that high level and to look at our consistent message to slow the pace of change wherever we can to allow the industry to get going as fast as is safely possible.

CHAIR: In that sense, when you get that opportunity to review the department's response, I am hoping that you will see that. I have been able to go through a number of submissions in terms of providing more clarity around the definition of those roles—not just a representative but providing clarity—and, I think, importantly too in terms of serving those advices. As has been noted by others, to put a cease work out there is a step that should be documented and that has a process around it. As I said, when you get to read the department's response I am sure that will help cover some of your concerns.

Mr BROWN: From both your submission and that of the Master Builders, it sounds as though the life of a constituent like Tyler Whitton, the 17-year-old who died on a construction site, is less valuable than a bucket of cement. Is that what you are trying to convey?

Ms Chessher-Brown: Not at all.

Mr BROWN: That is what it has come across as. You talked about how it is very hard to get skilled workers at the moment. Obviously, builders are using 17-year-olds and working them on heights. You are saying that you are worried about a bucket of cement over the life of a constituent who fell to his death because you do not want a HSR to get advice from a union organiser.

Ms Chessher-Brown: No. Safety is paramount, and we have been very clear about that in our submission and I hoped our written statement as well. What we are saying—

Mr BROWN: Do you agree that a HSR should have the ability to be advised by their union representative on site, in line with the changes, to ensure that we do not have deaths like that of Tyler Whitton?

Ms Chessher-Brown: As I said earlier, unfortunately I have not had a chance to review the department's response to our submission in terms of providing clarity with the point that we had raised in our submission. Hopefully, what we did convey in our written statement is to provide some broader context of the things that are on our members' minds at the moment. As I did say, safety is a given on work sites and every worker has the right to feel safe in their job and that is paramount.

Mr BROWN: You might say it is paramount, but you are also saying that you need to slow the progress of reforms. Tyler Whitton will not get to see the change from those reforms because he fell to his death on a construction site in West End while building apartments that you said need to be built quickly. I think there is a very much a balancing act in this—

Ms Chessher-Brown: Absolutely.

Mr BROWN:—to ensure that HSRs can have the ability to receive advice from their union organiser to ensure that people like Tyler Whitton get to see their 18th birthdays.

Ms Cox: Mr Brown, just to be very clear, our submission and our opening statement are very clear that what we are talking about is in the context of the housing crisis, and our aim would be to deliver houses as fast as is safely possible. It is very clearly stated in our written submission, 'as quickly as is safely possible' so as to respond to the needs of Queenslanders who are facing insecure housing.

Mr BROWN: He did not get a chance to live in his own unit.

Ms PUGH: I want to pick up on your comments on slowing the pace of change, noting your contributions on COVID and the Housing Strategy. One thing really shocked me. Queensland took on a really high number of migrants, usually from interstate. During COVID a huge number of people moved here. There was also an incremental drop in the average household size. In the space of a few short years, to essentially accommodate the same population we needed to find an extra 80,000 dwellings. Do not quote me on that number, but it was something of that magnitude. It was a huge number, and it was not even to accommodate a single extra person. On top of that, you add the people who actually migrated here while other states were losing volume in terms of their population. I think you are referring to what they are calling the 'missing middle' or the gentle density in the South-East Queensland strategy. Your submission has been very wide. I want an understanding of the other factors, because obviously we are currently operating in a particular environment. This legislation has not even come into play yet. What are the other factors that are having an impact on housing? Obviously it is not just in Queensland, but due to our population growth it is the place everyone wants to be—and who can blame them? What are the other factors, to put that all in context? I think it is really important that we outline that.

Ms Chessher-Brown: Anna and I will perhaps have to tag team on this because there are many and, as Anna said, many of they are interrelated. Obviously, there has been a fairly significant boost to both the population growth that was experienced since COVID and also the population growth that is expected between now and 2046. Of particular relevance to this bill, as we said before, is *ShapingSEQ*, which takes a view that we are expecting most of that population growth and the housing for most of that population growth to be concentrated within existing suburbs, or infill development. That will be, as you say, a combination of gentle density—terraces, town houses, the missing middle—right up to high density. We would expect that the large bulk of that housing supply, according to *ShapingSEQ*, would be through high-density housing. At the moment, our members are reporting that it is incredibly difficult and becoming increasingly difficult to deliver apartments to the market in terms of price and being able to get those projects off the ground. That is of concern and, as we said before, that is due to a range of reasons related to skills and labour shortages, construction costs, program prolongation, skills and trade shortages and a range of measures.

CHAIR: Council approvals. That concludes our time. Thank you for a very brief answer to a very difficult question. Thank you very much for your time today. We really appreciate your contribution.

Proceedings suspended from 12.27 pm to 1.02 pm.

GRIFFIN, Mr Alex, Industrial Officer, United Firefighters' Union of Australia, Union of Employees, Queensland

CHAIR: Welcome. Would you like to make a brief opening statement before the committee has questions for you?

Mr Griffin: We are grateful for the opportunity to have provided submissions throughout this process and for the chance to speak here today. It has been a positive period for firefighters in Queensland. Since 2015 we have worked with the Queensland government to add 700-plus professional firefighters to Queensland's ranks, which in and of itself is a safety improvement as we head towards all alpha appliances having 24/7 crewing, alpha appliances being the first truck to respond to a triple-0 call. In appearing here today, we also aim to express our solidarity and support for the other registered unions and any submissions they wish to make.

Generally speaking, we find the support for elected HSRs within Queensland Fire and Emergency Services to be lacking. Our members are not always aware of the role that HSRs play under the legislation, and we are supportive of the amendments that are proposed to clarify and strengthen the role of HSRs and keep them supported by their union in the workplace. QFES is a large department with a large central corporate office overseeing a dispersed operational workforce undertaking very dangerous work. It is also required to be a model employer and a model litigant. Despite this, we view the changes to the act as necessary to ensure a basic level of support for our HSRs.

In terms of our specific comment on the proposed changes, we support the proposal placing an obligation on PCBUs to provide relevant information to HSRs as a positive obligation. In our original submissions we stated the importance of HSRs being adequately informed, and we are therefore supportive of the positive obligation for the PCBU to provide relevant information to HSRs about the notice of entry of a permit holder as well as any other notifications the amendment requires to be given to the HSRs. Often in QFES we see that elected HSRs are sidelined in favour of management controlled health and safety initiatives. While this legislation should not be needed to make this change, we hope it will be positive.

We are supportive of the new right of HSRs to request to attend prescribed training of their choice. Currently, QFES delegates the coordination of its HSR training to workplace health and safety coordinators in each region who in turn answer to the assistant commissioner of each region. There are inconsistencies in the way each region is run and, therefore, this can result in delays to HSRs' access to training. The ability for them to choose the course and provider will hopefully result in fewer of these delays. We also strongly support the amendment that HSRs are entitled to receive payment at their usual remuneration while attending training. For shiftworkers this is obviously a very important improvement so that they are not discouraged from taking on the duties.

We are supportive of the amendment to move certain proceedings from the Magistrates Court to the QIRC. The expansion of the commission's power to deal with workplace health and safety disputes regarding the rights of HSRs and the operation of health and safety committees will ensure these are more widely implemented. We have found that, due to frequent changes at management level in various employment locations and regions, HSRs' and workplace committees' negotiations are often stalled or forced to restart when new management are placed in the region. The ability to commence disputes and potentially seek resolution over this will hopefully mean that QFES remains active and engaged throughout any negotiation process on this topic.

We are supportive of the amendment that will allow representatives to make application to the QIRC. Given the importance of the matters facing our members, the ability for permit holders, unions or workers to make applications for orders to the QIRC as quickly as possible when dealing with one of the issues under the expanded remit is an important improvement. The ability for parties to seek civil penalties is another important aspect of the bill. Very few Queensland unions have sought civil penalties in the QIRC before, but the UFUQ is one of them. While that dispute was not relating to workplace health and safety, it was remarkable how quickly a resolution was found when civil penalties were a possibility.

Finally, we will continue to work with the government to improve the safety of firefighters. In addition to the positive improvements in this bill, the UFUQ is working with the government to review and amend the Workers' Compensation and Rehabilitation Act. We are hopeful that discussions with the Miles government will continue, resulting very soon in the list of deemed diseases for firefighters being increased from 12 to 22. I am happy to take any questions.

Mr LISTER: Thank you for coming in today. You talked about civil penalties and so forth, and one of the points of this bill is to take away the ability for an employing entity to outsource the risk through insurance and so forth, so the penalty would apply to the specific person identified. How do you see that working in a case where the employer is the Queensland government and the persons conducting the business enterprise are public servants or the commissioner, for example? Do you anticipate that you would see civil penalties being applied directly to those in control of the service?

Mr Griffin: I do not have that information in front of me, sorry. I would have to see exactly where that is. I think it is usually applied to the entity as a whole. Within the government I think that is how it would work.

Mr BROWN: You talk about the difficulties of some districts being able to release HSRs at particular times. You are not a registered training organisation?

Mr Griffin: Not for HSR training, no.

Mr BROWN: Are there specialised ones? Where do they go to get that HSR training?

Mr Griffin: It is currently organised by the workplace health and safety officer in that area. I think they usually look for things within the region.

Mr BROWN: The difficulty is because some regions do not have an accessible course?

Mr Griffin: Yes, that is right.

Mr BROWN: How long have the delays been for your members getting qualifications? Has it been months or years?

Mr Griffin: There can be really extended delays within QFES for anything to make its way through that process, but I do not have specific data on that, sorry.

Mr BROWN: Is there any thought of the UFUQ going into that area of a registered training organisation to specialise in this area?

Mr Griffin: I do not have that information. I am not aware of that, sorry.

CHAIR: We have heard from a number of submitters today with regard to the changes within this bill and the role and the functions of HSRs. Do you think more training or broadening out the requirement of training would be helpful for HSRs within your membership?

Mr Griffin: As in?

CHAIR: Providing additional training.

Mr Griffin: I think as long as the access to training is available and the training itself is adequate. Following on from what the QCU said earlier, a lot of the role of the HSR relies on the fact that they are an on-shift worker who is aware of that work. I think as long as they have access to training, can gain a qualification. Our concern is more with the ability to access it in an operational environment in a complicated bureaucracy.

Ms PUGH: I want to start with an observation. Your members are in a job where every single time they get called out they are putting themselves in a life-threatening situation and they know that. They are going into a situation that is life-threatening each and every time. I suspect you might have some really beneficial and unique insights as to the way you can go into a work environment that is dangerous. You ensure you keep the focus on getting the job done but also you have that constant focus on safety, I would imagine. Could you expand on how it is that your workforce is able to do that?

Mr Griffin: Through a really high level of professionalism and an extended amount of training over a really long career. Our members are very experienced in responding to those emergencies, absolutely. There is a great deal of research and action by UFUQ members into ensuring that PPE is correct, that equipment is up to standard and that the actions taken when you are within an emergency situation are safe for the worker as well. I guess the answer would be experience and training over a really long period of time developed by the workforce to be implemented with each other.

Ms PUGH: Does that focus on safety impact your productivity at all? Obviously you are trying to save people's houses and save people's lives, but you still manage to get the job done despite that laser-like focus on safety and making sure everybody comes home at the end of the day.

Mr Griffin: Yes, absolutely. The high emphasis put on safety by our members does not impact community safety at all.

CHAIR: Safety is a business-as-usual procedure for members, I do not doubt.

Mr Griffin: Of course.

CHAIR: Thank you very much for appearing before the committee today.

GILBERT, Mr James, Occupational Health and Safety Officer, Queensland Nurses and Midwives' Union

TWIGG, Ms Deborah, Senior Research and Policy Officer, Queensland Nurses and Midwives' Union

CHAIR: Welcome. Would you like to make an opening statement?

Mr Gilbert: I thank the committee for the opportunity to speak with you today. My name is James Gilbert. I am the occupational health and safety officer at the QNMU and have been for over a decade. With me is Deb Twigg, our senior research and policy officer. In the first instance, I would like to acknowledge the traditional owners of the land on which we meet, the Yagara and Turrbal people, and pay my respects to elders past, present and emerging. I also pay my respects to any First Nations people here today.

The QNMU is the principal health union in Queensland representing the interests of over 71,000 nurses and midwives who provide health services across Queensland. The QNMU is a branch of the ANMF, which is the largest union in Australia. The QNMU welcomes the Work Health and Safety and Other Legislation Amendment Bill 2023 in giving effect to objectives and recommendations of the independent review of the Work Health and Safety Act.

Establishing and maintaining safe workloads and work environments is a key priority of the QNMU. The workplace health and safety of our members is intrinsic to ensuring patient safety and the wellbeing of nurses and midwives themselves. We reiterate the comments made in our previous submissions, and we also take the opportunity to raise some outstanding issues to refine and enhance the work health and safety framework to ensure it remains nation leading and operates as intended.

We welcome the intention of the bill to ensure Queensland workers' safety remains a key priority in their workplace by implementing stronger consultation powers and functions for health and safety representatives, promoting the role of health and safety representatives, and creating a more streamlined process to resolve work health and safety issues for employers and workers. The QNMU is well placed to provide insight into the operation of these matters through our ongoing representation and engagement with the work health and safety matters on behalf of our members.

Our members continue to experience significant threats to their physical and psychological health from work overload, fatigue, burnout, occupational violence, bullying and harassment, amongst other factors. As outlined in our detailed submission, we ask the committee to consider providing greater clarity around the following issues to better support and safeguard our members.

The first is the health and safety representative title. Consistent with the objectives of the independent review to strengthen and promote the role of health and safety representatives, we ask that the Work Health and Safety Act prohibit the use of any other title, such as health and safety 'champion', as this is not equivalent to the title of health and safety representative.

The other issue is incident notification. The primary purpose of incident notification provisions is to enable the regulator to investigate serious incidents and potential work health and safety contraventions in a timely manner. Even though we have received this document that has acknowledged there are likely to be some further changes, we just want to reiterate our problems with the current notification settings in the act. Far be it from me as a man to say, but the legislation is quite gendered. It considers all sorts of things that are related to work sites that are made up of predominantly men, but we think some changes could be adopted as the current regime does not provide appropriate scope to capture the range of serious injuries and occupational violence risks that our members are exposed to.

The QNMU remains concerned that many serious incidents and potentially life-threatening situations affecting nurses and midwives are not deemed notifiable under the act. Further to this, the QNMU considers the notifications of psychological health a priority issue. Currently, the Work Health and Safety Act does not deal with the incidence of psychological injury in health care and the latent onset nature of those injuries. This is currently not required to be notified, as the focus of notification is on immediate injuries or catastrophic events. We view this as an oversight of the notification process.

To highlight these deficiencies, the QNMU has assisted a number of members, and the circumstance I will provide now related to a member working in mental health. He was subject to a serious assault by a client in care. The client attempted to stab them in the neck with a sharpened toothbrush. Whilst the attempt to stab our member was avoided, they did sustain an aggravation

injury to their back and subsequently developed a serious psychological condition related to the condition. The irony was that the aggravation of his back was for a previous assault where he had injured his back. When I last spoke to the member, he had not returned to the workplace since that assault occurred and required surgical intervention related to their back injury. Given the seriousness of this incident, there would be a reasonable expectation that such an event within a workplace would be reported to the relevant work health and safety regulator. When considered in the context of the definitions of what constitutes a serious injury or dangerous incident in sections 35 through 36 of the act, no notification by the PCBU is required.

Many of the injuries sustained by our members result in significant time away from the workplace but are not classified as a serious injury or illness under the act. To better capture this, we ask that the Work Health and Safety Act is amended to explicitly refer to injuries that result in a person being absent from their voluntary or paid employment for more than four days to be classified as a serious injury. That used to be the legislation under the previous act and that was changed with harmonisation. At section 37 we ask that the definition of 'dangerous incident' is broadened to include an exposure to occupational violence in the workplace.

In summary, the bill signifies Queensland's commitment to strengthening workplace health and safety standards. These changes reinforce the importance of the health and safety representative role and create a more responsive, accountable and transparent framework that puts workers at the heart. We are happy to address any questions the committee may have.

Mr LISTER: Section 62 of the existing legislation provides that any person may be sought to provide assistance to the HSR. This bill tightens that right down in effect to exclude the red unions or other representatives that the individual worker may decide they want to seek assistance from. Why, in your view, is it necessary for effectively the QNMU to become the monopoly supplier for those services?

Mr Gilbert: Because we are the registered union. The red unions ventilated their views in two court cases, which determined at both occasions that they are not a union. If I enter a workplace, I am subject to scrutiny. I can be held accountable and sanctioned if I do not comply with the act in terms of my behaviour. They are not a registered union. If they were allowed to enter and assert that they were a union, there is no scrutiny of them.

Mr LISTER: Should they be allowed to register?

Mr Gilbert: No, they should not, because the current system is—

Mr LISTER: In order for them to be subject to the same controls and safeguards?

Mr Gilbert: I know that my colleague Jacqueline King has addressed this—

CHAIR: That is not a matter for your union to determine and it is not related to the bill. It is actually a matter that falls under the Industrial Relations Act in terms of the process for registration of a body. Deputy Chair, do you have any further questions?

Mr LISTER: That is all.

Mr BOOTHMAN: My questions were originally going to sections 36 and 37 when you were explaining the precarious situations that your members find themselves in. I just want to say thank you for all the efforts they make in clinical care and helping those in need. You have answered all of my questions.

Mr DAMETTO: You made some comments that some significant changes are proposed in this bill to the Work Health and Safety Act, but you noted that maybe some further amendments need to be made to ensure it is perhaps gender slanted a bit because of the over-representation of females in the nursing and midwife cohort. Could you speak to that in depth so we can get a better understanding of what you mean by that?

Mr Gilbert: The current legislation is fine, but when you look at what it says for a dangerous incident, it talks about an explosion and where trenches collapse, things like that. They are incredibly relevant and important for other workers, but health workers are not going to get in a trench. Their major issue relates to musculoskeletal injuries. There is a huge amount of banter in terms of occupational violence exposure, but the greatest cause of injury to our members is people handling. Please do not take this as sexist, but if you are a 45-year-old woman lifting somebody or engaging in manual handling of a person then, yes, while you do have manual-handling equipment, there are still pressures on the body and that can be the end of your career with a lumbar spine injury. In the current act, you could have 15 people sustain an injury to their lower back and there is no reason for the regulator to be aware of that. The employer is not required to notify.

Ms PUGH: I appreciate what you are saying about musculoskeletal injuries. Can you expand a bit more on the other kinds of unique exposures that your workforce cohort has in terms of injuries within this bill, including psychological injuries?

Mr Gilbert: I want to thank the government for the new *Managing the risk of psychosocial hazards at work* code of practice. Our members are exposed to every one of the hazards described in that act. Apart from the physical injuries, they are also exposed to biological hazards, which was shown during the last few years in terms of what our members had to endure during that time. I can recall when it first came to the fore that our members were terrified of going to work but were forcing themselves to. Many of them did not go home for fear of what might happen to their families. Those sorts of things are significant issues for our members. Slips, trips and falls are another significant cause of injury in health services. It was only a few years ago that the health and social sector was considered a priority industry by the regulator, and that was because the rate of serious injuries in our sector is really high. When you break it down in terms of injuries for occupations, 50 per cent of injuries within Queensland Health are generally nurses.

Mr BROWN: In your submission, you talked about the use of the term workplace health and safety 'champions'. Is that being done in the private sector or in Queensland Health?

Mr Gilbert: Queensland Health. In our view, it is just a mechanism to stifle HSRs because HSRs under the act have significant rights and powers. I do not think there is overt pressure on people to become safety champions as opposed to health and safety representatives, but we have experienced difficulties with it. I know that somebody very early on in the piece when I was watching spoke about the Robens report from 1972 talking about workers and employers—a tripartite system in terms of improving health and safety. Our view is that a robust and resourced HSR component in the workforce, through the union, will make a difference to injury rates, which have plateaued in our sector. There were some improvements a significant period of time ago, when Deb and I were nurses, in terms of shoulder lifts for people. We were physically lifting people. Now there is a lot more equipment. That led to a significant reduction in injury rates but it has plateaued. We believe that having HSRs and adequate numbers of HSRs in the workplace will help drive down that number even more.

Mr BROWN: Is Queensland Health naming managers health and safety champions?

Mr Gilbert: No. They get workers to do it. One good thing about the bill is the changes in terms of remuneration when you attend training. Given our members probably earn 35 per cent of their remuneration through penalty rates—afternoon shifts, weekends, night shifts—when they go to do these sorts of courses their wages drop because they are paid Monday-Friday wages. If you are reliant on penalty rates, because there is an expectation to do shiftwork, it is a disincentive to take on that role. That is a good change that has been adopted in the bill.

CHAIR: Thank you very much for appearing before us today. We are grateful for your consideration.

ALLEN, Mr Peter, Secretary, Australian Rail, Tram and Bus Industry Union, Queensland Branch

KENNEDY, Mr Lucas, Principal Industrial Officer, Australian Rail, Tram and Bus Industry Union, Queensland Branch

CHAIR: Thank you for joining us. I invite you to make an opening statement before the committee has some questions.

Mr Allen: I thank the committee for the opportunity to appear today to address our proposals. I want to start by saying that we agree with the sentiments of the QCU and the general spirit and improvements in the bill. We do find, though, that perhaps because of the peculiarities of our industries there are some areas where we wanted to seek some amendments to allow those participants in the safety framework to do their job more effectively and of course reduce injury rates. I have a number of things to move through, so I will move through them reasonably quickly. They are all contained in the submission, so I do not intend to simply regurgitate them but instead make some broad statements around them.

Firstly, a reasonably technical matter which has some real-world problems associated with it goes to what we seek as changes to the principles of the primary duty of care as a result of a case that was run in the Queensland Industrial Relations Commission. An odd technicality emerged where an increase in workload could not be considered as something that could be properly disputed. In the case that we had, people whose job it is to control the movement of trains around networks—a very safety critical role in all ways of looking at it—saw an increase in their workload of potentially 25 per cent, but we lacked the ability to properly dispute that as a result of the framing of the act and the decision of the commission. We say that an increase in workload has a consequent effect on stress levels and the ability for people to safely manage their work. We make some submissions around that.

We also see, given the nature of our industry and also the size of our state and the size of some of our workplaces, that it would make more sense for workplace health and safety permit holders to have the powers of workplace health and safety representatives in circumstances. We have circumstances where workplace health and safety representatives either do not exist or perhaps work in rotating shiftwork so they are unavailable to a workplace, whereas a permit holder has more opportunity to visit and investigate and issue things such as provisional improvement notices.

Perhaps as a result of this, we sought to understand the magnitude of the number of PINs and those sorts of interventions that our union members—our workplace health and safety representatives—have been involved in. To our investigation, last year we saw as few as 12 issued. That is not to suggest that this change would see more issued, but it goes to the fact that we see this as an important last step in the process of protecting people's workplace health and safety. As a result, the extension to permit holders we do not think would change that too much. In fact, it would simply give people more opportunity to resolve these issues with the powers of a workplace health and safety representative, rather than relying on that person to come back on shift or perhaps off holidays or maternity leave or whatever it might be to undertake their functions.

We also seek the improvement of the dispute process to make it consistent with the Industrial Relations Act. At the moment, for us to move a dispute along we are effectively required to run that case twice, through the vagaries of the relevant section of the act. We have to argue our case in a jurisdictional argument. Once we have been able to establish that jurisdiction, we then have to run the case again for its merits. We think that is wasteful and inefficient. Under the Industrial Relations Act, in a similar or a parallel dispute we would not be required to do those things. We would simply get on to the business of determining the matter at hand. In workplace health and safety matters, we think that is critical. Getting on with determining those matters at hand is absolutely essential.

The next issue I would like to address is that around incident notifications for HSRs. I notice that the department have perhaps misconstrued in their reply what it is that we were seeking. At the moment, a health and safety representative can go along and it is only where an incident occurs that is notified to the regulator that they need to be notified, unless of course through a longer process—perhaps through a committee—they are made aware of that, and that could be some time later. What we say is that notifiable incidents—those which have to go to the regulator, also those which are notified by other workers to the employer and perhaps even things like relevant WorkCover applications which could involve a systemic issue in the workplace—should be notified to the health and safety representative so they can undertake their role, in accordance with the act, of assisting in the provision of a safe and healthy workplace. In absence of that information, it just takes too long for them to be able to undertake that work.

I would also like to talk about what we think is an important measure which would improve the right of those people in our industry to cease work where appropriate. We are in an invidious position with some people who may have obligations under employment law and other law to do certain things or to not do certain things which they can be held accountable for but, in so doing, if they see that those things that they might do or not do could pose a risk to public health and safety, they have no ability to raise that. That all sounds a bit convoluted, so let me contextualise it.

Just down the road in O'Keefe Street we had a situation where there was a left-hand turn on to the busway. Our union, our health and safety representatives, identified that as a problem. We said to the relevant employer—Brisbane City Council—that this was dangerous, that we were regularly having near-misses with cyclists and pedestrians. Unfortunately, the act only allows us to protect health and safety that could affect ourselves. There could be an argument to say that running over cyclists could affect your psychosocial risks, but that becomes a complex and difficult thing to move through quickly, particularly when we had the sheer volume of near-misses.

Unfortunately, last year someone died. That caused us then to have to take some action which led to us not being prepared to go through that intersection, and subsequently a set of lights was introduced. It would have been much easier for us to be able to simply say that, even though the driver of that bus was not in physical danger, a member of the public certainly could have been and to take some immediate action to cease that operation at that time. We think extending our ability to take into account the safety of the community and perhaps even other work groups is a sensible extension of that and in this case would have no doubt prevented the loss of life—I correct myself—in May 2021.

I have moved through that fairly quickly for the reason that we have limited time. Like I said at the beginning, we agree with the general sentiments and the general spirit of the improvements of the act. We are pleased to have this opportunity. We simply seek to address these particular issues that I think affect our members in the transport industry more acutely than perhaps others.

CHAIR: Thank you, Mr Allen.

Mr LISTER: The act as it stands now enables an HSR to seek the assistance of any person. This bill proposes to restrict that in effect to be the registered trade union for that particular workplace. Why is it necessary that it can only be a registered trade union? Why is it necessary to confine the choice that such an HSR currently has under the act as proposed in this bill?

Mr Allen: Can you clarify that? Are we talking about the—

Mr LISTER: Section 68 of the current WHS Act prescribes that an HSR representative can seek the assistance of any person. That is open-ended. This bill changes that to only 'a suitable entity'.

CHAIR: To be specific, a relevant registered union.

Mr LISTER: In effect. In your view, how does that tightening from the current full spectrum of availability for that HSR to a registered trade union benefit the workers in that workplace?

Mr Allen: I can only, of course, speak from the perspective of the Rail, Tram and Bus Union. We find ourselves in a unique position as an organisation where we represent not just the majority of workers in our industries but the vast majority of workers in our industries. In fact, it is unusual for somebody not to be a member of our union. I would like to think that is for a range of reasons. One thing that comes back to us all the time is that you could describe us as being an inch wide and a mile deep in our industry. We know our industry backwards. We probably have a greater level of connection to the mechanics of our industry than many other unions do, for whatever reason. It is probably not a surprise that we would say that as, when it comes particularly to workplace health and safety, we resource workplace health and safety in our industry arguably more than some of our employers do. We are the best people to talk to. Maybe I would say that, but certainly we have invested millions of dollars in ventures that have no return to us except safety in our industry. We have done that through training and through many other endeavours that return no money; they only return safety outcomes for our members. We think that is really important. If you ask me whether we are the best people to give advice, yes, we are. Does a HSR in a given workplace have access to other people? I suspect they do but we know that in our workplace when they seek advice they seek it from us.

Mr BROWN: You talked about expanding the responsibilities for the HSR to be the same as the officer and also the notifications. To me, it makes sense for your industry because you talk as one workplace, but your workplace is very insular in that sometimes bus drivers are by themselves on different routes and there are different train lines. You have a multitude of different workplaces with single workers in them. Is that why you want to see those changes, so that a driver in one area can notify the HSR of an incident?

Mr Allen: That is in part the reason. Certainly around Brisbane that is the case. A lot of our members work on their own, whether they are on a station or are a train driver or a bus driver or a tram driver on the Gold Coast. Similarly, we have a lot of small workplaces in Central and North Queensland where we have migratory gangs of workers that are assembled and dissembled. You can imagine at the moment, in the aftermath of floods and in the repair of tracks, we will see people brought from all over the state to work their guts out to get the tracks working again. They may not work with those people again for a period. Having a permit holder being able to assist with the carriage of duties probably makes a little more sense in our workplaces.

Mr BROWN: You gave the example of the interaction. Do you also run into trouble with rest stops and CCTV cameras that are outside the normal permit of the bus, for example? Say the bus driver needs to have an intermittent break to go to the toilet or something like that. I am thinking of an incident that happened at Capalaba outside the bus itself.

Mr Allen: Unfortunately, whether it is a bus or on a station outside of the office or wherever it might be, we see our people running into issues where they need to be able to, in our view, take some sort of action to assist the community and the public good. They do so rarely. In the normal course of work, they work so hard to try to work with the machinery of workplace health and safety that we are often able to resolve these issues. It is only when we come to acute pinch points where we say that our people need the opportunity to be able to say, 'No, that is not safe and that is not safe for that person.'

A good example is a bus driver. The driver is on the bus and sees somebody get on the bus acting in a way that is not conducive to the public order. Perhaps they are a bit unruly. Our person is behind a screen so our person is probably safe, but somebody's family member who is sitting in the seat right behind the unruly person may not be. Does the driver have the right to do anything about that? Arguably, they do not. Maybe they have some options in terms of calling a police officer or their network control or something like that, but there is nothing immediate they can do. We say they should be able to, particularly when they spot those sorts of patterns of behaviour.

CHAIR: Thank you very much for appearing before us today. We are very grateful for the additional contribution that you gave us. Thank you very much.

Mr Allen: Thank you for the opportunity.

GAFFY, Mr Darryn, Senior Industrial Officer, Shop, Distributive and Allied Employees Association, Queensland Branch

POWER, Mr Justin, Branch Secretary, Shop, Distributive and Allied Employees Association, Queensland Branch (via teleconference)

CHAIR: Over to you, Mr Power or Mr Gaffy, to make a brief opening statement before the committee has questions for you.

Mr Power: Thank you, Chair and honourable members. I have to apologise that I am not able to be there in person today but, as you have noted, my colleague Darryn Gaffy is in the room to assist if I run into any problems with the communications. On behalf of the SDA itself—that is, the 30,000 to 34,000 members in distribution centres, retail and fast food—I want to thank the chair and the committee for the opportunity to speak on these amendments. As per our submission, we strongly support the proposed amendments but we believe that there are some missed opportunities here. There are three that I will raise now, but I note that there are another number of things that are actually in our submission that we think could be amended as well.

We feel strongly that retail and fast-food employees should have access to safe and free car parking. For us, this is an important health and safety issue. When shopping centres introduce paid parking, often it is cost prohibitive for our members who are on modest wages. Retail workers either lose a significant chunk of their take-home pay or, alternatively, they have to find a car park offsite. If they finish after dark, it means that somebody's mother, daughter, son or father has to wander the streets, sometimes lit and sometimes not, late at night perhaps and in fear for their own safety. If shopping centres were required to provide free, safe, lit parking for employees within those centres then those retail workers could leave work feeling a lot safer and families would not have to worry about them.

Customer abuse is of equal if not greater concern. In one of our most recent surveys, we surveyed over 4,600 of our members. Just in the last 12 months, 87 per cent suffered verbal abuse, 76 per cent of which was regular; 12.5 per cent physical violence; 17 per cent abuse of a sexual nature, which could be anything from an unsolicited comment through to things of a physical nature. Very disturbingly, 34 per cent of those reports actually came from female workers under 17 years of age. That was very disturbing. Nine per cent have been spat on. Ten per cent suffered online abuse from customers. Where there has been an incident in store, the customer has gone home and, using the person's first name off their badge, using the location, using the postcode, tracked down the person's online profile and continued to abuse them, often effectively rendering them in a position where they have to completely shut down or change their online profiles and support networks to avoid the abuse. Twenty-four per cent have suffered abuse that was racial or related to their ethnic or cultural background. Fifty-two per cent of workers reported that the abuser was a known repeat offender. Obviously, from a psychosocial perspective, these workplace incidents have led to things like 63 per cent of people reporting that they suffer from physical or emotional health impacts; 74 per cent stress; 73 per cent anxiety; 36 per cent burnout, many of whom then leave the industry; 31 per cent depression, both short and long term; 37 per cent reported a loss of self-esteem and confidence; and 48 per cent of these members have said that they do not feel safe in their own workplace because of customer abuse and violence.

We have seen some employers do the right thing and introduce some protections. Some major chains have introduced body worn cameras. We have seen some employers introduce security guards to protect their employees, but that is usually only after a traumatic event and it is very rarely a long-term measure. We feel that this is a lost opportunity to legislate to make it the employer's direct responsibility to protect their employees from customer abuse and to have them introduce further deterrent and protective measures. These are the issues that the SDA feels very strongly about and we are going to keep coming back to them until employees—and that is all employees—can go to work and feel safe. They should not have to choose between their job and their wellbeing.

The committee will also note that in our submission there are other elements that we would like to have seen included in the bill, including that where there are references in the act to 'union' they be clarified to make it clear that those rights, powers and responsibilities—importantly, responsibilities—are attracted to and applicable to registered trade union organisations only that have demonstrated their responsible stewardship of their industry over many decades now. Having said that, we do not want any of that to detract from the fact that we genuinely support those elements that are in the bill currently and those recommendations that have been adopted. We just think there was an opportunity to go further in some areas.

CHAIR: I think across so many industries respect for people providing service could well be improved by many of us.

Mr LISTER: Mr Gaffy and Mr Power, thank you for your attendance today. As I have asked a number of others today, I want to ask you about your view of the changes to section 68 of the WHS Act proposed in the bill, which effectively take away the full discretion that an HSR has to choose someone to assist them in a workplace health and safety matter and effectively bundle that down to the registered trade union that has carriage in that workplace. What if the HSR does not like the shoppies or has some other good reason? Is it right that they lose that choice?

Mr Power: I did not quite catch the entire question, but I think it was: what if the HSR feels they would like to receive training from an organisation other than the SDA? Is that correct?

Mr LISTER: No. I will put it a bit more simply. The bill will take away the current provision for an HSR to seek assistance from any person and will make that effectively the registered trade union that represents that workplace. That takes away the choice from the HSR, who may have their own reasons for not wanting to seek assistance from your particular union. Why is it necessary for that choice to be taken away under this bill?

Mr Power: I will go back to one of my earlier statements, which was that registered trade unions have spent decades representing the people in the industry—and, I have to say, not always just the members. By association, we are often assisting, representing and fixing workplace health and safety issues for members and non-members. We are held to be more transparent and, most importantly, there are checks and balances in place for registered organisations to make sure we are doing our job and doing it correctly and performing our functions well. On that basis, I would submit that the registered trade union for the industry is the correct body to go to for that assistance.

Mr LISTER: You do not think the HSR may have valid reasons of their own and ought to be free to make the choice?

Mr Power: All I can say is that we support the elements of the bill—the recommendations that you are referring to.

Mr DAMETTO: Thank you very much for addressing the committee and your submission. I heard you talk earlier about some of the harrowing experiences some retail sector workers face on a daily basis. I am aware of those things happening in workplaces. We all want to see a way to try to bring that under control. Could you speak to how the amendments in the proposed legislation would help in that situation to try to reduce some of the negative effects in the industry?

Mr Power: I might ask Darryn to respond to that.

Mr Gaffy: In terms of the legislation, there is probably a lack of notification about serious incidents—those sorts of things where the employee at a retail store can be abused a number of times during one shift. There has to be something in the legislation that obligates the employer to notify of continuing incidents, to then have an obligation to protect their employees within those situations. There is nothing, as far as I recall, in the legislation that provides that to this moment in time.

Mr DAMETTO: You believe that some more amendments would have to be made to capture that?

Mr Gaffy: Yes.

Ms PUGH: When I listened to your opening statement I was actually taken back to my own sexual assault in a retail environment when I was in my late teens, early twenties. It was my university job and I was working alone. I had not thought about it for a long time, but that is why I was making those faces, sorry. It is incredibly common and something really important to address. I was alone in the workplace and I was sexually assaulted twice by the same person. I feel very lucky that it was not worse, which is also a terrible thing to say. In a situation like that where you often have young female retail workers working alone or in isolated situations, what can we do within the provisions of the bill to provide them better protection?

Mr Gaffy: I think we have psychosocial matters where they have been addressed, but that is after the fact. We need something proactive to protect someone in their worksite in the moment, and that, I suppose, is something of a discussion point. Ultimately, we need something that obliges the employer to protect their employees from the viewpoint that they need to assume the employee is correct in what they are doing. We have many instances in our industry where an employer will take the opinion that the customer is always right, and that is a difficulty. They ride the line of protecting their employees to a point but it is upon the employee to actually protect themselves, to get out of that situation, do the reporting mechanisms and then follow that through. We would like the legislation to assist the employer in how they protect their employees, I suppose, in that way.

Mr Power: Do you mind if I speak to that?

CHAIR: Please do.

Mr Power: I just make the comment, reinforcing what Darryn was saying, that there are a number of things that employers could do and not do which they currently do not do. We have multiple reports of where customers have become abusive because an employee has simply reinforced or followed through the company's own policies and then when the customer has become abusive and they have asked for a manager to come down, the manager has actually apologised for the member getting it wrong, which they did not—they were actually enforcing the company's policies—and then, in an effort to reduce the customer's dismay, have given the customer flowers or a gift voucher or what have you, which only encourages the behaviour. We have other instances where our members on registers have been abused and they have asked for managers to come down to assist them and the managers, whether they were tied up on another matter or what have you, have not. So a change of that nature would put more of a positive duty on the employer to intercede to protect and to take pre-emptive measures so that the member is not subjected to the abuse in the first place.

Mr BROWN: With regard to the car parking around shopping centres, have the shoppies asked for that in their log of claims when dealing with a Coles or Woolies at the bargaining table? Have they asked for that entitlement to be paid for and what is the response?

Mr Gaffy: In my personal experience, we have. Usually it is a curt response of cost and they are not interested in bargaining on those points because they do not form in reality part of their agreements so, therefore, they fall outside the purview of what employers believe is part of their bargaining process. We have made applications for investigations of whether paid and unpaid parking is appropriate, but at the end of the day what Justin Power said at the beginning of this was that our members do suffer financially with paid parking. They are not earning a great deal of money and, ultimately, anything that affects their bottom line is something that they have to be aware of. In terms of what we do, we have mentioned it, we have bargained for it, but it has not got traction.

CHAIR: Thank you, Justin, for calling in from a very long way away. Thank you, Mr Gaffy, for appearing here today and for raising those really important aspects on employee safety within your industry. Thank you for being here.

BIRCH, Ms Kris, Hall Payne Lawyers

PAULS, Mr Kurt, OHS Co-ordinator, Construction, Forestry and Maritime Employees Union

RAVBAR, Mr Michael, Queensland Secretary, Construction, Forestry and Maritime Employees Union

CHAIR: Welcome. Thank you for appearing before us today. Just to clarify, earlier this morning in the committee's meeting we agreed to the request for you to be accompanied by your legal adviser whilst you are giving evidence today, but they are not to contribute evidence or otherwise interrupt the committee's proceedings.

Mr Pauls: I would like to acknowledge the traditional owners of the lands past, present and emerging. A bit of background on the CFMEU: we have approximately 20,000 members and employ 26 right-of-entry permit holders under section 134 of the Workplace Health and Safety Act. The CFMEU represents workers that perform multiple tasks, from high-range risk work in construction to offsite, council and manufacturing. The CFMEU has a considerable interest in this bill, particularly given the inherent dangerous nature of the industries in which our members work and the shocking statistics regarding workplace fatalities and serious incidents that we have. Last year alone, in the space of two weeks we had three deaths in construction and another man fall on Cross River Rail who was hospitalised. Fortunately, he made it through but with long-lasting injuries.

There are two issues that we would like to address today, the first being the amended definition of 'representative' in division 5, clause 17 and the proposed changes to 'representative'. The CFMEU considers the word 'representative' needs to stay. The review did not recommend the removal of the word 'representative' but, as a party principal, registered union be added. I and others in the CFMEU have actually utilised this provision of the Workplace Health and Safety Act for probably five years now. It has been very successful in reaching outcomes for members and workers to do with issue resolution on health and safety matters on the project they are working on.

This process is simple, quick and works. One example that comes to mind—and I will not say the builder, but the project at the time was the Indooroopilly roundabout. Workers on that project had raised numerous safety issues at the time with their employer and they had gone unheard—issues from access and egress being unsafe for workers and the general public around a shopping centre and a major roundabout in Indooroopilly; temporary fencing and barriers not being installed as per manufacturer's specs and the potential to fall on workers, members of the public and onto live traffic; to hazardous chemicals being onsite when there were no safety data sheets for them to know the correct PPE to use or the safety equipment or first-aid equipment if workers had come into contact with that chemical.

The workers on that project reached out to me and another CFMEU organiser for assistance to help to resolve those issues since they had been going on for so long. When we attended site on that project under division 5, 'Issue resolution', as a representative, we consulted with the principal contractor on those safety issues that had been ongoing for such a long time. We did a site walk about those safety issues and identified where they were. By the end of the day, we had agreements in place to get those issues closed out and those workers have their voice heard and be safe.

The process is very effective on the ground and it helps keep Queensland workers safe and productive, because a safe site is a productive site, while allowing the workers to: have the representative of their choice to help them when they need it. The question I must ask is if it is not broken, why are we fixing that part of the legislation? The bill needs to be redrafted to adhere to recommendation 18A.

The second issue the CFMEU would like to address is the amendment of section 85 and 85A, which is dealt with in clause 32 and 33 of the recommendations, and the proposed changes to HSRs giving a written notice once they have given the direction to cease unsafe work. I am the OHS coordinator for the CFMEU. We have five meetings a year where we have 350 HSRs at those meetings that we help educate and help train. The pressing issue that they raise constantly is with the PIN notice. We are talking about a notice for a direction to cease work when they already have a PIN notice before the direction to cease work and the constant administration and the frustration they have with improvement notices being overturned by workplace health and safety inspectors due to the complex nature of how it must be written. Every inspector has a different view on how that should be written. Most recently, the HSRs on Cross River Rail are constantly being advised by WHSQ to rewrite a PIN and if they did not rewrite the PIN to what that inspector wanted it would be overturned

by the inspectorate and they would cancel that PIN. They are being told to do this because of incorrectly completing the pro rata form. Templates are clearly not the answer, nor a quick fix to the administration burdens of an HSR.

I have grave concerns that the proposed changes requiring HSRs to also have to give a notice to cease unsafe work will only deter an HSR from now giving a direction to cease unsafe work out of fear that it will be overturned because they need to have every 'i' dotted and every 't' crossed. Leaving aside the literacy problems that are common within the construction industry, civil and manufacturing, the proposed amendment incorrectly assumes that each HSR would have access to an office, a computer and the ability to print out the notice. That is simply not the case in the industries that we cover and in the workplaces that we service.

Also, there are questions to be asked about the proposed changes displaying the notice in a prominent way in the area where the workers are. Why is this obligation now being put back on the HSR? When there is a notice written by Workplace Health and Safety, a prohibition and improvement infringement or a fine, that must be displayed by the PCBU, not the HSR. The CFMEU believes the bill needs to be redrafted to adhere to recommendation 5. Thank you, Chair.

Mr BOOTHMAN: Going back to the first point you made in your opening statement, specifically about when it comes to union groups going to other work sites, I think the Queensland Council of Unions spoke about a demarcation between different relevant unions. We are talking about the CFMEU potentially going onto another work site which was not part of that union. Is your concern that this bill would actually stop that?

Mr Ravbar: No. It would do the exact opposite. It would bring the industrial relations side of eligibility of unions into the equation. This particular section has been in since 2011. It has worked very well for workers in this country. The changes need to be made because the changes that the Labor government is proposing in this legislation send workers back with regard to their rights on safety. The use of eligibility does come up in the current act. At the end of the day, the priority is safety. Unfortunately, some people play politics with workers' safety and sometimes you end up with eligibility issues. With regard to these particular provisions, it has never been there. The review has never made any commentary on them. There were plenty of submissions made in this area. Again, I think this is a failure of the legislation for workers in this state.

Mr BOOTHMAN: Can you give me some examples of what consequences it would bring for the workers themselves?

Mr Ravbar: When you come down to these issues of eligibility, then you end up in a jurisdiction that is not health and safety. You end up in the industrial law area, which is in the Queensland Industrial Relations Commission. I can say that some of these people, with the greatest respect, live in ivory towers. They would not have a clue about workplace health and safety. It is a lawyers picnic. It can last months and months, and workers are exposed to safety risks. Some of them could be imminent; some of them could be here and now. Then there are arguments as to who covers what and from which union. It is a situation that should not be allowed to happen. Safety and industrial relations should be separated. Unfortunately, this complication that the Labor government has brought in actually creates a lot more problems for workers and unions in general.

Mr Pauls: It allows the bosses to drive that wedge and the distraction from safety. It also applies to 117s, the coverage issue argument with the employer. Then workplace health and safety officers come in and they want to talk about coverage. It is about health and safety from our end, and all we want to do is represent our members.

Mr Ravbar: The reality is that in this state, if you look at the history of the matters which have come before the commission, there has never been a demarcation with regard to unions one-on-one, whether it is the CFMEU or the AWU. There is nothing in the industrial courts and commission. What Kurt just mentioned is that employers use it as a very good tactic to try to have this argument about who is supposed to represent what, when the reality is that you have a safety problem at the workplace. The safety issue should be immediately addressed. To me, the other things are a side circus and those complications should not be there. Unfortunately, the Labor government has brought that into play and it should never be.

Mr LISTER: I think it was you, Mr Ravbar, who mentioned politicisation of workplace health and safety and so forth. Some of the submitters, namely the Australian Meat Industry Council, the Master Electricians and the Civil Contractors Federation, have alleged the same thing in some cases against unions. One case brought up in the submission was Fair Work Ombudsman v Blakeley. I believe it was the CFMEU was found to be culpable in preventing concrete being delivered to a site at the time of a pour. They are concerned about this bill providing further access to unions which might be used for purposes other than health and safety. What do you have to say about that?

Mr Pauls: I will answer that one. What they are asking and what the others have brought up is that the (indistinct) to cease work. Is that the question or is it around the permit holder?

Mr LISTER: If I could paraphrase the Meat Industry Council, they said, 'It would seem that this bill is looking to expand union presence within all industries. Whilst the AMIC acknowledge that they have a role, a lot of these changes could mean that any union within the meat industry could use these additional powers to disrupt manufacturing plants. Past history would suggest that some union representatives have no interest in working with the industry.' Obviously, you can take or leave the assertion there, but what do you have to say about that in terms of the perception that this will increase union access to workplaces where these sorts of things already occur?

Mr Ravbar: It does not. It would be good if people had more rights to access workplaces. It does not. The situation and the complication of the dishonesty of some people is that that is a matter dealing with the Fair Work Ombudsman, dealing with the Australian Building Construction Commission, a federal set of laws, different institutions, different regulations and a different regulator. This issue around why we are here today with our submission and presentation to the committee deals with the proposed changes to be made. The review is with regard to modernising and changing workplace health and safety laws in this state. What happens in the federal arena with some of those court cases will have really no effect here. The here today, whether you like it or not, is to make changes to actually improve the lives and health and safety of workers. We are here today to contend that some of the proposed changes send workers back in the state of Queensland.

Mr DAMETTO: Thank you for addressing the committee today and for your submission as well. My question is with regard to the report that was endorsed and the current legislation that is before the House. Does the CFMEU have an opinion on why the state government has not aligned what it found in the report and the recommendations with the current bill before the House?

Mr Ravbar: If I knew that, I could give you a straight answer here today. I can only assume there are some political favours existing in certain organisations. You can see the two that we mentioned. There are a lot of other weaknesses, but we focus on some key changes that actually hurt workers in this state. The reviewers never went there. The employers, the unions and the other organisations had the opportunity to make submissions, and the reviewers, whether you like it or not, came back with their judgement. It frustrates organisations such as mine that people then decide that they are judge and jury on workers' safety and add things that actually send people backwards.

Mr DAMETTO: Mr Ravbar, your opinion would be that the bill obviously does not go far enough and needs to be amended?

Mr Ravbar: It does. One of the most proud moments I had was when we introduced industrial manslaughter. It was pretty bold, historic and significant. These proposed changes actually send us backwards. My bigger concern is that some of these proposed changes will go further around the country and they will send workers in other states who have harmonised laws to also go backwards. It is a really sad day when I have to sit here in front of this committee and say that workplace health and safety has actually gone backwards in this state.

Mr DAMETTO: Thank you very much for that answer.

Mr BROWN: With regard to the payment for training, does that help your members? Do they get any loadings or do you normally do it in—

Mr Pauls: We have a fund that our employer pays into that helps with that training and funds that training for HSRs.

Mr BROWN: Will that fund be less impacted by the changes in this legislation?

Mr Ravbar: No, because all of the agreements are federal agreements. It provides workers the opportunity to come along with paid training under the Fair Work Act. It is training not only for workplace health and safety but also for other issues. That would have no derogatory effect, even with these proposed changes here today.

Mr Pauls: And legislation states that the employer has to pay for the training for five days, whether it be normal time, overtime and any penalties that may occur and in the current legislation also.

Mr Ravbar: I add that, even though we have arguments and fights with employers, one thing where we are on a unity ticket, which might surprise a few of you, is that when it comes to safety, there are a lot of good people in this industry who do not hesitate to invest in training with regard to health and safety. We never have arguments with regard to people getting trained. To me, it is a good investment anyway, so it is never an area of confrontation. Do not get me wrong: there is confrontation in other areas, but we generally work well in the training area.

CHAIR: That is good to hear.

Mr LISTER: I note that in the CFMEU's submission there is a footnote that says, 'The CFMEU has no difficulty with such drafting being undertaken in the manner which excludes "red unions".' Can you expand on your reasoning as to why Red Unions in particular should be excluded from being able to, for instance, assist an HSR as they currently can under the existing act?

Mr Ravbar: I am not going to have any commentary about other unions, including Red Unions. My only concern here today is for the interests of the CFMEU.

Mr LISTER: But you put it in your submission. You specifically stated it and singled them out.

CHAIR: He has given you an answer and that is sufficient, so thank you very much.

Mr Ravbar: I am not concerned about other Red Unions. They have never bothered me. If you are doing your job, why worry? I have always had the view that if you are doing everything right, why worry about anything in life?

CHAIR: Thank you very much for appearing before the committee today. We are very appreciative of your contribution.

DEKKER, Mr Chris, Director of Industrial Relations, Red Union Support Hub

HAYCROFT, Mr Graeme, Red Union Support Hub

CHAIR: Welcome, Mr Haycroft and Mr Dekker. I invite you to start with a brief opening statement.

Mr Haycroft: Thank you very much for the opportunity to come in here and talk to you about this. We are quite flattered by it. The opening statement should take about seven or eight minutes and then I am happy to take whatever questions for as long as you like. I believe we are the last here. We are quite flattered that the ALP and the registered unions are proposing but for the want of two names, Haycroft and McGuire, what would otherwise be known as a bill of attainder. We think it is a wonderful acknowledgement of our notoriety, and we thank the Premier for it. Now, I will get down to business.

CHAIR: Let's do that, shall we?

Mr Haycroft: Yes, right. The bill seeks specifically to deny representation to all workers on workplace health and safety matters except those who are current or existing members of a registered trade union. It is really about the denial of equal access to justice. Those who contribute to the ALP supporting unions get it; those who do not in practice cannot access it.

I will give a little bit of history very briefly. Ten years ago I helped set up a series of employee representative associations whose members had basically the same rights as other existing trade unions. The only difference was that our unions only charged what the service cost. We did not build in any extra membership money for the benefit of any other party or stakeholder. We place on record our view about what unions can and cannot do with their members' money. It is your money; you can do whatever you like with it. For anybody to suggest that the ALP-supporting unions should not support the ALP with money did not hear it from us. I wish to make that very clear. In fact, we have a little bit of history on this.

In 1894, I think, the AWU formed the ALP at Barcaldine as the political wing of the union movement. That is what it was. That is where it started. You should be very proud of it. In 1907, in the federal parliament, the Arbitration Act was passed. One of the sponsors was my great-grandfather, Senator JW Croft, West Australian, former Trades and Labour Council secretary. He was a senator. Croft is my mother's side of the family and my father's side is Haycroft. This act created a monopoly representation of workers for the unions, with workers only being able to join one union, depending upon their classification or calling of that particular worker. Without that competition, the unions were able to, in a sense, charge more and use the difference to fund the ALP, which is something I quite support, and I still do to this day. At the time the ALP had only 15 out of 36 Senate seats and 27 of 75 House of Representatives seats and yet three years later Fisher became the first Labor prime minister of this great land—something that everybody in the ALP and the union movement should be extremely proud of. The money of the members was used to fund the first Labor government.

We defend that right, but times have changed. In this case—and I will talk more specifically about this bill—there were 2,879,746 employed workers as at last December, which is a month or so ago. There were 371,815 members of registered unions. This bill we are talking about effectively says that the only way you can access the workplace health and safety legislation protections is by being an existing member of a registered trade union. If one of the 2.5 million Queensland workers who is not part of that group has a workplace health and safety problem and needs to access the protective legislation, they cannot just join a registered union and say, 'Hey, come and protect me please.'

I see membership of a union as a bit like an insurance product: you pay your premium, your membership fees, your subscription or whatever it is up-front and if something reasonably defined happens then the members' pool of money pays the cost of dealing with the problem. It is like an insurance issue. Just as you cannot ring your house insurer to get insurance on your house when the kitchen is on fire, you cannot insure something that is already underway. For that reason, this means that those 2.5 million workers who are not members of these registered trade unions cannot access the workplace health and safety legislation. This is our concern. It is not about us.

The question arises: what happened to the ALP being the political party of the worker, and 2.5 million of the workers in Queensland are now going to be denied access to the full protection of this? The only workers the ALP seem to want are those who are prepared to fund the ALP. That is fair enough, but what about the others?

Let's now talk about how much it costs to provide this union service, because this is relevant. The Red Union currently charges $450 per member per annum, which is what it costs to provide the service when you have around 20,000 members. We have just under that, but it is in that order. By comparison, the QNMU charges $762 and if you do some sort of constructive fiddling around with the rates of the teachers unions, it is effectively the same set of rates. However, there are economies of scale. We know in Western Australia, because we have an office there, that the registered nursing trade union over there, the ANMF Western Australia, which has nearly 40,000 members, charges $300 per member per year. That is what it costs when you have 40,000 members. They are a very efficient mob. We believe that if the Red Union had 60,000 nurses we would be able to deliver the service profitably for about $200 per annum because there are economies of scale and yet the QNMU charges $762.

We do not care—and I made the point—what you do with the extra $500. It is more than what is needed to provide the service; that is up to you. We do not believe that union behaviour should be regulated other than to ensure that the members' moneys are handled propitiously and are properly audited. For instance, our nurses and teachers unions in New Zealand are actually registered unions. We just have to comply with the simple, straightforward rules. One of the interesting things is that we are not allowed to have any employer influence and so it would be interesting to see whether the QNMU and the QTU could get registered in New Zealand. It is a different world over there.

The next question is: why were we not consulted about this inquiry and the proposed legislation? Surely we would be the most important stakeholder. Our red unions and our members and the suite of services we offer our subscribers and members are the brunt of this proposed bill and yet we did not even know anything about it or the inquiry beforehand—and I say thank you to the deputy chairman, who brought it to our attention. We did not seem to be on it.

This legislation is not about us; it is not about the red unions. It is an attempt to punish the nearly 15,000 nurses and teachers who have already left a registered union because they did not want to contribute—probably $400 or so each year—of their membership money to the ALP. That is their choice. This is legislation to prevent them from accessing workplace health and safety rights should they have a claim. If they appear before a commissioner on a matter with a lawyer the commission will be bound to ask, 'Who is paying the lawyer?' If it is anyone other than the complainant themselves or a registered trade union, they will be denied their fundamental right of representation; they will be on their own. What happens if just one of the 2.5 million other workers will be denied their basic rights to access the protection of this workplace health and safety legislation? As Lenin once said, 'What to do now?'—the cojones or cotton wool question. You know that we will always look after the Red Union members; that is not a problem. However, what can we do for the 2.5 million working Queenslanders who are now to be denied access to the workplace health and safety legislation?

We have two possible solutions. We have 2.5 million workers who cannot access and 370,000 workers who can. One solution, of course, when the government changes is to form another body. Why should workers not have a choice? Why can we not have an alternative body so the workers can choose where they can go and have their matters heard and where they can get justice—one for the people who support the Labor Party—that is fine—but how about another one for the 2.5 million people who are denied that access? That is solution 1. Solution 2 is that this is a cultural, not a policy issue. The LNP is not very good at culture, unfortunately. They could not understand that voting against the Hippocratic oath of the primacy of the doctor-patient relationship was offensive to every conservative voter and a total 80 per cent of all Queenslanders. They also could not understand that supporting different laws for different races of people and state-based manifestation of treaty reparations was equally offensive to about 80 per cent of Queenslanders. Yes, the leaders walked that back, but who is going to believe you? There is more work to do on that.

We are not sure that denying access to the basic laws that should apply equally to all citizens, which is the core cultural issue, is going to resonate with them, but we should always try. One thing you could do, if you really want to be aggressive about this and change the public debate, is that the LNP leader could say, 'We'll sack any minister who is prepared to implement this and not allow workers who are not members of the associations to get justice in their court or commission.' That would force a public debate about this core cultural issue of access to justice. Should it only apply to those people who are prepared to help fund the ALP, which we do not object to, or should it apply to all workers? That is our opening statement. I am happy to take any questions.

Mr LISTER: We obviously know each other from many years back.

Mr Haycroft: You used to work for me 30 years ago.

Mr LISTER: Indeed. After that very large opening statement, can I ask that I understand you correctly in saying that this bill seeks to provide a monopoly for ALP affiliated unions or those who contribute financially, ultimately perhaps through the QCU, to the political good of the Labor Party? Are you saying that it disfranchises those who have elected to seek representation through a non-Labor-supporting trade union movement and that there is some sort of corruption or a conflict of interest in that? Is that what you are trying to say?

Mr Haycroft: No, it is far simpler. There are 2½ million people who cannot access it. In order to try to close us down, which is enormously flattering by the way—we think it is fabulous—you have closed off access to this law to 2½ million workers. I do not know if you realise what you have done. It is marvellous if you want to see a change of government if they are prepared to fight on it. That is the issue. It is the 2½ million workers who can now no longer get this because they are not interested in joining a registered trade union. There are only 370,000 members—nurses, teachers and mainly public servants—of the CFMEU, which are actually pretty good at their job. They provide a good service and people join them for that reason. Who is a member of the AWU anymore? In terms of those 2½ million, what happens to them? If they have a workplace health and safety claim at a small business, what happens? They go there and the commissioner says, 'Sorry, you can't come here.'

Mr BOOTHMAN: One of the first groups who appeared here today was the Queensland Council of Unions discussing their point of view on the topics. They talked about a demarcation when it comes to disputes between relevant unions, saying the reason they support the legislation is that there are potential crossovers. On the aspect of better representation for workers—and other groups have mentioned this—sometimes that demarcation should be pushed aside. What are your thoughts on that in terms of giving workers the additional ability to seek other representation for their workplace disputes?

Mr Haycroft: The only party who should decide who represents them is the worker—nobody else. Forget about demarcation; that is all bullshit.

CHAIR: I might just stop you there. Mr Haycroft, as you would be well aware, you have just used unparliamentary language, so if you would like to withdraw that, thank you.

Mr Haycroft: I withdraw the unparliamentary language. It is not real. Demarcation disputes occur when someone other than the worker decides which unions they would have to join. It is an artificial construct. In New Zealand the workers alone make that decision, whereas in Australia there is an attempt to close down those who are not registered trade unions from providing a service; that is the issue. That is what needs to be fought. It should be free choice. Let the worker decide who represents them. If they want to pay more and have money go to the ALP, great. If they do not, they can join something else or not join anything.

Mr BOOTHMAN: Do you think they would be given better representation by bringing a broader aspect to what they can seek out there in the workplace?

Mr Haycroft: There is only one person to make the judgement and that is the worker. It is not for you or me or anyone else to say, 'They're better off doing this.' The only person who can make that decision is the worker themselves. That is what needs to happen. Those people must have equality of representation and equality of access to the law. What this bill seeks to do is deny equal access to the law. This is a cultural issue, not a policy issue. It is a cultural issue. It is the same as if you want two sets of laws in the Constitution for people of different races. We decided that. The Australians said, 'No, we don't want that to happen.' This is a cultural issue. If the LNP wants something to divide on, this is it. Forget about, 'This is bad and nasty because they are picking on poor old Graeme Haycroft.' Poor old Graeme Haycroft can look after himself and so can our members. It is about equal access to the law, and this bill takes that away. If you want to have a fight on something that will win, this is it. That is the cojones or cotton wool question.

Mr DAMETTO: I know that you touched on this earlier, but I do want to ask a more specific question. Does the proposed bill allow for workers to be sufficiently represented by an appropriate body in any workplace health and safety dispute?

Mr Haycroft: No, it is basically denied to anyone other than a member of a registered trade union. There are 2.5 million people who are not going to join. They are just going to be denied access to this. Marvellous legislation that has been introduced over the years is now going to be denied to the majority of workers in Queensland. Who is going to be proud of that? I am happy to answer whatever questions you have.

CHAIR: How many HSRs contact you at the moment? How many HSRs would have contacted you in 2024?

Mr Haycroft: Sorry, is that a question?

CHAIR: That is a question. How many HSRs, health and safety representatives, would have contacted the Red Union Support Hub in 2024?

Mr Dekker: We would have to take that on notice for you.

CHAIR: And in 2023; that would be great as well. If you could take that on notice, that would be terrific.

Mr Dekker: Certainly, Madam Chair.

CHAIR: Wonderful. In terms of making sure that you and the union support hub are well up to date with what is happening in relation to industrial relations in the parliament, I would suggest that you subscribe to the Education, Employment and Training Committee. You will be provided with regular updates on the things that are happening in parliament that you might want to be across. Are there any further questions from this side?

Mr LISTER: Mr Haycroft, is there anything else that you would like to say?

Mr BROWN: No—

CHAIR: No, I am not asking for a closing statement. Thank you very much, Mr Haycroft and Mr Dekker, for your time here today.

Mr Haycroft: Can I table a copy of this? They are basically notes of what I just spoke about.

CHAIR: Is leave granted?

Mr BROWN: No.

CHAIR: Thank you very much for your time today.

The committee adjourned at 2.46 pm.