

## **Work Health and Safety and other Legislation Amendment Bill 2023**

**Submission No:** 9  
**Submitted by:** Urban Development Institute of Australia Queensland  
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Committee Secretary  
Education, Employment and Training Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**BY POST/EMAIL - [eetc@parliament.qld.gov.au](mailto:eetc@parliament.qld.gov.au)**

Dear Committee Secretary

**RE: Work Health and Safety and Other Legislation Amendment Bill 2023**

I write on behalf of the Urban Development Institute of Australia Queensland (the Institute) in response to your call for submissions on the Work Health and Safety and Other Legislation Amendment Bill 2023 (the Bill).

As you may be aware, the Institute is the leading peak body for the property development industry in Queensland with a membership spanning planners, engineers, developers, builders, surveyors, ecologists, lawyers, and many other trades and professions related to the delivery of new housing across Queensland. Our 12 regional branches across the State allow us to speak with the voice of regional Queenslanders, and our decade old Research Foundation ensures our advice is contemporary and evidence based.

In regard to the Bill, the Institute would like to take this opportunity to point out the inadequacy of the consultation period.

The construction industry's traditional Christmas/New Year shut down is long standing and well known. The consultation period for this Bill overlaps directly with the construction industry's shutdown period, resulting in numerous stakeholders finding themselves either unaware of the Bill's introduction into Parliament, or unable to make meaningful contribution to its analysis and review. This is clearly an unacceptable situation and should be considered in the Committee's deliberations.

In the limited time available to consider this Bill, the Institute's focus has followed two lines of analysis:

1. has the Bill adopted measures which are the most efficient and effective means of achieving the Bills' objectives?

2. would the Bill have an impact on the pace of housing supply and if so, has that been quantified and how will it be remediated?

Key issues arising from this analysis include matters relating to:

1. the Queensland Housing Crisis and the impact multiple and unrelated government reform programs have on the pace of new housing delivery
2. program and productivity and their impact on housing production and affordability
3. the need for higher quality and more consistent training outcomes.

### **Queensland Housing Crisis**

The most severe housing crisis seen since the end of the second world war is currently underway in Queensland and shows no signs of abating. Further, industry experts among the Institute's most senior membership are of the view that the conditions necessary to boost the number of new dwellings to the level needed to meet surging demand will not return prior to the end of this decade. This means that the current crisis is forecast to endure into the 2030s, thus entrenching the current infringement on thousands of Queenslanders' human right to housing for many more years to come.

For these reasons, it is the Institute's well-established view that all forms of change or reform of Queensland legislation, regulation, and policy must be assessed, among other critical criteria, on its impact on the supply of new dwellings in Queensland, whether in volume or in pace. In fact, one of the Institute's key recommendations across all aspects of government, since the Queensland Housing Summit 2022, is to slow the pace of legislative and regulatory change wherever safe to do so as a means of preventing a slow-down in the supply of much-needed new homes for Queenslanders.

For this reason, it is essential that consideration be given to extending the consultation period for the Bill to assess, among other things, the optimal timing for adoption of the Bill's proposals should they be deemed an efficient and effective means of achieving the Bill's objectives.

### **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. Declining productivity is impacting both programs and project completion. Housing construction is a time-sensitive industry, and any delay affects the scheduling of subsequent trades, often delaying the commencement of the next trade. 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 next day, which was normal in the more balanced materials and trade conditions of the past.

Prolongation of program caused by, among other things, declining productivity, is a major factor in the delay of housing commencements in sectors such as the apartment segment, which will increasingly be relied on by the Queensland Government for housing supply, as detailed in the recently released South East Queensland Regional Plan. The current housing crisis however, has

introduced exponentially more pressure on all segments of industry, as both government and community call for delivery of additional new housing as quickly as is safely possible.

For these reasons, it is critical that the downstream, or “knock on” effects of any changes proposed by the Bill be considered, including:

*Cease work directions*

To ensure matters are resolved quickly and work can safely recommence as soon as possible, Work Safe and Commission resourcing will need a significant boost to enable more dispute resolution and conduct more inspections, including at night and throughout regional Queensland. Additionally, given the increasing complexity of the role of Inspectors should the Bill be enacted, consideration should be given to higher levels of training and remuneration for Inspectors, to ensure an appropriate skill set to operate at the level of complexity required.

*Involvement of more parties*

The Bill proposed changes to increase the rights of other parties to be involved in various discussions and negotiations with workers and a PCBU, such as union representatives even in circumstances where they do not have members who are involved in a project. Particularly, the amendments proposed to include a union who has coverage of the work being performed by a worker, as a party principal in discussions regarding the creation of workgroups have capacity to complicate and prolong processes beyond the extent necessary, or beyond the timeframes required under the proposed Bill, to achieve safety outcomes.

*Consultation at a place agreed to by all parties*

The proposed amendment to the consultation provisions imposing the requirement that consultation be at a place that all parties have agreed to has the capacity to introduce avoidable delays. A requirement for parties to act in good faith and make all reasonable efforts is a viable alternative.

**Consistency of Training Outcomes**

Modern housing construction is complex and fast changing. For this reason, it is critical that training opportunities offered to industry participants, and in particular Health and Safety Representatives (HSRs), are of the highest standard and consistency. Careful oversight by government is necessary to ensure that the end result of HSR training is the advancement of accurate, highly consistent, and portable knowledge which can be relied on across industry. To improve the current situation, government should explore and implement mechanisms to improve the consistency of knowledge resulting from HSR training, including for example options for the creation of a Panel of approved suppliers, or to deliver the training itself. Irrespective, a detailed collaborative approach is required to develop and refine an appropriate curriculum and syllabus to respond to current concerns regarding consistency of training outcomes.

In closing, the Institute urges the Committee to ensure its deliberations take into account the severity and persistence of the Queensland Housing Crisis and the need to deliver additional housing in Queensland as quickly as is safe to do so. The complex, interdependent, and time sensitive nature of the housing construction industry requires sharp focus on unintended consequence of change and in the Institute's opinion necessitates more in-depth review of the Bill by industry prior to any further progression through the legislative process. The Institute would welcome the opportunity to appear at the relevant hearing to provide further information and analysis.

Yours sincerely,

**Urban Development Institute of Australia Queensland**



Anna Cox

**Director of Policy, Strategy and Regional Services**