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Finance and  
Administration Committee

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Finance and Administration Committee  
Parliament House  
Brisbane Qld 4000  
[fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

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Dear **Committee Members**,

**RE: Proposed Work Health and Safety and Other Legislation Amendment Bill 2014**

Firstly, thank you for the opportunity to provide our industry's feedback on this legislation.

Clubs Queensland understands that one of the significant drivers for some of the changes proposed in the above Amendment Bill is the well-documented abuse of 'right of entry rights' under the Work Health and Safety Act in the building and construction industries, resulting in loss of productivity and in some cases, closure of sites on an ongoing basis.

As the union of Employers for the Club industry with over 500 members, Clubs Queensland knows only too well the adverse impact this has on business. Therefore, Clubs Queensland supports the changes to union rights of entry to make them more consistent with those under the *Fair Work Act 2009* (Sections 119, 122 and 143A). Clubs Queensland also supports the changes, which will prevent resulting requirements being circumvented, by other relevant provisions of the legislation (Sections 68, 71, 85, 86 and the new Part 16 Division 4 Clause 18 and Schedule 2A Clause 19).

Of particular concern to our members, is the difficulty of having to contend with different rules in relation to right of entry of unions under the Fair Work legislation and the Work Health and Safety Act 2011.

According to the National Club Census 2011 'Report on the Economic and Social Contribution of Licensed Clubs in Australia (July 2012)', conducted by KPMG, around 60% of licensed clubs in Queensland (855) have no gaming revenue and around a further 5% (72) have gaming revenue of between \$0 p.a. and \$200,000 p.a. These are essentially small businesses, which have great difficulty ensuring compliance with complex legislative requirements. Small businesses need greater certainty in order to thrive in a growing economy.

Consequently, any action to align these provisions and make them more consistent will assist those businesses in complying with their legislative responsibilities.

Medium to large licensed clubs also have to comply with a number of additional Acts and Regulations e.g. AML/CTF legislation and Privacy legislation and it would be consistent with the other initiatives of this Government to reduce the burden of red tape on registered and licensed clubs generally, if there were a clearer alignment of right of entry provisions with those in the Fair Work legislation.

This will come on top of liquor and gaming red tape reduction reforms that are already underway and if enacted, will greatly assist this sector of the registered and licensed club industry in Queensland. Clubs Queensland is represented on the Expert Panel that is overseeing these reforms.

Clubs Queensland accepts that remaining protections for workers, the public and others in relation to registered and licensed clubs in Queensland will continue to be effective, notwithstanding the changes proposed.

Clubs Queensland also supports, removal of the requirement for the Minister to consult with the Commonwealth, State and Territory governments, unions and employer organisations, before varying or revoking a code of practice (S274).

We recognise local tripartite consultation on codes of practice is undertaken with the Work Health and Safety Board and Industry Sector Standing Committees and Clubs Queensland is a participant in the relevant Industry Sector Standing Committee and has an opportunity to contribute views into any such initiatives, through that channel.

If further information is required in relation to this submission, please contact Wally Lee of this office on 3252 0770.

Yours faithfully,



**Doug Flockhart**  
Chief Executive Officer