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The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Research Director

Please find attached the Queensland Teachers' Union Submission to the State Parliament's Finance and Administration Committee regarding the *Work Health and Safety and Other Legislation Amendment Bill 2014*.

I am the author of the Submission and it has been approved and authorised by Graham Moloney, QTU General Secretary.

My contact details are detailed in the signature block below.

Please contact me if you have any questions about the submission.

Yours sincerely

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# Queensland Teachers' Union

## Submission to the Finance and Administration Committee

### *Work Health and Safety and Other Legislation Amendment Bill 2014*



This submission is made on behalf of the Queensland Teachers' Union to the Finance and Administration Committee. It covers matters related to the introduction of the *Work Health and Safety and Other Legislation Amendment Bill 2014* to the Queensland Parliament.

## Background

With the commencement of the *Work Health and Safety Act 2011* (the Act) in January 2012, the Queensland Parliament demonstrated its commitment to national uniformity in relation to work health and safety and to a legislative framework that sought to maintain and improve the safety of Queensland workers and workplaces.

The Act was part of the harmonisation of work health and safety laws across Australia and the Council of Australian Governments' National Reform Agenda, which aimed at reducing regulatory burdens, contributing to the aim of a seamless national economy while still providing high safety standards for employees.

The objects of harmonising work health safety laws through the model framework were to:

- protect the health and safety of workers;
- improve safety outcomes in workplaces;
- reduce compliance costs for business; and
- improve efficiency for regulatory agencies.

Since the commencement of the Act, the Queensland Teachers' Union (QTU) does not believe that any valid empirical evidence has been produced to support the view that these aims are not being met.

According to data included on the Department of Justice and Attorney-General's website (<http://www.deir.qld.gov.au/workplace/statistics/index.htm>), the following have shown a downward trend since the introduction of the Act:

- WorkCover fatal claims
- WorkCover non-fatal claims
- WHS incident notifications
- improvement notices
- prohibition notices
- infringement notices.

Whilst it is acknowledged that this data does not have a direct causal relationship to the Act, nevertheless these statistics certainly do not support the arguments of the State Government or other stakeholders who back the *Work Health and Safety and Other Legislation Bill 2014*. They support the general view that the current Act is contributing to an improvement in safety outcomes for employees and workplaces, as well as contributing to a lesser regulatory burden for those employers that are complying with the Act and providing safe workplaces.

The QTU does not support the *Work Health and Safety and other Legislation Amendment Bill 2014*, primarily because the State Government has not produced valid evidence from across the Queensland workplace landscape to support the proposed legislative changes. The QTU notes in the Explanatory Notes for the Bill that the State Government refers to right of entry issues at South Australian building sites as part of its justification for the Bill. The QTU believes that this is but one indicator of the lack of evidence from the Queensland workplace landscape to support the legislative change.

The QTU views this legislation like the recent WorkCover legislative changes, as part of the State Government's ideological agenda which is being supported and promoted by one group of stakeholders in the building and construction industry. The QTU does not believe this approach leads to effective legislative change and notes the contrast with the development and implementation of the current Act.

The QTU communicates with its members using a range of strategies. Since January 2012, QTU members have not expressed concern with the legislation and certainly not with the issues the State Government is seeking to address through this Bill. QTU members have continued to raise workplace health and safety issues since January 2012, and at times have expressed concern at the Department of Education, Training and Employment's (DETE) response to work health and safety risks, but the legislative framework has not been the subject of membership concern or feedback.

Since January 2012 the QTU has not received any feedback from DETE in relation to any concerns it has regarding the issues canvassed in this Bill.

The QTU will provide a response to each of the legislative amendments relevant to the QTU and its members.

**1. *Removal of the power of health and safety representatives to direct workers to cease work***

Although this power has not been exercised by QTU members who are health and safety representatives, the QTU nevertheless believes it should remain in the Act for what might be

rare circumstances in state schools where such a power may be needed as a last resort strategy to ensure the safety of teachers and students.

**2. Requirement for entry permit holders to give 24 hours notice of proposed entry to workplace**

The QTU opposes this amendment as there is clear and undisputable evidence over many years that the involvement of a QTU officer with a work health and safe issue in a school or workplace within 24 hours of the notification of the incident has assisted not only the health and well-being of QTU members in schools but also has assisted DETE in resolving such incidents. In addition, in some schools the health and safety representative is not a teacher, and therefore a QTU officer may be required on a school site to assist a school principal in resolving the incident.

When asked about this issue, QTU members respond that when their safety and well-being are put at risk due to an emergent issue they want the right for a QTU Officer to be able to enter the school and assist in resolving the risk and protecting their rights to a safe workplace.

Since the commencement of the Act, QTU officers have not used this provision on many occasions and QTU officers have not been the subject of complaints relating to the exercise of this power.

**3. Removal of the requirement for the Minister to consult with various stakeholders before revoking or varying a code of practice.**

The removal of s 274 of the Act will allow the State Government to vary or revoke a code of practice without consulting with unions and employers. Although the Explanatory Notes state the amendment refers to national consultation, the deletion of s 274 (2) will remove the legislative obligation for the State Government to consult with any union or employer about changes to codes of practice or the removal of a code.

QTU members have an expectation that a State Government would consult with their union about any proposal to vary or revoke a code of practice that impacts on their work in state schools.

## **Conclusion**

The QTU supports the Act in its current form and believes the State Government has not demonstrated a strong valid case for the changes it is seeking to implement. The Bill as introduced is a compilation of amendments that have been promoted largely by one group of stakeholders in one industry. They do not appear to be significant issues for all employers and are certainly not issues for unions.

The QTU believes there is data available on the Department of Justice and Attorney-General's website that supports the view that the current Act is making a significant contribution to the improved safety of Queensland workplaces, particularly those that have union membership, and as such there is no need to amend the Act.

**February 2014**