

6 March 2014

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

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Finance and
Administration Committee



Dear Mr Davies,

Work Health and Safety and Other Legislation Amendment Bill 2014

Thank you for your invitation to make a submission in relation to the above Bill which will amend the *Work Health and Safety Act 2011* (the WHS Act) and the *Electrical Safety Act 2002*.

We note that the Bill will amend the WHS Act to require a WHS entry permit holder to give at least 24 hours' notice before entering a workplace to inquire into a suspected contravention to align with the other entry notification periods in the WHS Act and the *Fair Work Act 2009*.

The current ability of a WHS entry permit holder to enter a workplace without notice is a mechanism designed to protect and promote workers' safety in Queensland workplaces. We urge that the effect of this amendment be closely monitored over the period immediately following its commencement to ensure that safety in Queensland workplaces is not unexpectedly compromised by the amendment to the WHS Act.


We further note the Bill will amend the WHS Act to allow for codes of practice adopted in Queensland to be varied or revoked without requiring national consultation as required by the WHS Act.

The current position is that the Minister may only approve, vary or revoke a code of practice if the code of practice, variation or revocation was developed by a process that involved consultation between the government at a national and State/Territory level, unions and employer organisations: section 274(2) of the Act.

There is obvious benefit to the current requirement for consultation prior to the Minister's variation or revocation of a code of practice. There is also much commercial benefit in having consistency in codes across different jurisdictions. This benefit should be relinquished only when there is clear compensatory benefit from the changes. Accordingly, we do not support this aspect of the Bill. Ministerial consultation with government, unions and employer organisations provides a solid basis for good decision making in relation to codes of practice. We support the current position remaining as it is.

Thank you for the opportunity to be consulted in relation to this Bill.

Yours sincerely,


Peter J Davis QC
President

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