



**Australian Lawyers Alliance**

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**Sydney NSW 2001**

23 June 2015

Ms Di Farmer  
Chair  
Finance and Administration Committee  
Parliament House  
Alice and George Streets  
Brisbane QLD 4000

Dear Ms Farmer,

***Inquiry into Work Health and Safety and Other Legislation Amendment Bill 2015***

Thank you for your letter dated 17 June 2015, in which you requested further information on behalf of the Committee with reference to the Australian Lawyers Alliance (ALA) contribution to the inquiry into the *Work Health and Safety and Other Legislation Amendment Bill 2015*.

With reference to your first query about consultation regarding this Bill, I advise that the ALA regularly keeps abreast of key policy developments within the areas relevant to its membership, and as such was informed of this inquiry through those efforts, including through alerts and updates issued via the Committee. Further to this, the ALA was formally invited by the Committee to participate in the inquiry.

In addition to this specific Bill, the ALA is also actively involved in the stakeholder consultation process regarding workers compensation reforms that is being overseen by the Treasurer and Minister for Employment and Industrial Relations and relevant departments. This process involves consideration of safer workplaces and enhanced rehabilitation outcomes.

As to your second query, we believe that the efficacy of OHS initiatives is optimised when the regulator has comprehensive data on incidents and circumstances causing workers to be absent from work.

Identification of causes and trends allows regulators to balance educative mechanisms with enforcement, and decide on resource-allocation. Whilst we have no empirical evidence for this proposition, we suspect from anecdotal experience that it would be common for the regulator to not be informed of absences exceeding four days. Indeed, it is common for our members to take instructions from clients injured in very dangerous circumstances, where no report has been made to the regulator and no inspector has been called in to prepare a report. Enhanced OHS efficacy saves lives and minimises the incidence of injuries, and an absence or paucity of data is counter to improving efficacy.

We respectfully concur with the view expressed by CCIQ, that identification of methods by which duplication of reporting could be avoided (to both Workcover and the regulator), would be desirable. If privacy concerns currently preclude the sharing of data by Workcover and self-insurers with the regulator, legislative remediation of that problem may be possible.

We note in that regard, that there is no problem on privacy bases with the regulator receiving Workcover and self-insurer information about injured workers when it adjudicates upon statutory reviews pursuant to the WCRA. Implicit in the information sharing suggestion is the expectation that monitoring of Workcover's information-sharing would assist to derive greater transparency. This will not cover the field: some participants in voluntary activities may not be covered by Workcover, so an education program for such organisations may assist.

I trust that you find this additional information of use to the inquiry. Should you have any further queries please do not hesitate to contact me.



ALA Queensland Director  
**Australian Lawyers Alliance**

## **Inquiry into *Work Health and Safety and Other Legislation Amendment Bill 2015***

### **Case study examples**

Below are some de-identified case studies to highlight real examples of the impacts of unsafe worksites.

#### Case study #1

*Employee was based in North Queensland, and fell through an unsafe skylight when repairing roofing on a mechanics workshop. Liability in the case is admitted. An almost identical accident happened at the same site a couple of years prior. There is some question that the skylight was installed upside down. The employee was wearing a safety harness; however the rope was far too long and didn't prevent him from falling 5 metres and landing on the concrete floor below.*

#### Case study #2

*Employee was an apprentice carpenter. The employer bought dubious scaffolding and erected it himself in a bid to save costs. Liability in the case is admitted. The employee fell through the scaffolding onto concrete 6m below. The employee landed on his foot, which has required multiple surgeries, and it is unlikely he will be able to return to work in that field on account of his injuries.*

#### Case study #3

*Employee was working as a concreter on a major infrastructure project when he fell through a concrete penetration, landing some 7m below. Multiple serious injuries, including pelvic and wrist fractures; and the employee was forced to retrain for a new, less intensive occupation.*

*Appropriate systems were not being enforced, and the accident was easily avoidable. There was also a WHS prosecution.*