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4 June 2015

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

Dear Research Director

**Housing Industry Association (HIA) Submissions- *Work Health and Safety and Other Legislation Amendment Bill 2015* ('the Bill')**

HIA appreciates the opportunity to make submissions with respect to the abovementioned legislative proposal.

HIA writes with particular reference to the proposed amendments to the *Work Health and Safety Act 2011* (the Act).

In February 2014 HIA provided submissions in support of the amendments to the Act, which will be reversed through the proposed Bill. For reasons as outlined in our previous submissions, and reiterated below, HIA does not support right of entry for workplace health and safety purposes without notice nor the ability of health and safety representatives to direct a cessation of work, as there is no evidence to suggest that such rights lead to better safety outcomes.

HIA's comments should not be seen to be in any way supportive of unsafe work practices: safe work sites are something to which the Association has a strong commitment. Our over-riding concern is that there is a lack of evidence that the current site access provisions have caused any deterioration in the level of safety on residential building sites. It is HIA's understanding that the injury rates across the construction industry are falling so it is hard to justify the changes that the Bill includes on safety grounds. This leaves industrial actions as the primary rationale for the Bill.

In recent years there have been many reports of the Queensland building and construction industry being confronted with interference of unions entering workplaces under the guise of safety concerns to push industrial agendas. Such agendas have seen those in control of a workplace faced with heightened disputation, decreases in productivity, and losses in profitability. While the Bill's explanatory notes indicate that there will be no significant financial impacts arising from the proposed amendments, it is quite evident that there previously has been a severe financial impact for the government, industry, and tax payers due to such misuse of access provisions.

HIA advocates the need to ensure workplace health and safety. However, industry's experiences in relation to the previous provisions enabling immediate right of entry, and empowering the cessation of work, provided no support to the achievement of the Act's intent and objectives. Further, it is noted that the *Fair Work Act 2009* already provides appropriate mechanisms for right of entry, and the Act has right for the Government's safety inspectors to access workplaces without notice to address urgent safety issues.

HIA accordingly strongly opposes the Bills proposed amendments to right of entry powers, and the ability of health and safety representatives to direct workers to cease unsafe work.

**Change to right of entry notice requirements**

The current Act requires a WHS entry permit holder to give notice '*before entering a workplace*', whereas the Bill amends this provision to '*soon as reasonably practicable after entering a workplace*'. It is HIA's view that the notice of entry should be provided on entry, for those in control and managing the workplace to the entry to understand the rationale for the entry, and to be provided necessary record of the entry. Further, the Act currently does not have a defence to this requirement, whereas the Bill removes the requirement to provide a notice where it would '*defeat the purpose of the entry to the workplace*' or '*unreasonably delay the WHS entry permit holder in an urgent case*'. The inclusion of the defence to providing a notice of entry, provides little certainty, and could be made 'to fit' any case, resulting in the potential eradication of notices of entry.

Further, it is noted that the Bill proposes to remove the penalty requirements for failure to provide a notice of entry. It is HIA's view that penalty for failure to provide notice is a necessary mechanism of redress, which can only assist in discouraging abuse of right of entry provisions as well as creating fairness and promoting accountability.

HIA accordingly opposes all of the proposed amendments to notice of entry requirements.

**Regulator to be notified of workplace injuries**

The Bill does not provide any rationale as to why those in control of a workplace are required to notify the regulator for workplace injuries that result in a worker being off work for more than four days and what the regulator is expected to do once that notice has been received. This information is already collected by WorkCover Queensland, so it creates a further impost and unnecessary red tape burden for those in control of a workplace. The safety regulator can therefore access any information it needs from WorkCover. It is also noted that no other jurisdiction requires notification for such absences.

HIA accordingly opposes the proposed amendments to notification requirements.

Yours sincerely  
HOUSING INDUSTRY ASSOCIATION LIMITED



Warwick Temby  
Executive Director -QLD