

To  
 The Finance and Administration Committee  
 Parliament House  
 Alice & George Streets  
 Brisbane Qld 4002  
 Email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au).

From Edward Gilmour  


Dear Sir or Madam,  
 Re: Inquiry into the Work Health and Safety and Other Legislation Amendment Bill 2015

I have been associated with WH&S in various work places for almost three decades:  
 My feedback is in two parts:

Part 1: Support for the proposed amendments as proposed in the bill

Part 2: Suggestions for further amendments regarding Part 6 Discriminatory, coercive and misleading conduct  
 Division 1 Prohibition of discriminatory, coercive or misleading conduct  
 Sections 104 to 106 of the WH&S Act and the prevention of access of merits review by Schedule 2a of the WH&S Act with either the WH&S commissioner or via QCAT for reprisals taken by a PCBU against a worker meeting his or her obligations under sections 28 or 29 of the WH&S Act.

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 Part 1:

- *restoring right of entry powers allowing WHS entry permit holders to gain immediate access to a workplace to inquire into a suspected contravention of the WHS Act;*

The need for an independent WH&S inspector (permit holder) is obvious to prevent reasonable risks to H&S of workers. The circumstances as outlined in Clause 23 of the amendment bill are perfectly reasonable:

I support the suggested amendment

- *empowering trained health and safety representatives (HSR) to direct workers to cease unsafe work;*

The circumstances as outlined in clause 21 of the amendment bill are perfectly reasonable:

I agree with the proposed amendment.

- *amending the current incident notification requirements to include an additional requirement for employers to notify the regulator when a worker is absent for more than four days due to a workplace injury; and*

Descriptions as outlined in clause 16 of the amendment bill are perfectly reasonable and I support the suggested amendment.

- improving electrical safety by re-instating the Electrical Safety Commissioner, Electrical Safety Education Committee, Electrical Equipment Committee which were abolished in 2012.

Speaking as an electrical engineer the functions as outlined in clause 9 of the amendment bill are perfectly reasonable and I support the suggested amendment.

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Part 2:

Suggestions for further amendments regarding  
Part 6 Discriminatory, coercive and misleading conduct  
Division 1 Prohibition of discriminatory, coercive or misleading conduct  
Sections 104 to 106 of the WH&S Act  
and the prevention of access of merits review by Schedule 2a of the WH&S Act with either the WH&S commissioner or via QCAT for reprisals taken by a PCBU against a worker meeting his or her obligations under sections 28 or 29 of the WH&S Act.

During April and May of 2013, I brought to the attention of trainees and management the presence of Asbestos in a pending work area and suggested some minimum preventative actions: I was subsequently suspended from that work place for that.  
I took the case to QCAT and they informed me that because section 104 and subsequently section 106 are not listed under "Schedule 2a Reviewable Decisions" and hence QCAT did not have jurisdiction for that type of merits review;  
My suggestion is that "Schedule 2a Reviewable Decisions" be amended to allow merits review by either QCAT or by the WH&S Commissioner.  
This would allow review in low severity cases.  
The recourse available in Division 3 Sections 112 to 115 should remain directly available to an applicant or via referral from QCAT or by the WH&S Commissioner.

I should point out that issues relating to this case are currently sitting before the Supreme Court of Qld as a Judicial Review Application 1678 / 14. No comment is expected or sought with regard to that case and my submission is independent.

Regards



Edward Gilmour

A reply or acknowledgement may be made via the private email via which this submission was made.