

9 June 2015

Ms D Farmer
Chair
Finance and Administration Committee
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Ms Farmer,

**RE: INQUIRY INTO THE WORK HEALTH AND SAFETY AND OTHER
LEGISLATION AMENDMENT BILL 2015**

The Building Service Contractors' Association of Australia– Queensland Division (BSCAA-Qld) seeks to make submissions into the proposed changes to the *Work Health and Safety Act* in relation to “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”.

Our Organisation

BSCAA-Qld is a registered Association with Fair Work Australian as a Union of Employers. BSCAA-Qld was incorporated in 1964 and has divisions in all states and the Australian Capital Territory. The national body is located in Sydney, and Queensland is represented on this Board by its President Mr Peter King, and Mr Brian Ellem the National Treasurer.

BSCAA Qld represents the interests of the following:

- a. Contract Cleaners,
- b. Security Firms,
- c. Traffic Controllers, and
- d. Facilities maintenance and management.

BSCAA is also a member of the World Federation of Building Service Contractors (WFBSC) and its members attend many overseas conferences representing the interests of Queensland and sharing their learning's with the local membership.

The main industry sector represented by BSCAA is the Cleaning Industry which at the 31st August 2014, had 1,000 companies registered in Queensland with QLeave, representing 65,000 employees.

**Representing
contractors for:**

- Cleaning
- Facilities Management
- Grounds Maintenance
- Security
- Traffic Control

BSCAA represents employers engaging one third of those employees registered with QLeave and has 2 industry members on the Portable Long Service Leave Board.

The majority of our Queensland members are small and medium enterprises operating across the regions of Queensland and currently provide a broad range of contracted services to respective State Government Departments and State Owned Enterprises.

Our Submissions

Since the introduction of the requirement for union officials to provide notice of entry when acting as de facto Workplace Health and Safety Inspectors, there have been no recorded workplace accidents or injuries attributed to the lack of an “immediate entry” from such organisations. BSCAA-Qld is highly doubtful of the efficacy of removing this reasonable obligation and questions the wisdom of allowing union officials immediate and unannounced access to workplaces on a “whim”.

The BSCAA-Qld views the re-introduction of such rights with some concern given that our members often do not have control over the entry of persons to the sites at which work is being performed. This may lead to situations where our members face prosecution from a non-governmental organisation for “refusing” to permit a union official onto a site when they are contractually barred from doing so.

Our members perform work on sites owned by clients who have engaged our members to perform cleaning and/or security work, normally outside of usual business hours. In the majority of cases, our members have no authority or power to permit entry to any person to that site during the time work is being performed. This had caused many difficulties in the past with union officials attempting to gain entry, however, these difficulties were largely resolved using “Right Of Entry” laws under Industrial Legislation. We respectfully submit that making the changes proposed will only revive this contentious issue to another ground of argument.

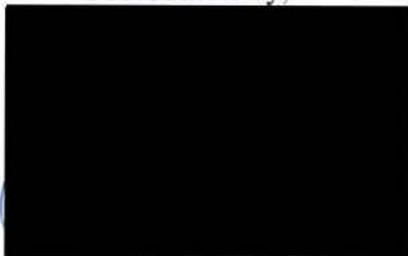
The current obligations requiring union officials to provide notice of an entry to a site during business hours permits the gaining of the required authorisation from the client and removes the risk of our members being held to have “breached” their contract by permitting non authorised persons onto the site or breaching the law by refusing.

Finally, we question the proposal to reduce the fine payable if a union official breaches the requirements of a permit holder. This change suggests that the Government does not consider such breaches of any importance and will act to encourage union officials, who may be of a mind to misuse their authorisation, that such misuse will not be open to serious risk of censure by a court.

We understand that the current Government has made promises to unions in return for their electoral support, however, we certainly do not support the proposed changes as they risk seriously impacting the ability for Queensland Employers to operate their businesses free of unwarranted interference.

BSCAA-Qld thanks the Parliamentary Committee for the opportunity to provide submissions in relation to this matter.

Yours sincerely,



EXECUTIVE DIRECTOR.