

Queensland Teachers' Union

Work Health and Safety and other Legislation Amendments Bill 2015

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Contents

1. Introduction.....	3
2. Right of entry	3
3. Health and safety representative may direct that unsafe work cease	3
4. Conclusion	3

1. Introduction

The Queensland Teachers' Union (QTU) is the industrial union representing educational leaders and teachers in Queensland state schools and Queensland TAFE teachers and tutors. The QTU supports the proposed *Work Health and Safety and Other Legislation Amendment Bill 2015* as it seeks to restore the provisions of the *Workplace Health and Safety Act 2011* that were removed by the previous state government in 2014. The QTU believes this Bill is important in re-establishing a harmonised workplace health and safety act, but more importantly, will result in the restoration of important health and safety measures for our members in Queensland state schools and TAFE institutes.

2. Right of entry

The QTU supports the legislative change which seeks to restore the right of entry powers, allowing WHS entry permit holders to gain immediate access to a workplace to inquire into a suspected contravention of the Work Health and Safety Act 2011. Under current legislative provisions, QTU officers have been prevented from entering schools and TAFE institutes to speak with and assist members in relation to WHS matters within 24 hours of a suspected contravention of the Act. QTU members over many years have indicated their support for having access to QTU officers as soon as possible after a WHS incident. As the QTU stated in its submission to the previous government, when QTU officers have had immediate access to schools and TAFE institutes, this has not been the subject of one complaint by any party. It is also interesting to note that the Department of Education and Training has never indicated or expressed any concern to the QTU about QTU officers having immediate access to schools and TAFE institutes where a WHS incident may have occurred.

3. Health and safety representative may direct that unsafe work cease

The QTU supports the proposed amendment that trained health and safety representatives be able to direct workers to cease unsafe work. Although this provision has been used sparingly in the past by HSRs who are QTU members, nevertheless it provided a very necessary safety net provision in cases where the Department of Education and Training or TAFE institute did not take the appropriate decision to either cease work in a particular section of the workplace or move the operation of business where there was a suspected contravention of the Act. Again, when this power was available previously to HSRs there was not one complaint by the Department of Education and Training or a TAFE institute in relation to the inappropriate use of this HSR power.

4. Conclusion

The QTU believes the proposed *Work Health and Safety and other Legislation Amendment Bill 2015* should be supported, as it will ensure the implementation of necessary work, health and safety initiatives. The Bill will also address the deharmonisation attempt by the previous Newman state government, which ran counter to the notion of productivity gains through national harmonisation of work, health and safety laws. The QTU supported the harmonisation of these laws and it is supporting this amendment Bill because it will help contribute once again to ensuring the Queensland legislation better harmonises with existing federal legislation.