

9 June 2015

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

Via email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Sir / Madam

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

The Master Plumbers' Association of Queensland (MPAQ) is the peak industry body representing plumbing contractors throughout Queensland, from sole operators to medium sized businesses and large contracting firms. We represent over 1200 members across Queensland, which equates to around 4,000 plumbing professionals.

As well as being the collective voice for the plumbing industry, the Association offers its members a full range of professional services, from employment and workplace relations assistance to technical advice and training. These services assist plumbers to establish and maintain their businesses and plan for the future.

Effective plumbing services are critical to maintain and enhance community health and safety and protect the environment. Our members are at the forefront of this essential service industry and we provide support to ensure the ongoing viability of their businesses.

Master Plumbers are installers of gas, water reticulation and irrigation systems, fire protection services, heating and cooling, mechanical services/air conditioning systems, sanitary disposal, drainage, metal roofing, wall cladding and other plumbing services.

The MPAQ participates on a number of National Committees and boards including:

- Master Plumbers Australia Ltd
- Queensland Building & Construction Commission
- Plumbing Industry Consultative Group
- Building Industry Consultative Group
- Service Trades Queensland
- Queensland Gas Association
- Queensland Building & Construction Commission Fire Working Party
- Standards Australia FP-001: Maintenance of Fire Protection Equipment

MPAQ provides a wide range of resources, advisory and advocacy services, opportunities and deals to assist members in receiving the correct technical and trade advice, saving money on business, operational and lifestyle costs while also protecting the very fabric of the industry as a voice for sole operators and employers, as well as employees and apprentices.

## Work Health and Safety and Other Legislation Amendment Bill

On 7 May 2015 the Treasurer, Minister for Employment and Industrial Relations introduced the Work Health and Safety and Other Legislation Amendment Bill 2015 into the Queensland Parliament. Please see feedback below regarding the Bill:

- allow WHS entry permit holders to enter a workplace immediately if they suspect a contravention has occurred and provide notice of entry as soon as is reasonably practicable afterwards, removing the requirement to provide at least 24 hours' notice of entry;

From an employer association perspective, there have been countless clearly fact based contraventions of the notion that there is a genuine workplace health and safety matter being contravened. The evidence is that in a number of Fair Work Commission and Building and Construction Commission decisions, cases have been prosecuted where a WH&S entry permit holder has used the cover of that approval to cause industrial issues on a site.

One such example would be the ABI Group dispute at the Royal Children's Hospital (Southbank, Brisbane)) where the initial industrial problems on site were all around contrived WH&S issues. These issues led to a 10 week-long picket line dispute which cost the community a significant amount of money, and caused major disruption for not only the construction project itself but also for the myriad of small to medium businesses working on affiliated components of the project.

Also of concern is that there is no specified detail as to the level of qualifications, knowledge or level of competency to be able to stop a worksite on their basic opinion contravening the WH&S act. This in itself is cause for massive concern on the part of MPAQ.

- reinstate the power for a trained HSR to direct a worker in their work group to cease work if they have a reasonable concern that to carry out the work would expose the worker to a serious risk to their health and safety, emanating from an immediate or imminent exposure to a hazard;

From MPAQ's experience, history has told us that a person in this position might be sometimes influenced to contrive a concern so that they can stop the work on site using the WH&S issue as a cover. This is the reality of what has happened in the past.

As raised above, our primary concern is that once again there is no specified detail as to the level of qualifications, knowledge or level of competency to be able to stop a worksite on their basic opinion contravening the WH&S act.

Definitions regarding imminent risk of injury or life threatening hazards were detailed in previous version of the Work Health and Safety Act. There is now a lack of description about what is meant by these key terms. There needs to be much more prescribed content about the circumstances and exactly what power the HSR would have.

- allow HSRs to request the assistance of any person, removing the requirement for at least 24 hours' notice if the assistant requires access the workplace;

MPAQ speaks from experience from being on site, standing on sites with contractors (members), and as such we are very well briefed and informed that there are occasions that the cover of WH&S is used to facilitate industrial action.

This clause requires far greater detail and to be more prescriptive. As it currently stands, it is too broad and could in itself create a hazard on the worksite by bringing in non-qualified / non-experienced persons onto a worksite.

- remove the penalty for failing to provide notice of entry to inquire into a suspected contravention of the WHS Act, consult and advise workers and make copies of documents relevant to a suspected contravention;

Once again, there is not enough prescription or detail in this clause. It is too open ended, there are not enough details about the person's qualifications / competence / etc., for what reason, under what circumstances, and so on.

On the topic of copying documents, MPAQ would vehemently oppose this, as the person could claim to need copies of anything from confidential payroll records, building plans, progress payments, personal employee information, contract and payment terms and values for the projects, and any number of other sensitive company documents. The persons are not conducting a formal investigation into an actual hazardous event, and therefore cannot have any reasonable argument for needing to copy sensitive company information.

- decrease the maximum penalty for contravening WHS entry permit conditions from 200 penalty units to 100 penalty units;

MPAQ absolutely disagrees with this clause. Decreasing the penalty inevitably increases the likelihood of people contravening the permit conditions. If anything, the penalties should be increased, not decreased.

- reinstate a requirement from the repealed Workplace Health and Safety Act 1995 for the regulator to be notified of workplace injuries that result in a worker being off work for more than four days; and

In a suitable and agreeable framework, it has to pass a test that if the worker is off work for more than four days then it has possible / potential implications for other employees. Subject to a suitable framework for genuineness and reasonableness in that it has a flow-on effect to other workers on the site, or in wider terms for WH&S implications for workers in general, then MPAQ would support this clause.

- reinstate the Electrical Safety Commissioner, Electrical Safety Education Committee, and Electrical Equipment Committee.

MPAQ has no comment on this, as electrical work is outside the scope of MPAQ.

If the committee would like further clarification on any of these items please contact me on [REDACTED]

Thank you for your consideration.

Kind regards

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**Penny Cornah**  
Executive Director