

9 June 2015

The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane QLD 4000  
Submitted via email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Research Director,

The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to provide feedback to the Finance and Administration Committee (the Committee) on the *Work Health and Safety and Other Legislation Amendment Bill 2015*.

At the outset, CCIQ supports a workplace health and safety (WHS) framework that recognises that Government, employers, and employees all have a collective responsibility to ensure that Queensland workplaces are healthy and safe. It is equally pertinent that the Committee note that WHS legislation is the second major area of regulatory burden for businesses in Queensland with 70 per cent of businesses recently stating that WHS regulation has a high or moderate impact on their business operations. Overwhelmingly, the feedback from Queensland small businesses with respect to WHS laws is that they are lengthy, complex, and time-consuming. This has had the opposite effect of discouraging business owners from fully engaging with their obligations under the relevant legislation, therefore undermining improved safety outcomes in the workplace.

CCIQ believes the proposed *Bill* adds to this existing burden by increasing compliance on businesses already wrestling with significant compliance requirements. The *Bill* sits directly at odds with the State Government's broader red tape reduction agenda, and CCIQ urges the Committee to place these matters at the centre of their decision-making.

More specifically, this submission seeks to comment principally on the proposed amendment section 36(d) relating to incident notification requirements. CCIQ believes that the inclusion of burdensome notification requirements undermines the policies of the previous Labor Government, and in effect, duplicates reporting requirements that already occur through WorkCover. Lastly, CCIQ believes that a number of proposed amendments sit at odds with efforts to achieve national harmonisation for WHS policy more broadly. These key reservations regarding the *Bill* will be fleshed out in more detail in following submission.

### **Increases compliance burden on business**

As a result of our ongoing engagement with the Queensland business community, CCIQ is well-positioned to grasp key areas for priority reform with respect to red tape. Overwhelming our members have told us that WHS regulatory requirements are some of the most costly and/or time consuming for their businesses. Amendment 36(d) was not only removed by the former Minister for Industrial Relations in 2011 in recognition of its inappropriateness, but its inclusion in the proposed Bill has serious implications for business with respect to their overall compliance burden. CCIQ argues that this amendment is unnecessary as it amounts to a duplication of functions as WorkCover already collects information pertaining to a worker's extended leave of absence. CCIQ believes better procedures ought to be put in place for the sharing of information between relevant departments, not target business with greater compliance burdens. Lastly, evidence should be provided that this additional record keeping requirement would provide a needed safety outcomes for it to be included in the Bill at the very least. It is important for the Committee to note that CCIQ has been conducting its Biannual Red Tape baseline study since 2009 to ensure priority is given to addressing unnecessary red tape and the burden it places on Queensland businesses.

### **Unwinds policies of the previous Labor Government**

CCIQ argues that the inclusion in the *Bill* of amendments to contain an additional requirement for employers to notify the regulator when a worker is absent for more than four days due to a workplace injury is directly at odds with the former Labor Government's policy actions in this space. Indeed section 36(d) was previously removed by the former Minister for Industrial Relations, the Hon. Cameron Dick MP, due the red tape implications of having to report information that was already collected by WorkCover. It is unfortunate that the current government is seeking to unwind amendments overseen by the former Minister in 2011, which were made in good faith and sent a message to the Queensland business community that the state government department was well-equipped to implement efficiencies where necessary to ease the burden on business in this area.

### **Implications for national harmonisation**

CCIQ is supportive of ongoing efforts to ensure the harmonisation and national consistency of WHS laws, as it is an effective mechanism for the continuous reduction of WHS red tape for businesses. CCIQ has been involved in developing national policy to improve work health and safety and workers' compensation arrangements across Australia through contributing to the development of a model Act and model regulations for adoption as laws in each of the States and territories of the Commonwealth. CCIQ firmly believes in a national strategy that enhances the responsibilities of employees in relation to their own actions in achieving workplace health and safety outcomes. In this light, CCIQ expresses reservations regarding this legislative change to be adopted as a result of this *Bill* as it is directly at odds with the national harmonisation of WHS legislation.

### **Right of entry and health and safety representatives**

With respect to amendments in this *Bill* to allow immediate access by WHS entry permit holders, CCIQ strongly encourages consistent application and enforcement across WHS jurisdictions on entry reporting requirements. CCIQ urges the Committee to bear in mind that persons conducting a business or undertaking (PCBU) who has management or control of the workplace must be able to request an authorised inspector from the relevant regulatory body to accompany right of entry by union officials; should be able to report suspected abuses of WHS right of entry; grounds for the suspension or revocation of the WHS permit

holder's permit if a breach has been found to have occurred be retained; and regulators consistently and transparently apply rules regarding suspension and revocation. With respect to allowing Health and Safety Representatives (HSRs) to make a cease work directive, CCIQ argues the model legislation, which gives individual workers the statutory right to cease unsafe work practices on safety grounds, should remain the guiding principle in this instance. And lastly, any proposed amendments regarding the remove of penalties for failure to provide notice for right of entry to inquire, should be maintained to ensure that any serious breaches continue to attract a penalty.

Based on feedback from our members, and the arguments contained herein, CCIQ expresses serious reservations regarding the proposed amendments to the *Bill* currently before the Committee. Overall, these amendments will increase costs and make it harder for business to achieve improved safety outcomes and best practice approaches. The substance of this *Bill* encourages a culture of demonstration of compliance as opposed to focusing on initiatives that actually reduce the incidence of accidents in the workplace. As a direct result, employers will have less time to focus on those activities that proactively reduce the incidence of accidents in the workplace.

For the above reasons, CCIQ withholds its support for the *Bill* and urges the Queensland Legislative Assembly to refrain from passing the *Work Health and Safety and Other Legislation Amendment Bill 2015*.

Yours sincerely,



**Nick Behrens**

Director – Advocacy and Workplace Relations