

## Electrical Safety and Other Legislation Amendment Bill 2025

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**Submitted by:** Queensland Nurses and Midwives' Union  
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# Submission to State Development, Infrastructure and Works Committee

*Electrical Safety and Other Legislation Amendment  
Bill 2025*

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submission

## Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the State Development, Infrastructure and Works Committee for the opportunity to provide feedback on the *Electrical Safety and Other Legislation Amendment Bill 2025* (the Bill).

The QNMU is Queensland's largest and only registered union for nurses and midwives, representing over 79,000 members. The QNMU is a state branch of the Australian Nursing and Midwifery Federation (ANMF) with the ANMF representing over 345,000 members. Our members work in health and aged care including public and private hospitals and health services, residential and community aged care, maternity services, mental health, general practice, and disability sectors across a wide variety of urban, regional, rural, and remote locations.

The QNMU is run by nurses and midwives, for nurses and midwives. We have a proud history of working with our members for over 100 years to promote and defend the professional, industrial, social, and political interests of our members. Our members direct the QNMU's priorities and policies through our democratic processes.

The QNMU expresses our continued commitment to working in partnership with Aboriginal and Torres Strait Islander peoples to achieve health equity outcomes. The QNMU remains committed to the Uluru Statement from the Heart, including a pathway to truth telling and treaty. We acknowledge the lands on which we work and meet always was, and always will be, Aboriginal and Torres Strait Islander land.

Protecting and improving the health and safety of our members is core union business. The QNMU has provided comprehensive submissions to previous reviews of the *Work Health and Safety Act 2011* (WHS Act) as well as the 2024 inquiry into the *Work Health and Safety and Other Legislation Amendment Bill 2024*. We continue to engage in opportunities to clarify and strengthen existing WHS frameworks and ensure the overall effectiveness of the WHS Act.

Our submission addresses specific aspects of the Bill that we believe will weaken worker's health and safety rights and standards under the WHS Act. It is a fundamental principle of the WHS Act that every worker has a right to a safe place of work and to perform their duties without risk of injury or illness. Among other objectives, the WHS Act imposes a primary duty of care on persons conducting a business or undertaking (PCBUs) to ensure the health and safety of workers, so far as reasonably practicable. However, existing evidence and the experiences of our members demonstrates that breaches and failures persist within the current WHS framework, notwithstanding the legal and regulatory controls in place.

For instance, Safe Work Australia identifies that the health care and social assistance sector is one of the industries with the highest number of serious workers compensation claims, accounting for 29,100 claims or 19.9% of all serious claims between 2023 and 2024 (Safe Work Australia, 2025a). Safe Work Australia's National Data Set for Compensation-based Statistics shows that over the past decade, the Nursing, care and support workforce has experienced a significantly higher frequency rate of serious claims for musculoskeletal injuries (2.3 times the national average in 2022-23). Additionally, the number of serious claims related to mental health conditions has been steadily rising, a total increase of over 500 serious claims over the last 10 years (Safe Work Australia, 2025b).

The QNMU emphasises that a duty to provide a safe workplace must be interpreted as a continuing obligation requiring ongoing improvement and vigilance, beyond simply meeting compliance with minimum standards. The concept of 'continuous improvement' is consistent with the objects of the WHS Act<sup>1</sup> and with the preventative principles underpinning Queensland's safety jurisprudence.

## Recommendations

The QNMU recommends:

- The amendments proposed in the Bill to the *Work Health and Safety and Other Legislation Amendment Act 2024* not be passed. It is the responsibility of government and employers to ensure nurses and midwives have safe workplaces.

## General comments

The QNMU remains deeply concerned that the repealing of provisions to the WHS Act proposed in the Bill demonstrates a pattern of poor public policy by the current Government and a dismissal of the evidence and informed recommendations of the *2022 Review of the WHS Act*. This forms part of a broader and alarming trend of policy regression by the Government in the area of workplace health and safety for nurses and midwives and Queensland workers more broadly.

Other key examples of this pattern of repealing and weakening the WHS provisions and standards include the introduction of the *Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Bill 2024*. Noting that the Crisafulli Government sought to pass the laws in just one day without consultation or following normal parliamentary procedures. This Bill repealed consequential right of entry powers by reinstating a requirement for Workplace Health and Safety permit holders to provide at least 24 hours' notice to exercise their right of entry to a workplace. Entry to workplaces is often exercised in response to calls by workers and Health and Safety Representatives (HSRs) who

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<sup>1</sup> WHS Act, section 3(1)

may be experiencing occupational violence, harassment and assault which remain critical workplace hazards for nurses and midwives or for responding to other dangerous incidents involving serious injuries in the workplace. The repealing of this provision has taken away an important workplace right that allows workers who are exposed to injury or illness the opportunity to have the situation assessed and rectified quickly.

Further, reforms due to be introduced under the *Electrical Safety and Other Legislation Amendment Act 2024* to permit HSRs and WHS entry permit holders to take photos, videos, measurements and conduct tests at the workplace when undertaking their roles, were no longer commenced under the Crisafulli Government. The justification for the repealing of this provision was based on 'protecting the privacy of individuals in the workplace' (Queensland Government, 2024). The QNMU argues that the reference to privacy concerns was extraneous and in practice resulted in HSRs not being able to take photos or document via other means, evidence of workplace hazards (i.e., mould in the workplace, or exposed electrical wiring for example). In effect, the repealing of this provision removed workers ability to document WHS hazards and risks emanating from an immediate or imminent exposure to a hazard. Again, exhibiting a policy decision that has placed nurses and midwives' safety at risk.

### **Proposed amendments to the Work Health and Safety**

The Bill amends the *Work Health and Safety and Other Legislation Amendment Act 2024* (WHSOLA Act). Specifically, the Bill omits section 52 of the WHSOLA Act, and other consequential amendments, which repeal new section 155A of the WHS Act, which has not yet commenced as it is waiting proclamation. The omission of section 155A in effect disregards recommendation 3B of the *2022 Review of the WHS Act*.

Section 155A establishes an additional avenue for HSRs and WHS entry permit holders to request particular information contained in improvement notices, prohibition notices and non-disturbance notices directly from the regulator. The policy intent of the provision establishes a mechanism for informal administrative release of the information to the HSR so that it can be accessed in a more timely manner than having to undertake the dispute resolution process to receive critical information. This provision offers an important avenue for workers in time sensitive WHS issues as well as when addressing risks to health and safety from an immediate or imminent exposure to a hazard. It is important to note that the decision to release the information remains at the discretion of the regulator, and the provision does not make this an obligation.

The Explanatory Notes of the Bill cite the primary reasoning for repealing section 155A to be based on the risk of creating an 'additional administrative burden on the regulator'. To revert to the status quo or resist further WHS reform is inherently stating an acceptance that the

present rate of workplace injuries is tolerable, which the QNMU does not accept. Additionally, this policy approach is inconsistent with the objects of the WHS Act, namely providing a framework for continuous improvement and progressively higher standards of work health and safety.

The QNMU remains opposed to the repealing of section 155A and emphasise that policy direction must be consistent with best practice and the overarching statutory duty to protect workers. In our view this requires a progressive realisation of zero tolerance of workplace injuries and illness, achieved through continuous review, enhancement and enforcement of the WHS framework. Rather, this policy position reflects a tendency of the current Government to prioritise expedience and agenda over evidence-based policy, and a failure to reflect the objects of the WHS Act and put the safety of workers first.

Nurses and midwives work tirelessly to keep the health system safe for everyone. At the very least, they deserve a safe workplace so they can continue to provide the services that Queenslanders have come to expect. The re-instatement of these important workplace rights will enable nurses and midwives to carry out their work in a safe and secure environment. And in the end, this will benefit each and every one of us as we call on them to care for us in our time of need.

## **References**

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