




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 13 February 2014

WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (11.31 am): I present a bill for an act to amend the Electrical Safety Act 2002 and the Work Health and Safety Act 2011 for particular purposes. I table the bill and explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Work Health and Safety and Other Legislation Amendment Bill 2014 [[4506](#)].

Tabled paper: Work Health and Safety and Other Legislation Amendment Bill 2014, explanatory notes [[4507](#)].

This bill implements the first tranche of findings from the Queensland government's review of the national model work health and safety laws which commenced in Queensland on 1 January 2012. The review considered the impact of the new work health and safety laws, including unanticipated or inequitable compliance costs associated with doing business. This bill is the result of an extensive consultation process in which I hosted two ministerial roundtable discussions with employer associations, legal representatives and the unions. I want to thank all of the organisations that were involved in that process for their willingness to discuss and debate the issues that are important to the safety of Queensland workers.

As a government, we are committed to having the safest workplaces in Australia. Workplace Health and Safety Queensland, which is within my department, has an extensive range of guidance materials and communication strategies to enable Queensland employers and workers to understand their roles and responsibilities in achieving this goal.

During the review, the construction industry raised serious ongoing concerns about the misuse of right of entry provisions by union officials and the impact this kind of disruption has on business. While this is mainly an issue for the construction industry, other industry sectors noted the complexity and confusion created by the inconsistency between right of entry provisions under the Work Health and Safety Act and the Fair Work Act.

The government has responded to concerns of industrial lawlessness on construction sites by introducing and implementing the Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry, which were effective from 1 July 2013. The Building and Construction Compliance Branch, known as the BCCB, within the Department of Justice and Attorney-General is responsible for monitoring, auditing and reporting on compliance with industrial relations laws—for example, right of entry and freedom of association—on state funded infrastructure projects. The BCCB targets behaviours and responds to notifications and complaints of interruptions to work site productivity—that is, unlawful industrial action. The BCCB supports contractors to ensure industrial relations laws are observed on the work sites. The BCCB provides the government with the means of directly confronting unlawful and unproductive industrial activity on state funded construction sites through its physical presence on site and at the tendering stage where it verifies the efficacy of the head contractor's Workplace Relations Management Plan.

The construction industry's concerns are confirmed by complaints the work health and safety regulator has received about union right of entry disputes. Most of these disputes related to entry without prior notice to inquire into a suspected contravention under the Work Health and Safety Act. Inspectors found that overall none of the issues identified were considered to be an immediate or imminent risk to workers or others at the workplace.

For too long, we have seen construction unions using safety as an industrial weapon in this state. I have personally heard of stories from hardworking Queenslanders who have been locked out of their workplace because of militant union activity. Last year, a major contractor lost 42 days of work due to illegal strike activity in the first year of their enterprise agreement. Sites are being hijacked and workers are being held to ransom by the unions. This practice has to end.

This bill will restore balance to the system. There will be legitimate avenues for safety issues to be raised and dealt with appropriately, but the practice of unions using safety to hijack sites and bully contractors on work sites will end. The bill supports the—

Ms Trad interjected.

Mr BLEIJIE: I am not going to take any interjections from the Labor members over there who rely on their preselections from the unions we are talking about. The bill supports the Implementation Guidelines to the Queensland Code of Practice for the Building and Construction Industry and the important work of the BCCB. Every Queenslander deserves to be able to go to work and do their job without interference, without fear, without intimidation and without the union bullying tactics, and they deserve to get paid and be treated fairly by all those on the work sites, including the unions.

Business representatives also raised concerns about the cumulative compliance costs associated with red tape. Not only does this government hear these concerns, we are determined to follow through and reduce the red-tape burden of excessive regulation in the building industry. This should not be seen as a lowering of safety standards. We believe Queensland workplaces should be safe, but this is not achieved by choking businesses with paperwork and unnecessary red tape.

The review also considered a range of national model codes of practice that could be adopted in Queensland. Harmonised model work health and safety laws and codes have advantages, but stakeholders considered there is a need for some scope to vary the model codes where they can be made more relevant for circumstances in Queensland. The act does not currently permit this flexibility and the bill will rectify this issue.

The bill also makes a technical amendment to the Electrical Safety Act to provide that the maximum penalty for offences in the Electrical Safety Regulation can be no more than 300 penalty units, replacing the current maximum of 40 penalty units. This will ensure the Electrical Safety Act is consistent with the maximum penalty for regulations made under the Work Health and Safety Act and that nationally consistent penalties can apply to electrical safety offences. The government is still finalising our formal response to the remainder of the issues that were considered by the roundtable review.

Construction is a key pillar of our plan to get the state's finances back on track and turbocharge the Queensland economy. The changes I have outlined in this bill will restore balance to the system and foster safety, fairness and productivity in Queensland's workplaces. How are we going to do that? The answer is simply this. Unions will no longer have the right to enter a workplace and use work health and safety as an industrial dispute weapon in this state. They will now have to give 24 hours notice to be able to enter work sites in Queensland. That is good for business and good for the workers in Queensland. Hopefully, we will rid this state of union militant bullying activities.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.37 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Finance and Administration Committee

Mr DEPUTY SPEAKER (Dr Robinson): In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice), (11.37 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Finance and Administration Committee report to the House on the Work Health and Safety and Other Legislation Amendment Bill by 25 March 2014.

Question put—That the motion be agreed to.

Motion agreed to.