




Speech By
Barry O'Rourke

MEMBER FOR ROCKHAMPTON

Record of Proceedings, 20 March 2024

WORK HEALTH SAFETY AND OTHER LEGISLATION AMENDMENT BILL

 **Mr O'ROURKE** (Rockhampton—ALP) (3.48 pm): I rise to speak in support of the Work Health and Safety and Other Legislation Amendment Bill 2023. I was a member of the Education, Employment and Training Committee that was tasked with considering the bill. We received 14 submissions, conducted hearings and received departmental briefings. The bill continues our government's long record of strengthening workplace health and safety laws in Queensland and we are leading the nation in doing so.

In 2017 in this House I spoke in support of the substantial reforms that introduced the offence of industrial manslaughter and established the independent Work Health and Safety Prosecutor. This ensured that Queensland workers are protected by modern work health and safety laws. Unfortunately, many of us have been impacted by workplace fatalities and we understand the impact they have on loved ones, friends and colleagues. In the past couple of weeks we have seen another fatality on an industrial site in Central Queensland. I express my deepest condolences to the family, friends and workmates of workers who have lost their lives as a result of work injuries. For the record, the LNP voted against those industrial manslaughter laws. Since being in opposition, the LNP has voted against: labour hire licensing laws; paid domestic and family violence leave; industrial protections for workers subject to sexual harassment, sex-based and gender-based harassment and improvements to birth related and parental leave; portable long service leave laws for community service workers, which is a workforce with about 70 per cent women; wage theft; and public holidays for Easter Sunday and Christmas Eve after 6 pm.

The bill gives effect to substantial legislative recommendations made by the independent 2020-22 review of the Work Health and Safety Act as well as nine recommendations from the 2018 national review into model work health and safety laws undertaken by Marie Boland. Three independent reviewers were appointed—Mr Craig Allen, a former deputy director-general of the Office of Industrial Relations; Mr Charles Massy, a barrister specialising in industrial relations and employment law; and Ms Deirdre Swan, a former deputy president of the Queensland Industrial Relations Commission—to conduct a review into the Work Health and Safety Act to examine whether existing frameworks in the act are robust and operating effectively to secure the health and safety of workers.

This bill implements recommendations of the review to strengthen the operation of the health and safety representative framework in the act. It does this by clarifying and better integrating the role of health and safety representatives in the workplace. Health and safety representatives are elected by their fellow workers. They understand the views and concerns of their work group and can provide a critical link between the employer and the workforce. It is an entirely voluntary role. The fact that people willingly step up into those roles for the worthy goal of helping to make their workplaces safer is something we should applaud. I wholeheartedly endorse the bill's objectives of promoting and strengthening the role of health and safety representatives.

One of the core findings of the review into the Work Health and Safety Act was that safety performance is improved when there is effective worker representation on work health and safety matters. The review recognised the great value of health and safety representatives and recommended a range of measures to improve the uptake of this role. As outlined by the minister in her second reading speech, the bill is integral to ensuring health and safety representatives are empowered to perform the role in the workplace. The bill encourages the election of a health and safety representative by requiring employers to advise workers about the role of the health and safety representative and invite them to facilitate an election. It also clarifies the uptake of health and safety representatives by clarifying the remuneration of workers attending health and safety representative training. It is important that workers taking on this role are not financially disadvantaged as a result of attending training.

Changes to better integrate health and safety representation into the workplace are also welcomed. They will be empowered to request and receive information to help them perform their role as well as accompany an entry permit holder or inspector so they can stay informed about issues on the workplace. Health and safety representatives will also be able to exercise the power to direct a person conducting a business or undertaking to cease unsafe work. This will be achieved by issuing a written cease work notice and displaying it in a prominent way in the work area. This approach is designed to minimise confusion about the detail of a serious risk that is imminent or immediate and will ensure all parties at the workplace have a common understanding of the issues.

I understand that the department is preparing guidance material to assist health and safety representatives to navigate these changes, which was recommended by the parliamentary committee in its report. I am positive that an increased presence of trained health and safety representatives at the workplace will correlate with improved health and safety outcomes for Queenslanders.

The bill also clarifies rules on the representation of workers by relevant registered unions for health and safety matters to ensure consistency with the amendments made in the Industrial Relations Act 2022. The reviewer found that the involvement of registered unions improves safety outcomes and there is strong evidence that registered unions are the most important source of support for health and safety representatives. It should be noted that unregistered organisations are not subjected to the same rigorous transparency, accountability and registration requirements as registered industrial organisations. Therefore, the bill excludes associations of employees or independent contractors and other non-union organisations that represent or purport to represent the industrial interests of workers from involvement in resolving workplace health and safety matters. I commend the bill to the House.