




Speech By  
**Jennifer Howard**

**MEMBER FOR IPSWICH**

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## **WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms HOWARD** (Ipswich—ALP) (12.32 pm): I rise very proudly to speak in support of this bill. It is interesting to hear the contributions from those opposite. They are determined to make this bill about unions. This bill is about workers; that is what it is about. It is about workers. There are two things that you need in this life if you want to be a proper representative of Queenslanders—a Labor Party membership and a union membership. The proposals under this bill will strengthen Queensland's already nation-leading laws when it comes to protecting Queenslanders at work. I am very proud to have both of those memberships. It builds on the substantial reforms that we made in 2017 that introduced the offence of industrial manslaughter and established the independent Work Health and Safety Prosecutor. This is a part of our core commitment as a Labor government—to support the health and safety of all workers and to ensure workers have representation at the table when it comes to their health and safety in the workplace.

Worker fatalities are unacceptable. They cause an immense amount of pain and grief for workers' families, friends and colleagues. I think many of us in here have had those tough conversations with those people. It is simply tragic that, in this day and age, workplace fatalities continue to occur, yet they do. Last year SafeWork Australia reported that 195 workers lost their lives at work in 2022, with 49 of them being Queenslanders. That is an unacceptable figure. We are committed to doing everything we can to ensure every worker at the end of the day comes home safely.

In August 2022, industrial relations minister Grace Grace announced a review into the Work Health and Safety Act to examine if the act was operating effectively enough to ensure Queensland workers were adequately protected in the workplace. I want to thank Minister Grace for the work she has done in facilitating this review and introducing this bill to parliament. I also want to acknowledge the work of the three independent reviewers appointed to undertake this review: Craig Allen, the former director-general of the Office of Industrial Relations; Charles Massy, a barrister specialising in industrial relations and employment law; and Deirdre Swan, former deputy president of the Queensland Industrial Relations Commission. I also want to acknowledge the stakeholders who contributed their feedback to the review of this act and this bill, including registered unions, employer groups, and industry and government bodies.

This bill has a key focus on the important role that health and safety representatives play in improving workplace safety. The role they play is vital to identify, notify and resolve work health and safety issues. This bill will strengthen and promote the role of health and safety representatives including clarifying powers they can exercise and the function that they can perform in the workplace.

The amendments under this bill will mean that employers will be required to be proactive in supporting the formation of work groups and the election of health and safety reps. Further, it will prohibit employers from intentionally hindering, preventing or discouraging workers from making a request about facilitating the conduct of an election of health and safety representatives. Mandating employers to advise and support workers in forming health and safety work groups and electing health and safety representatives means that workers no longer have to fear reprisal for taking on this role.

Establishing health and safety reps in every place in Queensland is a necessary cultural change that will result in huge improvements for the health and safety of Queensland workers. Having employers play a key part in helping to establish this change is vital to improving the safety of workers all across Queensland.

This bill will deliver on an election commitment which was to have health and safety representatives choose their own training provider. Workers will also be remunerated to attend training, including being paid overtime, penalties and allowances that they would otherwise be entitled to receive if performing their usual duties. This will ensure workers suffer no financial disadvantage for attending training which can often be a barrier to workers becoming a health and safety rep.

The amendments in this bill guarantee that health and safety representatives will be fully integrated in the identification and resolution of safety issues in the workplace. Health and safety representatives will now have to be notified when an inspector or a work health and safety entry permit holder is on site, and they will have to be allowed to join them where the visit is relevant to their work group. Employers will also have to provide health and safety representatives with copies of enforcement notices issued by an inspector, copy of entry notices by work health and safety entry permit holders and mandatory incident notifications made to the regulator by an employee.

The independent review also recommended that the cease work powers of health and safety representatives were improved and made more effective. This bill clarifies that health and safety representatives can issue written cease work directives to employers in the event that serious safety issues have not been resolved, and that they can retain the right to issue cease work directives to workers when a safety issue poses an exposure to risk so serious that prior consultation is not reasonable. It is vital that health and safety representatives are made fully aware of safety issues identified at their workplace to allow them to perform their functions effectively.

In just the last 12 months in Queensland, we have witnessed a horror show of worker fatalities in Queensland—one of the most tragic being the loss of 17-year-old Tyler Whitton, a young man who was just at the beginning of his working life. Many other workers working on construction and mining sites across Queensland also lost their lives too young, and while no-one denies these jobs are dangerous and carry risks, one fatality is one too many. Workplace fatalities are not just the cost of doing business; they are a devastating loss to the family and communities, and a sign that we need to do better to stop all preventable deaths and traumatic injuries in the workplace. The changes in this bill show that only the Miles government can be trusted when it comes to supporting workers' health and safety.

The record of the LNP under Campbell Newman shows that they do not care. Let's look at the history. In 2013 the Newman LNP government made disastrous changes to WorkCover. This had devastating impacts on thousands of workers who had been injured in their workplace. The changes denied many workers the right to make common law damage claims against their employer and implemented a five per cent bodily impairment threshold to be exceeded before common law damages could be made. This prevented thousands of workers claiming damages from negligent employers. Many workers who suffered spinal or shoulder injuries were denied making a claim because they did not meet the LNP's strict criteria. This affected nurses, ambulance officers, transport and building construction workers. WorkCover was working just fine before the LNP came in and broke it. Even their own parliamentary committee at the time told them that no changes were needed, yet they went ahead and broke it anyway. That is the level of scorn that the LNP has for Queensland workers, and I think that has been represented in many of the contributions to this bill.

This bill again makes Queensland the nation-leading state in workplace health and safety standards. We are committed, and we are focused on making our workplaces safe for all Queensland workers, both young and old, and on reducing all workplace injuries and fatalities to zero. This bill is a step in the right direction, and I commend it to the House.