

28 February 2014

The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Sent via email to: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

*Re: Work Health and Safety and Other Legislation Amendment Bill 2014*

Dear Sir/Madam,

Master Electricians Australia (MEA) is grateful for the opportunity to comment on the *Work Health and Safety and Other Legislation Amendment Bill 2014*.

Master Electricians Australia (MEA) is a dynamic and modern trade association representing electrical contractors. Originating as the Electrical Contractors Association in 1937, we are the leading voice of the electrical and communications industry throughout Australia. The organisation's website is: <http://www.masterelectricians.com.au>.

MEA strongly believes in a work health and safety system that enforces the rights and obligations of workers and employers without any compromises made on safety standards. With this objective in mind, we wish to make the following comments on the *Work Health and Safety and Other Legislation Amendment Bill 2014 (the Bill)*.

### **Policy objectives and the reasons for them**

MEA largely supports the findings of the Queensland Government's review of national model Work Health and Safety (WHS) laws. This review rightly identified the growing impact of union officials using their right of entry powers to interrupt and cease work on sites despite appropriate action being taken by the Person Conducting a Business or Undertaking (PCBU).

Examples of the abuse of right of entry can be seen in the 2012 strike action at the Queensland Children's Hospital and the Oral Health Projects industrial dispute in 2013.

MEA supports legislative amendments that would allow for greater flexibility than the national model Codes of Practice (COP) as this would facilitate changes being made to reflect specific circumstances in Queensland. In order to ensure safety standards are in no way compromised and that COPs are practical and cost effective, MEA would recommend extensive consultation with Queensland stakeholders, including industry associations, to evaluate the COP applicable to Queensland.

MEA is also in favour of technical amendments to maximum penalty amendments to Electrical Safety legislation that would align with the *Work Health and Safety Act 2011 (the Act)*. These amendments would maintain the consistency of harmonisation without the risks associated with the reintroduction of state by state differences which may be to a lower standard.

### **Notes on provisions**

MEA supports the following amendments to provisions of *the Act* as indicated in *the Bill*:

- Clause 6 and the amendments to section 68
- Clause 7 and the amendments to section 71
- Clause 8 and the omission of section 74(2)

Clauses 9, 10 and 11 are clearly linked and we are concerned that it is not appropriate to remove the entire power or ability for a Work Health and Safety (WHS) Representative to call into question the work being undertaken. It is the view of MEA that a WHS Representative must advise the employee of the imminent risk to health and safety. The employee should be required to then provide the WHS Representative with a copy of the appropriate risk assessments and controls in place to manage the risk. If these are not in place, the WHS Representative must advise the PCBU.

In this scenario, the PCBU, WHS Representative and the employee all have obligations under *the Act*.

To affect such changes, we propose the following amendments to *the Act*:

**85 Health and safety representative may direct that unsafe work cease**

*(1) A health and safety representative may request from a worker who is in a work group represented by the representative all relevant risk assessment control measures and safe method documentation to evaluate the extent of a risk that in the opinion of the representative poses an imminent and immediate serious risk to the health and safety of the worker.*

*(2) A health and safety representative may, after analysis of the relevant situation and controls, advise a worker that to carry out the work would expose the worker to a serious risk to the worker's health or safety, emanating from an immediate or imminent exposure to a hazard.*

*(3) The health and safety representative must inform the person conducting the business or undertaking of any advice given to workers by the health and safety representative under subsection (2) above.*

.....

*(4) A health and safety representative cannot give a direction under this section unless the representative has—*

*(a) Completed initial training prescribed under a regulation mentioned in section 72(1)(b); or  
(b) Previously completed that training when acting as a health and safety representative for another work group; or*

*(c) Completed training equivalent to that training under a corresponding Work Health and Safety law.*

MEA also supports the below amendments to *the Act*:

- Clauses 13 – 16, as this would align the notice provisions with the relevant federal act.

- Clause 17, which would allow variances to be made to an approved COP. However, MEA would strongly recommend that any variance to a COP be subject to a process of consultation. It is critical that any COP, in overall terms, not deliver a safety result that is lower than a nationally recognised COP and that the changes are practical and cost effective.

As an advocate for the safety of the electrical industry, MEA would be eager to participate in any consultations with the Queensland Government regarding Work Health and Safety laws.

Regards,



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Mark Dearlove  
General Manager – Services Development