

26 February 2014

Finance and Administration Committee  
Parliament House  
Alice and George Streets  
Brisbane QLD 4000

Dear Chair,

On behalf of the Queensland business community, the Chamber of Commerce and Industry Queensland (CCIQ) wishes to provide support to the *Work Health and Safety and Other Legislation Bill 2014*.

At the outset, CCIQ supports a workplace health and safety framework that recognises that Government, employers and employees all have a collective responsibility to ensure that Queensland workplaces are healthy and safe. CCIQ believes the *Bill* currently before the Committee is consistent with this philosophy.

By way of background to this submission, CCIQ wishes to highlight:

- Workplace Health and Safety (WHS) legislation is the second major area of regulatory burden for businesses in Queensland with 70 per cent of businesses stating that WHS regulation has a high or moderate impact on their business operations<sup>1</sup>; and
- Many instances of union right of entry have been under the guise of pursuing WHS outcomes pertaining to the worksite, often using safety concerns to drive an existing industrial relations agenda. CCIQ believes abuse of right of entry powers by union officials ultimately undermines the importance of safety in the workplace.

Accordingly, CCIQ's submission to the Committee with respect to this *Bill* is underscored by the abovementioned areas of policy that continue to negatively impact the safety of small to medium workplaces in Queensland.

With respect to ***reducing the regulatory burden of WHS legislative requirements***, the Chamber is supportive of:

- removing the requirement under the *Workplace Health and Safety Act* for a person conducting a business to provide a list of health and safety representatives to the WHS regulator; and
- allowing for codes of practice adopted in Queensland to be approved, varied or revoked without requiring national consultation, as is currently required by the *WHS Act*.

One of the key compliance costs constantly raised by businesses are those associated with meeting their requirements and obligations under the *WHS Act*. This *Bill* will reduce red tape and WHS regulatory compliance costs for businesses by removing the requirement to provide a list of health and safety representatives to the WHS regulator and allow for Queensland codes of practices to be varied more easily.

CCIQ has been working collaboratively with WHS Queensland to identify measures to reduce the impact of WHS red tape on small businesses. In addition, CCIQ's membership base has provided extensive feedback via the *WHSQ's Regulation Implementation: The Cost of Compliance for Small Business* on how the regulatory burden of WHS red tape impacts their businesses. Based on this feedback from our members, and collaboration with WHS Queensland, CCIQ fully supports the above proposed amendments to the *Bill* currently before the Committee.

These amendments will help reduce costs and allow businesses to focus on achieving improved safety outcomes and best practice approaches. The *Bill* is good example of shifting from a culture of demonstration of compliance to instead focusing on initiatives that actually reduce the incidence of accidents in the workplace.

CCIQ will continue to work with the State Government to reduce WHS red tape and compliance costs going forward.

With respect to ***union right of entry***, the Chamber is supportive of:

- requiring at least 24 hours, but no more than 14 days, prior notice by WHS entry permit holders before they can enter a workplace to inquire into a suspected contravention;
- increasing penalties for non-compliance with WHS entry permit conditions and introduce penalties for failure to comply with the entry notification requirements;
- requiring at least 24 hours, but no more than 14 days prior notice before any person assisting a health and safety representative can have access to the workplace; and
- removing the power of health and safety representatives to direct workers to cease unsafe work.

The safety of Queensland workplaces is of utmost importance to CCIQ. CCIQ acknowledges that unions and their representatives share the same goals of ensuring the health and safety of all participants in Queensland's workforce.

Nevertheless, trade unions are afforded wide-ranging powers to enter workplaces to inspect WHS compliance under the current operating legislation. CCIQ wishes to constructively contribute to the dialogue in this field to ensure union right of entry powers are used for legitimate reasons alone. This is central to ensuring the efficient operations of small and medium construction and manufacturing businesses in Queensland. Further, CCIQ believes the mindset of utilising right of entry powers as an industrial tool ultimately undermines the safety of Queensland workplaces, the knock-on effects of which include a culture of union representatives unable to effectively ensure best practice safety outcomes for the workplaces they enter.

In relation to the provisions on right of entry, CCIQ believes the *Bill* addresses the significant impact of misuse by union officials of workplace right of entry powers by requiring at least 24 hours' notice by WHS entry permit holders before they can enter the workplace. Queensland businesses, particularly within the construction industry, have raised concerns regarding the impact of third party involvement in workplaces, with union right of entry provisions resulting in increased disruptions, costs and decreased productivity.

Further, there are increasing instances of unions entering workplaces without providing details on the reason for doing so, or in the absence of a complaint from a member employee. When union officials arrive unannounced, they divert management time away from their everyday activities, ultimately undermining the goal of achieving worker safety. This is an inefficient practice that destabilises the capacity of employers to identify and address legitimate WHS issues in their workplace through the 'opportunity cost' of dealing with the visit or stoppage.

The 24-hour notice period prior to entry will help reduce this impact. Similarly, increased penalties for non-compliance with WHS entry provisions and the introduction of penalties for the failure to comply with entry notification requirements will ensure the reduction in current impacts on affected businesses. Further, CCIQ believes the imposition of a requirement on a notice of entry must include the particulars of the breach in question. This will promote accountability and ownership when exercising right of entry powers in addition to reducing the time and cost associated with compliance inspections by isolating specific concerns in the initial stages of the suspected breach.

Queensland employers are frustrated by the level of union interference in their workplaces and rightly fail to understand why there are prescribed mechanisms that provide for an automatic right of union intervention and entry rights in the workplace. The *Bill* currently before the Committee will free up time for employers to focus on safety outcomes by reducing unannounced intervention from unions as well as reducing regulatory compliance. As a direct result, employers will actually be able to spend time and effort on those activities that proactively reduce the incidence of accidents in the workplace. For the above reasons CCIQ is supportive of the Queensland Legislative Assembly passing the *Work Health and Safety and Other Legislation Bill 2014*.

Yours sincerely,

Nick Behrens

**General Manager - Advocacy**

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<sup>i</sup> CCIQ's Targeting Red Tape: A Priority for Every Queenslander 2013