

16 April 2018

Our ref: KB-ILC

Marie Boland
Independent Reviewer

Sent via online registration: <https://engage.swa.gov.au/review-consultation>

Dear Independent Reviewer

2018 Review of the model WHS laws

Thank you for the opportunity to provide comments on the 2018 review of the model WHS laws. Queensland Law Society appreciates being consulted on this review.

The Queensland Law Society (QLS) is the peak professional body for the State's legal practitioners. We represent and promote nearly 12,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. The QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

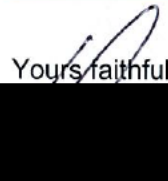
Further to our earlier response, we raise three additional points for the review to consider which have previously been raised by QLS.

- As to question 5, we consider that the review should further explore the effectiveness of the model WHS laws in supporting the management of risks to psychological health in the workplace. We do not consider that the current legislation sufficiently supports risks to psychological health. We note this is a difficult area given the many factors involved in assessing whether psychological injury is solely related to workplace issues. Nevertheless, workplaces should be supported in developing policies to limit these injuries.
- The definition of PCBU also needs to deal with the possible risk of multiple roles being played by a party. There should not be confusion over who was responsible/liable for WH&S on a site where there were multiple parties who could be classified as both a PCBU and a worker;
- Question 21 asks for comments on the effectiveness of health and safety representatives (HSRs). The Discussion Paper notes that few small businesses employ someone to perform this role. We also note that the requirement to employ a HSR was removed from the Queensland scheme in 2011. The role has been re-introduced in a 2017 amending act but not as a mandatory requirement.

Whilst we do not wish for businesses to be overburdened by regulations, we are concerned that there may be a gap in high risk industries, such as manufacturing, where there is no effective intermediary who is able to act as a communicator between staff and management. We call on the review to consider the need for HSRs in all workplaces and whether there are effective alternatives that may be accessible by small businesses.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitor, Kate Brodnik by phone on [REDACTED] or by email to [REDACTED]

Yours faithfully


[REDACTED]
Ken Taylor
President