

CHAMBER OF  
COMMERCE &  
INDUSTRY  
QUEENSLAND

*innovating*

**Submission to Safe Work Australia  
Draft Model Work Health and Safety (WHS)  
Regulations and Model Codes of Practice**

4 April 2011

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### Quotes from Queensland businesses:

*“Safe Work Australia need to be mindful of additional costs on business already struggling under regulations, laws, compliance costs etc. A lot of current regulations are completely over the top, you can’t legislate for every eventuality, common sense must play its part or we will all be out of business.”*

*“I look forward to national consistency with the changes implemented across all States.”*

*“I would like to point out that not one shoe fits all industries and areas. The agricultural industry (primarily banana industry which is very labour intensify) works with a very low class of employee and therefore trying to keep staff and keep them informed of work health and safety issues is a major responsibility as you are always training new employees.”*

*“I would really like to see free access to Australian Standards - like Codes of Practice - the costs are very prohibitive when numerous are required including updates and yet we are required to abide by them? Slightly better educated people on WHSQ help line as well - inspectors are great, but helpline not so.”*

*“The framework needs to be practical and achievable by business managers and owners without the requirement for expensive consultants to work out what is to be done. A lot of attention needs to be given to removing the fear that the current laws engender in business owners because they feel they are put in an untenable position by the laws/regs. Most people want to have a safe working environment but you can’t have anything 100% safe.”*

*“There is a big difference between small business and large businesses who employ lots of people, and this must be taken into consideration.”*

*“Our concerns are: 1. Compliance and administration costs. 2. Difficulty in maintaining an understanding of our requirements and obligations.”*

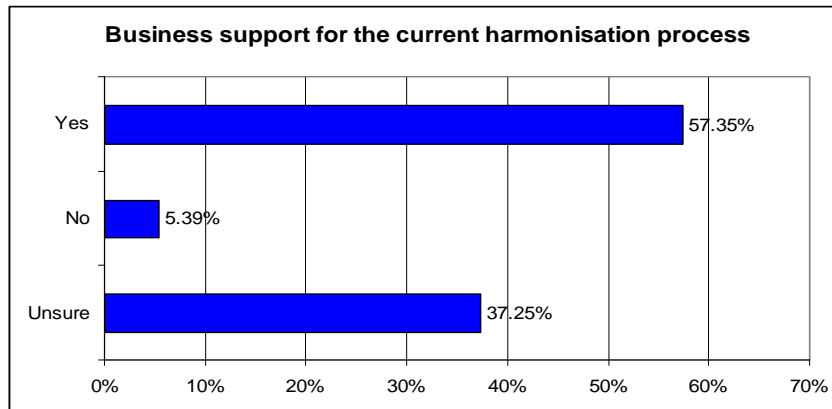
Source: CCIQ WHS Survey, March 2011

## 1.0 OVERVIEW

- 1.1 The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to provide feedback on the Model Work Health and Safety (WHS) regulations and Model Codes of Practice (COP). CCIQ is the State's largest business organisation and represents in excess of 25,000 businesses (a full membership profile is attached in Appendix 3). CCIQ is also a founding member of the Australian Chamber of Commerce and Industry (ACCI) and accordingly endorses the ACCI submission in response to the current consultation process.
- 1.2 CCIQ undertook a survey of businesses (demographics of respondents are included in Appendix 1). The results of this survey provide an overview of where employers are at with WHS harmonisation and identified concerns employers have about moving to the new system from 1 January 2012.
- 1.3 Overall, the Queensland business community remains strongly supportive of harmonising the WHS systems across jurisdictions in order to reduce red tape and costs on businesses. CCIQ's submission focuses on issues in the draft regulations and COP that are likely to have the opposite impact on Queensland businesses by increasing the current regulatory burden and associated costs. It is the view of CCIQ that these issues should be rectified as a matter of urgency to ensure the harmonised system has the desired impact of reducing the compliance and regulatory burdens for employers.
- 1.4 The key concerns raised by CCIQ throughout this submission include:
- It is essential that the regulations remain outcome focused and not focused on prescriptive processes that do not allow Persons Conducting a Business or Undertaking (PCBU) to be proactive in achieving improved safety outcomes in their organisations. Businesses need to be encouraged to adopt best practice approaches that work best for their organisation.
  - There remains strong support for the Workplace Health and Safety Officer (WHSO) role that currently exists under the Queensland Act and regulations. CCIQ believes WHSOs would prove successful in assisting PCBU and other duty holders to meet their obligations under the Act and regulations. The concern that having a WHSO in a workplace encourages PCBU to delegate their responsibilities is unfounded, particularly as WHSOs in Queensland have proven successful in assisting numerous employers to meet their WHS obligations and achieve safer and more productive workplaces.
  - Queensland businesses are strongly supportive of quantifying their duty of care with the term "reasonably practicable". Strong support is also provided to the duty of workers to take reasonable care for their own health and safety and to ensure their actions do not adversely affect others in the workplace. These two duties in particular need to be clearly recognised and used consistently throughout the draft regulations and COP.
  - Businesses are not supportive of the number of notifications required under the draft regulations. In particular, the notifications required for excavation work and annual maintenance of plant, which should be removed. These notifications will only increase administrative burdens for both PCBU and regulators with limited foreseeable safety outcomes expected to be achieved as a result.
  - There are several obligations and requirements under the draft regulations that are seen as unworkable, that represent a significant administrative burden and/or will not lead to any foreseeable improved safety outcomes. Section 4.0 of this submission provides examples of this concern, for example under remote and isolated work, hazardous manual tasks and fall hazards. CCIQ believes that these concerns have not been adequately addressed under the Regulatory Impact Statement (RIS) and therefore more work is required to determine the time and cost of business compliance relating to each obligation.
  - A significant re-write is required in relation to the COP that have been drafted. It is essential that the COP do not extend beyond the scope of the regulations and are simple and easy to use to allow all PCBU (big or small) to be able to understand and comply with them. The current COP are seen as unworkable, too complex and not easy to understand by many businesses.

## 2.0 QUEENSLAND PERSPECTIVE

2.1 The Queensland business community remains strongly supportive of harmonising the WHS system across jurisdictions in order to reduce red tape and costs on businesses (only 5% of businesses did not support the current harmonisation process which CCIQ believes relates to the concern of regulation churn). A significant proportion of businesses (30%) currently operate across state borders and are therefore required to be compliant with WHS regulations in more than one state. Out of those businesses that operate across state borders, only 1.6% did not support the current harmonisation process.



Source: CCIQ WHS Survey, March 2011

2.2 Queensland businesses are strongly supportive of the key change between current state WHS laws and the new system in that duty of care is quantified by the term “reasonably practicable”, meaning that employers will be required to do what is reasonably practicable to ensure the WHS of their employees, rather than the current obligation for employers to “ensure” the WHS of their employees (an absolute duty of care). Strong support is also provided to the duty of workers to exercise reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of other persons at the workplace. Queensland businesses also support the move away from reverse onus of proof.

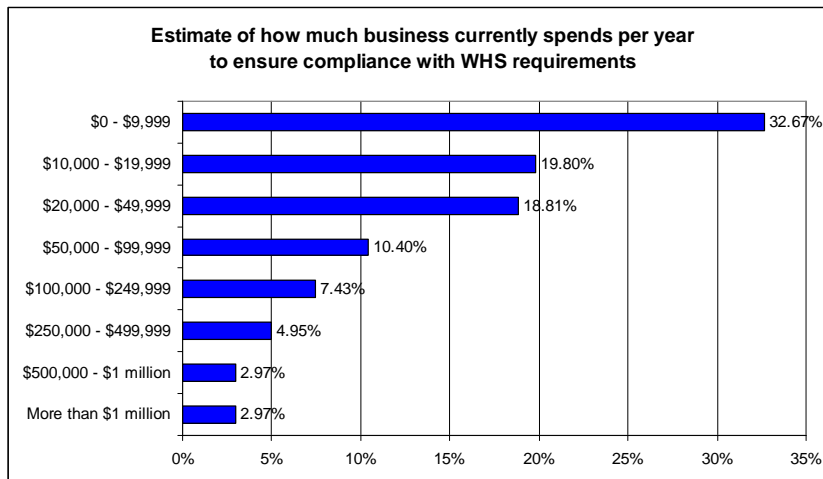
2.3 In Queensland, there will also be a move away from company directors being held liable for infringements by the company, however they are required to have a positive and proactive duty to exercise due diligence. CCIQ is supportive of the WHSO role being used to assist company directors in meeting this duty.

2.4 Overall, CCIQ remains supportive of a WHS system that:

- Has a commonsense and fair approach to determining the obligations of employers;
- Involves consistent enforcement of clear WHS guidelines;
- Incorporates a partnership-based approach to ensuring healthy and safe workplaces in Queensland;
- Encourages employers to provide safer workplaces through incentives;
- Raises awareness amongst employers and employees of the importance of improved WHS;
- Is principle and outcome based and supported by authorities who provide advice in preference to enforcement;
- Is based on legislation that is written in plain English to allow for maximum understanding by all duty holders;
- Has a significant focus on providing support and education to assist duty holders to fully understand the legislation and embrace the principles of:
  - Requiring employers to eliminate or reduce risk so far as is reasonably practicable;
  - Requiring workers to take reasonable care of their own health and safety and the health and safety of others;
- Recognises the obligation on all workplace parties to encourage a consultative and participative approach in the workplace.

### 3.0 COST OF WHS COMPLIANCE FOR QUEENSLAND BUSINESSES

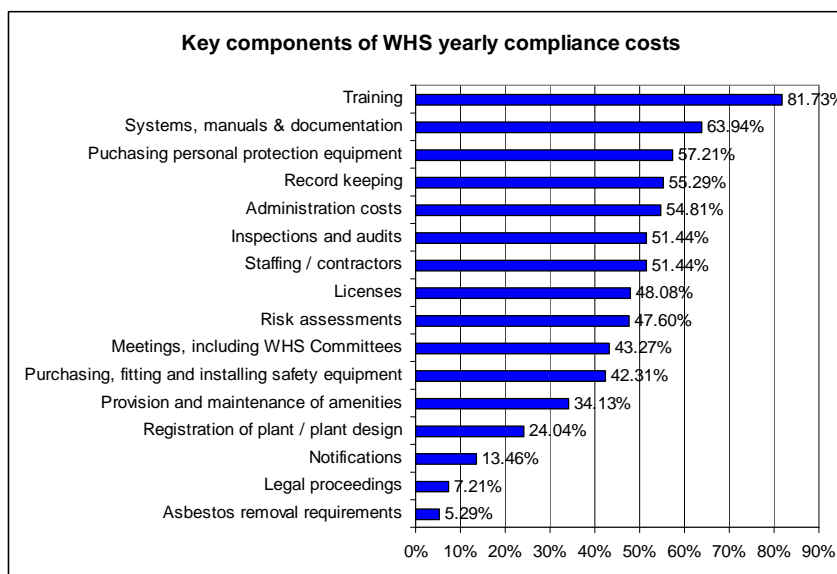
3.1 A strong focus of a harmonised WHS system is to reduce the compliance costs on business. As a result, it is essential to have an understanding of what businesses currently spend on WHS and what are the primary components of this expense. The majority of Queensland businesses (52.5%) currently spend up to \$20,000 each year to comply with WHS requirements. Almost one in five businesses spends more than \$100,000 a year.



Source: CCIQ WHS Survey, March 2011

3.2 The key components making up this yearly cost appear to be:

- Training;
- Systems, manuals and documentation;
- Purchasing personal protection equipment;
- Record keeping and administrative costs;
- Inspections and audits;
- Staffing and contractors.



Source: CCIQ WHS Survey, March 2011

3.3 The majority of Queensland businesses believe that the costs associated with compliance under the new WHS system from 1 January 2012 will be relatively similar to the current costs associated with compliance with the Queensland system. More than one in four businesses believes the new system will increase the costs associated with compliance for their business. It is important that the issues raised in the following sections are addressed to reduce the potential costs to businesses.

### Quotes from Queensland businesses in relation to concerns with WHS legislation:

*“Administration and cost burdens to small businesses especially owner operated ones without a lot of staff resources. The fact that we can never fully comply and protect ourselves from blame due to the impossible requirements, this adds an enormous fear factor and a feeling of despondency. Guidelines/manuals that are inexpensive and will help guide us through a process of setting up systems that will make a difference but don't require expensive consultants. The fact that the employer has to be responsible for individual behaviour when many people are not taught self responsibility.”*

*“The extra knowledge of a WHSO is useful every day and should not be disbanded.”*

*“Compulsory (Govt Funded) training for all registered businesses would be fair as not all business' are complying. We employ a lot of subcontractors who have no idea of their WHS legal obligations. Much more education is needed to ensure attitudes change.”*

*“The major concern I have is with the removal of the WHSO from the Legislation. The structure works well with the Representatives in our case working tightly with the WHSO, and the WHSO reporting to executive management on results and resource requirements. Also, although it is proposed for more in depth training for reps I would assume that the in depth legislative knowledge, which I feel is very important, will now be lost?”*

*“It needs to be written in simple plain English, so there are no misunderstandings and should also factor common sense into the equation. What applies to large multi national companies and large employers does not necessarily apply to small family businesses that employ one or two casual staff. All changes should be emailed/faxed or mailed to all employers and registered business as there is never enough publicity regarding these types of changes and some businesses only find out about the changes by chance or don't find out at all.”*

*“Requirements could be more industry specific; that is, an office environment is vastly different from a factory environment, but we need to wade through all of the legislation to establish what our obligations are.”*

Source: CCIQ WHS Survey, March 2011



## 4.0 MODEL WORK HEALTH AND SAFETY REGULATIONS PUBLIC COMMENT RESPONSE FORM

**Individual/Organisational name: Chamber of Commerce and Industry Queensland (CCIQ)**

**Section A: Model Work Health and Safety Regulations Exposure Draft**

General Comments (e.g. regulatory impact, level of prescription, notification, record-keeping requirements)

The overall goal of harmonising WHS legislation and regulations was to reduce the regulatory burdens and cost on businesses. It is essential that this goal is kept top-of-mind while drafting and finalising the regulations and COP to ensure the new requirements do not unnecessarily increase the compliance burdens on businesses. As a result, CCIQ is strongly supportive of ensuring the regulations are outcomes based, and are not based on processes that do not allow PCBU and other duty holders to be proactive in achieving improved safety outcomes for their organisation.

**Chapter 1: Preliminary** (e.g. definitions)

There needs to be a clearer link between the definitions in Chapter 1 to where those definitions are actually used throughout the regulations. For example, words for which there is a definition under Chapter 1 should be clearly identifiable throughout the regulations (ie in bold and italics) to ensure that any duty holders attempting to interpret the regulations are clearly aware that certain words are defined terms. For example, under the falls section, it is not clear that the terms “fall” and “solid construction” are defined terms. CCIQ would also like to raise a concern about the definition of “reasonably practicable”. This phrase could easily be defined by each duty holder in different ways and as a result, CCIQ is supportive of establishing a clear and easily identifiable benchmark of what this term entails in order to reduce any uncertainty that exists.

**Chapter 2: Representation and participation** (e.g. power to request review of risk control measures in certain circumstances)

***Health and Safety Representatives (HSRs) and Work Groups***

CCIQ believes the regulations around HSRs and work groups will represent a significant change and cost implications for many Queensland employers. Currently under the Queensland *Workplace Health and Safety Act 1995*, workers at a workplace are entitled to elect one HSR for the workplace, but may (following negotiations with their employer) elect more than one HSR. The Model regulations provide provisions for the establishment of numerous work groups within a business, and subsequently the appointment of a HSR and deputy representative for each group. As a result, a significant change in Queensland will be a substantial increase in the number of HSRs within any given organisation. Furthermore, the broader definition of a worker (to include contractors, subcontractors, employees of a contractor/subcontractor, and employees of a labour hire company) is also likely to have an impact on the number of HSRs in an organisation. A substantial increase in the number of HSRs will substantially increase costs, particularly in relation to training (HSRs are entitled to an initial course of training of 5 days, in addition to a one day’s refresher training each year) and a potential reduction in productivity (due to down time associated with HSR training, meetings, consultations, assessing risks etc).

In relation to work groups, CCIQ is supportive of a process that allows businesses to determine the best approach for their business in relation to the establishment of these groups. The Chamber is also supportive of allowing workers to determine the best approach for their work group in determining who will be their HSR. The draft model regulations are too prescriptive in relation to the election of HSRs within each work group. The current draft regulations should be transferred to guidance to provide advice on how an election could be undertaken if the work group chooses to follow this advice, however, in the first instance, CCIQ is supportive of allowing each work group to determine the best approach for their group which could differ substantially for workers on a construction site compared to a legal office. However it remains essential that the PCBU is informed about the outcomes of the election of HSRs within all work groups.

CCIQ would also like to raise the following in relation to HSRs in workplaces:

- A certain level of competency is required, particularly if HSRs have the ability to issue PINs. Many businesses are concerned about the abuse of HSRs in issuing PINs;
- Clarification is required around the level of information that each HSR is required to know and understand at a minimum;
- Employers are concerned about the level of competency of those workers that are elected as HSRs. For example, they could be elected based on their popularity within the organisation. There is support for more processes to be put in place around the election of HSRs, such as a minimum requirement in relation to experience and/or qualifications, and allowing the PCBU to have some say in who is chosen to fulfil the role of HSR;
- Employers should be able to undertake internal training of HSRs, as long as this training is deemed suitable and appropriate to the role and industry needs;
- The broader definition of a worker could result in the situation where a HSR is not actually an employee of the PCBU. In this situation, CCIQ is concerned about who would be responsible for paying the costs of training for this worker.

CCIQ continues to remain strongly supportive of retaining the Workplace Health and Safety Officer (WHSO) role. Currently in Queensland, employers with 30 staff or more are required to appoint a qualified person as a WHSO under the *Workplace Health and Safety Act 1995*. WHSOs have a range of responsibilities under the Queensland Act including assisting the business in understanding and meeting its obligations under the WHS Act and identifying any hazards or risks to health and safety within the workplace. The Chamber believes that WHSOs would prove a useful resource for PCBU to fulfil their duties under the Act and regulations. Furthermore, CCIQ believes the usefulness and importance of WHSOs would also be extended to the obligation of company directors to exercise due diligence which requires them to:

- Acquire and keep up-to-date knowledge of health and safety matters;
- Gain an understanding of hazards and risks associated with the company's operations;
- Ensure appropriate resources are available for use to eliminate or minimise risks from work carried out;
- Ensure appropriate processes for obtaining information about incidents, hazards and risks, and responding to them;
- Ensure processes for complying with duties are implemented, e.g. reporting, consultation arrangements, training and instruction;
- Verify the provision and use of resources for the matters listed above.

HSRs are unlikely to be as successful undertaking this role as they are appointed by workers to represent the workers, whereas WHSOs are appointed by employers to represent their interests. The concern that having a WHSO in a workplace encourages PCBU to delegate their responsibilities is unfounded, particularly as WHSOs in Queensland have proven successful in assisting numerous employers to meet their WHS obligations and achieve safer and more productive workplaces. Furthermore, under the *Workplace Health and Safety Act 1995*, the appointment of WHSOs does not diminish employer's workplace health and safety obligations. CCIQ undertook a survey of Queensland businesses in 2009 on their support for the WHSO role, and the benefits that WHSOs bring to their organisation (results included in Appendix 2).

### **Issues Resolution**

The draft regulations set out a default procedure for the resolution of any health and safety issues that arise at a workplace that are not resolved after discussion between the parties to the issue. The Model Act states that if the parties to the issue can not achieve a timely, final and effective resolution of the issue in accordance with an agreed procedure, they will be required to use the default procedure as prescribed in the regulations. The default procedure requires the details of the issue and its resolution to be set out in writing and brought to the attention of the affected workers and any relevant HSRs. Furthermore, the PCBU must ensure that the agreed procedure for issues resolution is set out in writing and communicated to all workers. This will represent a considerable change in Queensland, requiring PCBU to review their current policy (if any) in relation to the resolution of health and safety issues, and update (or establish) this document based on the provisions included in the model regulations and Codes of Practice. CCIQ is not supportive of the requirement to include the outcomes of all disputes and their resolutions in writing, particularly if the issue resulting in the dispute is mundane and all parties to the issue are satisfied with the outcome.



### **WHS Entry Permit Holders**

CCIQ is of the understanding that there are no changes from the current Queensland system in relation to the right of entry provisions for authorised representatives. However, CCIQ would like to stress that it is essential for the entry rights of union officials in relation to the model Act and regulations to remain consistent with the *Fair Work Act 2009*.

### **Chapter 3: General workplace management**

#### **Part 3.1 General working environment**

##### **Remote or isolated work**

The model regulations include a provision that a PCBU must implement measures that include effective communication with a worker engaged in remote or isolated work. This is a new obligation in Queensland that would represent a significant impact for many Queensland businesses. In Queensland, remote or isolated work could include work on a farm (ie fixing fences), work on power lines or roads in remote areas, or even health care professionals visiting patients or clients in regional areas. One key method of providing this communication would be a mobile phone, however this is not that simple when there are hundreds of mobile phone 'black spots' throughout the state. Even some regional cities, including Cairns and Rockhampton, have long reported issues with mobile phone coverage throughout the suburbs and the CBD. Furthermore, the cost of supplying satellite phones to all workers undertaking remote or isolated work would represent a substantial cost to businesses that is unlikely to be able to be recouped by the business. Much of this work is also active with a high risk of damage likely to these communication devices, and would also therefore represent a significant cost to businesses in relation to replacing damaged equipment.

CCIQ is supportive of a PCBU providing effective communication with a worker engaged in remote or isolated work where it is deemed **reasonable practicable**. However, CCIQ is not supportive of the current draft of the regulations that states the PCBU **must** implement measures that include effective communication with the worker. PCBU should be able to implement policies or procedures when it is not reasonable practicable to provide effective communication with workers who are engaged in remote or isolated work, for example submitting travel plans, regular phone "check-ins", or other approaches that are best suited to the organisation and type of work undertaken.

#### **Part 3.2 Personal protective equipment**

CCIQ is strongly supportive of the duties of workers under Part 3.2 personal protective equipment (PPE) that requires the workers to:

- Use the equipment in accordance with any information, training or instruction provided to the worker;
- Not intentionally misuse or damage any of the PPE;
- Inform the PCBU of any damage, defect etc to the PPE that the worker becomes aware of.

It is essential that these duties remain in the model regulations.

#### **Part 3.3 First aid**

CCIQ has no concerns around the provisions relating to the duty of PCBU to provide first aid as these provisions are consistent with current Queensland regulation.

### Part 3.4 Emergency plans

The draft regulations require a PCBU to ensure that an emergency plan is prepared for the workplace. There is currently no equivalent duty under Queensland regulation and would therefore represent a significant change for Queensland businesses. CCIQ currently has the following concerns in relation to this duty:

- Some businesses may be required to develop several plans to correspond to different sections of the business. This may be required to provide emergency response procedures for the different hazards/risks and the different activities that are undertaken at each site;
- The knowledge of PCBU in how to actually respond to some emergency situations, for example, earthquakes, terrorism or dangerous chemical releases. SWA should develop a range of guidance material to assist businesses in preparing emergency plans for situations that are outside the realm of their experience, knowledge and/or normal business activities and considerations;
- Who would be responsible for preparing the emergency plan on sites where there may be several PCBU.

### Part 3.5 Review of general workplace management measures

CCIQ has no feedback regarding the duty to review general workplace management measures.

## Chapter 4: Hazardous work

### Part 4.1 Noise

The draft regulations and Codes of Practice include a reliance on AS/NZS 1269. CCIQ is not supportive of basing regulations and Codes of Practice on a document which duty holders are required to purchase in order to review it. Furthermore, CCIQ has been made aware of several technical issues in the standards which are addressed in more detail in the ACCI submission. The regulations require more clarity around the definition of noise exposure, for example whether “exposure to noise” is intended to be the noise outside hearing protectors (the traditional definition) or the noise in the ear canal after the effects of hearing protectors. The current uncertainty surrounding this definition has implications in relation to the interpretation of the regulations on noise. Overall, CCIQ is strongly supportive of implementing measures that focus on hazard identification, assessment and control actions (outcomes), rather than relying on controlling exposure below a particular level (processes).

The draft regulations also require a PCBU to review and as necessary revise measures implemented before any alteration is made to any structure, plant or process that is likely to expose workers to noise that exceeds the exposure standard. This requirement is currently too broad and would require noise control measures in some industries to be reviewed daily. For example, in the construction industry, structures are altered daily, and therefore, construction workers who are exposed to noise would be required to have their noise control measures reviewed every day. This requirement would only add to red-tape and would not deliver any improved safety outcomes. CCIQ is supportive of qualifying this requirement by ensuring reviews only need to be undertaken if any alterations made to structures, plant or processes will increase noise exposures which are:

- Already over the exposure standard; or
- Have the potential to be over the exposure standard as a result of the change.

In relation to HSRs power to be able to request a review of noise control measures, CCIQ strongly believes that these representatives should be required to demonstrate a certain level of competency in this specialty area in order to be able to execute this power.

#### Part 4.2 Hazardous manual tasks

The draft regulations around hazardous manual tasks represents a new regulation in Queensland that would require PCBU to identify all hazardous manual tasks performed or to be performed by a worker and eliminate the risk of a worker being affected by a musculoskeletal disorder (MSD) from carrying out that task. Research indicates that although Queensland currently does not have regulation relating to hazardous manual tasks, there does not appear to be higher incidence rates of these injuries within our state compared to other jurisdictions that currently regulate this activity. As a result, current evidence indicates that regulating hazardous manual tasks has had limited safety benefits in relation to reducing incident rates. Subsequently, CCIQ questions whether regulation around this activity is the best approach and whether a more cost effective method of reducing MSD injuries would prove more successful in the long run. For example, CCIQ is supportive of developing industry or task specific guidance as opposed to regulations to provide more practical solutions for controlling hazardous manual tasks that allows PCBU to focus on implementing control measures rather than on complying with regulations. This move would be more beneficial for small and medium businesses to help them in reducing risk rather than regulating them to go through a complex process best suited to trained ergonomists.

In relation to the meaning of a hazardous manual task under the model WHS regulations, CCIQ is supportive of:

- Modifying 4.2.1 (d) from “sustained or awkward posture” to “sustained and awkward posture” as both of these components are required to be defined as a hazardous manual task;
- Changing 4.2.1 (e) from “exposure to vibration” to “other compounding environmental factors”.

In relation to HSRs’ power to be able to request a review of risk control measures, CCIQ strongly believes that these representatives should be required to demonstrate a certain level of competency in this specialty area in order to be able to execute this power.

#### Part 4.3 Confined spaces

CCIQ is supportive of the structure of the confined spaces section of the model regulations as opposed to the current Queensland regulations which focus on AS/NZS 2865. As mentioned earlier, CCIQ is not supportive of basing regulations and Codes of Practice on standards which duty holders are required to purchase in order to review it.

In relation to the draft regulations on confined spaces, CCIQ would like to raise the following:

- Sites where there are multiple PCBU, there are concerns over who has the authority and obligations regarding work in confined space ie who is responsible for the obligations around hazard identification and risk assessment, emergency procedures and record keeping;
- In relation to confined space entry permits, CCIQ is supportive of adding a duty for workers who could still enter a confined space without an entry permit;
- The requirement that PCBU must ensure, so far as is reasonable practicable, that a worker who is to enter a confined space to carry out work understands the entry permit that has been issued for the work and is able to comply or ensure compliance with it should be removed. A workers’ understanding of an entry permit could be difficult to measure and subsequently, PCBU should not be able to be penalised in relation to it;
- Section 4.3.11 (a) should read “An opportunity / ability for continuous communication with the worker from outside the confined space”.

CCIQ is strongly supportive of the harmonisation process, with one key reason being the benefits of reducing current red tape constraints associated with WHS in Queensland. CCIQ is not supportive of obligations under the model regulations that increase administrative burdens for PCBU. Subsequently, CCIQ is supportive of placing greater attention on ensuring only the minimal level of record keeping is required under the confined space obligations in order to provide the best safety outcomes.

## Part 4.4 Falls

### **Falls**

The draft regulations on falls applies to all industries which will represent a significant change in Queensland, as current regulation only applies to construction. As a result, PCBU in Queensland will be required to introduce new practices and procedures in order to comply. Overall, CCIQ is concerned about the broad definition of falls and the subsequent coverage of activities or potential risks that are currently covered by this draft regulation. As a result, CCIQ is supportive of the following:

- Inserting the work “involuntary” into the definition of fall so that it reads “an involuntary fall by a person from one level to another.”
- Providing a list of exclusions for particular activities including theatrical performances, sporting/athletic activity, the riding of bicycles/motorcycles/all-terrain vehicles, horse riding, as well as tasks that are undertaken on parts of a building or structure (such as stairs, fixed ladders, ramps and balconies) that comply with building requirements and are used for the purpose for which they are intended;
- Introducing a fall threshold ie for heights of 2m or higher. CCIQ is supportive of adopting the same threshold in the draft regulations. CCIQ is not supportive of the hierarchy of control measures applying to work undertaken at a lower height (ie changing light bulbs in an office, obtaining items from a top shelf in a storage cupboard), as this would place a significant and unnecessary compliance burden on all workplaces.

CCIQ is not supportive of the draft obligation that requires administrative controls to be recorded for fall hazards over 2m. This obligation imposes unreasonable and unworkable obligations on duty holders for work of short duration or where higher level control measures are simply not possible because of the nature of the work. Under the obligation, the duty holder is also only required to keep the record until the relevant work is completed. As a result, CCIQ seriously questions the benefits of this obligation and what safety outcomes could even be achieved by fulfilling this requirement. Recording why higher order risk control measures are not being implemented will also not deliver improved safety outcomes. As mentioned earlier, CCIQ is strongly supportive of reducing red tape constraints on Queensland businesses, and is not supportive of obligations under the model regulations that increase administrative burdens for PCBU and that do not result in any foreseeable safety outcomes.

In relation to HSRs’ power to be able to request a review of risk control measures, CCIQ strongly believes that these representatives should be required to demonstrate a certain level of competency in this specialty area in order to be able to execute this power.

### **Falling objects**

CCIQ also has serious concerns around the draft regulation on falling objects. As there is no height threshold in place for this regulation, CCIQ is concerned about the broad coverage of what would currently be classified as a falling object, such as objects that fall from a person’s hand to the ground (on the same level) or items on a grocery shelf falling to the floor. Current Queensland regulation relating to falling objects only applies to construction work if an object could fall on or otherwise hit persons during work. CCIQ is supportive of changing the draft regulation to only cover what is currently covered in Queensland, or removing the draft regulation on falling objects altogether due to the significant implications for thousands of businesses in Queensland if the current wording remains the same.

## Part 4.5 High risk work (e.g. Accreditation of Assessors)

The licensing requirements under the high risk work section are consistent with current Queensland provisions where a person must be licensed to carry out high risk work. A key change for Queensland will be the introduction of a new class of high risk work for reach stackers. It is important that businesses are provided with sufficient transition provisions to allow them time to obtain any new licences required without causing significant disruptions to their everyday business activities. The licence application process, licence conditions and requirements appear consistent with current Queensland provisions.

#### Part 4.6 Abrasive blasting

There is currently no regulation in Queensland covering abrasive blasting. This regulation will place particular obligations on those PCBU that carrying out abrasive blasting at the workplace. CCIQ has no additional feedback regarding the regulations around abrasive blasting.

#### Part 4.7 Electrical work

The Queensland Government has indicated that the Queensland *Electrical Safety Act 2002* and *Electrical Safety Regulation 2002* will continue following the implementation of the model WHS Act and regulations in Queensland. The Model WHS Regulation provisions around electrical work will be incorporated into the current Queensland regulations. Overall, CCIQ is of the understanding that Queensland's electrical safety requirements will remain relatively unchanged and therefore will have limited implications for Queensland businesses.

#### Part 4.8 Diving work

CCIQ has no feedback regarding diving work.

### Chapter 5: Plant and Structures

The draft regulations include more detailed duties relating to specific plant than currently seen under Queensland regulation. Overall, CCIQ is supportive of regulations around plant and structures that provide practical and workable solutions that deliver WHS outcomes for PCBU and workers. However, CCIQ is not supportive of regulations that only seek to place additional requirements on PCBU that are impracticable and/or do not result in identifiable safety outcomes. CCIQ is supportive of rectifying the specific examples put forward by ACCI in relation to impractical and unworkable draft regulations under the plant and structures section.

In relation to the application of plant and structures, CCIQ is supportive of ensuring that hand held plant is excluded from the regulations. Furthermore, CCIQ believes exclusions should be extended to include vehicles that are used on public roads and rail.

CCIQ also has concerns around the draft regulations on the supply of second hand plant. The current duty as drafted would be difficult for both importers and suppliers to comply with, particularly as plant can have many faults that are not foreseeable without extensive (expensive) testing. Furthermore, the current inclusion of vehicles would duplicate existing motor vehicles laws in relation to roadworthy certificates, and would also result in a person selling a vehicle being classed as a supplier and therefore also subject to the duties of suppliers. The regulation as currently drafted would only encourage importers and suppliers to sell second hand plant as scrap or spare parts, as that duty would be much easier to comply with. This will not deliver improved safety outcomes and is likely to have negative implications for the selling and purchasing of second hand plant throughout Australia.

CCIQ is strongly supportive of reducing the regulations in relation to registrations. In particular, CCIQ supports removing the duty requiring PCBU to give the regulator a notice in relation to the maintenance of the plant on each anniversary of the registration of the plant. This duty would only represent a significant burden for both businesses and regulators. As previously mentioned, CCIQ is strongly supportive of focusing regulation on achieving outcomes, rather than on processes that only deliver additional red tape. The majority of businesses already maintain registers of plant maintenance that could be shown to WHS inspectors on request. Furthermore, sending this information to regulators annually would only result in an administrative and storage burden for regulators with limited safety outcomes to be achieved by the process. This regulation should be removed.

## Chapter 6 Construction (e.g. construction induction requirement)

The current definition of construction work as defined under the draft regulations is very broad and will extend the coverage of construction work regulations beyond the construction industry. The current scope of the definition would cover the manufacture of mobile plant and maintenance of fixed plant (for example, installation of a new conveyer belt in a factory), the installation of essential services (for example, telephone lines to houses or installation of computer cabling in an office) and routine maintenance of structures (for example, maintenance of plant during annual shut downs). CCIQ is strongly supportive of exclusions being added to the regulations to ensure work and activities that were not intended to be covered are in fact excluded.

Under the draft regulations, a construction project is a project that involves construction work, if the cost of the construction work is \$200,000 or more. This threshold is intended to be a proxy for the complexity of a construction project, and is therefore considered to be too low. WHS management plans are required for all construction projects, with the intention that they would be large and complex projects. However, a threshold of \$200,000 would capture a significant proportion of the housing sector and other projects that are of short duration and low complexity. CCIQ is supportive of lifting this threshold to at least \$250,000.

CCIQ is not supportive of the obligation for PCBU who proposes to carry out construction work that includes excavation work involving a trench, tunnel or shaft to ensure that the regulator is given written notice at least 5 days before commencing the work. This obligation will only increase red tape for Queensland businesses and will not deliver any improved safety outcomes. CCIQ views the draft obligations as unworkable and impracticable in a wide range of circumstances where PCBU might not know 5 days beforehand that excavation work is required. This would represent a significant burden on many industries, including the housing sector. Furthermore, with the volume of notifications that would be received by the State Government under this obligation, it would be impossible for regulators to sift through them within a couple of working days in order to determine which excavation work sites to inspect (the aim of such notifications). CCIQ believes this regulation should be removed as it is unreasonable and could cause delays in many construction projects without delivering any safety benefits for PCBU or their workers.

Additional feedback in relation to the section on construction:

- The hierarchy of control of risk in the construction work is inconsistent with the hierarchies for specific hazards. This needs to be rectified to ensure consistency is achieved throughout the regulations;
- It would currently be impossible for businesses to comply with the requirement for PCBU to undertake a review and as necessary revise risk control measures under the circumstances outlined in the regulations, for example before any change is made to the way construction work is carried out. Due to the nature of work in the construction industry, this obligation could be triggered on a very regular basis, resulting in significant red tape, paperwork and time constraints on businesses. This requirement should be redrafted to only require a review to be undertaken before a significant or major change is made to the way in which construction work is carried out;
- HSRs should only be able to exercise powers and functions for matters that affect workers in the work group that they represent;
- Safe work method statements need to be clear and simple so that they are comprehensible to the workers that use them.

## Chapter 7: Hazardous chemicals

### Part 7.1 Hazardous chemicals

In relation to hazardous chemicals, CCIQ is supportive of ensuring consistency between existing regulations, requirements and initiatives (such as the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) and the *Agricultural and Veterinary Chemicals Code Act 1994*) as well as eliminating any duplication of the activities of existing agencies (such as APVMA and FSANZ). Overall, CCIQ believes that the regulations need to be simple, consistent, usable and appropriate for the target audience (ie the user). Furthermore, the focus of the regulation must remain on safety outcomes for the workplace.



Additional feedback in relation to hazardous chemicals includes:

- Emergency plans that are required to be developed if a PCBU has more than the manifest quantity of a class of hazardous chemical, must be reasonable and reflect the size and nature of work undertaken at the workplace;
- Health surveillance regulations need to be simplified and be supported by guidance to encourage practices to minimise risks;
- Concerns around biological hazards (ie for vets, meat workers and health care workers) also need to be addressed.

CCIQ is concerned about the number of notifications to the regulator in relation to hazardous chemicals. For example, PCBUs are required to notify the regulator 14 days prior if the manifest quantity of a hazardous chemical used, handled or stored at the workplace is exceeded. This would represent a significant administrative burden on many businesses and needs to be revisited.

#### Part 7.2 Inorganic lead

CCIQ has no feedback in relation to inorganic lead.

#### Part 7.3 Asbestos

The regulations on asbestos are difficult to read without the definitions easily identifiable. As mentioned earlier, CCIQ believes there needs to be a clearer link between the definitions in Chapter 1 to where those definitions are actually used throughout the regulations (ie in bold and italics) to ensure that duty holders are clearly aware of the words that are defined under the regulations.

Feedback that CCIQ would like to provide in relation to asbestos includes:

- The use of the word “maintenance” throughout the asbestos regulations is seen as inappropriate and should be changed to “work involving asbestos containing material”;
- More clarification is required on the duration of the obligation to provide health surveillance and on the frequency of requirements. It is essential that these requirements are reasonable and workable;
- The requirement for licensed removalists to keep records of training undertaken by a worker carrying out asbestos removal work for 5 years is considered excessive and should be significantly reduced ie 1 year;
- It is essential that asbestos removal / asbestos assessor licenses are recognised in other jurisdictions;
- There are concerns about ability of businesses in regional areas to obtain the services of a licensed removalist.

The asbestos regulations also require businesses to notify the regulator of certain things including 5 days written notice before the licensed removalist starts asbestos removal work in relation to friable asbestos or non-friable asbestos (if more than 10m<sup>2</sup> is to be removed). CCIQ is concerned about the number of notifications relating to asbestos and other hazardous chemicals and the cost implications this could have on Queensland businesses.

#### Chapter 8: Major hazard facilities

CCIQ has no feedback in relation to major hazard facilities.

**Chapter 9: Mines**

CCIQ has no feedback regarding mines.

**Chapter 10: General**

**Part 10.1 Review of decisions**

CCIQ has no feedback regarding review of decisions.

**Part 10.3 Exemptions**

CCIQ has no further feedback regarding exemptions.

## 5.0 MODEL WORK HEALTH AND SAFETY CODES OF PRACTICE PUBLIC COMMENT RESPONSE FORM

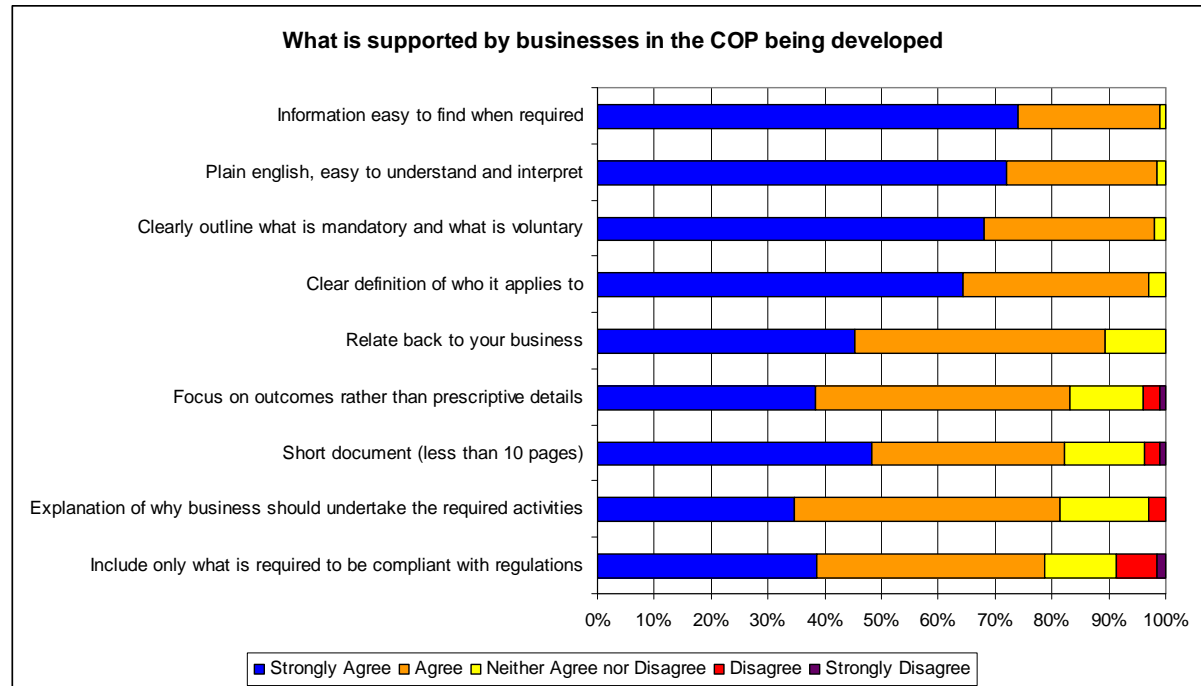
### Section B: Model Codes of Practice

#### General Comments

CCIQ is of the understanding that Codes of Practice (COP) are prepared for the purpose of providing practical means for businesses to achieve regulations. Furthermore, COP are admissible as evidence in legal proceedings and can also be cited by inspectors in improvement or prohibition notices. As a result, CCIQ is strongly of the view that COP:

- Must not extend beyond or be broader in scope than the regulations;
- Are simple, user friendly, easy to interpret and concise to allow all PCBU (big or small) to be able to understand and comply with them;
- Are meaningful to businesses.

The below graph indicates other factors that are supported by Queensland businesses in COP.

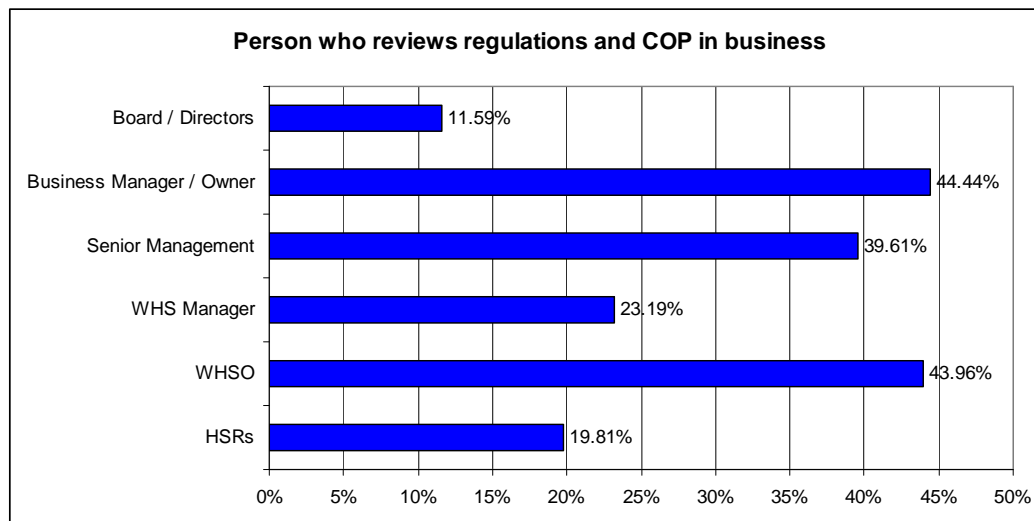


Source: CCIQ WHS Survey, March 2011

Overarching CCIQ feedback on the draft COP that have been developed by SWA include:

- They are largely unworkable and will spark non-compliance;
- They are not easy to understand and many businesses, particularly small businesses, will struggle to understand and comply with them;
- They are too long, complex and include too much information that is not required (such as explanations about the process involved in COP preparation);
- COP should not include punitive measures, as these are addressed under the regulations;
- Clarification is required on the criteria used to determine whether a COP and/or guidance material is required to ensure the most appropriate approach is taken in each circumstance. For example, CCIQ believes that when there is more than one option provided to ensure compliance, the information should be contained in guidance material and not COP;
- Many requirements included throughout the COP go beyond the compliance required by the regulations;
- There should be only one COP for each issue to reduce the regulatory burdens on businesses (ie several falls COP currently exist);
- Further clarification is required on what is a mandatory obligation under the COP and what is only advice to management;
- The word “ensure” needs to be qualified by the term “reasonably practicable” throughout the COP.

COP also need to be useful to those who review them. The majority of businesses (44%) indicate that the Business Manager/Owner and/or WHSO currently review the regulations and COP in their business. Two in five businesses indicated that Senior Management undertake this role, and around one in five indicated that this was undertaken by the WHS Manager and/or HSRs. It is essential that SWA consider the target audience when drafting the regulations and COP to ensure maximum understanding and compliance.



Source: CCIQ WHS Survey, March 2011

<p>How to manage work health and safety risks</p>
<p>Much of the information currently included in the <i>How to Manage Work Health and Safety Risks</i> is guidance and should not be included in a COP. More emphasis is required on the provision of education and information rather than the issuing of improvement or prohibition notices which can have a significant impact on productivity if not required. CCIQ believes that many of the sections are currently too prescriptive and need to be re-written.</p>
<p>How to consult on work health and safety</p>
<p>Much of the information currently included in the <i>How to Consult on Work Health and Safety</i> is guidance and should not be included in a COP. More emphasis is required on the provision of education and information rather than the issuing of improvement or prohibition notices which can have a significant impact on productivity if not required. Further consideration is also required on the application of this information to multiple PCBU. Overall, this COP is too prescriptive in many areas which could have negative implications for consultation in the workplace (ie does not allow for informal consultation).</p>
<p>Managing the work environment and facilities</p>
<p>This COP does not adequately address the work environment of non-construction sites. It largely focuses on construction however needs to be broader in order to be applicable to all businesses.</p>
<p>Managing noise and preventing hearing loss at work</p>
<p>CCIQ believes the draft regulations around noise need to be modified and the associated changes reflected throughout this COP.</p>
<p>Hazardous manual tasks</p>
<p>CCIQ believes the draft regulations around hazardous manual tasks need to be modified and the associated changes reflected throughout this COP.</p>
<p>Confined spaces</p>
<p>CCIQ believes the draft regulations around confined spaces need to be modified and the associated changes reflected throughout this COP.</p>
<p>How to prevent falls at the workplace</p>
<p>The COP on <i>How to Prevent Falls at the Workplace</i> is very construction industry specific. Industry specific guidance is required to provide practical solutions for all businesses.</p>
<p>Labelling of workplace hazardous chemicals</p>
<p>CCIQ has no feedback regarding this COP.</p>

Preparation of safety data sheets for hazardous chemicals

CCIQ has no feedback regarding this COP.

How to manage and control asbestos in the workplace

There is currently a discrepancy in the definition of asbestos removalist in the COP compared to the regulations which needs to be addressed. There is also currently much information included in the COP that is viewed as guidance material and therefore should be removed ie what is asbestos, what are the health risks and how can you be exposed to it. More clarity is also required around health surveillance (which needs to be addressed under the regulations).

How to safely remove asbestos

CCIQ is supportive of including all information relevant to asbestos under the one COP.

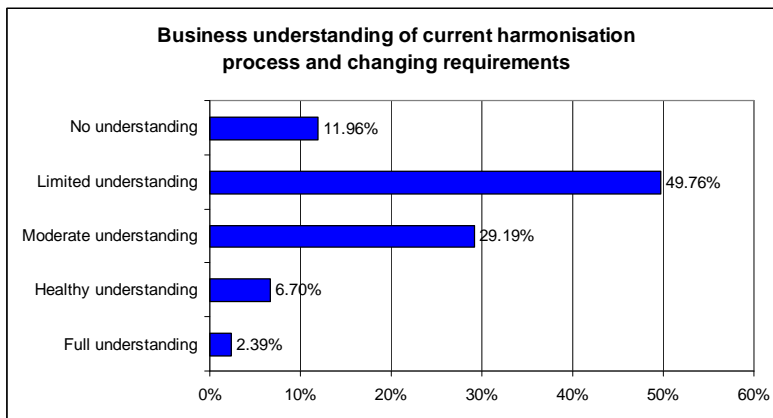
Facilities for construction sites

The draft COP for *Facilities for construction sites* does not provide clear and practical guidance which takes into account the diverse nature of construction sites. The Code is unnecessary prescriptive and is inconsistent with the approach taken in the *Managing the Work Environment and Facilities COP*.



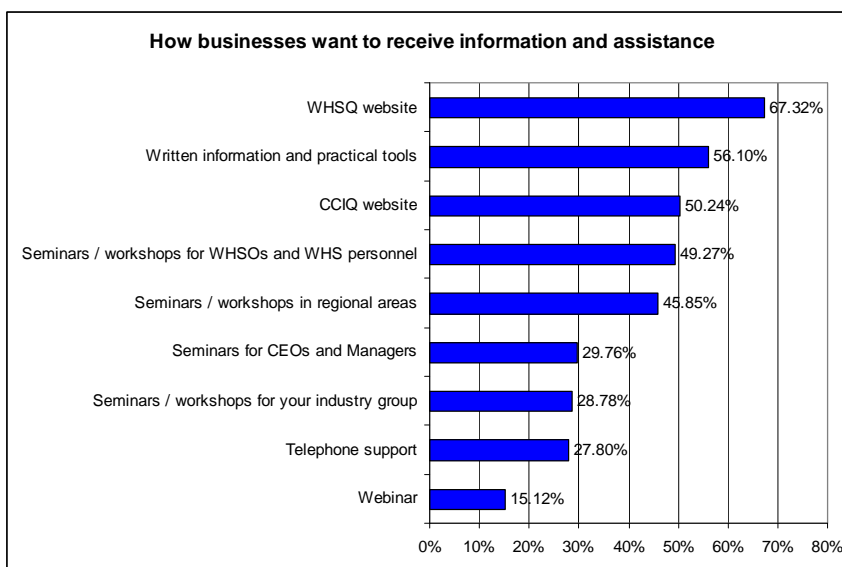
## 6.0 TRANSITIONAL ARRANGEMENTS

- 6.1 The majority of Queensland businesses (61.7%) currently have no or limited understanding of the current harmonisation process and changing requirements from 1 January 2012. It is essential that this is modified substantially before the end of 2011.



Source: CCIQ WHS Survey, March 2011

- 6.2 Businesses are seeking information and assistance to help them successfully transition to the new WHS system from the end of the year. Information is preferred through the WHSQ and CCIQ websites, as well as seminars and workshops for WHSOs and WHS personnel in regional areas. Written information and practical tools is also desired.



Source: CCIQ WHS Survey, March 2011

- 6.3 Queensland businesses also identified the following assistance and information that would prove useful in moving to the new system:

- Clear and consistent comparison of the Queensland system compared to the new system;
- Information regarding the obligations of duty holders;
- Checklists showing new requirements;
- Fact sheets and self-help manuals;
- Free government information and training sessions ie WHSQ;
- Training sessions run by industry organisations;
- More communication from SWA;
- Easy to interpret information targeted to small businesses and particular industries;
- Regular e-newsletters with updates on what is happening;
- Information targeted to employees;
- Email support.

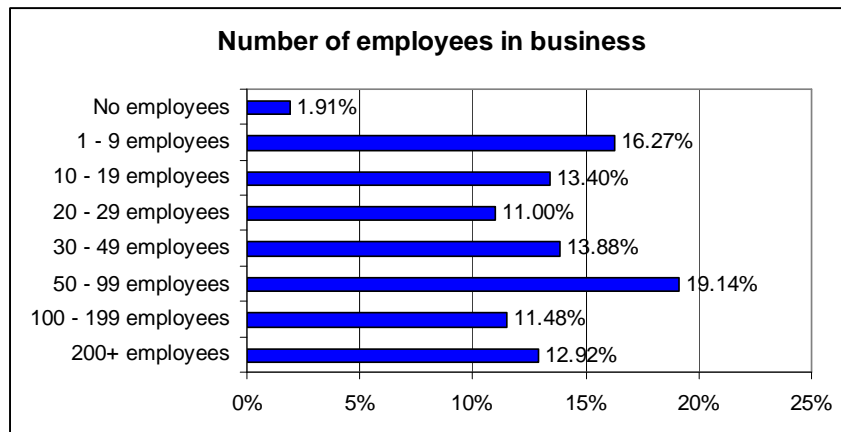
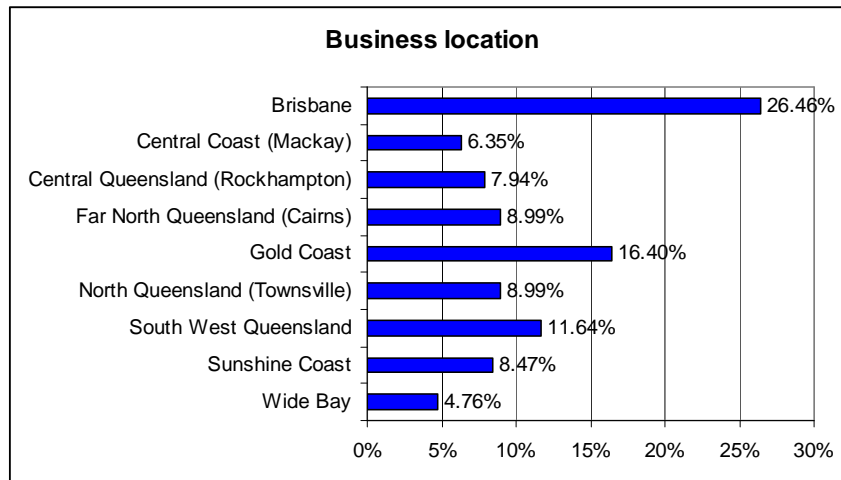
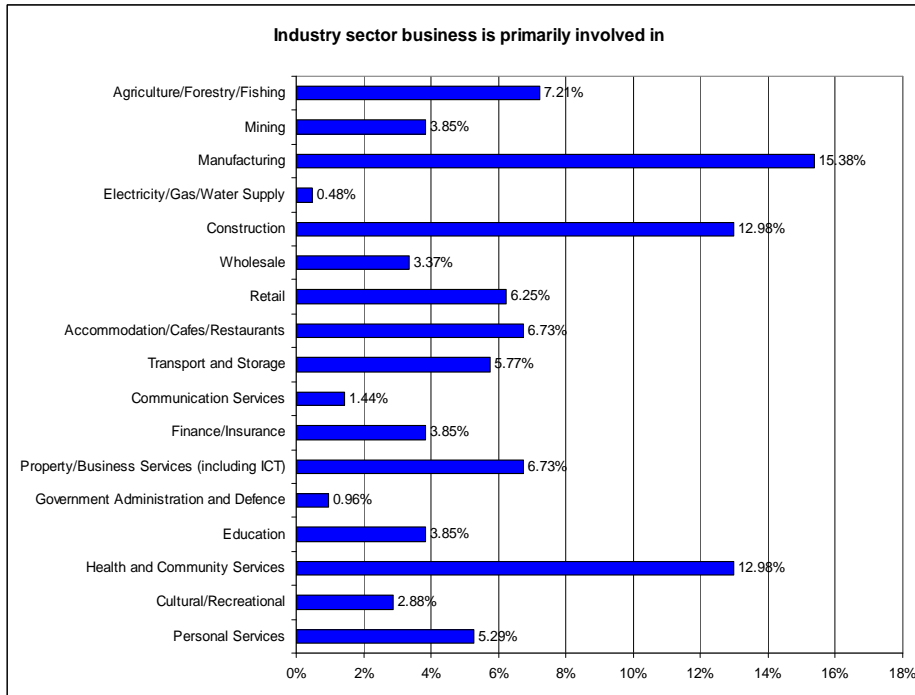
## 7.0 ADDITIONAL ISSUES FOR CONSIDERATION

7.1 CCIQ believes the following issues also require consideration by Safe Work Australia:

- *Regulatory Impact Statement:* The RIS does not adequately analysis the impact of additional WHS requirements on businesses in jurisdictions with changing requirements, particularly reporting/administration requirements, training and changes in procedures. CCIQ is supportive of putting the costs of the regulation through a Business Cost Calculator to determine the impact of the regulations in each jurisdiction. CCIQ is happy to provide assistance to SWA in providing real data on the time and cost of business compliance with each obligation under the regulations.
- *Consistency in relation to inspectors:* One of the key issues that is commonly raised is the difference in approach by WHS inspectors. CCIQ is strongly of the view that significant attention is not only required in developing model legislation, regulations and Codes of Practice and implementing them in each jurisdiction, but also on ensuring consistent enforcement of the system is applied across regions, industries and jurisdictions. This needs to include a focus on the grass roots training of inspectors and their interaction with businesses throughout the country.
- *Opposition to third party prosecutions:* CCIQ is strongly opposed to providing Unions with the power to launch prosecutions against employers. It is essential that this power is not added to the regulations, as this would represent a significant backward step and would not deliver better safety outcomes.
- *Excessive penalties:* The general consensus of the business community is that the penalties are excessively high. CCIQ does not believe that a strong case has been made for increasing the penalties to such a high level and is doubtful that they will deliver better safety outcomes. CCIQ is strongly supportive of maintaining the penalty rates at the levels currently seen in Queensland.

## Demographics of Survey Respondents

CCIQ undertook a survey of Queensland businesses between 21/03/11 to 30/03/11, of which there were 211 responses. The demographics of survey respondents are shown in the tables below:



Source: CCIQ WHS survey, March 2011

## RESULTS OF THE 2009 CCIQ SURVEY ON WOKPLACE HEALTH AND SAFETY OFFICERS

The Chamber of Commerce and Industry Queensland (CCIQ) undertook a survey of 700 businesses between 29 October and 5 November 2009 to seek feedback from Queensland businesses about Workplace Health and Safety Officers (WHSOs). Feedback was sought on the support for, and the benefits leading from, the requirement for WHSOs in the Queensland business environment.

Overall, it is important to note that 74.1% of respondents stated that even if the WHSO role and associated training requirements were not mandatory, they would still maintain this role within their businesses. This is an absolute reflection of the worth of the WHSO initiative. This result alone represents a compelling argument for the inclusion of WHSOs in the Model OHS laws.

The effectiveness of the WHSO role in Queensland businesses was rated by the WHSOs themselves, senior managers, other managers and employees. Overall, the WHSO role was rated highly effective in all their main responsibilities under the Act including (see table below):

- Advising the business on health and safety issues;
- Identifying any hazards or risks to health and safety within the workplace;
- Reducing health and safety incidents in the workplace;
- Establishing health and safety education programs; and
- Assisting the business in understanding and meeting its obligations under the WHS Act.

### Effectiveness of WHSOs in Queensland businesses in meeting their responsibilities under the Act

Respondent	Advise business on WHS issues	Identify hazards and risks	Reduce incidents	Establish education programs	Assist business in understanding & meeting obligations
WHSOs	7.9	8.2	8.0	7.3	8.1
Senior Managers	7.4	7.4	7.1	6.5	7.3
Other Managers	7.8	7.9	7.7	6.8	7.7
Employees	6.7	6.8	6.8	6.1	6.6
<b>All respondents</b>	<b>7.7</b>	<b>7.8</b>	<b>7.6</b>	<b>6.9</b>	<b>7.7</b>

Note: 1 = not effective; 10 = highly effective

The high effectiveness across all of these responsibilities provides significant incentive for the inclusion of WHSOs in the Model OHS laws and demonstrates that it is a successful method of achieving improved OHS outcomes.

Survey respondents were asked to describe the advantages that WHSOs have provided to their businesses; the top 5 responses are listed in the table below. Almost 18% of respondents voluntarily stated that the advantage of the WHSO was that it provided the organisation with internal expertise on WHS issues, ensuring that both management and staff had access to expert advice and information when required. Additional advantages of the WHSOs included ensuring that someone was always focusing on WHS issues, that they provided a safer and more productive workplace as a result of their activities and increasing the awareness of WHS issues and obligations amongst staff and management. Another distinct advantage was they ensured that the business and the employer were meeting their obligations under the legislation.

### Top five responses on the advantages that WHSOs provide to business

	All respondents	WHSOs	Senior Managers	Other Managers	Employees
1	Internal point of call for advice, expertise & info	Ensures focus on safety issues	Internal point of call for advice, expertise & info	Internal point of call for advice, expertise & info	Internal point of call for advice, expertise & info
2	Ensures focus on safety issues	Internal point of call for advice, expertise & info	Ensures compliance with legislation	Ensures focus on safety issues	Increased awareness of WHS issues & obligations
3	Safer & more productive workplace	Safer & more productive workplace	Increased awareness of WHS issues & obligations	Ensures compliance with legislation	Reduces business risks & hazards
4	Increased awareness of WHS issues & obligations	Increased awareness of WHS issues & obligations	Reduces business risks & hazards	Increased awareness of WHS issues & obligations	Greater staff involvement in WHS
5	Ensures compliance with legislation	Reduced incidents & injuries	Ensures focus on safety issues	Safer & more productive workplace	Safer & more productive workplace

The following advantages that WHSOs provide to businesses were also identified by survey respondents:

- Ongoing provision of information, education and workshops;
- Providing an advisory role to management;
- Developing new internal procedures leading to cultural change and improved practices;
- Minimising business risks and hazards;
- Improving staff morale and involvement in WHS;
- Increasing management and employees' understanding of WHS risks and responsibilities;
- Decreasing worker compensation claims and therefore leading to reduced costs and premiums;
- Providing a link from employees to management;
- Enhancing the capacity of the organisation to deal with WHS issues;
- The development of WHS committees and external involvement in WHS initiatives;
- Reducing the workload of managers and/or business owner;
- Ensuring the business was effective in managing emergencies and WHS incidents;
- Knowledge of the organisation is used to tailor WHS initiatives; and
- Ensuring a coordinated and consistent approach to WHS.

All of the advantages that have been highlighted strengthen the argument for mandatory WHSOs to be included in the Model OHS Act. Ensuring that someone within every organisation is delivering on some or all of these identified advantages can only lead to positive outcomes for government, businesses, the community and the economy. It is also further likely to have a positive impact on Australia's productivity rates.

CCIQ also asked survey respondents that, if their business did not have a WHSO, how would they ensure that workplace safety risks were minimised and that the business remained compliant with WHS legislation; the top 5 responses are outlined in the table below. CCIQ views the alternatives for not having a WHSO as unsatisfactory in most instances. 19% of respondents stated that the responsibility would fall onto the business owner, senior managers or the HR Department, however it was commonly stated that this would not be as effective as the current mandatory WHSO approach, particularly as these identified people were already time-poor in their occupations.

Top five responses on how businesses would ensure workplace safety risks were minimised and their business remained compliant with WHS legislation if they did not have a WHSO

	All respondents	WHOs	Senior Managers	Other Managers	Employees
1	Responsibility of business owner / Managers / HR	Responsibility of business owner / Managers / HR	Responsibility of business owner / Managers / HR	Responsibility of business owner / Managers / HR	WHS Committee / regular staff meetings
2	Appoint a Safety Manager / advisor / WHS reps	WHS would no longer be a priority / wouldn't happen	Would always have a WHSO	Appoint a Safety Manager / advisor / WHS reps	WHS would no longer be a priority / wouldn't happen
3	WHS would no longer be a priority / wouldn't happen	Engage an external consultant / business	Staff training / awareness and accountability	WHS would no longer be a priority / wouldn't happen	Appoint a Safety Manager / advisor / WHS reps
4	Would always have a WHSO	Appoint a Safety Manager / advisor / WHS reps	Appoint a Safety Manager / advisor / WHS reps	Would always have a WHSO	Responsibility of business owner / Managers / HR
5	Engage an external consultant / business	Would always have a WHSO	Engage an external consultant / business	Staff training / awareness and accountability	Staff training / awareness and accountability

Overall, it was determined that on average, each WHSO spends only 17 hours a week on their related WHSO activities with the remainder of their working week available for other delegated duties determined by the employer. Secondly, a consistent theme in the feedback to CCIQ is that WHSOs ultimately, in net terms, save the employer money through lost time injury frequency rates (LTIFR) and reduced workers compensation costs and premiums. This in turn leads to safer, more productive and happier workplaces. Overall, the survey results strongly reinforce CCIQ's position that the WHSO role must be maintained in the Model OHS Act.

### Quotes from survey respondents

*“WHSOs play an important part in WHS in the workplace. Not having a WHSO will be going backwards, not forwards.”*

*“I have worked as a WHSO, and I honestly feel that without us, businesses would struggle to keep abreast of all the legal requirements, tasks and activities involved in managing workplace health and safety risks.”*

*“Previously we operated without a WHSO and found ourselves in a situation where we could have potentially been no longer viable. It is not practical to meet such extensive requirements without one. Our incidents as a result of our actions of employing a WHSO have been greatly reduced.”*

*“Queensland WHSOs should be the standard adopted throughout Australia. I work in Queensland and NSW and have found the training and application in Queensland easier to comply with, and the level of training more relevant and practical.”*

*“The advantages of the WHSO is that they ensure no one takes their eyes off the ball when other business requirements take over.”*

*“Of all the issues in the Queensland WH&S Act, the requirement for WHSOs is not the problem.”*

*“WHSOs’ create an environment that ensures everyone gets to go home at the end of the day.”*

*“It is a great marketing tool – major clients will not do business with us unless we have a WHSO.”*

*“We now have the confidence that we are ensuring the safety of all who enter our property.”*

*“WHS would not be managed in such an efficient manner without WHSOs.”*



# > Chamber of Commerce & Industry Queensland Profile



CHAMBER OF  
COMMERCE &  
INDUSTRY  
QUEENSLAND

Chamber of Commerce & Industry Queensland is the state's peak industry body, representing the interests of 25,000 businesses, across all industry sectors and in all regions. We champion business to gear up for the future today with the right set of solutions for success in tomorrow's world.

Chamber of Commerce & Industry Queensland is a non-government organisation that seeks to work with Government and other groups to shape Queensland's economic and social environments in a way that promotes business growth and community prosperity.

Chamber of Commerce & Industry Queensland is called upon by thousands of enterprises to deliver a broad range of business services including business representation, business compliance, business skills, business safety, business sustainability, business connections and business globally. We are commercially-minded and expertly-qualified.

Chamber of Commerce & Industry Queensland is a founding member and influential partner of the Australian Chamber of Commerce and Industry (ACCI) and part of the worldwide network of Chambers of Commerce and affiliated business service organisations.

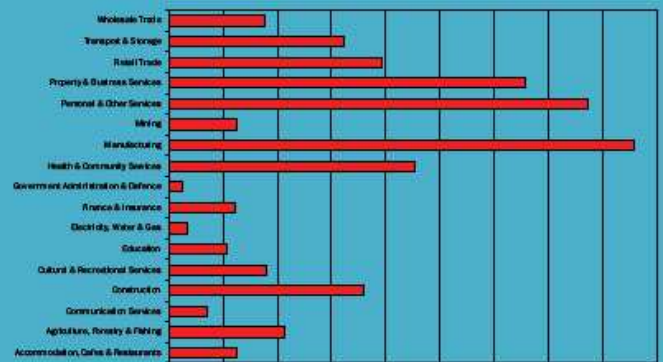
Chamber of Commerce & Industry Queensland has in excess of 3,700 members across 8 regional offices and represents over 135 local chambers of commerce and 60 trade and professional associations.

Our vision is to invigorate business success in Queensland.

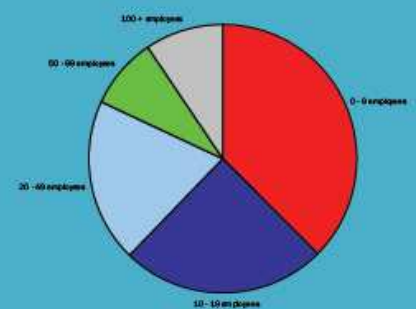


The diversification of Chamber of Commerce & Industry Queensland's membership is illustrated in the following charts:

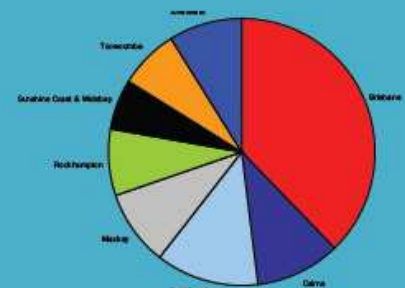
Commerce Queensland members by Industry



Commerce Queensland members by Employment Size



Commerce Queensland members by Region



Innovation

# CCIQ – Solutions for Business Success

Chamber of Commerce & Industry Queensland (CCIQ) represents over 25,000 businesses in Queensland. We are committed to ensuring our customers have the right tools to achieve real results in their business.

At CCIQ we harness the results of our research, lobbying and policy achievements to offer the best possible business support solutions to invigorate growth statewide, nationally and globally. By joining CCIQ you support the organisation that supports the Queensland business community.

Membership also ensures you are an integral part of an organisation dedicated to providing first class services to assist Queensland industry with relevant and practical business solutions. Not only is membership your connection to information, industry best practice, training and consultancy services, it also allows you to take advantage of the many benefits CCIQ offers.



Our success is success for all Queensland businesses.

Chamber of Commerce & Industry Queensland members are informed and connected business people. Whether you run a small business or form part of a large industry sector, call us today to take advantage of the opportunity to associate yourself with the CCIQ brand.

Visit [www.cciq.com.au](http://www.cciq.com.au) or phone 07 3842 2244 for more information.

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