



Minister for Employment and Industrial Relations  
Minister for Racing  
Minister for Multicultural Affairs

In your reply please quote: F0000000338, R0000001712  
Your reference: Petition No. 2685-2017

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Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 11 May 2017 enclosing a copy of Petition 2685-2017, which requests an amendment to the *Work Health and Safety Act 2011* (WHS Act) to mandate compulsory training for health and safety representatives. Please accept this letter as my response to this petition and I respectfully request that it be tabled by 8 June 2017.

I sincerely appreciate the commitment shown by the principal petitioner, Ms Erin O'Heir, in organising this petition in response to the tragic fatalities at Dreamworld and Eagle Farm racecourse in 2016. I am well aware of the effort required in undertaking such a project.

I can say categorically that the Queensland Government believes in genuine consultation, cooperation and respect between employers and workers and acknowledges the important role that a health and safety representative (representative) has in involving workers and giving them a voice on health and safety matters. In addition, the experience of a representative on a day to day basis in the workplace means they are a trusted source of information and support for other workers.

As the petitioners will know, under existing provisions a representative is entitled to attend training, although it is not mandatory. If a representative makes a request, the person conducting the business or undertaking (PCBU) must allow them to attend a Work Health and Safety (WHS) training course. Representatives are entitled to attend an initial training course of five days and one day's refresher training each year.

Currently, the WHS laws allow a representative to carry out some, but not all, functions without training. A PCBU must allow each representative paid time off to attend training, equivalent to the entitlements they would normally receive for working during that period. The WHS Act does not impose mandatory duties on representatives to carry out all their powers and functions. The representative has the ability to choose which of their potential powers and functions they wish to exercise.

In addition to their training entitlement, a PCBU must provide any resources, facilities and assistance that are reasonably necessary to enable the representative to carry out functions and exercise their powers. While training is beneficial and encouraged, an untrained representative can still perform all their functions except issuing provisional improvement notices and directing work to cease.

It is also important to note that where a decision on training cannot be reached between the PCBU and the representative, either party can ask an inspector to decide on the matter as a reviewable decision under the WHS Act.

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As the petitioners may know, in response to the recent tragic fatalities at Dreamworld and Eagle Farm racecourse, the Queensland Government announced a Best Practice Review of Work Health and Safety laws (the Review) in terms of whether existing penalties are sufficient to act as deterrents and whether these should be strengthened to contain provisions relating to gross negligence causing death.

On Friday 19 May, I announced that the Queensland Government will introduce the new offence of "negligence causing death" following an interim recommendation from the Review.

The Reviewer, Mr Tim Lyons, has a broad terms of reference and I have referred this petition to him for consideration as part of the Review process. We await the outcomes of the Review which are due at the end of June 2017.

Again, I commend Ms O'Heir and the signatories to this Petition on their commitment to this important safety issue.

If you require further information or assistance, please contact Ms Sharon Durham, Chief of Staff, on (07) 3719 7140.

I trust this information is of assistance to the petitioners.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grace', enclosed within a large, loopy oval shape.

**HON. GRACE GRACE MP**  
Minister for Employment and Industrial Relations  
Minister for Racing  
Minister for Multicultural Affairs