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Your Ref: A679897



Office of
Industrial Relations

11 MAY 2018

The Honourable Adele Farina MLC
Chair
Standing Committee on Public Administration
Western Australia Legislative Council
Legislative Council Committee Office
lcpac@parliament.wa.gov.au

Dear Ms Farina

Thank you for your letter dated 11 April 2018 regarding the funding and operation of Workplace Health and Safety Queensland (WHSQ). Please find the response to your questions below.

Is WHSQ still funded from a mixed model?

Yes, WHSQ operates under a mixed funding model. It receives grant and contribution funding from two main sources, insurer grant funding - provided by WorkCover Queensland (WorkCover), and consolidated revenue from Queensland Treasury. Grant funding from WorkCover is legislated under section 481A of the *Workers' Compensation and Rehabilitation Act 2003* which allows WorkCover to make annual payments to WHSQ to assist in injury prevention, management and rehabilitation and employer and worker education. Insurer grant funding provides 84% of total funding for WHSQ.

To enable WHSQ to keep pace with the growing labour market and changing nature of work, workplace injuries and diseases, a growth funding component has been applied to the Insurer grant since 2004-05.

In addition, WHSQ receives 16% of its funding from the Consolidated Fund. This funding fluctuates in response to whole-of-government saving measures or funding initiatives agreed by the Cabinet Budget Review Committee.

Further information about the operation and funding of WHSQ, which is based in the Office of Industrial Relations (OIR), is available in the 2016-17 Annual Report of Queensland Treasury from page 60 which is available at the following link:

<https://s3.treasury.qld.gov.au/files/Complete-Queensland-Treasury-Annual-Report-2016-17.pdf>.

The OIR formed part of Queensland Treasury until machinery of government changes occurred in December 2017, when OIR transitioned to the Department of Education.

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Is WHSQ still separate from WorkCover?

WorkCover and WHSQ are separate agencies governed by different boards. WorkCover is a government owned statutory body that operates as a commercial enterprise. It is fully funded from the premiums paid by employers. Its charter is to maintain a balance between benefits for injured workers and affordable premiums for employers.

OIR includes WHSQ, the Electrical Safety Office (ESO), Industrial Relations and the Workers' Compensation Regulator. These regulators report to Queensland's Minister for Education and Minister for Industrial Relations. More information is available at <https://www.worksafe.qld.gov.au/about-us>.

The primary function of the Workers' Compensation Regulator (the Regulator) is to regulate the workers' compensation scheme. The Regulator is funded through a levy from self-insured employers and a contribution from WorkCover.

WorkCover and WHSQ have a strong collaborative working relationship and undertake a number of joint initiatives such as the Injury Prevention and Management (IPaM) program. This is a jointly funded initiative between WHSQ and WorkCover, working closely with businesses to ensure systems are in place to prevent workplace injury and, if workers are injured, assist them to return to meaningful and appropriate work, as soon as it is safe to do so.

Is the scope of WHSQ's operations still occupational health and safety?

WHSQ is responsible for improving work health and safety in Queensland and reducing the risk of workers being killed or injured at the workplace. I have enclosed for your information our flyer which provides a detailed overview of OIR.

In addition, OIR administers the *Electrical Safety Act 2002* which has the objective of reducing the rate of electrical fatalities, injuries, and property damage in Queensland workplaces, homes and communities.

The scope of the *Work Health and Safety Act 2011* (WHS Act) is broad, and applies to all places that work activity is undertaken.

OIR also administers specific legislation that apply to certain activities in the natural environment and publicly accessible spaces, such as:

- *Safety in Recreational Water Activities Act 2011*, which imposes duties on a person conducting a business or undertaking, operating a recreational diving and snorkelling business, to ensure the health and safety of other persons is not affected by the conduct of the recreational water activity; and
- Schedule 1, Part 1 of the WHS Act, which provides that work health and safety laws apply to the storage and handling of dangerous goods and the operation of particular high risk plant, even if the dangerous goods or plant is not situated or used at a workplace.

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If any officer supporting your Committee require further information or assistance, please contact Director, Work and Electrical Safety Policy, OIR,

I trust this information is of assistance.

Yours sincerely

Simon Blackwood
Deputy Director-General
Office of Industrial Relations

Encl.



Office of Industrial Relations

Workplace Health and Safety Queensland

Electrical Safety Office

Workers' Compensation Regulator

Industrial Relations

Office of Industrial Relations (OIR) has more than 800 staff in Brisbane, Bundaberg, Cairns, Gladstone, Innisfail, Ipswich, Logan, Mackay, Maroochydore, Maryborough, Robina, Rockhampton, Roma, Toowoomba and Townsville.

We offer a range of policy, advisory, compliance and specialist technical services and initiatives including:

- targeted initiatives that engage with workers, business and the community to build safe and fair workplaces
- ensuring compliance with work health and safety, electrical safety, industrial relations and workers' compensation regulatory frameworks and taking any necessary enforcement action
- managing registration, licensing, certification and accreditation regimes for workplaces and electrical safety (licensing for the labour hire industry will commence on 16 April 2018).



Our goal

In partnership with our stakeholders, we strive to achieve the lowest rate of work-related and electrical fatality, injury and disease in the nation, improved workers' compensation regulatory services and a fair industrial relations framework in Queensland.



Our roles

Workplace Health and Safety Queensland

Responsible for improving work health and safety in Queensland and helping reduce the risk of workers being killed or injured on the job. Workplace Health and Safety Queensland (WHSQ) enforces work health and safety laws, investigates workplace fatalities, serious injuries, prosecutes breaches of legislation and educates employees and employers on their legal obligations.

Electrical Safety Office

Responsible for delivery of electrical safety services in Queensland. This office develops and enforces standards for electrical safety, and promotes improved safety performance across the community. This includes:

- advisory and enforcement activities to promote compliance with electrical safety laws and standards
- information, education and training activities to help reduce the risk of death and injury from electrocution, fire and explosion and improve electrical safety
- managing registration, licensing, approval (electrical equipment) and accreditation regimes.

Workers' Compensation Regulator

Its diverse roles include regulating the workers' compensation scheme, dispute resolution and providing education about the scheme. This includes:

- monitoring the compliance and performance of insurers and deciding self-insurance applications
- dispute resolution, such as reviewing insurers' decisions, managing appeals against the Regulator and supporting the efficient administration of the Medical Assessment Tribunal
- providing information and education to stakeholders to ensure a fair and efficient scheme that balances the needs of workers and employers and facilitates return to work after an injury.

Industrial Relations

Supports improved productivity and fairness in Queensland workplaces. The Industrial Relations division provides:

- advocacy, advice, and support to government agencies, including government owned corporations, on public sector industrial relation matters and bargaining
- policy, legislation and research advice on state and national industrial relations matters
- compliance and information services on Queensland's industrial relations laws for state and local government, long service leave, child employment and trading hours
- licensing and compliance services to protect vulnerable labour hire workers and promote the integrity of the labour hire industry in Queensland.

Achievements in 2017



Last year was a year of legislative and regulatory firsts, which resulted in:

- Australia's first *Labour Hire Licensing Act*, to protect these workers against unscrupulous, unprofessional practices
- a new charge of industrial manslaughter among major changes to work health and safety laws
- greater protections to workers affected by coal workers' pneumoconiosis
- Queensland becoming the first state to legislate for domestic and family violence leave, the result of the first complete review of Queensland's industrial relations laws in two decades
- tougher licensing requirements to strengthen electrical safety in Queensland.

Operationally, it was our biggest year to date:

- Our advisory and assessment centre took more than 81,000 calls, triaged and actioned 13,750 complaints and incidents, and issued 70,000 licences.
- In the field, OIR officers visited 32,816 workplaces and homes, recovered more than \$1.6 million in long service leave due to workers, issued 5,441 notices, and reviewed 2,681 workers' compensation claims.
- We completed 212 comprehensive investigations into serious workplace injuries and fatalities, including the 2016 tragedies at Dreamworld and Eagle Farm Racecourse. These resulted in 68 prosecutions and more than \$2.8 million in fines.

And our Safety Ambassadors, rugby league legends Shane Webcke and Trevor Gillmeister, and olympian Libby Trickett, spoke at dozens of forums, work safety briefings and community events. These popular and respected Queensland icons were once again the public face of OIR's campaign to make sure Queenslanders can continue to be safe – at work, in our homes and at play.

Focuses for 2018

- Implement the labour hire licensing scheme to protect labour hire workers and safeguard those labour hire providers which are ethical and responsible.
- Complete a mandatory five year review of the operation of Queensland's workers' compensation scheme and submit a report to Parliament on:
 - the performance of the scheme in meeting the objectives under the *Workers' Compensation and Rehabilitation Act 2003*
 - emerging issues facing the Queensland workers' compensation scheme
 - the effectiveness of current rehabilitation and return to work programs and policy settings, including ways to increase Queensland's current return to work rate.
- Implement the recommendations of the Best Practice Review of Workplace Health and Safety Queensland, including regulatory amendments to improve safety in the amusement device and theme park industries. The review was announced in October 2016 in response to the multiple fatalities at both Dreamworld (resulting in four fatalities) and Eagle Farm Race Course (where two workers were crushed when a precast concrete slab toppled over).
- Manage the negotiations for the replacement State Government Entities Certified Agreement 2015 (Core Agreement), which covers approximately 50,000 employees across 50 government entities.



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