



Hon Cameron Dick MP
Member for Greenslopes



Queensland
Government

In reply please quote: J/10/05185, 532080/1

Attorney-General
and Minister for Industrial Relations

6 SEP 2010

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

Dear Mr Laurie

Neil,

I refer to your letter dated 5 August 2010 addressed to the Honourable Kate Jones MP, Minister for Climate Change and Sustainability, forwarding petition number 1479-10 regarding concerns to prevent the Gympie Cemetery Trust altering existing bases under headstones. Your letter has been referred to me for consideration.

The petition indicates that the Gympie Cemetery Trust has notified 18 family members in writing that, due to a review of workplace health and safety guidelines, the granite base under their loved ones headstones will need to be set into the cemetery concrete base.

The review of these guidelines have been conducted by the obligation holder, the Gympie Cemetery Trust. There was neither involvement nor directive by the workplace health and safety authority to conduct a review or to implement the actions described within the petition.

The *Workplace Health and Safety Act 1995* places obligations on persons conducting a business or undertaking to ensure workplace health and safety (section 28). A person on whom a workplace health and safety obligation is imposed must discharge the obligation (section 24). The Act prescribes in sections 26, 27 and 27A how these obligations may be discharged.

Section 27A (1) and (2) states that:

"(1) To properly manage exposure to risks, a person must -

- (a) identify hazards; and*
- (b) assess risks that may result because of the hazards; and*
- (c) decide on appropriate control measures to prevent, or minimise the level of, the risks; and*
- (d) implement control measure; and*
- (e) monitor and review the effectiveness of the measures.*

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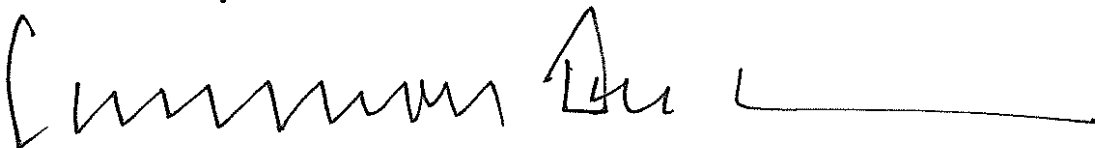
(2) *To properly manage exposure to risks, a person should consider the appropriateness of control measures in the following order –*

- (a) eliminating the hazard or preventing the risk;*
- (b) if eliminating the hazard or preventing the risk is not possible, minimising the risk by measures that must be considered in the following order –*
 - (i) substituting the hazard giving rise to the risk with a hazard giving rise to a lesser risk;*
 - (ii) isolating the hazard giving rise to the risk from anyone who may be at risk;*
 - (iii) minimising the risk by engineering means;*
 - (iv) applying administrative measures;*
 - (v) using personal protective equipment.”*

In this instance, the onus is on the obligation holder, Gympie Cemetery Trust, to ensure that exposure to any risks posed by the granite base or headstones are properly managed and health and safety obligations discharged.

Should you have any queries regarding my advice to you, please contact Mr Derran Moss, Principal Advisor on 3239 6747.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', followed by a long horizontal line.

**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**