



Speech by

**Mr JIM PEARCE**

**MEMBER FOR FITZROY**

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Hansard 1 May 2001

**BHP; MEDICAL ADVISER**

**Mr PEARCE** (Fitzroy—ALP) (12.00 p.m.): I wish to bring to the attention of the House the unconscionable bad faith behaviour of BHP in the way that it is using the medical profession to further undermine job security in the coal industry. BHP is about to hire the services of a Tieri GP, Dr Foley, to act as its nominated medical adviser, or NMA, in the town of Moranbah to carry out work traditionally done by two local GPs. Honourable members might ask: why would BHP want to threaten the viability of the established medical practitioners who are already feeling the impact of a declining population in a town that, because of the policies of BHP, can no longer boast of stability through permanent employment and job opportunities for young people?

BHP is going down this path because it knows that Dr Foley has what can be said to be a proven track record when it comes to working with the company to remove from the workforce those workers who, through illness or a disability, are past their use-by date. BHP is prepared to try anything that will assist it in reducing permanent employee positions at its mine sites.

Under the Coal Employees' Health Scheme, which is a regulation under the Coal and Safety Act, NMAs are retained by a coal company to make decisions about the fitness for duty of employees—that is, to assess whether or not an employee is fit enough to fulfil his or her job requirements. In addition to appointing Dr Foley as its NMA for the Crinum and Gregory mines near Tieri, BHP also uses the same GP under the requirements of WorkCover legislation to review rehabilitation recommendations and other matters prepared by a treating practitioner and/or specialist.

We believe that this is a clear conflict of interest, leaving workers open to abuse under a structure that encourages biased comment and cash for comment. We believe that there are breaches in confidentiality because information associated with workers' rehabilitation has been released by the company to the NMA without the authority of the injured worker. This is in direct conflict with WorkCover legislation. The doctor is a paid representative of the BHP workers' compensation unit as well as the nominated medical adviser. This raises issues of ethics, morals and the potential for breaches of confidentiality under the professional medical banner.

We have evidence to support these claims. BHP has chosen to ignore the concerns of the Moranbah community because it believes that its association with the nominated GP will deliver reports that will assist it in ending the working life of employees. The injured or sick worker has no right to refuse a medical examination. He has no protection from an employer who has determined that the worker has no place within the workforce and can be terminated on the recommendations of the NMA. There is no appeal process provided for in the regulations once those recommendations have been made. This is just another means for BHP to dismiss a permanent worker and replace that worker with a contractor. It also stops workers from reporting injuries to their employer—and that is not in the best interests of the worker. It does not matter how skilled that worker is, how good he or she does the job or whether he or she is a dud, the objective is to remove the permanent position from the employment list.

The NMA removes from the worker contact with his or her treating doctor who is aware of all the circumstances and illnesses experienced by the worker and who plays a vital role in the management of an injury or an illness. By importing the cash for comment doctor or doctors from outside Moranbah, BHP can influence the future of injured or sick workers. BHP, by its actions, is telling local GPs that they cannot provide the sleazy outcomes that the company is wanting. The fact that Dr Foley has no more

medical expertise than the Moranbah GPs means that Dr Foley has been employed by BHP as its NMA because it believes that he can be relied on to sell out workers.

BHP should immediately withdraw from its intention to import Dr Foley into Moranbah as its nominated medical officer from the Goonyella Riverside Mine. BHP has, once again, been exposed for its unprofessional and unethical behaviour, which is typical of the way BHP does business these days. BHP should back off or have its conduct be seen for what it is: unethical and unprofessional.

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