



Speech by

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MEMBER FOR CAIRNS

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WORKPLACE HEALTH AND SAFETY AND ANOTHER ACT AMENDMENT BILL

Ms BOYLE (Cairns—ALP) (6.00 p.m.): I am pleased to support the Workplace Health and Safety and Another Act Amendment Bill 2002. As others before me have said, unfortunately in Queensland we have every year the loss of too many lives in the workplace. Roughly 100 Queensland lives are lost each year. Of course, very many more people are injured at work. In fact, the estimation is that some 50,000 are injured around Australia each year. Sure, some of these injuries may not be so very serious and it may take only a short time for the person to recover and to recover full ability to work and enjoy their lives. Nonetheless, some of them are quite significant and debilitating injuries that require long absences from work. Some even result in permanent levels of disability. Of course it is our government's job—it is the job of every government—to do the best we can to minimise the risk to employees and others in the workplace.

The other sad statistic we in this House have to face is that figures from the International Labour Organisation indicate that Australia has a comparatively poor international record, with an overall fatal injury rate three times as high as that of Britain, Sweden and Japan and double that of the United States. That is not good enough, and that is why the department and the minister have been working hard for some years towards modernising this legislation that is really of course the thrust of this amendment bill before the House tonight.

Yes, it is also true that if we save lives, if we protect workers against injury, then we will also save ourselves a lot of money. The estimates are amazing. In terms of the total cost of work related fatalities, each year it costs the Queensland gross domestic product some \$3.5 billion. Were we to have any of that money in cash in our coffers, many honourable members in this House would be able to suggest ways in which it could be productively spent.

In passing this amendment bill, as I hope we will tonight or tomorrow, it is relevant to recognise that the work that has been done on the bill goes back to the Goss government years. In 1989 Queensland introduced workplace health and safety legislation that was in line with the initiative already taken in the United Kingdom. Since then, in 1995 and again in 1997, there have been changes made to the legislation. A further independent review was conducted, and it underlined the extensive consultation that has occurred since 2001 in order to produce the bill that is now before the House.

There are some core changes in attitude and in the very structure of workplace health and safety that I wish to particularly draw to the attention of honourable members. One of these changes relates to the extended focus there will be on increasing knowledge and awareness of risks to health and safety in workplaces. We all know and from time to time have used the saying 'forewarned is forearmed'. We know that that is so. There is a strong educational ring to the bill.

We also recognise, however—I do so more and more, as my years as a member of parliament bring me greater experience—that enforcement activity must parallel increasing knowledge, educational activities and awareness activities. Prevention only goes so far. Unless enforcement activity is seriously undertaken and is linked directly with the level of compliance then the bill is not effective. I compliment the minister on his recognition of the need for increased activity in the Cairns area. In recognising that, he has in recent years increased the staff in the departmental office in Cairns. That has allowed considerably more inspection and involvement with compliance.

I am pleased to hear that, by and large, employer bodies are supporting this amendment bill. That is indeed a good sign and reflects that there are within the bill some very welcome changes from

the small business point of view. Traditionally, of course, the employer has been focused on as the primary person with legal obligations. While on the surface of it that is so, that has not taken reasonable account of some knowledge that sometimes is not within the employer's ambit or of some controls that are not necessarily the sole responsibility of the employer. Particularly in light of the changing labour market conditions and contracting arrangements, it is important to not overburden the employer with responsibilities that are not entirely his or hers.

The current legislation requires employers to ensure a safe workplace, yet it does not specify how exactly that is to be done. This amendment bill specifies the key elements of the legal obligation to ensure a safe work environment. It specifies, therefore, that the legal obligation to ensure a safe workplace includes providing safe systems of work, equipment, substances and training. In examining these more closely, it means that the amendments within the bill seek to balance the legal obligations of employers with others who exercise greater control of risks at the workplace. These include suppliers, persons in control of buildings used as workplaces and persons who conduct undertakings that may affect the workplace. This sharing of responsibility is right and appropriate and, of course, is welcomed by employers.

Another of the core changes within the bill is through the recommendation of the building and construction task force, which is that an obligation be placed on designers, engineers and architects to ensure that the design of a building or structure used as a workplace does not pose a risk to the health and safety of those involved in the use, repair and maintenance of the building or structure from the design. While it may not be entirely welcomed by some professionals in those fields, in recognising that their obligation is greater in law than it may have been before, it is nonetheless surely appropriate that they do stand by their professional competence in terms of the aesthetics or workability of the design and that the appropriate workplace health and safety provisions have been taken into account in the very design.

These amendments address the current imbalance of legal obligations in the act, which have been unfairly weighted against employers, especially small to medium sized employers. I particularly want to speak to these changes to the act and recognise how very important they are in a city such as Cairns, where the great majority of employers are very small employers. I know that our federal government sometimes defines a small business as one employing between 20 and 50 people. In cities such as Cairns our employers scoff at such definitions. The great majority of businesses in Cairns, some 10,000 or so, employ fewer than five employees. It is therefore a great burden upon those businesses when governments of whatever level or kind decide to increase accountability provisions or legal responsibilities. A government doing something that will somewhat relieve the burden on small business employers will indeed be welcomed, not least in the city of Cairns.

I welcome the efforts that have been made over some years by unions and by employer organisations, in submissions and discussions with the department and with consultants along the way, in the development of this bill. I do recognise that it is particularly difficult for employers as it means time out of their business for which they are not paid. I recognise, too, that many individuals who have been touched by workplace health and safety issues in the past also contributed. I thank them for their efforts.

I recognise all of the fine staff who have worked on this bill and I acknowledge the minister. It has taken some time for this bill to come to the House, but that is because it has been so well put together, with all points of view taken into account. I do indeed support this bill before the House.