



Speech by  
**Mike Horan**

**MEMBER FOR TOOWOOMBA SOUTH**

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## **WORKPLACE HEALTH AND SAFETY AND OTHER ACTS AMENDMENT BILL**

**Mr HORAN** (Toowoomba South—NPA) (9.00 pm): The Workplace Health and Safety and Other Acts Amendment Bill is an attempt by the government to overcome its frustration with the WorkChoices legislation of the Howard government. If this bill was dinky-di in providing comprehensive safety and safeguards for workers then it would get all our support. I commend the Leader of the Opposition for the amendments that he will bring forward which will add some checks and balances and some fairness to this particular bill. If our amendments were accepted it would become a fair dinkum bill containing some proper safety systems for our workers and for their families.

Everybody on this side of the House stands for absolute safety for workers. Like others in this House we have employed workers who are not only valued and respected for what they do but who have also become friends and almost part of our families. They mean a lot to the people who employ them. There is nothing worse for a business than having an accident—that is, something happens to someone who is a valued part of the team or the family. To see someone have an accident is a dreadful thing.

If my memory serves me correctly, it was the Hon. Vince Lester who instigated workplace health and safety in the late 1980s. He held a portfolio similar to that which the current minister holds. That was groundbreaking and pioneering stuff. That led to quite sophisticated workplace health and safety systems.

We have seen tragic accidents like, for example, the time the big block fell off the front of a building in Queen Street and injured passers-by. Since then we have seen new systems like having areas cleared so they are safe. Unfortunately, it has often taken a tragic accident for people to develop new systems of protection. Protection is the best way of helping people.

How many people have we seen injure their backs? Good hardworking people have tried to lift things that they probably should not have lifted or lifted them incorrectly. Now we have so many systems in place. The 50 kilogram bags of fertiliser that we used to throw around are now about 25 kilograms so that they are safer for people to lift. They are using more machinery to lift those sorts of things.

In nursing homes and hospitals they move patients from a bed to a stretcher using a slide. They have lifting systems to lift older people out of beds and into wheelchairs. All of that has been designed to provide a safe working environment where people can feel confident that when they go to work they can work to their utmost without any risk of injuring themselves or injuring others they are working with.

Whilst some of these systems might at times seem to be a bit of a nuisance they are essential. People should use them. It is a great pleasure to walk into those businesses that have the sign up at the front showing how many days they have been accident free. I think they take great pride in it. The workers and their employers have pride in a safe environment and a safe environment leads to a happy environment. It is that pride and cooperation which is most important.

With this legislation, we are virtually seeing the minister saying that his department is not up to it. We are going from a system where we have professional, full-time, well trained inspectors within the department where this is their job. They are like Rugby League referees or the trained medical people who come on to the field to attend to a player when he is knocked out. They know exactly what to do because

they are trained professionals. This bill provides union officials with the right to come in at any time, instead of having trained professionals in the minister's department. They will be able to come in without any notice.

Our amendments will allow them to come in but there has to be fairness on both sides. If you have rogues on either side, there should be checks and balances. So if there are penalties for employers who do not abide by specific regulations such as in a bill like this, there should be the same penalties for the other side—that is, the union officials—so they do not abuse the trust.

This is about the safety of workers. It is not about using this as a backdoor way of getting into a premise to look at a whole list of records and documents that they may want to look at. It is not about using workplace health and safety as a crutch to get into particular premises to talk to people about joining a union. Workers should have the right and freedom to join a union if they want to but, if they do not want to join, they should have that right and freedom also.

Some of the modern legislation that is coming in now under WorkChoices gives the unions the ability to show workers what they can do. People have the right to be with them or not be with them so they can negotiate for themselves or they can let the union do the negotiating for them. The unions will be able to demonstrate whether they can do a better job, and then people can make the choice themselves of which way they would like to go.

The amendments that the Leader of the Opposition will put forward are good amendments. They are about specific information being provided. Employment records will only include information that reasonably relates to workplace health and safety; that is sensible, practical and reasonable. An authorised representative will inform employees of their presence in the workplace immediately upon entry as opposed to as soon as possible. Isn't that fair? It still achieves what this legislation sets out to achieve, but it makes it fair and above board to all sides so that you maintain the trust, cooperation and teamwork that you need to achieve high levels of workplace health and safety. Another amendment relates to offences, and I have spoken about that already. If there are going to be offences on one side of this equation, there have to be offences on the other side, otherwise all trust would be blown out the door.

Finally, an amendment would require an authorised representative to report evidence of a contravention of the act to the employer. Isn't that reasonable? Surely you want that contravention fixed immediately. Some latent action may occur as a result of that particular event or impropriety not being attended to, but surely you want it fixed straightaway so no more accidents, damage or illness will occur from that point on and any investigation into any possible contravention can take place in the subsequent time.

Under the Workplace Health and Safety Act, we have very strong powers for these professional inspectors in the department. This is the job they are trained to do. If there is to be another level—that is, the involvement of union officials on behalf of their members to check things and so forth—the opposition agrees that they can do it but it has to be on a reasonable and fair basis which maintains a system of partnership, trust and cooperation so it does not become a them-and-us system where one lot can sneak in without any proper notice to anybody else. That is why I believe the amendments to be moved by the Leader of the Opposition are practical and fair and will achieve everything that this bill desires to achieve with regards to the safety of employees.

The amendments that will be moved do not in any way—not one iota—diminish the protection or the oversight of workplace health and safety for employees. Is that not what we are all about here? Do we not want to walk out after this bill has been debated and passed and know that we have taken the already high levels of workplace health and safety to an even higher level so that we can gradually eliminate any possible errors or malpractice from either side? That is what we want to achieve out of this legislation—so that at the end of the day people can go home safely to their families. The amendments we will move will ensure that will happen.

At the moment, this bill is lopsided. Some provisions have been inserted into the legislation for the wrong reason—to attack the federal IR legislation, to create a backdoor way around them—rather than putting on the highest plane the ultimate achievement that we all want to see, the absolute in workplace health and safety so that at the end of the day people can go home safely to their families.