



Speech by

Robert Messenger

MEMBER FOR BURNETT

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WORKPLACE HEALTH AND SAFETY AND OTHER ACTS AMENDMENT BILL

Mr MESSENGER (Burnett—NPA) (8.01 pm): I believe that there is nothing more important than the protection of human life and the wellbeing of human life. The Workplace Health and Safety and Other Acts Amendment Bill 2006 gives me an opportunity to examine just how well we protect human life and wellbeing in our Queensland workplaces. The latest study that I could find relates to the years 1989 to 1992. It is a study into work related traumatic fatalities in Queensland. The summary states that in Queensland during the 1989-1992 four-year period there was a total of 569 working and commuting deaths. Of those 569 deaths, 427 were workers who were fatally injured while working. Over that four-year period those 427 people who died while working equated to 107 deaths per year, or approximately two deaths per week. Of those 427 deaths, 322 were workplace deaths—or 75.4 per cent—and 105 were work-road deaths, or 24.6 per cent. The overall rate was 7.8 deaths per 100,000 workers per year: 5.9 deaths per 100,000 workers per year for workplace deaths and 1.9 deaths per 100,000 workers per year for work-road deaths, which was higher than the national rate of 5.5 deaths per 100,000 workers per year.

When these results from the second work related fatalities study 1989-1992 were compared with the first work related fatalities study, which was conducted in 1982 to 1984, the overall rate of working deaths in Queensland was shown to have declined fairly steadily from 1982 to 1992 which, of course, is a very good statistic. The majority of workplace deaths were of males—89.8 per cent—and the death rate of workers was approximately 10 times higher for males than it was for females. For all workplace deaths there was a fairly gradual rise in the rate of death from the 15- to 24-year age group to the 55- to 64-year age group, with a considerable increase for workers aged 65 and over.

In Queensland, the fishing and hunting industry registered 104 deaths; forestry and logging, 85; agriculture, 28—almost 29; transport and storage, 27; mining, 26; and construction around 12. Those industries all had higher rates of death compared with the Queensland average of 7.8 deaths per 100,000 workers per year. Specific occupations found to have the highest rates of death per 100,000 workers per year in Queensland were pilots, approximately 272.7; fishermen or fisherwomen, 164.9; truck drivers, 48.3; and excavation and earthmoving machinery operators, 45.2.

I mention those statistics because it gives us time to reflect on just how many people die in our workforce per year. In researching this legislation, I travelled to the workplace health and safety segment on the Queensland web site. It was difficult accessing those figures. By way of suggestion, it might be a good idea if we did keep a running tally of the latest studies. It would certainly make those statistics a little easier to access.

This legislation was introduced to parliament in mid-April this year and amends the Workplace Health and Safety Act 1995. In a nutshell, if this legislation is passed it will introduce in Queensland new right-of-entry powers to work sites for union officials. The reason that this government is giving new right-of-entry powers to work sites for union officials is that it will provide union officials—and this is legal speak—'with the capacity to contribute to workplace health and safety in workplaces and relevant workplace areas under the Workplace Health and Safety Act 1995'. In other words, it will make

Queensland workplaces safer—there will be fewer deaths and fewer injuries. If this were to be the case, I would unhesitatingly, in a heartbeat, support this legislation. However, this legislation has been designed by this government to unfairly increase union power in the workplace. It has nothing to do with worker safety and much to do with Labor Party politics.

At this juncture I would like to acknowledge the important role the unions play and have played in our workplaces. This debate is not a union-bashing exercise. I appreciate the good that unions do for their workers and, as most members would be quite well aware, I am a member of a union—the MEAA, the Media, Entertainment and Arts Alliance.

Mr Reeves: The member for Clayfield is embarrassed.

Mr DEPUTY SPEAKER (Mr Wallace): Order! Member for Mansfield, if you wish to interject, return to your chair.

Mr MESSENGER: The member for Clayfield is a comrade. I acknowledge that. I joined the union because I had a very, very unpleasant experience with a former employer and I felt that I was unfairly treated. I urge any worker who feels that they could be or are being treated unfairly by their employers to join a union—feel the strength of being part of a united group of people who have the worker's wellbeing at heart. You could also contact your local member of parliament, who should also have your wellbeing at heart and who will also advocate with your employer on your behalf.

I have been lucky in my employment history to have had a number of different careers—first, in the military, then I had a small business and then I was a member of the media in different forms. I appreciate firsthand the varying qualities of employment conditions and the varying quality of bosses. I have been in the privileged position of being a boss. I know how difficult it is for small businesses to survive in a very competitive commercial world and I know the responsibility that a small business owner has in writing out a cheque for someone else's wage.

I have also seen and experienced the good things that unions can do for workers and I have witnessed how unions can also be part of the problem. I am less than impressed with some Nurses Union officials' actions during the course of the 'Dr Death' disaster at Bundaberg Base Hospital. If some Nurses Union officials had been doing their job properly, then Toni Hoffman would not have had to visit me.

This legislation in one word is superfluous. Federal industrial relations laws already enshrine the right of union officials to enter workplaces. It will not make Queensland workplaces safer or save one worker's life. In Queensland, we already have an excellent workplace health and safety department, with well-trained, accredited officers, and this legislation is a vote of no confidence by this government in its current workplace health and safety employees.

I urge all members to visit the government's workplace health and safety web site, where they will find information such as who enforces the law. The inspectors from Workplace Health and Safety Queensland are appointed under the Workplace Health and Safety Act. The inspectors are based in 20 regional offices throughout Queensland. They visit workplaces to investigate workplace incidents; investigate reports of unsafe or unhealthy conditions or dangerous work practices; assess workplace health and safety risks to workers and members of the public; and provide information and advice on obligations under the act. Inspectors have the power to impose a range of enforcement strategies to encourage greater compliance with the legislative requirements.

Who are these inspectors? They may have experience in a variety of trades. Most will have tertiary qualifications in occupational health and safety related disciplines. They are highly trained. The inspectors undertake inductions, on-the-job coaching, mentoring and training on a broad range of issues in the workplace, including ergonomics, hazardous substances, construction issues and noise. The training provides them with the underpinning skills and knowledge to allow them to undertake the Diploma of Government (Workplace Inspections). Are these new accredited union officials going to undertake the Diploma of Government (Workplace Inspections)? As the web site says, the main areas of focus for inspectors include high-risk industries, such as manufacturing and construction; work related fatalities; and occupational injury black spots.

Inspectors have the power to search any part of the workplace and inspect, measure, test, photograph or film any part of the workplace or anything in the workplace. They have the power to take samples, to copy a document in the workplace and to make inquiries or conduct surveys to assess the degree of risk at the workplace or the standards of health and safety existing at the workplace. They can inquire into the circumstances and probable causes of workplace incidents. They can take any person, equipment or materials into the workplace to assist the inspector to exercise a power. They may require a person to give reasonable help. They may require a person to produce certain documents or ask other people to provide these documents—for example, maintenance records kept by a mechanic contracted by an employer to do a job.

The inspector may also seize evidence of an offence against the act; a thing that has been used to commit an offence against the act; or a dangerous place or thing. Most of the time the inspector carries out

their role without the need to formally exercise their powers. However, their authority to use these powers is—as is quite rightly stated on the web site and in the act—necessary, particularly when they are investigating incidents and intervening where there are dangerous practices. Importantly, it is an offence to obstruct, threaten or interfere with an inspector who is exercising their powers under the act.

There are also workplace health and safety officers, WHSOs. Any workplace with 30 or more employees is required by law to have a workplace health and safety officer. They are people who are appointed by the employers and principal contractors to advise the employer on health and safety issues, implement workplace health and safety related initiatives, perform workplace inspections, help with the functioning of the health and safety committee, and the list goes on.

There are also workplace health and safety representatives. Workers may elect a workplace health and safety representative themselves or at the employer's suggestion. Elected workplace health and safety representatives are entitled to do workplace inspections, report hazards and review incidents. Let us not forget that we have workplace health and safety committees, which help workers and employers work together to make a workplace healthy and safe. This information is all off the web site. Let us not forget ministerial notices. The minister has that power. Urgent workplace warnings can be issued when a situation occurs that puts someone at imminent serious risk of harm at or near the workplace.

As we can see, Queensland's workplace health and safety system is a comprehensive system that works. It is not broken. This legislation will not add any clarity to a union representative's right to enter a workplace. In fact, this legislation promotes uncertainty. There is no real clarity and it leaves the door open for a union representative to access the workplace under the false guise of a potential breach to recruit and possibly interfere with the business's workforce and is open to abuse of power. There is no right of redress.

One of the problems is that this proposed legislation not only requires the employer to give the union representative information about employee work hours and timetables but also demands that the employer give to the union representative the employee's personal file and personal and private information. That is a direct breach of the federal Privacy Act. It is well and truly outside the bounds of what would be considered a workplace health and safety issue.

Other issues include the fact that the union representative will supposedly be required to have a permit issued by the state Industrial Registrar and will be required to undertake an approved training course. The problem is that the course is most likely to be an internal, in-house union training course. Of course, they have admitted in legislation that at the moment there are no existing courses in place to commence this training, nor has any training criteria been implemented in relation to this bill.

Another problem is that a union representative can make recommendations to an employer to rectify a workplace health and safety breach, but they do not have the power to order work to stop. The problem here is that the employer is not provided with a written recommendation and the union rep can make recommendations orally. Once again this means that there is no clarity. Importantly, there is no ability to confirm that the actions taken by the employer meet the recommendations given by the union rep. If ever there is a recipe for disaster it is when oral directions are given and when there is no formal process for placing those directions in writing.

We have heard from the Leader of the Opposition that his office has received over 200 letters of concern or complaint from employer associations regarding this legislation. Two major concerns have been raised: first, the lack of penalties in the bill for abuse of power by union representatives; secondly, a lack of obligation on the part of union representatives to report any breaches found to management. Employers are extremely unimpressed and have said that this does not bode well for the smooth running of future infrastructure projects. As we all know, Queensland desperately needs to build major infrastructure projects.

As I said at the beginning of this speech, I believe that there is nothing more important than the protection of human life and the wellbeing of human life. I applaud the independent, fully trained and accredited officers of the Queensland workplace health and safety organisation. They are doing a magnificent job and the statistics show that. According to the government's web site, they use a range of enforcement and prosecution strategies to encourage greater workplace health and safety compliance with the law and enhanced prevention of workplace injury, illness and disease. If this government were fair dinkum about making our workplaces safer, it would increase the resources and the numbers of existing officers.

This legislation is merely a bribe. It is a political bribe to the left wing of the ALP which, according to my very good sources back in the Burnett, have almost taken over Labor in Queensland. If I were the Premier, I would be looking over my shoulder while on jaunts in England. While the cats are away, the mice will play, especially the ones out of the left holes. I oppose this legislation.