



Speech by

Rosemary Menkens

MEMBER FOR BURDEKIN

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WORKPLACE HEALTH AND SAFETY AND OTHER ACTS AMENDMENT BILL

Mrs MENKENS (Burdekin—NPA) (8.20 pm): I rise to speak to the Workplace Health and Safety and Other Acts Amendment Bill 2006. This bill was introduced at very short notice and with very little external consultation by the government in response to particular aspects of the Commonwealth Workplace Relations Amendment (Work Choices) Act 2005 and associated regulations which commenced earlier this year. The Commonwealth legislation restricts the right of entry into workplaces by union representatives, except for workplace health and safety matters as provided for under state legislation. The Queensland Workplace Health and Safety Act 1995 currently does not contain such provisions which, of course, is the reason for this bill. Previously, the unions' right of entry into workplaces came from the state's Industrial Relations Act 1999, which has now mainly been overridden by the Commonwealth WorkChoices legislation. Another purpose of this bill is to relocate provisions relating to the re-employment of injured workers from the Industrial Relations Act 1999 to the Workplace Health and Safety Act 1995.

It seems that yet another bill has been brought into this House without due care and diligence. Another bill has been drawn up in haste so that we may repent at the government's leisure. We are forced to ask: what is the reason for the sudden rush of legislation that has affected the House? Maybe it is just another symptom of a disorganised and disheartened government that is grasping at straws, perhaps to try to claw back some of its credibility in the face of its increasingly shabby performance over the term of this present parliament.

Once again a bill has been presented that, while worth supporting in principle, is so full of flaws that support is impossible. In this case, the intent of the bill is to support the right of employee organisations' representatives to continue to exercise a legitimate right to enter a workplace to monitor workplace health and safety issues. I continue to support this right wholeheartedly. We are all aware and appreciative of the role that such representatives have played in the workforce and of the need for that role to continue.

However, with this bill the government is playing pure politics. It is simply playing to the stage following a populist agenda while trying to hide the real malaise that is affecting this state. It makes great press and it gives the Premier the opportunity to climb onto his tub and thump it loudly. It draws the attention of the public from twin crises in water and health, as he attempts to reassert his role as defender of the worker.

I am fully aware of the good that unions do. Australia would not be where it is today without the assistance of the union movement to defend workers' rights.

Mr Barton: That's why you're kicking them when they're down, aren't you?

Mrs MENKENS: I am aware of how some within the movement have used the name of the union to further their own agendas.

Mr Rickuss: At Carlton they got an extra pound a week to work in asbestos mines.

Mrs MENKENS: Thank you. Absolutely. The Master Builders have vehemently opposed some of the provisions within the bill as throwing open the workplace to unrestrained interference in occupational

health and safety matters. They believe that this is a matter best left to those with more experience, more responsibility and more authority. It goes further than this by allowing representatives unlimited access to employee records as well as industrial agreements under the guise of fulfilling their roles in health and safety. I would be very interested to hear the reason that this intrusion is thought so necessary that it needs to be legislated. Why does it need to be legislated? At least the rights of the employer are paid lip-service when the requirement to give at least 24 hours notice is considered, but this is still an unwarranted intrusion on the rights of employees and employers alike.

The powers that this bill will give to union officials are far beyond those needed to carry out their primary responsibilities. Why is it necessary to allow them to inspect plant and equipment? Why is it necessary to question union members and non-members alike, to observe work practices and make recommendations to change existing workplace practices on the mere suspicion that workplace health and safety provisions have been breached or only may take place?

What is even more worrying is that these authorised representatives may have had no more than three days training before assuming their roles, yet they will have more clout, more authority and more power to disrupt the workplace than the real inspectors who are highly trained and independent of union or employer influence.

What is worrying is that while there will be significant fines and penalties—up to \$15,000—that may be imposed if these representatives claim that they have been hindered or obstructed in any way or someone refuses to answer their questions, there are no provisions for offences or penalties if these same representatives misuse or abuse their powers. They will have almost the same level of legal authority as inspectors with none of the accountability.

This can only lead to increasing confusion, distrust and hostility in the workplace, and runs the risk of interfering with already established and complying workplace practices on a whim. It will place in jeopardy the existing consultative arrangements at the workplace and obscure and possibly diminish the roles of existing safety personnel, creating confusion over responsibility and accountability for communication and resolution of occupational health and safety matters.

The Housing Industry Association has also expressed its strong reservations in relation to the bill, stating that it will be a recipe to dismantle the cooperative safety culture that has been evolving in Queensland. I think that is a very important statement: the cooperative safety culture that has been evolving in Queensland. Queensland is proud of its industrial record. I know those on the other side of the House would agree with me that we are proud of that industrial record. It further claims that if the bill is passed the government's own inspectors will effectively receive a vote of no confidence in their work.

If any of these provisions went one iota towards ensuring a safer workplace in Queensland this bill may be worth supporting, but this is simply not the case. It will not improve practices, it will not improve or add to the already existing safety culture and it will not improve relations between employers, the union and the government. It is simply this government paying lip-service to its power base and carrying out the will of its masters in the union movement. It is yet another example of this government's inability to govern for the good of all Queenslanders and instead shows its readiness to roll over and wag its tail for those faceless persons who really give the orders. I oppose the bill.