



Speech by

Ms Grace Grace

MEMBER FOR BRISBANE CENTRAL

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WORKPLACE HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Ms GRACE (Brisbane Central—ALP) (12.17 pm): I, too, am proud to rise to support the Workplace Health and Safety and Other Legislation Amendment Bill. I was a union official before entering this House just over 12 months ago. I was a union official for 27 years. I ended up heading up the Queensland Council of Unions. I can honestly say that throughout my whole career there were two industrial issues that I never let go of when I was a union official: one was workplace health and safety and the other was workers compensation. I always kept an interest in those two areas. Up to the time I was elected I served on Queensland's Workplace Health and Safety Board and I always took a very keen policy interest in where workers compensation in this state was heading.

I am proud to say that I am here today to vote on improvements to occupational health and safety in this state and workers compensation. Twelve months ago when I was sworn into this House, my maiden speech was about supporting changes to the workers compensation act. It is great to be here 12 months later supporting improvements for Queensland workers in occupational health and safety and also improving, should the prevention side not work, the payment side when it comes to workers compensation.

I also want to applaud the fact that most of the recommendations of an independent review conducted by Mr Robin Stewart-Crompton have been embraced in this legislation. I have worked with Mr Stewart-Crompton many times in my previous life. He is an expert in this field and very highly regarded. It is very pleasing to see that we are introducing a lot of the changes he recommended in that independent review.

We all know the importance of occupational health and safety. For workers, it is paramount. In the union movement we have the slogan, 'We sell our labour; we don't sell our health.' Occupational health and safety is all about ensuring that workers do not sell their health in earning a crust for their families. Often what we find is that it is the families that suffer—and I will touch on that later—when there is an accident in the workplace. Our family has been a victim of this. I know exactly what it feels like when a loved one is injured in the workplace, particularly when that loved one is the main breadwinner of the family.

Firstly, I want to concentrate on the new changes for workplace health and safety representatives. The bill introduces an important new role for workplace health and safety representatives in improving safety standards in the workplace. This is a great step forward. I can honestly say that for about 27 years as a full-time official representing workers we have asked for this. Workers and unions combined have been asking for changes to this legislation to reflect this. It is very pleasing and I am very proud to be here today to say that we are finally introducing it into legislation.

By allowing workplace representatives to issue provisional improvement notices, or PINs, in response to dangerous workplace incidents, this bill will strengthen safety awareness and performance at work. Workplace representatives will now be able to act immediately to reduce the risk of injury or exposure to an injury or illness in the workplace. This is critical in circumstances where, for instance, workers are affected by continual exposure to chemicals in a workplace or where operators are working on

unguarded machinery. Given that workplace injuries and fatalities are a huge burden on the Queensland economy—estimated at at least over \$5 billion in 2005-06—this new arrangement can only result in a necessary improvement in safety performance in the workplace.

Removing safety hazards as an impediment to workplace productivity is an important factor in delivering the Queensland government's plan Toward Q2: Tomorrow's Queensland for the Queensland economy to become the strongest in Australia. Furthermore, by introducing workplace interventions to reduce or remove unhealthy workplace practices, this bill will be critical in assisting the Queensland government to meet its targets under the Q2 plan for a healthier Queensland population.

The bill reinforces the opportunities for consultation on safety issues between workplace representatives, employers and contractors which is so essential in the development of a robust safety culture in the workplace. It was great to serve on the Workplace Health and Safety Board. I think that one of its strengths was that it was a tripartite board, which had all stakeholders working together down one path and that was to improve the health and safety of workers in this state.

In preparation for this new function, the bill requires workplace representatives to undertake accredited training in their new responsibility which clearly identifies the steps to be taken before notices can be issued. A new module will be added to the existing training course for new representatives, and existing representatives will be able to undertake an additional stand-alone PINs training module. I know the bill currently provides that that training is to be paid by the employer, and that is the way it should be.

The bill provides protection against irresponsible behaviour by preventing notices being issued without justification. Notices cannot be issued unless the potential hazard has been investigated, information supplied and consultation conducted with the responsible person in the workplace. In the event that a claim is disputed, the bill provides a review process where a Workplace Health and Safety Queensland inspector investigates the potential hazard and gives a second opinion on the validity of the notice.

This review process will protect employers and contractors against notices being issued without sufficient evidence or reason. In addition, an appeal can be lodged against the inspector's decision where that decision upholds, modifies or cancels a notice. At the same time, the bill safeguards the interests of employers and contractors from any inappropriate or unfair action by workplace representatives. Where a person considers that a representative has issued a PIN unreasonably, a representative can have their entitlement to give a PIN cancelled or suspended. This demonstrates that there is a balanced approach in this legislation and there are safeguards there where there has always been concern that somehow possibly the use of PINs by representatives will be abused. I think the bill balances the requirements to protect the worker and also to protect the employers should that situation occur.

The person or the director-general of the Department of Employment and Industrial Relations may apply to the Industrial Relations Commission for cancellation or suspension of a representative's entitlement if they have a reasonable belief that the representative has issued a PIN unreasonably. Unreasonable issue of a PIN could include situations where a representative has not properly formulated a reasonable belief that safety regulation is being breached, has issued a PIN to harm an employer rather than to remedy a dangerous work situation or has issued repetitive and mischievous PIN notices.

I must say that, although these protections are in legislation and I support them, I think the cases where we are going to use this are going to be very rare. I can honestly say that over all the years of representing workers in the area of occupational health and safety, I think the evidence of abuse of this power has been absolutely minimal. Health and safety representatives who have been elected by their colleagues generally take their role very seriously. They perform it in a very professional way for the betterment of health and safety not only for themselves as workers but also for their colleagues. Workers are very smart. If they think that a representative is abusing their position or making frivolous claims, the next time elections come around I can guarantee that that worker will not hold their position. They almost do their own safeguarding when it comes to ensuring that this responsibility is carried out in a proper way.

I welcome the capacity to prosecute government departments. I think it does bring about a level playing field in the legislation for any breaches of the act. Obviously I also agree that the preference would be for a written undertaking where, instead of paying a fine, the department is actually made to remedy the health and safety hazard. In more serious cases the legislation provides for prosecution as well, and I welcome that. I think it does bring about a level playing field. It was an issue the Workplace Health and Safety Board had been discussing for a number of years.

The extension of time lines for the commencement of prosecutions as a result of findings from a coroner's report, inquest or inquiry makes eminent sense. Workplace health and safety and electrical safety legislation will be amended so that proceedings must now commence within two years after the date of a finding. I think this is eminently sensible. If a coroner finds that there have been real breaches, because of the time lines of conducting that inquiry, any necessary prosecutions should begin within a period of time.

As I said earlier, our family was a victim of a workplace accident. My father in the prime of his life was struck down by a very bad industrial accident which rendered him unable to work for the rest of his life. He had a young family and I know how much we struggled. I know how much he struggled to overcome the incapacity that resulted from his accident. I really do welcome the victim impact statement that is strengthened in this legislation.

Now victims or their survivors are able to participate in the criminal justice process in a more meaningful way. Courts will gain a greater appreciation as, as a consequence of this happening and as a consequence of a breach, victims or their survivors can now come forward and demonstrate what impact it has had on their family and on their lives. I know my mother struggled greatly. My father was in hospital for a very long period of time. He nearly lost his arm. He had to have a back operation and could not walk for at least 12 months following. My mother struggled with us as a family. Very few victims in those days were paid.

Had it not been for the union that helped my father to prosecute, I think our family's suffering would have been even greater. I take this opportunity—which I have never done on the record—to thank the union, the Miscellaneous Workers Union at the time, that assisted my father in those times of great need. I was only a very young girl and I do not really remember a lot, but I know my parents talk about it.

As patron of the Queensland Asbestos Related Disease Support Society, I commend the additional new lump sum entitlements that will be paid to asbestos related disease sufferers. This is a terrible disease. Asbestosis, mesothelioma, is one of those diseases that gives true meaning to the phrase 'death by slow means'. A lot of people suffered at a time when they knew very little about this very debilitating disease. I too join the member for Algeester in giving commendation of the highest regard to president Shirley White OAM and secretary Ray Colbert. They give of their time and they support the families who are suffering this dreadful disease, and I give them my wholehearted support. As I said, I commend them for the work they have done over the years.

New lump sum entitlements will be paid up-front with other very generous lump sum entitlements that are currently paid under the current workers compensation legislation. We have a fantastic system in this state of compensating the sufferers, those workers who are suffering from this disease. This only adds to that. I welcome it, as well as the reasonable funeral expenses that will be paid to the dependants of sufferers of this terrible disease.

As I said, I welcome the fact that these two new lump sum payments will be paid at the same time as a generous lump sum payment currently under the workers compensation act. This gives real meaning to families who will receive their entitlements sooner rather than later—without any additional litigation and without any need to go to court. Once you can establish a work related accident with asbestos—and generally that is one of the only ways you will get this terrible disease—the payments are made very steadily.

Streamlining the administration and application of the workplace health and safety legislation and the electrical safety legislation will bring Queensland in line with other jurisdictions in Australia. I have great pleasure in commending this bill to the House. I am very proud of the bill and I congratulate the minister for introducing it. It will go a long way towards not only improving health and safety in Queensland but also making the lives of those who suffer from work related injuries and diseases that little bit better. I commend the bill to the House.