




Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Thursday, 26 May 2011

WORK HEALTH AND SAFETY BILL; SAFETY IN RECREATIONAL WATER ACTIVITIES BILL

 **Ms GRACE** (Brisbane Central—ALP) (3.13 pm): I rise this afternoon to support the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill. I will concentrate my comments mainly on workplace health and safety and the WorkCover changes. That is an area in which I have worked for most of my life. I think I can offer this House some insight into how this legislation will work.

The labour movement—and coming from the union movement as I have—has always worked on the principle that workers go to work and they sell their labour, not their health. That has formed the guiding principles whenever we have looked at occupational health and safety. As a Labor government, we have also looked at the issue as being tripartite in nature. We have always embraced this as a tripartite relationship in that, in order to provide a healthy and safe workplace, the three parts of the equation must work together—that is the employer reps, the worker reps and the government—to make our workplaces safe and secure.

Before I entered parliament I was deputy chair of the Workplace Health and Safety Board. I take the opportunity to give my regards to Vince O'Rourke, the current chair of the Workplace Health and Safety Board. Vince, a former CEO of QR, has done an excellent job in chairing the Workplace Health and Safety Board, which works very hard to ensure workplace health and safety. I was also a union official before I entered parliament and workplace health and safety and workers compensation are things I never gave up.

My father was severely injured in an industrial accident in the workplace when he was working in a tannery in Brisbane. He was in his early forties when the accident occurred and he never worked again because of that injury. The accident happened because of faulty equipment, but I will not go into more detail about that. It was very difficult for my family, having six girls and a father who was no longer able to work. It certainly shaped my thinking of occupational health and safety. Many in this room know that as general secretary of the QCU I never retreated from my duties in regard to that area.

I am very happy to be here today to talk about a national scheme. To be quite honest, I never thought we would actually achieve it. I am positive that we would never have achieved it under a federal conservative government. It was a federal Labor government that achieved it under the stewardship of the then industrial relations minister, the current Prime Minister, Julia Gillard. Every time we have talked about the harmonisation of workers compensation or of occupational health and safety in this country, conservative governments have always wanted to drive down workers' entitlements to the lowest common denominator. It was never about lifting the standards around the nation. It was never about saying, 'What is the best that each state has to offer and how can we incorporate that?' It was always about bringing it down. So consequently there was not that trust, that confidence, that we would ever be able to achieve a national standard. So it is really great to see all the current state, territory and Commonwealth governments, which enforce their own safety laws, now coming together. As a state we are embracing that and bringing about consistent laws.

It is important to harmonise workplace health and safety laws. It was recognised as an important issue by the Council of Australian Governments and the Productivity Commission. Quite clearly, it will remove confusion for businesses. It will also bring about equitable safety standards across jurisdictions and industry. It will bring about some equity. Of course, we are going to have good policy.

Mr Moorhead interjected.

Ms GRACE: Exactly! I take the interjection from the member for Waterford, who said that workers who work across state borders will now be able to do so under consistent workplace health and safety legislation, and that has to be of benefit to those workers as well.

We have seen some conjecture from some speakers. I found a lot of the input from those opposite to be lacking in depth and detail. It is quite distressing that an issue as important to workers as occupational health and safety is so little understood by those opposite. Some members have stated that no-one has been consulted. However, as I said, this issue has been going around for a long time. In fact, the initial step taken on drafting model laws was taken on 4 April 2008 by the Hon. Julia Gillard. A panel was requested to review this and it was conducted by an advisory panel, chaired by Robin Stewart-Crompton, a very capable person who later looked at the Queensland workers compensation scheme. As part of the review, employers and unions were all invited. The negotiations went on at not only a state level but also the national level. There was no secret about what was being done in relation to this issue. There was extensive consultation. Members have only to look at page 18 of the explanatory notes to see the list of all the people who had input into these laws to gain an understanding of the depth of information that had been gathered.

I have a lot of regard for the member for Mirani. I think the member for Mirani is a very decent person. I think it is great that this parliament is comprised of different types of people from different occupations and the community. I do not know to whom the member for Mirani was talking, but we have only to look at the amount of discussion, negotiation and representation to gain an idea about the type of consultation that took place before we reached this point.

Let me tell members that it is very difficult. The unions are wary. The employees are wary. They are all in there, but there is good faith because we have always approached this, as I said, on a tripartite basis, respecting each other's position in the workplace and not questioning why a union would enter a workplace for occupational health and safety matters or why an employer should or should not be involved. We embrace them all. That is the way we work. That is in our DNA. Unfortunately, it is not in the DNA of those opposite. Consequently, the lack of depth of understanding of this important issue was breathtaking to me.

There were a number of submissions received by Safe Work Australia and others—hundreds of submissions from around the country and from Queensland. The model act was looked at and endorsed some time ago and here we are today in Queensland discussing this bill. There were a number of comments made in speeches previously in relation to this matter. There was a concern about labour hire companies or contractors being included in the workplace health and safety laws and that somehow those opposite were going to have a look at this and decide whether or not this was something they were going to continue. Let me give those opposite a few points in relation to this matter.

I think the definition of this bill covering people who conduct a business or undertaking is absolutely paramount. A worker in this country, in this state, should be a worker regardless of who they are working for. It was under the employment and workplace relations ministers in the Howard government that we saw the biggest explosion in this country's history in the number of workers working for labour hire companies. In fact, the conservative government in this country loved labour hire so much—and the LNP in this House love it so much that they have even outsourced and labour hired their leader now. There is a labour hire company out there that employs their leader and it is called the LNP, the Liberal National Party.

During 1998, when Reith was the workplace relations minister and Tony Abbott was the employment minister and then he took on employment and workplace relations, we saw an explosion in the number of labour hire workers, casual workers, temporary workers, sham contracts, workers on individual contracts. In fact, the explosion was so great that, when I came to Mackay to open a QCU building in Brisbane Street, I remember walking around the town and I could not believe the number of labour hire company offices in the city of Mackay. They were everywhere. In fact, I would hazard a guess that those in the audience would agree that in order to get a job in this town you actually had to go through a labour hire company. Companies were not even employing anymore.

This explosion of labour hire occurred under federal law. There were no jobs unless you went through a labour hire company. Why were they so keen to do this? Because the employer had no responsibility to that worker. Who was the actual employer of that worker? It became the labour hire company. So if the worker on the job site got injured, they had a contract with the labour hire company. It was a case of saying, 'That person's injured. They can't do the job. Fetch me another one.' There was no caring, no responsibility. They did not have to pay workers compensation. They were not mentioned in occupational health and safety laws.

There were arguments about who actually had responsibility for the safety of that worker. It went to the High Court. Even to determine who a worker was in this country you had to go to the High Court. A worker did not even know they were a worker such were the sham arrangements being pursued by the Howard government. It was this state Labor government that initiated the inclusion of labour hire, group training schemes and the rest not only in workplace health and safety laws but in WorkCover law as well. It was a fantastic move where we took it right out, but unfortunately it only applied in this state. So we have to cover all of those people or else we are going to have workers who do not have any coverage whatsoever.

Group training companies sprang up, because guess what? Who was going to train these workers? So it was the neglect by the Howard federal government of not putting any money into training, of allowing employers to enter into sham arrangements and of allowing labour hire companies to explode beyond belief in this country, and guess what? A dozen or so years later we have a skills shortage in Australia—surprise, surprise! Nobody is training. Nobody is protecting workers. And guess what? We now face a skills shortage, and I put to the House that it is because of the neglect by that government over such a long period of time under the stewardship of Tony Abbott and Peter Reith.

When it came to Queensland laws, we ensured that these workers were covered, and I am very proud to say that we are continuing to ensure that under the national system. We restored the balance under workers comp. We covered all workers, and I will go a little more into that when I talk about workers compensation.

There were also comments made in here, I think, by the member for Kawana. I think there was something said about inspectors having untold powers or words to that effect. I have a copy of the *Hansard* here. He said—

The bill provides regulators with strong, heavy-handed, excessive powers to obtain information to help them make workplaces safe.

I am quoting from *Hansard* in relation to the bill which provided the regulators. It is absolutely imperative that when an accident happens inspectors are able to get the information. Let me give the House a couple of examples. A worker fell on a steel rod at a building site and the rod pierced his body. Immediately after the investigation took place members would have noticed that yellow caps were placed on top of those rods at building sites to prevent that from happening again. It was by conducting an investigation that information on the processes of their work was obtained.

Let me give another example. A worker is injured by a machine—the guards may not have been there or the switches might have been faulty—and the machine is fixed immediately. That is information that is received so that that machine can be fixed immediately. You have to do that because you cannot send a worker back on that machine until the problem has been rectified.

Let me give an example of poor scaffolding. One of my constituents lost his life—and I feel for the family—due to the collapse of scaffolding. Is there any chance, as the member for Kawana has suggested, that the inspectors would not get the exact information in relation to that scaffolding and that they would send another worker up that scaffolding after what had occurred? That is just not what would happen. There are enough protections in the legislation about the evidence that is received and that it then cannot be used against the worker in civil or criminal activity. That is clear in the legislation. Let me tell those opposite that if the union officials on that board who I knew thought for one minute that that evidence was going to implicate workers, they would not have agreed to this particular section. There are adequate protections there, and all those opposite are doing is scaremongering and not understanding exactly what is in this legislation.

When I was an industrial officer for the Bank Employees Union I would investigate bank hold-ups. What we found was a pattern. The branches that were being targeted were the ones where you could enter the bank from a back door. So immediately on investigation we were able to close the rear entrances to those branches so that workers had to come through the front door and therefore workers were protected and they were not a target for robberies. These are just a few examples of what happens when you interview workers and glean information.

When it comes to workers compensation, there are a number of changes which I fully endorse that come from an investigation and review that was conducted again by Robin Stewart-Crompton. There were five specific terms of reference and the report made 51 recommendations to improve the Queensland workers compensation scheme. Following a period of public consultation, the government approved the implementation of all 51 recommendations in the report in March this year. The majority of the recommendations can be implemented administratively. However, there is one recommendation that does require changes, and that is that the scheme be reviewed every five years.

Once again, the member for Mirani came into this place misleading the House saying that somehow the workers compensation system was in debt. Let me tell the member for Mirani how it works. The actuaries look at the scheme. They look at the claims history. They do an actuarial analysis. They make predictions out to five to 10 years. They then see that something needs to be done or else the liabilities are going to extend beyond what is there. At no stage is there a debt. At no stage are they insolvent. At no stage do they owe any money. They are merely making an insurance actuarial analysis and they give the

board, and the government, recommendations about what needs to be done. I say to those opposite that this Labor government has a proud history of moving very quickly with that, ensuring that our unique, well-funded, well-provided, excellent system of workers compensation—the best in the country—is maintained, enhanced and corrected. So any suggestion that somehow it is in debt, it is insolvent or anything like that is completely untrue.

Once again in the area of workers compensation, we had the member for Kawana raise the issue that somehow the board is stacked with union bosses. He claimed that I was wrong when I said that that was rubbish. I maintain that view. I have in my hand a list of the current board of directors. He is right that there are two union officials on that board. Two of the most experienced union officials in this state are on the WorkCover board. They are Bill Ludwig and Ron Monaghan, the secretary of the QCU. He took my job when I left the QCU. They are two very experienced union officials. Two out of seven members are union officials.

The chair of the board is Ian Brusasco. Ian Brusasco would probably take great umbrage at being referred to as a union boss. He never has been. He is a pharmacist by trade. He is very ably supported by the deputy chair of the WorkCover board, Terry White. Guess what? Mr Terry White has been on the board since 1997. He has been there the whole time. The rest of them are employer representatives. Yet somehow the board is 'stacked with union officials'. Two out of seven are union officials. Is that rubbish or is that rubbish? It is absolute rubbish to say that.

Then we have the management team. Ian Brusasco has done a fantastic job when it comes to workers compensation in this state. He is very dedicated. He works incredibly long hours. He has done an incredible job in maintaining the integrity of the system and balancing the rights of workers with the ability to pay.

The chief executive of WorkCover is Tony Hawkins. He was appointed not by us but by the Borbidge government in 1998. I met Tony Hawkins when he was appointed and I have worked with him for many years. He is an honourable and very experienced man in the area of workers compensation. He has done an excellent job. To suggest by innuendo or by one's body language or by being smug that there is something wrong with this I think is a disgrace. I think it reflects poorly on the member for Kawana.

In this legislation there is the proposal to ensure that workers continue to accrue sick and annual leave whilst on workers compensation. Prior to the referral of the state industrial relations power to the Commonwealth on 1 January 2010, private sector employees were entitled to accrue sick leave and annual leave while absent on workers compensation. I believe that that should definitely be the case. They are on paid leave and consequently they should not lose entitlements to those conditions. There was a technical issue whereby that provision was removed. This legislation puts that back in for injured workers.

We would never have achieved this legislation without a federal Labor government. It has been the Labor government in this state that has brought about conditions that are worthwhile for workers. Conservatives have added nothing to this at all.