Speech by

Jarrod Bleijie

MEMBER FOR KAWANA

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

Mr BLEIJIE (Kawana—LNP) (5.51 pm): Today, to the delight of those members opposite and in full anticipation, I rise to contribute to the cognate debate on the two government bills, the Work Health and Safety Bill 2011 and the Safety in Recreational Water Activities Bill 2011. For ease of reference and for the benefit of government members opposite, so as not to confuse them, I will deal with each bill separately.

Mr Malone interjected.

Mr BLEIJIE: I take the interjection from the shadow minister. We certainly would not want to make it too complicated in dealing with two bills at the same time, so I will separate them in the debate today.

Ms Jones: You're not funny; you're just embarrassing. They're walking out.

Mr BLEIJIE: I take the interjection from the member for Ashgrove that she absolutely agrees that I should deal with them separately so she gains a full appreciation and understanding of the issues involved.

Today the shadow minister started his contribution by noting that, considering there are some 400 pages of legislation, there has been very little time for consultation. The minister interjected that there has been a draft bill since December 2009 in terms of the national framework that was being looked at. That may in fact be correct, but the issue remains that the bill we are debating today was introduced on 10 May 2011. We are not debating a bill that was introduced some time ago; today we are debating a bill that was introduced into the House on 10 May 2011, some two weeks ago. I understand why the minister would interject and say that everyone has known about this for a long period of time, but I would point out to the minister that upon my contacting the Queensland Law Society in terms of its view on the bill its absolute response was that it had no time to prepare for the bill that we are debating today.

Mr Shine interjected.

Mr BLEIJIE: I take the interjection from the member for Toowoomba North. The Queensland Law Society plays a vital role in the consultation process on bills that are debated in the House, and I for one know that many members on both sides of the House look upon its advice in order to delve into issues that we may address at the time of debating a bill, particularly during consideration in detail. However, we will not have that opportunity because this bill was introduced only two weeks ago and we are debating it today. Nevertheless—

Mr Malone: We were actually advised only on Friday that this bill would come before the House.

Mr BLEIJIE: Indeed. I take the interjection from the shadow minister that we were only advised last week that the bill would in fact come before the House in Mackay during the regional sittings. On that note, the opposition had a briefing yesterday, just before the briefing for the Independents. I thank the three gentlemen who attended the briefing and who attempted to answer our questions. I thank them for that briefing. That we were advised on Friday that this bill would be debated during the regional sittings of parliament and we were given a briefing the day before is a sad reflection on the minister—not the participants at the briefing but the minister. I do thank those three gentlemen who—

Mr Dick interjected.

Mr BLEIJIE: I take the interjection; the minister is not resigning. I thought I had got him there and I thought he was on the ropes and he was going to announce his resignation as a minister of the Crown. I am bitterly disappointed, but I still have many pages to go. Maybe by the end of my contribution we can convince the minister to understand his own incompetence in this place so we can get the outcome that we on this side so desire. We so desire that outcome.

The bill contains relevant provisions that amend the workers compensation scheme to include five-year reviews commencing from 2012 and other associated entitlements which are able to accrue whilst a worker is on leave under the workers compensation arrangements with the employer. In 2008 a meeting of the Council of Australian Governments signed an intergovernmental agreement for reform in occupational health and safety which has led to the development of national work health and safety laws. Recent national agreements at COAG meetings under the national partnership agreement to deliver a seamless national economy have set the agenda and framework for national work health and safety laws that cross state boundaries. Under the national partnership and review of occupational health and safety legislation, the Commonwealth, state and territory governments have to enact the national model work health and safety regulations by December 2011.

In April 2010 the Productivity Commission released a report titled *Performance benchmarking of Australian business regulation: occupational health and safety*. Queensland workplaces were identified in that report as the most dangerous in the nation, with the highest death rate and seriously high injury rates reported. I take on board the comments made by the member for Gladstone that all members of the House would always seek to ensure Queensland workplaces are as safe as they can be. Close friends of mine lost their son in a workplace health and safety accident. He worked for a scaffolding firm in Brisbane. He was killed two years ago when the scaffolding collapsed. I for one would always support legislation that enables us to contribute to safer workplaces because I have seen it happen—both as an MP, through correspondence with constituents, and personally, having been affected by good, close friends of mine losing their young son, who was married with young children.

There is no doubt—and I have said it in debate in this place many times—that Queensland is overregulated. One can see that when one looks at statistics on the number of pages of regulations in this state. I think at last count it was about 70,000 pages. It is probably more than that now, but Queensland is certainly one of the most overregulated states. And it all comes back to the Labor Party—the Queensland government—because anything it does always has to entail more paperwork, more red tape and more bureaucracy for business, for employees, for employers, for politicians, for members of the public, for the good people of Mackay.

Under Labor governments, we always have an overregulation in anything that they touch. Queensland workers have seen more red tape and bureaucracy from this government—a government that is certainly focused on spin rather than on delivering real outcomes for Queensland workers. Queensland is a state that relies heavily on industry, such as mining, construction and manufacturing, to sustain the economy and jobs for Queenslanders. Accordingly, we need workplace health and safety regulations that protect Queenslanders in their workplaces, with the emphasis on safety in conjunction with high productivity to reduce our workplace deaths and serious injury rates and still maintain competitive advantages. When we look at workers compensation schemes in Queensland, we see that for a long time there has been a serious financial cloud hanging over them—since the Beattie government was elected in 1998. When we look at the WorkCover board, we see that it is still heavily stacked with union bosses.

Ms Grace: Rubbish.

Mr BLEIJIE: I take that interjection from the member for Brisbane Central who says that that is rubbish.

Ms Grace: It is.

Mr BLEIJIE: Okay. I take the interjection. The member says that that is rubbish. I point out to the member for Brisbane Central that the WorkCover board still has on it the Labor Holdings founder Ian Brusasco, the General Secretary of the Queensland Council of Unions, Ron Monaghan, and the Queensland State Secretary of the Australian Workers Union, Bill Ludwig. We are talking about workers compensation schemes and workplace health and safety. I am certainly talking about the WorkCover board, which includes heavy union bosses, which has been denied by members opposite in their interjections.

In an article in the *Courier-Mail* of 4 April 2010 the President of the Queensland Chamber of Commerce and Industry, David Goodwin, stated—

I think management needs to be investigated and they need to have a look at its internal protocols.

The same article stated—

Trilby Misso chief executive Graeme McFadyen said the public had been 'hoodwinked' and the picture being painted by the Government was a facade.

Mr Watt interjected.

Mr BLEIJIE: I take that interjection by the member for Everton. The only people who were storming were the bunch of union members in Brisbane who I saw on the news. If we are talking about stampedes, then let us talk about the union stampede in Brisbane yesterday. I saw a report—

Mr DEPUTY SPEAKER (Mr Ryan): Order! Member for Kawana, you are fully aware of the terms of the bill. I ask that you come back to the terms of the bill.

Mr BLEIJIE: Indeed, Mr Deputy Speaker. Thank you—

Mr Hoolihan interjected.

Mr DEPUTY SPEAKER: Order! Member for Keppel.

Mr BLEIJIE: Mr Speaker, thank you for your protection from the member for Keppel. I always appreciate it when you come to the protection of those opposite.

Mr DEPUTY SPEAKER: Order! Member for Kawana, I have asked you to come back to the terms of the bill and I expect you to do that.

Mr BLEIJIE: Indeed. In 2009-10, WorkCover compensation payments of $1.283 billion were paid out to injured Queensland workers—an increase of almost 30 per cent in just two years. Common-law claims continue to spiral out of control and they increased by 36 per cent on figures for the previous year. In fact, in June 2010 the Bligh government had to rush through legislation in an attempt to revive the WorkCover scheme for industry compensation cover. I note that since then industry professionals and the members of the legal community whom I have talked to have said that those laws that were introduced have certainly brought under control some of the aspects of that potential ballooning of costs. I fully acknowledge that. The legislation included a cap of $300,000 on claims and other contributory negligence factors that were, in fact, long overdue. I know that I have constituents in my own electorate who have had to recover from significant workplace injuries. At times their subsequent dealings with WorkCover have caused mental anguish and suffering rather than offering vital financial assistance to help them and their families while they recover from injury. It is incumbent on governments to have in place workers compensation schemes that not only are viable for the taxpayer but also support injured workers and their families while recovering quickly from a workplace injury and then returning to work. The workers compensation scheme must be sustainable as well.

The bill before the House includes a provision for a review of the operation of workers compensation schemes in Queensland at least once every five years. The bill also contains a technical change to the definition of asbestos, which states that asbestiform mineral silicates are considered to be asbestos. The change is intended to ensure that asbestos related diseases are appropriately covered.

My main concern with this legislation is the change in the jurisdiction that will require the prosecution to be heard before a magistrate. Appeals will also be heard before the District Court and then go on to the High Court in the general system of justice in Queensland. Indeed, the shadow minister in his contribution talked about the jurisdictional changes. I note that at the time there were some interjections—saying that that was not the case and that nothing had changed. In fact, there has been a change, because the categories of offences will be heard by magistrates and judges in the District Court and then through our general courts system in Queensland.

It is no secret that our general courts are already backlogged and struggling to deal with the enormous case load that is presented to them. The government should be considering measures to reduce this workload and not put more pressure on a system that is at times bursting at the seams. We are not trying to be smart about this issue. We are not trying to be cheeky about raising this issue. I am simply saying—and this matter was confirmed in the briefing yesterday in terms of the three categories of offences that we will have and the court system that will hear them—that this change will impact on our current judicial system. I am simply making the point that our courts need assistance. I just ask the minister in his reply to take into consideration the comments that were made by the members opposite in terms of the jurisdictional change and what additional resources will be potentially applied to the Magistrates Court and the District Court to take on this extra workload.

I think this is a legitimate issue that the opposition should be raising with the minister. We only have to look at the issue that I talked about in parliament this morning in terms of jurisdictional issues—which, of course, this bill deals with—and the State Coroner and magistrates in the regions, particularly in the central region, acting as coroners. Those magistrates need assistance in terms of reducing that coronial workload. So when we look at the whole aspect of our judicial system, I ask the Attorney-General to provide advice to the opposition as to how he sees this matter playing out in terms of jurisdictional change. I look forward to that contribution from the minister.

It comes as no surprise that the opposition is fully cognisant of the fact that, without properly resourcing our courts, this jurisdictional change will impose an extra workload on the courts. That is why this morning in this chamber I talked about the establishment of another coroner to help ease the workload of the Magistrates Court in central and regional Queensland. Perhaps if the government accepted our policy on that issue it would assist the government with this bill, because it would relieve the pressure on the magistrates in regional Queensland and that would allow those magistrates to take up the slack that this bill has the potential to create.

The estimated cost of the Work Health and Safety Bill is not determined in legislation, but I recognise the impact that these changes will have, particularly on business. There is a recognised cost for the Queensland based businesses that meet consumer demand across state boundaries. Clearly, in these circumstances national law will reduce red tape. That is something that business needs desperately. In fact, it has been desperately crying out for that for some 20 years.

Clause 172 of the bill provides for the abrogation of the privilege against self-incrimination. The minister mentioned this. I note that in the explanatory notes to the bill this privilege is waived to compel the provision of information currently available for regulators across Australia and that the focus of this provision is on determining the facts leading to the breach of workplace health and safety rather than on subsequent prosecution. This provision is to identify the cause of safety breaches so that further injuries or potential loss of life can be prevented.

The bill will, in fact, remove a long-established privilege against self-incrimination. This privilege entitles a person to refuse to answer any question or produce any document if the answer or the production would tend to incriminate that person. This common law privilege has been recognised and is supported through evidentiary legislation and is fundamental to the principles supporting our legal and justice system.

The bill provides regulators with strong, heavy-handed, excessive powers to obtain information to help them make workplaces safe. These powers require people questioned under the act to produce documents and answer questions even if it means they may be incriminated or exposed to a penalty in doing so. I recognise that the withholding of information may compromise the ability of regulators and inspectors to ensure ongoing workplace health and safety protections. Our workplaces must be safe, but surely there must be some protection afforded to those required to provide such information. The website of the Department of Justice and Attorney-General states that the purpose of part 9 is to provide a framework for inspectors to perform their functions effectively, in particular with powers to obtain information.

I conclude by thanking the shadow minister for his contribution. I echo, support and endorse his comments entirely. I reject in their entirety all the interjections from those members opposite and the nonsense that they speak. I thank the shadow minister for his worthwhile contribution.

(Time expired)