Speech By

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Record of Proceedings, 1 April 2014

WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Mr PITT (Mulgrave—ALP) (8.58 pm): What a pleasure it is to speak after hearing for more than 40 minutes from the jumped-up K-Mart lawyer from Kawana. That was one of the most disgraceful performances that we have seen from the Attorney-General. His performance is declining. It is declining because he very clearly knows that he is going to meet an untimely political end that will not be at a time of his choosing.

Over the last 40 minutes we have learnt that the Attorney-General is fond of charades—and is not very good at it—and he is also all about self-gratification—his words not mine. Sadly, we have seen the tone of this debate lowered enormously by the Attorney-General's attack on unions. He attacks unions, but it is really an attack on workers. That is what we have heard for the last 40 minutes. The saddest thing of all is that there are a whole lot of people on the government benches here this evening who are here because they are on roster and have to be here, otherwise I think they would have walked out the door as well. It was an absolutely disgraceful performance.

This bill is purported to be about workplace health and safety, but we know that it is about using an alternative form to attack unions and workers. That is what it is about. It is such a shame that the Attorney-General is using the guise of work health and safety to make those sorts of attacks, as we have seen time and time again from the government. When it comes to the Attorney-General, he would be the sort of person who would finish a meeting with his so-called colleagues by saying, 'Please, say something nice'. I think the only thing that they could say is, 'It's nice to see you leaving'. That will be the sentiment for the entire cabinet at the next election.

I rise to oppose the Work Health and Safety and Other Legislation Amendment Bill 2014. This bill poses significant risks to workplace health and safety standards on Queensland work sites. The changes reduce the focus on prevention in Queensland's workplace health and safety system. It increases the risk that working men and women will go to work and suffer injury and harm.

In November last year when the Attorney-General introduced another attack on workers in his Orwellian legislation known as the Fair Work Act Harmonisation No. 2, I spoke in this House. At that time I reflected that the legislation was just the latest in a long list of abuse from this government on the rights and conditions of Queensland workers. I said—

This is an appalling piece of legislation. It is the latest in a long line of appalling bits of legislation offered by this appalling Attorney-General. It attacks the hard-won workplace rights of decent Queenslanders.

After the Redcliffe by-election, the Premier said that he had learnt his lesson and he would listen to Queenslanders, but just weeks after that here we are again, with the Newman government pursuing an ideological attack on working men and women. The latest in these attacks shows just how callous and out of touch the Premier is. His chosen vehicle to attack workers and unions is removing protections against workplace health and safety concerns. How low can they stoop? Are they so captured by their blind ideological pursuit that they would see health and safety conditions go backwards?

Perhaps it should not be that big of a surprise given the attacks we have seen from this government to date. On numerous occasions other members of the opposition and I have had to explain to the House that we need to look at the series of attacks on workers. Time and time again we have had to put on record the history of attacks that this government imposes on its own workforce. With the imposition of this latest attack, I need to remind the House once more of the long line of shameful treatment by this government of workers. As I have said before, these changes are very real and will have very serious consequences for working men and women. The real significance of this legislation is how it compounds the damage already caused by the range of changes made by this government and its mindless commitment to disempower everyday Queenslanders.

The government's first steps were taken in 2012 when it attacked the power of the Queensland Industrial Relations Commission. As we have said before, we all know that when the LNP wants to go after workers, its first step is to go after the independent umpire. It imposed tight restrictions on what the QIRC could consider, including the requirement to consider the fiscal position of the government in any enterprise bargaining negotiations. The testimony presented by the Treasury is not open to cross-examination as would normally be the case in the commission. It is simply enforced onto negotiations without consideration of other factors or arguments.

Then the LNP moved on to destroying job security for the Public Service. With the stroke of a pen, the LNP removed the job security that had been at the core of what modern public service practices had been for decades. That was on top of the 17,000 or more workers we know the government has sacked. In fact, today the Public Service Commission confirmed that more than 15,000 fewer jobs are now available in the public sector. The real question for Queenslanders is what services are no longer available because of the loss of those nurses, wardies, allied health workers, teachers, policy officers, scientists, lawyers and the wide range of people who make up a dynamic public service. In addition to the pain and suffering caused to those particular Queensland workers, the arrogance of the LNP also destroyed the rights of those left behind, those trying desperately to pick up the pieces.

Let us be clear about the underlining threat this creates for the Public Service. Apart from the obvious and immediate threat to the livelihood of individuals and their families, the greater impact is on the role of the Public Service itself. As argued during the previous debate, when public servants are at risk of losing their jobs without any protections, the impetus for fair and frank advice from the Public Service is destroyed. That is particularly the case with the consistent approach of this Premier and this government that has treated any alternative view as a declaration of war. With this government you are either with 'em or you're against 'em. It seems to be channelling George W. Bush. When it comes to independent advice from departments, that is a very unhealthy environment to create. I have worked in various roles in the Public Service, both as a departmental officer and as a cabinet minister, and I know that maintaining an independent public service that provides independent advice is crucial to good governance and effective public policy outcomes.

The way the LNP government handled this also has an economic impact. The constant threat of holding an axe over a worker's head destroys the economic confidence of the broader workforce. It is just common sense that when workers are threatened and their job security destroyed they reduce their family spending, whether that means putting off a renovation to the house, extra outings for the family or a holiday. That impacts on the broader economy as small business, tourism, construction and all facets of the local economy contract. As a member representing a regional community, I can tell the House that those losses are felt particularly deeply in regional communities, where job losses not only see spending in the local economy reduced, but also see families moving away, hurting local education numbers, the volunteer base and community engagement. Other attacks we have seen include: the restructure of the Queensland Industrial Relations Commission; imposing more restrictions on employees taking industrial action, including giving the minister the power to unilaterally intervene; and of course, their favourite pet project, changing the Labour Day public holiday because they just can't stand anything with the word 'labour' in it.

The so-called transparency and accountability changes were an outrageous attack on free speech. Continuing the arrogant approach of the Premier, the government attacked the rights of unions and their members to engage in public debate. Again, the Premier goes to extraordinary lengths to shut down anyone perceived as having opposing opinions. In this case, it was shutting down the ability of unions and members to honestly and effectively promote the interests of their fellow workers and the impact of government decisions on the services available to members of the public. This attack on free speech strikes at the heart of a modern democratic society, which is an increasingly worrying trend with this administration. As the House is aware, the laws are being challenged through the Courts and we await that result with interest. I will not go into the various ways that the legislation attacks the freedom of speech and ability of workers to promote important issues of public policy in the public arena. Perhaps the best way to describe the extreme nature of the laws is

to remind the House that it was made clear during committee hearings and debate in the House that the legislation is so extreme there is not a similar example of restricting the freedom of industrial organisations participating in public and political debates in any other Australian jurisdiction. In fact, the government has been unable to point to a similar example anywhere in the world where a western democratic country has introduced such extreme industrial relations changes to restrict freedom of speech.

Then we saw the government attack the Queensland workers' compensation scheme. Queensland had the best system in the nation. It worked, it was sustainable, it was profitable and it was fair. However, the LNP made a secret promise to the CCIQ that it would make the changes and then put the parliament, the committee system and the public through an absolute charade of an inquiry. We saw two separate LNP dominated committees unanimously recommend against the changes, but the Attorney-General and the Premier pushed ahead with their pre-determined position. The LNP arrogantly pushed ahead with its ideological attack on what was a fair and balanced workers compensation scheme. Instead of accepting the overwhelming advice from the legal community, industrial organisations and other experts in the system, the LNP delivered on its secret deal and introduced a five per cent WPI threshold. What that means in real terms is that about half of the injured workers who previously relied on access to common law now will no longer be able to seek that support. The arrogance of this government will see working men and women who are injured at work being denied access to their common law rights, even when they have been injured because of the negligence of their boss. The most appalling result is that this will deny the support and care to injured workers and their families at the very time that they most need it. Today we are seeing this arrogant and out-of-touch government adding salt to the wounds.

Mr BLEIJIE: I rise to a point of order.

Mr DEPUTY SPEAKER (Mr Watts): Order! Please hold for a moment, member for Mulgrave.

Mr BLEIJIE: The act of parliament the opposition leader is referring to was passed by this parliament some six or seven months ago.

Mr DEPUTY SPEAKER: What is your point of order?

Mr BLEIJIE: My point is of relevance. This is seven months later. This is a new bill. That one has been debated. Stick to the bill.

Mr DEPUTY SPEAKER: Thank you, Attorney. I remind the member to talk to the bill.

Mr PITT: It is quite amazing that, after a tirade of 40 minutes talking about almost anything but the bill, the Attorney-General is seeking to attack me on relevance. We are trying to show that there is a very significant link between the overall actions of this government, particularly the attacks it has made on the workers compensation scheme, and of course the flow-on effect and the compounding effect that has on workers in this state. As I said, today we see this arrogant and out-of-touch government adding salt to the wounds. The government is not content with making it harder for injured workers to access their legal rights and get the support and care they deserve; now it wants to take away workplace health and safety protections, meaning not only will injured workers lose rights and support, but also the LNP government wants to make it easier for them to get hurt in the first place.

As I said at the outset of my contribution, this legislation poses significant risks to workplace health and safety standards across Queensland work sites. The key proposed changes in the bill include that it prevents workplace health and safety officers from having the power to stop work, or a particular activity, if it is deemed a safety risk. It prevents union WHS officers and/or organisers from having access to sites when there is a safety risk or there has been a workplace health and safety incident. This is the result of imposing the requirement for union officials to give notice of their intention to enter the site, then having to wait 24 hours before being allowed to enter the site. This creates risks that evidence will be changed after an incident or irresponsible employers will change safety concerns before having the WHS representative on site.

The committee reported back on Tuesday, 25 March 2014 and I submitted a dissenting report to the committee. I will expand on the opposition's position tonight. This bill poses significant risks to workplace health and safety standards on Queensland work sites. The changes reduce the focus on prevention in Queensland's WHS system. It increases the risk that working men and women will go to work and suffer injury and harm. It ties the hands of working people to stop injuries occurring and taking preventative action. It provides avenues for dodgy bosses to skimp on safety standards and cover up mistakes and serious incidents.

Those opposite are happy to go along with the misplaced bias and over-the-top caricatures of union officials, but these are men and women who dedicate their working lives to standing up for their fellow employees. What it means on a day-to-day basis is that it is not actually about the union

officials. What this bill does by pursuing the LNP's ideological attack is actually impact normal working people, across all industries and communities throughout Queensland. In short, by removing workplace health and safety protections, this government is making it easier and more likely that people will go to work and be injured.

During the committee hearing the committee was provided with ample examples of how this legislation will impact on the safety of workers on a day-to-day basis. Chris Ketter from the SDA provided the example of how simple but important WHS protections operate in the workplace. He gave the example of a worker who could be your sister or brother, your daughter or son or even, perhaps, a member of this chamber. As I said earlier, the real concern about this legislation is its effect not on the caricatures of union organisers, but on the real workers who simply go about their jobs. The SDAQ gave the example of a deli worker in a grocery shop. They stated—

An example of a heightened risk may be evidenced in that of the duties performed by a Deli worker who readily uses dangerous equipment such as a meat sheer on a daily basis. If a meat slicers' mechanism is faulty due to a high volume of work, a manager may simply indicate the worker 'to be careful while operating it'. A HSR on the other hand would however be able to view the machine, tag and issue an improvement notice on it if she/he believes it to be unsafe.

In effect, this power should not be removed from HSR's as it acts as a proactive system, by preventing injuries before they occur, rather than acting as a reactive system and waiting for injuries to occur before something is done.

Mr Symes: Have you worked in a deli before?

Mr PITT: In answer to the member for Lytton, yes I have worked in a deli before. I think he should do a bit of research before he attacks us and assumes that we have all, apparently, worked in a ministerial office and not in other places.

They do not have to try to search the whole store or threaten a company-wide strike. The right that this government is taking away is the ability of a health and safety representative to stop a particular activity that is unsafe. I challenge those opposite to state why they support the removal of the right for a health and safety representative to take such simple and sensible steps to avoid injury. If it becomes an issue in the workplace, I challenge those opposite to explain why a SDA representative should not be able to attend the store and provide support to members who are trying to take appropriate steps to have a safe workplace.

In health care, the QNU provided case studies and evidence that the nature of 24-hour health services require protections against workplace injuries. State secretary Beth Mohle gave evidence—

We are here today to represent the interests of over 50,000 nurses and midwives who provide health services across this state. They work in a variety of settings—from single person operations to large health institutions and in a full range of classifications from entry level trainees to senior management. As with all of our submissions, our claims are based on evidence. We have cited a number of academic sources that point to the hazards nurses and midwives face every day and we have provided case studies which demonstrate the need for unions to enter the premises to inspect unsafe workplaces. These are not stories designed to entertain. They are true and accurate accounts of hazardous workplace situations that can occur through oversight, negligence or accident. It is critical that nurses and midwives know that they can call on their union to assist when there is an immediate workplace health and safety risk.

Nurses work in a unique occupational environment that can require rotating and night shifts, long shifts, prolonged standing, lifting and exposure to chemicals, infections, diseases, x-ray radiation and other hazards. Because nurses work extended, unpredictable hours with a lack of regular breaks, they are more likely to experience elevated fatigue levels. Night duty rotations are common, particularly in specialist units where nurses must maintain careful and astute observations of vulnerable patients. The continual demands of their work places them at high risk of musculoskeletal disorders and diseases, and they are increasing exposed to workplace violence.

All of these factors can negatively affect nurses' and midwives' health and performance. Thus nurses' safety is intrinsic to patient safety. For these reasons, the QNU strongly opposes the requirement to give 24 hours notice to enter a workplace when we become aware that the situation poses or may pose an imminent risk of threat to the health and safety of our members.

I challenge those opposite to explain why QNU officers should not support their members when there are safety risks in a hospital. I challenge those opposite to explain if a certain theatre or machine was unsafe, why a staff member should not have the right to say that it should not be used until it is safe.

The United Firefighters Union provided the additional perspective of that of the men and women often called upon to deal with incidents where work and safety accidents have occurred. This of course can include chemical or factory fires, explosions, collapses, to name a few. The UFU made the point that reducing standards of WHS not only threatens the workers on each work site but also those workers whom we call upon to fix up the mess when the worst accidents occur.

We have heard a couple of times the Attorney-General talk about this being harmonisation with the Fair Work Act. This bill runs counter to the national harmonisation of workplace health and safety standards and actually takes Queensland in a different and dangerous direction. In addition, taking Queensland away from harmonisation with national systems will increase the red tape of businesses

that operate across state borders. We hear those opposite carry on about red tape every day of the week, but when it comes to taking workplace health and safety protections away from workers apparently red tape is not a problem.

Once again, we see this government arrogantly introducing changes that have not received proper consultation. In the field of workplace health and safety there are existing and long-standing traditions of government, employers and employees working together. In fact, WHS standards have been negotiated nationally for harmonisation and both employer and employee organisations agree that some agreements have been developed over some time and should be hands off to ministerial interference.

I will now go to a section of the public hearing and quote the transcript. I asked the WHS officer from the SDA—

Mr PITT: Thank you, Chair. The last question I have relates to the opening statement by Mr Walker and is in regard to the code of practice. We heard in the previously hearing from Mr Crittall, from the Master Builders Association. He believed that one thing Master Builders and potentially several of the representatives from the union movement here today would agree on is that the code of practice is an extremely important part of what has been developed over many years in this state. You referred earlier that the minister can make changes without the tripartite arrangement. Given that there seems to be, from one extreme to the other, agreement that the code of practice is an important part, why do you think this is in the bill and why has that provision been put to the minister?

Mr Walker: I do not really know. My point about it is that it is the people who work at the coalface who know what the real hazards are, and if you are not going to consult with those people and their representatives, and the employers for that matter, then people at the ministerial level do not have the actual hands-on knowledge in each industry to know what can and what cannot be done. I have an example in the retail industry. I am on the sector standing committee for retail, and I recently was pushing for us to put up some proposal for a new code of practice to deal with the increasing incidence of armed robbery in our industry which in fast food and those sorts of areas is really becoming extreme and putting people at a lot of risk obviously. I was told, 'Don't bother because if these provisions come in there will be no need to consult. It will just be a decision made by the minister.'

This is an outrageous development under this government and demonstrates the absolute distain this government has for stakeholders, even when negotiation, consultation and decisions would actually impact the safety of workers.

As I mentioned earlier in my remarks, this is a reminder of the previous legislation this government used to attack workers. This legislation should also be viewed in the context of this government's approach to workers who are injured at work, including those injured because of the negligence of their employers. The government seriously weakened the protection for workers injured at work by introducing a WPI threshold for injured workers to have access to their common law rights, even when they were injured because of the negligence of their employer. It is gravely concerning, therefore, that at the very time that changes to workers compensation laws reduce rights and support to those who are injured, the government is now proposing changes that reduce workplace health and safety protections that are currently in place to actually prevent harm occurring in the first place.

I want to rebuke the assertion made by several LNP committee members and no doubt will be repeated by LNP members who speak following me. Despite all the evidence by those who work at the coalface, the LNP pretend that inspectors will be able to fill any void left by both health and safety representatives in the workplace and union organisers and WHS officers. That is simply naive at best and misleading at worst. There is simply not the capacity for inspectors to cover every site on every issue. We certainly are not seeing any funds from this government going to increase the number of inspectors, are we? Perhaps the Attorney-General can answer that.

We also heard evidence in the committee hearing that those on the front line are best placed to know what risks exist. That goes across industries, from nurses being experts about the work of nurses and midwives to retail workers knowing the tasks in stores, firefighters knowing the variety of risks and incidents they are called to attend and construction workers who have years of experience working in a variety of small and major construction sites—sites, I might add, where people have actually lost their lives. Dismissing their expertise is a mistake and reflects the LNP government's ideological bent, rather than any logical approach to improving workplace health and safety.

The LNP government has also failed to answer the glaring question that there are already avenues to take action if an official does misuse their WHS right of entry. Currently, complaints can be made under section 138 to have a workplace health and safety holder's permit revoked. If this is such a huge public policy problem and there is such widespread misuse, why is this section not used by the companies who are multimillion dollar companies or by their employer group representatives, including those who appeared at the committee hearing? Let me refer to the departmental public briefing. I asked the department—

Employers currently have the ability under section 138 to have a WHS holder's permit revoked if they believe there has been a contravention. Is the department aware of how many permits have been revoked for inappropriate use of the permit?

The departmental representative Mr Paul Goldsborough, Senior Director, Workers Compensation and Policy Services, said—

I am advised that there is one matter before the Queensland Industrial Relations Commission. I do not know anything about it, but there is one matter.

So the LNP claim that there is such a huge issue with WHS holders misusing their permits that they want to take away protections and lower standards for WHS right across the state and across all industries. But there is only one single matter where a complaint has been made about the misuse of a permit.

As mentioned in the dissenting committee report, the opposition notes that some changes to the legislation are being recommended by the majority of the committee; namely, changes to clause 11. As I have outlined, the opposition does not support this legislation overall, but I want to congratulate my committee colleagues because they have given a more considered approach to looking at this issue than the Attorney-General has. He is not taking this issue seriously. He is using it as an attempt to attack unions and to attack workers, as opposed to trying to improve workers' safety. If anything, he is going backwards.

This legislation is another attack on workers, as I said. I ask those opposite to actually stand up for their communities and to stand up for the men and women who go to work every day on the basis that they will arrive home safely after a full day's work. They want to know that they can go to work and come home to see their loved ones without risk of injury or worse.

This legislation will see WHS standards fall. Logic suggests that as standards fall the likely outcome is going to be an increase in injuries—and all of this at the time when the LNP have already removed rights of workers when they do get hurt. This legislation is unfair, it is not called for and it is just another ideological attack. I urge all members in this House to oppose this bill. If there is a suggestion that we need to change further industrial relations provisions in this state, then let us have that debate and not use the guise of workplace health and safety to push through an ideological agenda attacking workers in Queensland.