




Speech By  
**Christopher Whiting**

**MEMBER FOR MURRUMBA**

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## **WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr WHITING** (Murrumba—ALP) (3.51 pm): I rise to support the Work Health and Safety and Other Legislation Amendment Bill and I do so with great satisfaction because I do believe that this bill ensures that people in the construction industry in Queensland will be held accountable for those terrible things that happen on sites. In my inaugural speech I said that I wanted to spend some of my time in this House doing what we can to prevent the deaths of construction workers within Queensland. I see what I am doing here today as part of that.

There is no doubt, as we have heard, that the construction industry is one of the most dangerous in the country. If someone is negligent or careless on a site, a worker may not come home that night. I want to stress that many do not realise the inherent everyday danger of this profession, but the workers who work in it do. If we listen to their stories, we can see how much it preoccupies them and why this legislation is needed. We need to listen to their stories.

Let us look at a story recounted by Jade Ingham during the committee hearings on this bill. He said—

It gets personal. It is personal for us. Whatever else people think about the CFMEU, or the building industry generally, we know that, by our presence on construction sites, people have a higher chance of going home to their family that afternoon. That is what drives us.

I recount the story told to me by two local CFMEU blokes in my area, Andrew Ramsay and Eddie Bland. Their stories about workmates who have been severely or fatally injured on worksites make you realise how potentially dangerous construction sites can be. They told me the story of a major infrastructure project in Brisbane which endured three fatalities during the construction phase. One worker was fatally crushed when a beam he was cutting fell on him. Andrew told me of another fatality of 24-year-old Tom Takarua. A bridge beam weighing 18 tonnes toppled over and crushed him on the Boggo Road bus lane project when it should have been bolted to the headstocks. The company in question, he informs me, was charged and appealed the case a record 13 times. I have been told that the company pleaded guilty after eight years and were given a \$90,000 fine with no conviction recorded.

There was a near fatality at a major infrastructure project in my area which I have talked about before, where a worker put his head into a lift well and his skull was almost crushed by a lift that was operating. I want to talk briefly about the swinging stage incident. I will read an article in the *Gold Coast Bulletin* and then I will table it. The article states—

Scaffolding company fined \$700K, director receives suspended jail sentence over deaths of two Gold Coast men

A scaffolding company and its director who installed a “woefully inadequate” system leading to the deaths of two Gold Coast men at work have been heavily fined and suspended jail imposed.

Allscaff Systems Pty Ltd was fined \$700,000 and director Ralph Michael Smith was given a 12-month jail sentence wholly suspended after a scathing judgment in the Beenleigh Magistrates Court.

Smith and Allscaff Systems pleaded guilty to breaching the Workplace Health and Safety Act following an investigation into the death of workers Chris Gear and Steven Sayer from the Pegasus high-rise construction at Broadbeach in 2008.

The court was told Australian standards were ignored and basic instructions not followed when Smith and his company installed the fixtures to hold swing stage platforms on the site.

Mr Gear and Mr Sayer were working in one of the swing stages 26 storeys up when it came loose and fell to the ground, killing them both.

*Tabled paper:* Article in the *Gold Coast Bulletin* online, dated 28 February 2015, titled 'Scaffolding company fined \$700K, director receives suspended jail sentence over deaths of two Gold Coast men' [\[2033\]](#).

We have heard the story of Jason Garrels, a 16-year-old apprentice who was electrocuted in 2012. I will not say anything about the case, except that hearing about it has had a great effect on me. I know that Michael Garrels has fought for many years to get legal actions happening, and I feel that the barriers that he has encountered are going to be partially addressed through this bill.

These are horrific stories, but the statistics on construction fatalities are even more horrifying. Queenslanders are dying at an unacceptable rate on construction sites in Queensland. Since 2007, there have been over 100 fatalities in the construction industry in Queensland. Yet, since 2008, no fatality has occurred on a unionised site in Queensland. Since 2008, there have been 81 deaths on building sites in Queensland and not one on a unionised site.

I think this bill points a way forward. It really does improve the life of working Queenslanders. I know that men and women in the construction industry feel that it is unfair if an action that causes a death through criminal negligence results in just a \$90,000 or \$130,000 fine. They feel it is unfair that people are not serving time and convictions are rarely recorded.

I want to address a couple of issues that have been brought up in the debate so far. It has been pointed out in some of the documents on this bill and by some on the opposite side that we do not really need it—that we can get the DPP and other authorities to pursue prosecution under existing laws. The member for Kawana, for example, said the system was working and that current laws were adequate from a strict legal perspective. My answer is: why haven't these cases I have talked about had their day in court, had a full and fair day in court? How come there have been no prosecutions to the extent that we would expect in cases like this? Why would it take five to six years to get your day in court? Other people have said, 'Perhaps we could rely on the ABCC.' May I point out that in Victoria not one criminal conviction was recorded as a result of its formation over its seven previous years of existence, but in those seven years there were 255 deaths in Australia on construction sites and 356 within the construction industry.

Another point I want to rebut is that the members for Kawana and Moggill said that we should repudiate certain actions by union members that have been ventilated over the last few days. I put to them: why will they not repudiate or condemn the deaths that have occurred when companies have wilfully flouted workplace health and safety laws—deaths where no conviction has ever been recorded? The fact that they have focused on only one activity in the last few days and ignored those deaths—why we are here today—shows precisely why we need this legislation. We should not be able to pick and choose. The people in question who are facing prosecution over deaths should not be able to get away with it. They should be made to feel the full force of the law.

It is all too easy to say, 'Let's get the police involved in policing a picket line,' but it seems to be all too hard to get the police or authorities involved when you have the death of a worker in an accident. We could leave the law just as it is and the deaths will go on or we could change the law, as we are doing today, and prevent at least some deaths in Queensland. I commend the bill to the House.