




Speech By
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MEMBER FOR LOGAN

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WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWER** (Logan—ALP) (3.29 pm): I rise to speak in support of the Work Health and Safety and Other Legislation Amendment Bill. As the father of an 11-year-old, I hate to imagine that in just a few years I could face the horror faced by some Queensland families who have lost sons or daughters who had only just started their first jobs. What is worse, they then learned that their child's death was preventable, caused by the recklessness or the negligence of others. Those families have faced the frustration of knowing that little would be done about that negligence and that other families could face similar tragedies into the future. The committee received public submissions and undertook hearings. The participants who moved me most were the parents of those killed at work. They are members of the interim consultative committee for work related fatalities and serious incidents. They brought home to the committee the serious nature of the legislation that we are debating today. Their sense of loss and grief was palpable. Their sons were not statistics, but cherished and loved individuals. They hold a deep sense of injustice that, in their view, the recklessness and negligence shown did not lead to manslaughter charges.

Dan Kennedy and his wife, Debbie, spoke about the preventable death of their 20-year-old son Dale and of Dale's 15-month-old son who has been left without a father. Dan said—

To date there has been a clear message sent to our family and other affected families that indicates that an industrial death is of less importance than other deaths investigated by the Queensland Police Service.

Today we can send a message to Queensland, the Kennedy family and other affected families that this House does believe it important that their son's death is investigated and that justice is done.

Another committee member who urged the committee to take action is Kevin Fuller, whose son, Matthew, was killed within his first two weeks on the job. Kevin said, '... please do not miss out on this opportunity to make the timely and important improvements'. Mr Fuller is right: we cannot miss this opportunity to bring justice to Queensland workplaces and prevent other workers from being killed.

It was a shame that the committee could not reach agreement on whether the bill be passed. It is an even greater shame that in their statements of reservation and this debate the deputy chair and member for Mermaid Beach, the member for Toowoomba South and the member for Chatsworth have simply had an antiworker and antiunion rant. That is both disappointing and entirely predictable. It fails to take seriously the need for justice when it comes to industrial manslaughter. The member for Kawana was once again disappointing and predictable as he ranted and raved against the unions without addressing the substance of the bill and the desire for justice for those Queenslanders whose sons and daughters have been killed at work.

We cannot ignore those who endanger workers through wilful blindness towards safe work conditions. At a briefing, the department stated—

Establishing a standalone offence also sends a clear message to duty holders that companies and the senior officers working for them will be held accountable for neglecting safety management.

Instead of the obsessive rants we have heard from the opposition against the organisations that try to keep Queensland workers safe—that is, Queensland unions—those opposite should support this bill and hold the negligent accountable. Union representatives know all too well what it is like to be at a site where a worker has been killed, to spend time with their families and to attend their funeral.

This bill seeks to introduce an offence of industrial manslaughter to the Work Health and Safety Act, the Electrical Act and the Safety in Recreational Water Activities Act. It seeks to establish an independent statutory office for work health and safety prosecutions. It seeks to address issue resolution matters by expanding the jurisdiction of the QIRC to include hearing and determining work health and safety disputes. It aims to restore the status of codes and practices existing under the Workplace Health and Safety Act 1995. It seeks to prohibit the enforceable undertakings being accepted for contraventions or alleged contraventions of the Work Health and Safety Act that involve a fatality. The bill seeks to reintroduce the ability for a person conducting a business or undertaking to appoint a workplace health and safety officer. It also seeks to enhance support for and the role of health and safety representatives in the workplace.

The member for Chatsworth spoke about consultation. As part of that consultation, in March 2017 the minister appointed, as someone independent of the department, Mr Tim Lyons to undertake a best practice review of Workplace Health and Safety Queensland. The review established a tripartite reference group consisting of the Ai Group, Master Builders Queensland, the Queensland Council of Unions, the Australian Workers' Union, the Queensland Tourism Industry Council and technical experts from Central Queensland University and the University of Queensland.

Some stakeholders had concerns about the standard of proof to be used to establish a breach of duty. Through the process of the hearings, the department advised that, when it comes to industrial manslaughter, the existing standard of criminal negligence will apply. The department stated—

This means that a person will be found negligent where their conduct so far departs from the standard of care expected to avoid danger to life, health and safety, and the conduct substantially contributed to the death.

We have heard that the mechanism of the bill can ensure that complex structures do not artificially remove senior responsible officers from their responsibilities where their conduct is criminally negligent. That is to ensure that safety at work becomes a culture that goes through the entire business and right through the chain of businesses that conduct the work. The bill will also create an independent office for workplace health and safety prosecutions that will have direct responsibility for ensuring that prosecutions are taken more seriously and that there is a greater understanding of the nature of workplace responsibility where there is negligent conduct.

The member for Mermaid Beach brought up the issue of cost. He said that the cost would be \$1.5 billion. However, it is both predictable and disappointing that he failed to highlight to the House what Dr Blackwood and Mr Goldsbrough of the department said in answer to a question that he put to them at a committee hearing. Mr Stevens asked—

You feel there will be no cost to industry; is that what you are saying?

Dr Blackwood clearly answered—

The costs are already there for industry to undertake that. For instance, if they wanted to have a HSO for argument's sake that would be a benefit to the business in terms of ensuring the safety of its workforce and, as I say, with things like the codes of practice there is a requirement to comply with those as a minimum at the moment. So they would probably be the key areas. The other one is health and safety reps which again provides some support to businesses in terms of ensuring that they have good health and safety outcomes.

Mr Goldsbrough added—

Can I add, the intention was, and I think I raised this at the last committee hearing, around really putting cultural change back into workplaces and getting workplaces to drive that change. There will be some cost to business from this bill, there is no doubt about that, but at the same time if we do achieve a cultural change in workplaces then there is going to be considerable savings, we would expect, as well.

Further, to show how much Mr Stevens has failed to bring this to the attention of the House, he went on to ask—

I would really like to ask the question to Mr Goldsbrough, thank you member for Logan.

We had had a bit of an altercation. He continued—

You have identified that there was an economic cost to industry and yet the department felt no need to identify what that cost would be; is that what I am hearing?

Once again Mr Goldsbrough made it clear—

As Dr Blackwood mentioned in his statement, a number of the aspects of this bill have previously been in place. Things like WHSOs, HSR training and all that was previously in the legislation. Workplaces previously had accommodated that cost within their cost structure and pricing and so in that context there is not sufficient change.

It seems that the members of the opposition have run spurious arguments that they have already put to department representatives during the committee hearings. Even though the department has answered those arguments, they have failed to bring those answers to the attention of the House. They have failed to explain that. I hope all in this House want to see brought to justice those who are so negligent in the performance of their duties that they substantially contribute to a death.

In conclusion, having met the parents involved in the interim consultative committee for work related fatalities I found them to be great advocates for workers. I make particular note of Michael Garrels and Kevin Fuller who were in the House yesterday. If their sons had half the strength, integrity and dignity of their parents then unfortunately this state has lost great Queenslanders. We owe it to them to pass laws that will create a more just workplace. There can be no dignity in a workplace where there is not justice. I commend the bill to the House.