




Speech By
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MEMBER FOR COOPER

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**QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION AND OTHER
LEGISLATION AMENDMENT BILL**

Second Reading

 **Ms BUSH** (Cooper—ALP) (12.50 pm): I rise to speak to the QBCC bill. I start by thanking the committee that oversaw the bill and the department for engaging well with us through the committee process. As we all know, the QBCC has a huge and important role to play in Queensland, and I appreciate the time they took to inform us of this work.

There are a couple of important elements to this bill but, in the interests of time, I will speak to the part I am most concerned and alive to—proposed clause 26, which will remove the obligation on a licensee to report a safety matter to the QBCC. As my colleagues have done, I will start by sharing the story that goes directly to this bill. It is the story of Jason Garrels, a general labourer who, at just 20 years of age, on 27 February 2012 went to work at a construction worksite and sadly never came home. His only error was to follow the instructions of his supervisor, a person he trusted to protect his rights and interests and to keep him safe onsite. For those unfamiliar with Jason's case there is a short video about his story available publicly, and I would urge people to take a look. It is a shocking example of where systems fail and where construction timeframes and expediency are prioritised over the safety of workers. It is a shocking example of a lack of oversight, scrutiny and safeguards and how this can have fatal consequences.

Jason Garrels was a general labourer who was fatally electrocuted when he physically picked up a construction sub board which was being erected onsite in an attempt to comply with a Workplace Health and Safety Queensland electrical notice that had been issued to his employer just 10 days before his death—a notice that was not shared with the QBCC at the time. In fact, it was Jason's father, Michael, who discovered many months later that the QBCC had not been notified and, in fact, the electrical contractor was still working on sites. It was Michael who alerted the QBCC to that. Had the QBCC been alerted, they could have investigated that worksite and shut it down and a life could have been saved. Instead, the electrical contractor involved in Jason's death continued to work without the direct supervision of a senior and competent electrician. In fact, the coronial inquiry into Jason's death heard how the electrician responsible was still at work and re-creating the same pattern of mistakes which led to Jason's death. This was still happening months after Jason's death. This highlights how important it is that the QBCC—the institution responsible for licensing subcontractors—is notified when a serious safety incident occurs. The coroner was seriously concerned about this case and said at the time—

... if the law does not already provide that the principal contractor, and building contractor are not obliged to notify the QBCC of any death or serious injury on site, then the law needs to be amended to impose this obligation on them.

The coroner felt so strongly that he made a recommendation on that. When we came into government in 2015 we acted on this and we passed that strong legislation to require these notifications to occur. Regrettably, that is what we are repealing in this legislation today.

The minister says that the bill is about finding efficiencies within the QBCC. If you believe that, you have rocks in your head. We would all have had interactions with the QBCC. I have spoken to many residents and builders with ideas on how to improve the efficiency of the QBCC. Not one of them has ever raised with me that we need to remove the dual-reporting mechanism. It has never come up. The department itself disclosed that in the eight years this requirement has been codified it has received 1,100 notifications—about 130 reports a year, one report every three days. That is not burdensome. Safety is not burdensome. Protecting the lives of young Queenslanders—young tradies, sparkies, chippies and TAs—is not an administrative burden and should not be characterised as one. What an offensive statement to make. It is offensive to the Garrels family and to anyone who has ever been injured in a workplace.

Yesterday the minister argued that there is ‘nothing to see here’, that the regulator and the QBCC share information already on an IT system that electronically washes. That system is great and I have no objections to that, but what I do object to is that after this bill proceeds through this House the only thing keeping that system in place is a voluntary MOU. An MOU is just that: an arrangement between two departments. It is not a service-level agreement and it is certainly not a statutory requirement on the regulator. The MOU specifically states that it can be varied or withdrawn at any time by agreement by the parties. If the departments were to vary or withdraw that MOU, an incredible vacuum would occur. There is no doubt in my mind that the lives of young workers would be at risk and none of us would ever find out about that. If I were the minister I would be particularly alarmed and pretty unwilling to take on that risk. There is an easy and simple way to fix this: move an amendment that would obligate—

Mr O'Connor: Where is it?

Ms BUSH: The minister is the minister. It is on the government to move an amendment that would obligate both parties to share that information. It is literally one sentence and the minister has the government resources to be able to do this. What he lacks is the courage or the willingness to do it to save the lives of young workers. That speaks directly to their ideology in this place. They are absolutely unwilling to advocate for and to support the workers of Queensland in the interests of expedited construction.

I will leave my final comments to Michael Garrels, who is in the House today and who wanted me to pass on this message. He says that this bill is giving a free kick to kill someone, as it was when Jason was killed. The minister has all of the tools and resources available to correct this shortcoming in this piece of legislation. I urge him today to contemplate that—to contemplate the effect this will have and the effect this has had on the Garrels family, who have done incredible advocacy over many years to get this legislation to where it is today. I reflect on the devastation that family must be feeling, watching this government repeal it in the interests of reducing administrative burden. Government members come in here and speak about protecting the rights and interests of victims but just the victims they want to speak to—not the ones who disagree with them, not the ones who fall outside of their convenient frame. This element of the bill is disgraceful. The fact that they have not engaged and not been open to amending this bill, as they could do, speaks to their ideology. It is a disgrace.

Debate, on motion of Ms Bush, adjourned.