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SAFE WORK AUSTRALIA BILL 2008

SAFE WORK AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008

Second Reading

Mr BRADBURY (Lindsay) (7.13 p.m.) — I rise in support of the Safe Work Australia Bill 2008. I am pleased to join the debate after the member for Wakefield. I listened with great interest to his comments in relation to occupational health and safety matters affecting workers in the retail sector.

When I consider issues of occupational health and safety, I often reflect on some of the more notorious examples, the more publicised examples, where individuals have suffered at the hands of poor practices within their workplaces. I recall not all that long ago in New South Wales a young man by the name of Joel Exner, who was 16. After just three days on the job, he fell 15 metres through a safety net. He did not have the appropriate harness on and, as a consequence of that, ended up dying. I think about cases such as that and about my experience as a young worker. These laws have a greater impact in particular on young people entering the workforce, often because a combination of not only inexperience but also the youthful zeal that comes with coming on to the job for the first time can encourage you to do things that perhaps are not in the best practice. If there are not appropriate practices in place throughout that workplace, that can lead to very dangerous situations.

I recall my first day on the job when I started work at 14 years and nine months. I worked for Target in the retail sector. I recall very well that one of the first jobs I was given was to go out to the loading dock and to bring in a large trolley that was full of tins of paint into the paint department. I was assigned to the paint department, which was the first port of call for any young male worker that joined the job. As I went into the loading dock, I saw this large cage trolley that had all of these tins of paint precariously balanced on the cage. I heard that I was being called over the loudspeaker to bring the paint to the paint department, so there was a sense of urgency. I quickly pulled the trolley off the lift, which was where it was placed, and as it came off the lift all of the paint tins started to tumble. I was very fortunate because I managed to get out of the way. I ended up with paint all over me, which was a pretty embarrassing way to start one's working life.

I reflect back on that and I think about how lucky I was in those circumstances: new on the job, eager to impress and eager to do the best that I could but also lacking the experience and the supervision. Had I been Joel Exner, in a different type of workplace with the same lack of supervision, with the same set of circumstances that I have just described, I may not be here today. That is something that has always struck me—that we can be very lucky in life and others can be very unlucky. But these matters really should not come down to luck. It should be a question of all workplaces striving to achieve the greatest level of safety to protect those people that go off to earn a living, as we all are required to do and desire to do throughout our working lives.

The sentiments expressed within this bill, along with the agency that it seeks to construct, are sentiments that would be universally supported in this place. I certainly support them. I think one of the great things about this bill is that not only does it have that real focus on delivering better outcomes from an occupational health and safety perspective but it is also very much focused on achieving that by engaging all of the stakeholders. The body that is proposed is tripartite. Safe Work Australia will have the best of all available perspectives, with employer representatives, employee representatives, the chair, the CEO and Commonwealth and state representatives. I think it essential that we have each of the jurisdictions represented in that way because if we are to achieve uniform national laws in this area then it is going to require that level of cooperation.

In relation to the broader issue of safety at work, I was staggered to see some of the statistics. Some figures indicate that approximately 300 Australians are killed each year at work, but I saw some figures that were cited in an Access Economics report that said a staggering 8,000 or more Australians die each year from work related incidents or illnesses. I suspect the definition there is little broader but the force of those figures is such that that is a very large number of people throughout our community affected by a lack of safety within their workplace.

Each year over 140,000 Australians are seriously injured at work and 690,000 are injured or fall sick from work related causes—once again, that is taken from the Access Economics report. In NSW in 2006 there were 89 unpaid fines for serious workplace safety breaches, totalling almost \$5 million. In the year from July 2006 to July 2007, 162 people died in workplaces, which was an increase of 157 from the previous year. I note that all of the available data indicates that older workers are at most risk when it comes to the workplace, particularly from the perspective of dying, but I acknowledge the point that I made it little earlier and that is that many young people are susceptible to the dangers of an unsafe workplace, largely because of the inexperience that they bring to the workplace.

The Productivity Commission embarked on a fairly wide-ranging inquiry into this area. Their final report was released in September 1995. Work, Health and Safety: an Inquiry into Occupational Health and Safety was a significant contribution to the debate, and I know that the former government, in response to the recommendations of the Productivity Commission, went about the business of setting up the body which this legislation now repeals—the Australian Safety and Compensation Council. The reports on the effectiveness or otherwise of that body have generally drawn the conclusion that that body was a toothless tiger and really was, in a structural sense, incapable of progressing and moving forward the national reform that is required.

I think it is worth making the point that one of the key reasons why this reform is so necessary and so important is that it is a part of this government's agenda that we move towards a seamless national economy. There is no justification for maintaining separate and different systems of laws in this area, right across each of the jurisdictions in this country. Those anomalies, those anachronisms that exist, are only highlighted and exacerbated by the increasingly global nature of the community that we live in.

One of the areas that I have a particular interest in is road transport and the lack of safety on our roads, particularly for professional motor vehicle and truck drivers. Recently, I spoke in relation to the AusLink bill that was before the House and detailed some of the safety concerns that I have about the various practices of and the demands on people within the transport industry. I thought the member for Makin made a very salient point on this front a little earlier in the debate when he drew attention to the fact

that, when it comes to road transport, state boundaries are of lesser significance than in many other workplaces. A truck driver's workplace is in the cabin of their vehicle, and that may extend beyond the limits of one state, depending on where their pickup point and drop-off point may be. To have separate systems of laws in each jurisdiction not only overcomplicates the situation—we understand that this is a vestige of Federation—but also imposes a significant compliance cost burden on businesses.

This is one of the important aspects that the Productivity Commission report focused on. The report identified that those compliance costs were a real issue, particularly for businesses whose operations extended beyond the limits of one state. Some 39,000 multistate businesses had been identified back when that report was released and the overwhelming consensus of those businesses that participated in the consultation process was that there was a real need to overhaul the existing set of arrangements of various systems operating in respect of each of the jurisdictions. The cost to the economy was estimated by the Productivity Commission as being in the vicinity of \$34 billion a year. That is the cost of a lack of safety in workplaces and the cost of not having uniform legislation with minimal compliance costs. So the costs to our economy are significant. Obviously the focus needs to be on ensuring safety in all workplaces, but that safety need not come at a greater cost than is required. Ensuring that we move towards harmonisation of our laws in this area will take us a long way towards achieving that objective.

One additional point that I would like to make in relation to the issue of business compliance is that, anecdotally in my discussions with various individuals involved in occupational health and safety risk management in industry, I have been receiving feedback that those particular companies whose operations extend beyond the limits of one state invariably seek to try—where a good, law-abiding corporate citizen is involved—to achieve the highest possible standard. They look at the jurisdiction that has the highest standard and they try to meet that across all of their operations. That is a noble objective and one that should be encouraged. The downside is that, if they are competing against other operators that are operating within the limits of only one particular state which may not have the same degree of regulation or which may not require such a high standard of practice, then those competitors may well have a competitive advantage. I do not think anyone in this place would like to see a player within the market having a competitive advantage because they are able to take advantage of lower standards when it comes to ensuring safety within the workplace, but I am advised by those in the sector that is sometimes the case.

I mentioned earlier that the forerunner to this body had been described by various groups as a toothless tiger. The table in section 6 sets out a number of items that identify the various functions that are to be conferred on Safe Work Australia. Item 2 refers to model OHS legislation and outlines the function:

... to prepare a model Act and model regulations relating to OHS and, if necessary, revise them:

(a) for approval by the Ministerial Council; and

(b) for adoption as laws of the Commonwealth, each of the States and each of the Territories.

Item 3 refers to the model OHS codes of practice; item 5, to policy dealing with compliance and enforcement of approved model OHS legislation; and item 6, to monitoring adoption of approved model OHS legislation in jurisdictions. There are various other items there, but the real focus of this bill and the powers conferred on this new body will be to seriously progress the agenda of harmonisation

of laws in the occupational health and safety and workers compensation areas. The former body did not really have the powers to allow it to move forward and progress that agenda. As a consequence of the intergovernmental agreement that was entered into as recently as July of this year between the Commonwealth and the states, we see a new-found impetus to progress that agenda. This bill really does pick up on the various commitments that were given by the parties to that intergovernmental agreement and will hopefully provide the mechanism for progressing that agenda in the not too distant future.

Before I conclude, I just want to reflect on a case that has frequently been brought to my attention in the occupational health and safety context: the Viegas family. As a result of losing her husband just a few years ago, Mrs Viegas has been a tireless campaigner when it comes to occupational health and safety issues. Her husband, a 28-year-old at the time and a father of two young children, was killed at work. He died after cutting through a live wire at a Central Coast Westfield shopping centre. He had been told that the wire had been disconnected at the power board. Four and a half years down the track, I understand that Mrs Viegas is still campaigning for some justice in her particular case. The harsh reality of those circumstances—the fact that a young father, a young husband, did not return home at the end of his day—and the consequences that obviously flow from it, are something that I am sure the family, even 4½ years down the track, are only beginning to come to terms with.

These are the sorts of very unfortunate, tragic outcomes that can sometimes flow from a lack of safety in the workplace. I certainly hope and believe that the measures contained in this bill will go some way towards making our workplaces safer—first and foremost by giving us as a nation the mechanisms to drive forward with greater uniformity and greater harmonisation of our laws and to extend that harmonisation of laws to workplaces right across this country. Each and every workplace in this country deserves to be as safe as the community deem they should be. It is in that context that I support the bill.