

## **WORKSAFE — RESOURCES**

### *Motion*

**HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition)** [10.57 am] — without notice: I move —

That this house condemns the government for its cuts to WorkSafe resources, resulting in reduced safety of work sites in Western Australia.

The language used in this motion is very strong, and we have reached the point at which we have to use strong language to try to wake up the government to acknowledge the difficult situation we are in. To bring members up to speed, it was announced in the government budget that \$4.1 million in cuts would be made to the WorkSafe department. These cuts would have to be found in a range of ways. One of those was to abolish 10 WorkSafe inspector positions. The government tells us it has not been able to fill these positions, so they are gone—that is effectively a 10 per cent reduction in staffing numbers in that area. It plans to abolish one inspector development and training position, and three community education positions, which would essentially cut out the education activities; I will come back to that later. It had proposed to abolish the one librarian position. I understand that that has been saved—and I am particularly happy to not lose the library or the librarian's position. I have always thought that the dedicated health and safety library was a very significant piece of infrastructure for the state. Further, the government proposes to abolish three business support positions, meaning that WorkSafe inspectors will have to spend more time doing admin. I will talk about that more as well. It also proposed to reduce the level of service provided by medical practitioners engaged by WorkSafe to provide phone contact or advice. Those are the things that the government proposed to do to try to save \$4.1 million over the next four years.

WorkSafe is a significant government department. Historically it has provided valuable service to both employers and workers to try to reduce the number of workplace safety and health incidents and fatalities.

Sadly, as reported by the minister yesterday and in the media over the last few weeks, there have been 14 fatalities this year, including four fatalities in the last week. Two young men passed away as a result of a workplace incident at the Jaxon Construction site on the corner of Bennett and Goderich Streets. Sadly, on the same day, another worker died at Alcoa. That fatality is covered by the Department of Mines and Petroleum, not WorkSafe. On Saturday, another young worker passed away. He had been in a coma for two weeks, as a result of a scaffolding injury. Three out of four of those recent deaths were visitors to Western Australia and, as I understand it, they were relatively new to their workplaces. They were all tragic deaths and we certainly pass on our condolences to their families for their loss.

I will come back to the motion and then talk about that. I understand that the proposed cuts to WorkSafe have resulted in significant problems for the inspectors. Let us just talk about the people with their feet on the ground. Over the last few years, since this government has been in place, we have seen a steady reduction of the department's resources. In 2012, the department had about 103 inspectors. Yesterday, the minister confirmed that there are now 93 inspectors, because the 10 unfilled positions have been removed. In July, the government talked about problems as we come out of the mining boom, which meant that those positions could not be filled, but I find it very difficult to believe that the government could not find 10 qualified people with health and safety backgrounds to work as inspectors. The 93 inspectors are not all necessarily in-the-field inspectors. Those 93 inspectors include specialist inspectors, such as hygienists and ergonomists, and a range of others working in the department, including directors, administration staff and maybe even the sole librarian. I know that the past practice used to be that the librarian was issued with an inspector's ticket. The cuts to departmental resources and the reduction in the number of administration staff has meant that the inspectors now have to spend more and more time managing the administration component of their work rather than being out in the field performing the functions that they should be doing, such as targeted or random inspections, going out on call when they are required to investigate incidents or fatalities, supporting industry, and giving advice on the job to employers about how to improve their safety systems at work. Rather than handing a witness statement, a report or any other work to an admin staffer, the inspectors have to do that work themselves. In the past, an inspector was asked, "What is it you need to do your work?" Now, inspectors have to ask, "What is it I can get to help me do my work?" If they need legal advice, they cannot just go and speak to the lawyers associated with the department; they have to seek approval and their supervisor has to make an appointment, which slows down the process. Inspectors have issues accessing information technology, and the impact of cuts to the media and education unit has meant that the message is not necessarily getting out into the community and important areas of regional and rural Western Australia, where we know there are significant health and safety problems, particularly on farms. Those reductions will impact on those areas as well.

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Based on data from Safe Work Australia, we know that having 93 inspectors drops our ratio of inspectors to workers to one of the lowest in the country. The Safe Work Australia report “Comparative Performance Monitoring Report Sixteenth Edition” on work health and safety compliance enforcement activities states that when Western Australia had 103 inspectors, we had the lowest inspector–employee ratio in Australia. With 93 inspectors, that ratio will be even lower still. The Safe Work Australia document for 2012–13 states that when Western Australia had 103 active inspectors, the active ratio was 0.9 inspectors per 10 000 employees. It was 1.1 per 10 000 employees in Queensland, 1.3 in South Australia, 1.5 in the Northern Territory, 1.5 in the Australian Capital Territory, one in New South Wales and 1.1 across the federal government. That is a significant issue. We now have 93 inspectors, so the ratio has changed again. It makes it harder and harder when WorkSafe notionally has 93 inspectors, but when one peels away all the other types of inspectors, the real figure for qualified field inspectors, who are expected to do this important work throughout our state, is significantly lower. The changes in WorkSafe with the reduction in the number of admin staff and the reduced ability to promote and educate workers and employers about health and safety has put more and more pressure on those inspectors.

How is that reflected in the field? Sadly, when an incident happens, we find that sometimes WorkSafe is unable to get there in time. I understand that that was the situation last week when those deaths occurred. I understand that the police arrived early, then a number of staff from the office of the State Coroner, and then WorkSafe arrived some time after that. I understand also that a number of complaints had been made to WorkSafe about that particular employer at not just that isolated workplace; the company has about five or six sites. Formal complaints were lodged with WorkSafe about a range of safety and health matters that were found to be at fault on those sites. A standard response was provided about those complaints, but no advice as to what action would be taken. I am not laying any fault at the feet of the inspectors, because I think they do amazing work given the constraints under which they operate. Part of the WorkSafe’s role in working with employers and workers is to try to reduce the number of these dreadful incidents from occurring. Perhaps, if more people had been available to act on the complaints that had been made, action might have been taken.

I have met with representatives of the Construction, Forestry, Mining and Energy Union about this company. They told me that whilst they were raising complaints about activities on this worksite prior to this event happening, they were actually denied access to these workplaces and they have taken the company to court on issues around right of entry. We know that under health and safety legislation union officials have right of access to represent their members and take up these issues. I think that there are some serious issues there. The fact is that complaints had been made about a particular company and either because people did not have time or there were not enough staff to manage and pursue the issues—there has been no feedback about how this complaint was managed—sadly, we saw the situation that occurred last week. We have raised issues with the minister this week about the various licences and training, and I understand that inquiries are ongoing, but this is a serious problem.

The inspectors are under enormous pressure for how they do their day-to-day work on the job and, as I understand it, their morale is being impacted on and people are feeling quite concerned about the longevity of their employment. I attended a rally in July at which people talked openly about what would happen to their jobs, because there was uncertainty about how the government would implement its workforce renewal policy. One of the inspectors said to me that under the new proposals that the government has put in place with its 60–40 rule, in order to replace a full inspector or put on a full inspector, the department needed to lose 1.5 staff, and that is causing all sorts of issues. In relation to the education and the media unit, I understand that the department has been told to cut any moneys allocated to promotion and to a range of events. There is concern about whether the department will be able to continue to run a number of field–day type displays, such as at Dowerin field day and other places, to promote health and safety in workplaces. As I said, we know that there have been significant issues involving incidents and fatalities in the farming sector. I think it is in the best interests of workers and employers in those areas to have access to WorkSafe information and to have support and advice.

Because the government has had such extreme difficulties managing its finances, it has cut back significantly in this area, and there does not seem to be any redemption in the future regarding how it will address these gaps and flaws or seek to bring back or, if you like, fully stock an appropriate number of WorkSafe inspectors so that they can go out and do their jobs. I have had a fair bit of experience dealing with WorkSafe over the last 30 years and I have always found the inspectorate to be very accommodating and very hardworking. But I have seen a real change in the way that it operates. It is getting harder and harder for inspectors to, perhaps, do their job to the best of their capacity because of the constraints that they have. I would have thought that, right across the spectrum of public servants, the government could have isolated this department and fully equipped it so that it could provide the best service available for people in this state.

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The government needs to work out how it will address these difficulties within WorkSafe. How will it address staffing? How will it attract people to come and work there? What will it do to enable the inspectors to do their jobs in the field without bogging them down with added bureaucracy layers and increased administration responsibilities? What will the government do to find money to enable WorkSafe to promote its functions and pay for publications to get out there, either in hard or soft copy, so that people have access to codes and guidance notes? How will the government better manage and fund its information technology services so that the message can get out into the broader community? There is significant concern about the dollar cuts being made to this department because, at the end of the day, it is to the detriment of every worker and every employer in this state. As a result of the lack of numbers and lack of capacity in this department to do its job, I would hate to see a further increase, not just in fatalities, which are significantly tragic in themselves, but also in the number of incidents in the workplace because the eye is taken off the ball and people are not applying the same level of detail to staff training, safe systems of work and management of work in that place. They are some of the reasons incidents can occur. It does not have to be a significant workplace injury; a relatively minor one can lead to problems and cause difficulties for people in their workplaces.

Because the government has been forced to try to find money from a range of places, it is cutting back on a very important department. That is having a flow-on impact, not just on the inspectorate itself, but also in how inspectors manage their work in the field. The fact is that inspectors now have to step up and man the general inquiries line. In the past, a number of admin staff would do that. I understand that it is down to only one staffer now, so inspectors have to step up and do that work. Those inspectors should be out in the field working. They should be dealing with employers and following up investigations. There have been a couple of cases—I had one with a fellow who had been injured in the workplace—in which the department was not able to finalise a report. We recently raised questions about whether WorkSafe will provide a report to the coroner on the death of young Jarrod Hampton while pearl diving. I know that the coroner's office has asked for that report and I know anecdotally from Mr Hampton's father that WorkSafe has said that it will not provide it. I would be horrified if WorkSafe cannot provide that report simply because it does not have enough staff and enough time to pull together all the evidence that it has and provide it to the coroner for that very important hearing, and provide some degree of comfort and finality to that family. I know that is what they are looking for, and they are very frustrated that WorkSafe has not been able to provide that information for the coroner. I asked questions about that case in this place last week.

There are also other matters. We have dealt with issues around asbestos. We do not know what is happening with the health and safety legislation that the government committed to. There are matters around Comcare in which WorkSafe is excluded if an incident happens in the workplace and there is no connection to our state government or to our minister for follow-up. A range of other complicating factors have come into play that are detrimental to the way that WorkSafe operates in this state. It is really beholden on this government to try to find the dollars over the next 12 to 14 months that it still has left on the treasury bench to make sure that this department is appropriately resourced. It would be a tragedy to lose any more qualified inspectors and lose that corporate knowledge about how to do their jobs.

At the end of the day, I think that the government needs to employ more people to provide the resources that WorkSafe needs so that inspectors can go out and do their jobs. Going out into a range of workplaces, we are starting to see that that is not the case. We are starting to get a range of complaints about the fact that, when matters are raised with WorkSafe, sadly, people are not getting the responses in either a timely or appropriate manner, and are not getting the outcomes required. This is becoming a serious issue. Perhaps, if things had been followed up, there may have been opportunities to prevent some of those situations that occurred. I think that the government needs to work out what it can do to ensure that those things do not happen again. My colleagues will talk about some other issues. I will not talk about mining matters because that is entirely separate from WorkSafe's function, other than to say that I would have thought that if the government wanted to save some dollars, perhaps it needs to work in a more logical format to bring both those departments back together. There would then be that collective knowledge of a range of workplaces and perhaps an interaction of skills and experience to bolster that type of inspectorate.

There are lots of challenges there but this department is suffering because this minister has been compelled to find money—to save money—and the inspectorate is suffering because it has not been able to employ the numbers that it needs to do the job. I do not know what the solution is. The government is currently selling off assets, so hopefully it finds the dollars.

[Member's time expired.]

**The PRESIDENT:** You still have a minute, I believe.

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**Hon Kate Doust:** Have I?

**The PRESIDENT:** Yes—something happened; I do not know what happened there, but you still have a minute.

**Hon KATE DOUST:** Great. We are dealing with a raft of legislation as the government is about to flog off a range of assets. I posed the question during another debate: where is the money going? I hope that the government will use some of the money from the sale of state assets to pour back into WorkSafe and make sure that we are providing a high benchmark delivery of service and we are not behind the eight ball—that we are not regarded as having the lowest ratio of inspectors to workers—and we can provide the service. I hope that this government does whatever it can to reduce incidents and fatalities in the workplace. One of the ways is to make sure that we have the best resourced inspectorate office in this state, not the worst.

**The PRESIDENT:** It's awful when the alarm goes off early, isn't it?

**HON ROBIN CHAPPLE (Mining and Pastoral) [11.17 am]:** I rise to support the motion moved by Hon Kate Doust for a number of reasons. Firstly, we know that we have had \$4.1 million worth of cuts, equivalent to 17 positions, from the Department of Commerce. The number of inspectors, as Hon Kate Doust already said, has reduced from 103 to 93. There was an interesting comment from the Department of Commerce about this matter, which reads —

... advances in technology had made the support roles redundant ...

“The department has not been able to reach the full complement of 103 inspectors for a number of years,” ...

The department is being fairly dismissive. I think that the point is being made that WorkSafe is continually being used for incident response or crisis management rather than being out there at the forefront. I remind members that when we dealt with the Mines Safety and Inspection Amendment Bill 2014 in this place, I flagged the issue of the removal of what we refer to as employees' inspectors. These people were elected by the workforce to look after their interests. They had a role in preventing incidents, which is better than curing people. We have continually gone down a fairly draconian path, in my view. We have just heard about the re-emergence of black lung in the coalmining industry and the four workers diagnosed with pneumoconiosis. The Queensland Department of Natural Resources and Mines has admitted that it does not have the equipment to test for black lung and does not have what are referred to as “B readers” of X-rays, and that there is a backlog of tests going back many years and there has been no follow-up. Western Australia has a small coalmining industry and I would be interested to know whether our miners are currently being tested for black lung and whether this state has B readers of X-rays.

**Hon Michael Mischin:** What has that got to do with WorkSafe; that's mine safety?

**Hon ROBIN CHAPPLE:** The issue for me is that all workers need safety.

**Hon Michael Mischin:** The motion's about WorkSafe.

**Hon ROBIN CHAPPLE:** If the Attorney General wishes to quibble —

**Hon Michael Mischin:** It's not a quibble; it's the motion. It's complaining about cuts to resources in WorkSafe, not the mine safety inspectorate.

**Hon ROBIN CHAPPLE:** The issue for me is that all workers need safety.

**Hon Michael Mischin:** What's that got to do with the motion?

**Hon ROBIN CHAPPLE:** I will come in a moment to the reason I am mentioning mine safety. In 2014, 185 Australians were killed at work. The first category of the five most dangerous industries is transport, post and warehousing; the second is farming, forestry and fisheries; the third is construction; the fourth is mining; and the fifth is manufacturing. The point I am making is that all workers need to be safe, irrespective of the industry they work in.

Since July there have been 17 workplace fatalities in Western Australia and in 2014 we had the highest number of workplace fatalities in seven years, at 22. The number of deaths in the mining industry has soared Australia-wide due to cost cutting and pressures to ramp up production. The Abbott, Turnbull and Barnett governments have waged a pro-business campaign to cut back on red tape, and have scrapped laws and regulations, which results in non-compliance and is the bane of self-regulation. Malcolm Turnbull said in May 2015 —

One of the important things we should do is to make sure that we remove as many obstacles to enterprise and entrepreneurship as we can ... That is one of the reasons the Abbott government has been so assiduous in cutting regulation and red tape ...

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Here in WA the Barnett government's red-tape reduction program has similarly had an effect, especially in those areas of worker health and safety. We need tougher enforceable workplace laws and regulations rather than devolving that responsibility to self-management by corporations. The average fine for a workplace fatality is about \$100 000. In our view, company directors, mine managers and all people in charge of workplaces where fatalities occur need to be held criminally responsible. I have also said previously that when corporations operate in the international arena outside Australia, both worker health and safety and environmental laws that apply in Australia should apply to those corporations operating overseas. In that regard we must be mindful of and sorrowful about the incredible loss of life—the 13 fatalities and six people who remain unaccounted for—at the Samarco iron ore operation, which is a joint venture between BHP Billiton and Vale.

In 1994 I was involved in writing a report with the then honourable Minister for Mines and Petroleum, Hon Norman Moore, which was tabled in this house in 1995 and which clearly identified the risks of tailing dam structures to the public and the mining industry in Western Australia. A number of recommendations were made in that report. As a result of that report and a previous report from, I believe, 1985, it was recommended that a complete review was needed on the stability and structure of tailings dams in Western Australia. There has been one dam collapse in Kalgoorlie that covered the railway line, and luckily no trains were travelling along it at the time. They are a significant risk in Western Australia and there is a potential for massive fatalities should they occur in the wrong place and at the wrong time. That 1995 report has not been followed up and we still await that work to be done.

**HON ALANNA CLOHESY (East Metropolitan)** [11.26 am]: I rise to support Hon Kate Doust's motion, which states —

That this house condemns the government for its cuts to WorkSafe resources, resulting in reduced safety of work sites in Western Australia.

I thank Hon Kate Doust for this important motion. I wish I did not have to make this speech.

**Hon Michael Mischin:** We do too.

**Hon ALANNA CLOHESY:** I wish workplace deaths in Western Australia were not at a seven-year high, Attorney General.

**Hon Michael Mischin:** Seven-year high?

**Hon ALANNA CLOHESY:** I would have thought that the Attorney General would know that workplace deaths are at a seven-year high, and because they are at a seven-year high, this motion is all the more important.

This motion is also important because we all want our families to come home from work safe and sound every night, and our overseas families and friends want their relatives to come home safe and sound from their working holidays or their temporary visa stays in Australia. The government cannot assure us that it is doing its best to keep workers safe in Western Australia because it has taken its eye off the ball when it comes to workplace safety. What is worse is that the government has cut funding to WorkSafe and that is already having and will in the future have serious negative impacts on workplace safety in Western Australia, on our family and friends and on our overseas family and friends who come to Australia to work.

The recent tragic and senseless deaths—five deaths in 10 days—in November that were the result of workplace accidents drive us on this side of the house to call on the government to reverse its decision to cut the number of WorkSafe inspectors and related staff. The recent tragic and senseless deaths and those who have gone before them drive us to call on the government to put more effort into filling the 10 vacant workplace inspector positions that have been vacant for a very long time and that the government claims it is unable to fill. Those deaths drive us to call on the government to get its act together to fill those positions and to urge the government to increase penalties for breaches of health and safety laws in Western Australia. Those deaths that have gone before us drive us to call on the government to get serious on national occupational health and safety laws, to stand up for the people of Western Australia and not to acquiesce to other states and the federal government by going with the lowest possible standards in workplace safety laws. Those deaths that have gone before us and those that will come in the future drive us on this side of the house to call on the government to do everything it possibly can to keep workers safe when they are at work and on their way home from work. Those deaths drive us to call on the government to honour those people who have lost their lives at work, to respect their families and to show faith with the working people of Western Australia to do more and deliver on more fronts.

The statistics paint a very grim picture. In the 12 months from 2013 to 2014, 17 people were killed at work in Western Australia. In the 12 months to 30 June 2015, 22 people have died at work in Western Australia: seven in the postal, transport and warehouse sector; three in the mining sector; three in agriculture, forestry and fishing; three in construction; two in manufacturing; one in the electricity, gas, water and waste services industries; and

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three in other sectors. Since June 2015 there have been another seven workplace-related deaths—so that is 29 workplace deaths since 1 July last year. That is what the statistics —

**Hon Michael Mischin** interjected.

**Hon ALANNA CLOHESY:** Is the minister questioning that? The minister is right to question that figure. It is probably more, because it does not include people who have acquired an illness as a result of their work, people who have died in car accidents probably while doing their work and people with a long-term serious injury and disability because of their work. The minister is right: it is likely to be a lot more. It is disgraceful that the minister is even questioning that. These are shocking and saddening statistics. Even if there were one death fewer than what I suggested, they are still shocking and saddening statistics. This is a reality for the family and friends, the workmates, the workplace safety inspectors, the WorkSafe inspectors, the union officials and delegates, and the support organisations that provide support to families and friends after death, including trade unions. Hundreds of people are affected by every death that has occurred, whether it be 28 deaths, 29 or many more. Hundreds of people have been affected and this need not be the case.

I extend my sympathies to the families and friends of all those people who have been affected by workplace deaths, particularly those young people who have been killed on the job in the last few weeks. When I talk about the people affected by deaths, I also talk about the organisations that provide support. As members know, three of the workers who have died from workplace-related injuries in last month have been Irish, and I pay particular respect to the Claddagh Association of Western Australia, whose job it is to assist those families to get their boys home; it has done an amazing job. Unions have also done a fantastic job in supporting the families and friends of those people whose lives have been taken on the job. Unions do this by raising awareness of occupational safety and health, making sure laws such as they are can be met and, as I said, providing support for the workers and families affected. It is up to the government to do its best—its bit—by funding WorkSafe Western Australia to do its job so all our families can come home safe from work.

**HON MICHAEL MISCHIN (North Metropolitan — Minister for Commerce)** [11.35 am]: It grieves me to have to respond to such nonsense, particularly the comments of Hon Alanna Clohesy, who seems to equate the loss of positions that have not been filled with workplace fatalities. If that is not an attempt to politicise in the most superficial and absurd way a tragedy for the families of those people who have lost their lives, I do not know what is. To somehow suggest that inspectors ought to be able to stop car accidents on the way to work—if there were more inspectors—is just ridiculous. In fact, there has been no —

Several members interjected.

**The PRESIDENT:** Order! Let us conduct the debate in a normal, civilised way as this house goes about its business.

**Hon MICHAEL MISCHIN:** In fact, to suggest baldly that some economy in the manner in which WorkSafe conducted its operations is in any way linked to any of these unfortunate incidents without examining them is simply dishonest and intellectually unsound. Hon Sally Talbot can make her submission later.

*Withdrawal of Remark*

**Hon SALLY TALBOT:** I understand why the Attorney General; Minister for Commerce is so defensive about this matter, but for him to imply that a member on this side of the house in speaking to this motion is being dishonest does a great disservice to the nature of parliamentary debate in this place. I ask him to withdraw that statement and to get on with the business of arguing the facts of this case.

**The PRESIDENT:** That is a point of view more than a point of order. Members may not like what they hear or may not agree with what they hear, but unless it is unparliamentary, a member is entitled to say it. If that offends somebody, the member should take notice of that and perhaps temper their remarks, but I cannot stop them making the remarks.

*Debate Resumed*

**Hon MICHAEL MISCHIN:** Thank you, Mr President. I will turn to the facts now. It is a good question as to whose interests are being promoted in this place. Hon Kate Doust has tried to link the cuts to WorkSafe resources and resultant reduced safety at work sites. No evidence has been put forward to establish any such link. Let us look at the history of some of the things that have been said in this field. Earlier this year, Hon Kate Doust raised questions in this place accusing the operators of Barrow Island of being neglectful of the safety of its workforce in the approach of cyclone Olwyn. She based those remarks on complaints that had been made by, amongst other unions, the Construction, Forestry, Mining and Energy Union. As it happens, that matter was investigated by WorkSafe, without the cooperation of that and other unions that had made allegations, which refused to provide any information. WorkSafe resources were devoted to the case—the very valuable WorkSafe resources that we are now saying ought to be increased—and it was found that the allegations had absolutely no

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substance. When I pointed that out to Hon Kate Doust and tried to explain to her that an accident that had occurred on that island on the same day that the cyclone was first reported was not connected with that incident, she accused me of using weasel words. She tried to accuse the WorkSafe inspectors of not being sufficiently competent in the investigation because they did not investigate or ask about that incident. I then had to reveal that in fact that incident was being investigated by Comcare, not WorkSafe WA, and, secondly, the accident had occurred something like three hours before the cyclone had even been announced by the Bureau of Meteorology. I have received no correction to any of her assertions. That, again, presumably came from the CFMEU. More recently she has complained about the discovery of some asbestos substances at Kings Square. Once again the CFMEU has come forward and made allegations, days after that matter had been investigated and the complaints addressed. Now we have this. I pose to her the question she posed to me yesterday: is she misleading this house, is she incompetent or is she just lazy?

Every government department has to find economies in the fiscal situation facing the people and the government of Western Australia. Recurrent expenditure takes up something like 40 per cent of the state's expenditure. Yes, the Department of Commerce is also required to find economies, and it has done so in WorkSafe WA. The positions that are being reduced—I say positions, not actual inspectors—from 103 to 93 simply reflects historical reality. The money removed from the budget in that regard never actually got to the Department of Commerce; it was assigned in the mid-year review and then taken away before it actually reached the department. Let us look at the inspector figures. On 12 August 2008, while Labor was still on the treasury bench, there were 88 inspectors out of the 103 full-time equivalent positions—there were 15 vacancies at that time. In fact, I am informed that in living memory there have never been 103 positions filled. The figures for 2009 are not available. In September 2010, there were 96 inspectors out of the 103 positions. That went down to 82 in September 2011. In October 2012, there were 90; in October 2013, 86.4 FTE positions were filled; in October 2014, there were 89; in July 2015, there were 90; and in December 2015, there were 89. That is a product of being able to recruit people of sufficient competence to fill those positions. It has been suggested that somehow the cutbacks have resulted in a greater administrative burden being placed on inspectors. The situation is quite to the contrary. In fact, inspectors are spending more time out on the road now than they did before. In 2012–13, there were 3 439 inspections of worksites; in 2013–14, there were 3 715 inspections of worksites—it went up; and in 2014–15, before these economies had been introduced, there were 3 180 inspections. For the year to date, 1 548 inspections have been carried out, and we expect 3 500 inspections by the end of this financial year. The number of inspections being carried out has not been affected by the economies that have been taking place and which have included the better use of technology and the ability to keep inspectors on the road rather than sitting at their desks.

I will now deal with the question of workplace safety more generally. Hon Robin Chapple has confused WorkSafe WA with the mines inspectors for a start; secondly, he seems to have departed from the entire philosophy of our occupational safety and health regime since 1984. I remind members on the other side that that was an act passed by the then Labor government. It was based not on prescription—it did away with the prescriptions under the Factories and Shops Act and the regulations in favour of a philosophy that was reflected by the Robens committee in its 1972 report, from which I quote —

Apathy is the greatest single contributing factor to accidents at work. This attitude will not be cured so long as people are encouraged to think that health and safety at work can be ensured by an ever-expanding body of legal regulations enforced by an ever-increasing army of inspectors.

In fact, since that act was passed, there has been a steady decrease in the number of people being injured or harmed in the course of their work. The latest Safe Work Australia “Comparative Performance Monitoring Report: Comparison of work health and safety and workers’ compensation schemes in Australia and New Zealand” shows that WA is in good stead. The report was signed off on 1 October this year for the period 2013–14, based on preliminary data. That was compared against a base period of 2009–10 to 2011–12 in respect of reporting against the “Australian Work Health and Safety Strategy 2012–2022” and compared to 2009–10 data for reporting on serious workplace injury and illness claims. There has been a 28 per cent reduction in the incident rate for work-related traumatic injury, from 22.4 fatalities per million workers in 2000–01 to 16 in 2014–15. The five-year average traumatic injury fatality incident rate records a clear downward trend, from 21.3 between 2000–01 and 2004–05 to 14.7 between 2010–11 and 2014–15—a 31 per cent reduction. The number of fatalities fluctuates from year to year. In fact, the figures show that one of the high points of fatalities in recent memory was during the dying years of the Labor government. The figures fluctuate from year to year. If one thinks about the issue, a fatality is an injury that has a particular consequence. The aim should be to reduce the number of injuries, because fatalities can occur in a variety of ways. It can be seen from the cases over the last 12 months that no amount of inspectorate work could have fixed some of them. There are cases, for example, of farmers misusing equipment and being injured and dying as a result of that. We have cases of self-

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employed people climbing under cars without properly supporting those vehicles and those vehicles falling down and killing them. None of those incidents can be cured by inspectors, unless one is standing there 24 hours a day looking over their shoulder. It departs from the entire philosophy of the occupational safety and health legislation and, indeed, the work health and safety legislation that is being promoted by the ALP. That is a dumbing down and a one-size-fits-all approach. We can look at Western Australia's record compared with that of other states. Victoria has the best occupational health and safety record in Australia. Victoria does not have the work health and safety model laws; it has rejected them because they are too prescriptive and too expensive. Western Australia's rate comes under the ACT's rate, which does not have anywhere near the diversity of industry that we have to cope with or the growth in population and workforce that we have been dealing with. As I mentioned, there has been a downward trend in the number of fatalities. None of the inspectorate positions that have not been filled and are now being formally discontinued because they have not been filled, even under the Labor government, could possibly affect that.

Mention has been made of the number of inspectors in other jurisdictions. What members fail to understand, although they would know if they bothered to look into it, is that the number of inspectors in other jurisdictions is calculated on a different basis from ours. Some have multiple responsibilities apart from being WorkSafe-equivalent inspectors. Simply comparing figures in other jurisdictions with the number of FTEs in Western Australia is not actually comparing apples with apples.

**Hon Kate Doust:** Safe Work Australia has made the comparison.

**Hon MICHAEL MISCHIN:** Let us talk about Safe Work Australia and some of the reports. It looks at fatalities including car accidents on the way to and from work. Now I get back to it. Hon Alanna Clohesy mentioned, "Well, there is bound to be more fatalities if we look into car accidents." How on earth is a journey claimed from home to work or work to home going to be fixed by an inspector? How is that to be done exactly?

**Hon Kate Doust:** How about a truck accident with a fatigued driver? That could be looked at by WorkSafe, though, couldn't it?

**Hon MICHAEL MISCHIN:** I challenge the opposition and the member: rather than relying on the pap that is fed to them by the unions with a view to trying to promote their particular interests, they should put up some evidence. I welcome it. If they would like to write to me at my office, they could provide any evidence that suggests that a greater amount of inspection of any particular workplace or any particular incident would solve a problem.

The member mentioned the Jaxon Construction case last week. I do not want to comment about that in any detail because that inquiry is ongoing, but it is my understanding that that site was in fact inspected by WorkSafe the day before this incident. In fact, unions who are refused legitimate entry onto worksites have recourse. They can go to the Western Australian Industrial Relations Commission and they can do so urgently if it is for a legitimate purpose. But what has emerged from evidence in the eastern states is that the unions, which have a legitimate role in these areas if they take responsibility, like to misuse their powers for ulterior motives, such as recruiting, or to get their own way on worksites. The incidents that Hon Kate Doust spoke of concerning cyclone Olwyn is a classic example of how the unions —

Several members interjected.

**The PRESIDENT:** Order! We cannot have five or six members interjecting all at once because Hansard cannot possibly pick up all of them; they can record it only as continuous interjections and any impact you may wish to have by interjecting is lost.

**Hon MICHAEL MISCHIN:** Unfortunately, we have seen evidence of how the unions tend to use their powers to cause trouble without any substance, and the cyclone Olwyn example is a classic. They could have assisted with that inquiry if there was any substance to it. It was plainly spurious and they were too embarrassed to even pretend to offer evidence to support it. Instead, it involved a waste of resources and it has diminished their standing. There will be a time when they cry wolf once too often.

**Hon Kate Doust:** So we can make a compliant and two young people die a day after a WorkSafe inspection—that is not crying wolf.

**Hon MICHAEL MISCHIN:** I challenge Hon Kate Doust to provide the evidence to suggest that an inspection, or a lack of inspection, let alone a lack of an unfilled full-time equivalent, could have had any effect on that matter. We shall see that once the investigation is completed and not on the say-so of Hon Kate Doust's informants, who have proved to be unreliable to date.

To assist the house I will table two documents: "Incidence rates of serious injury and disease claims by jurisdiction" and "Frequency rates of serious injury and disease claims by jurisdiction" by state.

[See paper 3722.]

*Point of Order*

**Hon ALANNA CLOHESY:** I point out that there seems to be a lack of synchronisation between the bell, the speaker's timing clock and a second bell. The bell is sounding at least a minute before the speaker must conclude according to the clock, and then a second bell is sounding. This is very confusing and must be so for speakers to come as well.

**The PRESIDENT:** Yes, we have noted that and we will get our techos onto it as soon as we can. I will now give the call to Hon Dave Grills in the interests of giving members around the chamber an opportunity to make a contribution.

*Debate Resumed*

**HON DAVE GRILLS (Mining and Pastoral) [11.54 am]:** Thank you, Mr President. It was not my intention to speak on this matter; however, Hon Sally Talbot said that we should present facts. I believe there are three sides to every story—your side, my side and the facts. We are talking today about the facts relating to workplace safety. I have a diploma in occupational health and safety and I have worked in that area in open-cut mining, underground mining and the Western Australian police service. I worked for three and a half years in the major crash investigation section and have a diploma in that. I have attended many crashes caused by fatigued drivers. The worst crash I ever attended was one in which I charged an intensive care nurse from Royal Perth Hospital. She drove home one morning after losing a patient overnight and had a micro-sleep and drove off the carriageway onto the footpath, running over an elderly gentleman, a World War II veteran, two days before Anzac Day. I charged her with dangerous driving causing death. Why? Because she had a micro-sleep. Why? Because she had not had enough sleep.

As a country member living in Kalgoorlie I travel a lot. Yesterday at six o'clock in the morning Hon Stephen Dawson and some others climbed on board a plane with me to Esperance. I was in Esperance for the whole day. I went to get back on the plane at 7.20 that evening, but the plane was running late. When I returned home and put my head on the pillow at about 10.30 pm, I was fatigued. I was up again early this morning and I am fatigued. I stand here today, as I stood the last time we did this, last year, and it makes me wonder why we are talking about workplace accidents when we are looking at working all night tonight and then getting in a car and driving home tomorrow.

Several members interjected.

**Hon DAVE GRILLS:** This is not political. Members opposite should not point fingers; they should listen in.

Several members interjected.

**The PRESIDENT:** Order! Members, let Hon Dave Grills, who is the only member on his feet, make his contribution.

**Hon DAVE GRILLS:** Thank you, Mr President. This is not political; members need to make this work. If I were an inspector in this place, I would think that what we are doing here is sending the message that we are all going to sit here and then we are all going to drive home fatigued tomorrow. That is a fact.

**Hon Alanna Clohesy:** Don't drive then.

**Hon DAVE GRILLS:** "Don't drive then." That is the answer of members opposite. How can they sit there and say that they have an opinion on this and say, "Don't drive." That is their answer. They do not have to fly home in a plane and go to meetings. They have none of that, and they say that we are going to sit tonight. They should take the political element out of it. Members opposite talk about workplace accidents. If we did this tonight and, heaven forbid, somebody got hurt tomorrow while driving home, an inspector would come here and inspect what has been happening here.

Several members interjected.

**The PRESIDENT:** Order, members! It is totally unfair to try to drown out by a continuous chorus of interjections any member making some comments. That is not the spirit in which we conduct our debates in this chamber.

**Hon DAVE GRILLS:** If I were going to build a house, I would not stand up here and talk about building houses. If I were going to do some agriculture or anything else, I would not talk about that. However, I have more qualifications than probably a lot of members in this house in this area, and I am giving my view, which is not a political point of view. Members opposite can shake their head, but the point is that we are putting people here in danger of driving home fatigued. That is what I am saying. Opposition members can blame and point fingers all they like because if they blame and point fingers and something happens —

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**Hon Sue Ellery:** Look at you—look at you right now.

**Hon DAVE GRILLS:** This is their whole argument. There is no argument here: I am stating a fact. The fact is that opposition members are putting people here under the pressure of driving home fatigued.

Several members interjected.

**Hon DAVE GRILLS:** They are not listening. This is going into *Hansard* that members opposite are not listening.

Several members interjected.

**The PRESIDENT:** Order! Hon Dave Grills, if you direct your comments through me in the chair, there is absolutely no excuse for anybody in any other part of the chamber to point a finger or make a comment back directly to you. I will not interject, I can assure you.

**Hon DAVE GRILLS:** Thank you, Mr President. It is unfortunate that members opposite see this as a bit of a game and are not really listening to what I am saying, because we are talking about workplace accidents. This is my workplace. If I drive home from my workplace, I will be in danger because I am fatigued. Members on the other side are talking about preventing that from happening, but sitting late in this place will cause it to happen. All an inspector will do after something has happened is ask, “Why did you stay up all night? Why did people drive home?” It is exactly the same situation as when I charged the nurse when she drove while fatigued.

Several members interjected.

**Hon DAVE GRILLS:** People do not go, “Oh gosh, I’m tired”, and go to sleep. Crashes happen just before people get home. They get close to home and they start to relax and have a micro-nap, and that is it. Their body cannot stop them from having a micro-nap. I suggest that all of us in this room have been there and done that. I am not taking political sides. As I said, I was not going to raise this matter and talk about it. I am stating a fact based on my life experience and it concerns me as a member of Parliament that we are putting ourselves in this situation. That is the point I tried to make.

**HON MARTIN PRITCHARD (North Metropolitan)** [11.59 am]: I rise to support the motion moved by Hon Kate Doust. I hope I do not make any comments during my speech that the Minister for Commerce will want to respond to because he has already responded to this motion. Obviously, this issue has arisen because of the recent fatalities in the workplace, so I would like to start by expressing my heartfelt condolences to the families of those workers and, indeed, to the families of all workers who have died within the workplace. My contribution today is not intended to revisit the anguish but more to do everything I can to try to make sure more families do not feel that pain. I sincerely apologise if this discussion causes any further pain, but I hope that by highlighting any flaws in or relaxation of the laws that are designed to protect workers, we can get to a situation in which deaths or serious injury in the workplace are not more common than they are.

Members will know that my history is mainly within the retail, warehouse and wholesale industry and part of my role in working for the Shop, Distributive and Allied Employees Association of WA was to encourage workplaces to elect occupational health and safety representatives. When I first started with the union, that was very uncommon but, through changes to legislation, it became more common and that was a very good thing in my view. As I mentioned before, I have worked mainly in the retail, warehousing and wholesale industry. I think the concept is that they are not dangerous workplaces. In the short time I had, the only information I could get about deaths was from Safe Work Australia. These are figures that apply Australia-wide, and I apologise for that; I wish I could have got them for Western Australia. I thought they were very interesting and I want to raise them at this time.

On 26 November 2015, Safe Work Australia published the number of worker fatalities, and it is titled “Australian workers have been killed while at work”. I am not sure whether they got the terminology wrong. I presume these figures reflect the number of deaths within the workplace. I concede that some workplaces may be in trucks and such but I presume these are about deaths that occurred within the workplace. I am raising it to try to dispel the myth that retail and wholesale areas are not places where fatalities or serious injury can occur. In the wholesale trade, which I think contains also warehousing, in 2013 there were four fatalities and in 2014 there were six fatalities. I think these are very shameful figures. I am very pleased to say that in 2015, to date, there have been no fatalities within that part of the industry. It might surprise people more to know that in 2013 six fatalities occurred within the retail trade. People would not necessarily associate that with being a dangerous worksite, but it is. I am pleased to say that in 2014 there were no fatalities but, again, in 2015, there were two fatalities.

As I mentioned before, part of my role was to elect occupational health and safety representatives. As I said, the minister has already responded to this motion and may not be able to respond to my next comments. The point

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I would like to make is anecdotal but I have a lot of history in this area. Electing occ health and safety reps in the first place was not difficult; there was a great degree of enthusiasm from people within the workplace. Usually, one or two people would stand up and take on that very important role but, under the legislation, they had to be re-elected after two years. It became more and more difficult, as we encouraged people, to have those elections. The main reason they gave me for not renominating was that they found it difficult to get inspectors to go out to a workplace when they discovered a place where something was dangerous. Obviously, I have to concede that this happened within warehouses and wholesale areas more than it did in retail, but it was quite difficult to get them to renominate. Training an occ health and safety rep is quite expensive. This budgetary item does not come back to the government but it goes to the employer which, I think under the legislation, is required to provide training within a certain period and the employer has to pay for the training. Of course, with the turnover—if they do not keep the same rep—they have to keep churning through the training, which I think is an impost employers could do without. I come back to the point that the complaint to me was that they could not get inspectors to visit the worksite. I concede that it might have been that the inspectors did not think it was important but I think it would have been due to the lack of the number of inspectors.

I will run out of time too quickly, unfortunately. I attended two incidents involving SDA members; one involved a forklift driver who reversed the forklift to where it tipped back off some concrete pylons and he, unfortunately, died. The other occurred in the warehouse where there is high-lift stacking. I do not know whether anyone has seen high-lift stacking in some of the major warehouses. The stacks go up to about the height of this chamber ceiling and sometimes even a bit higher. Of course, the forklift kept tapping the shelving legs and eventually one of the shelving units collapsed. I am pleased to say that that did not eventuate in anything but a superficial injury but it could very well have been more serious. That was during my time in retail.

As I have mentioned on occasions, before that, I worked for my father, who was a bricklayer—he is no longer a bricklayer—as a labourer. We worked on cottages, or the small houses that people live in. While I was there, although work safety was not in people's minds as much as it is now, I cannot remember ever seeing an inspector visit one of those small house building sites. Obviously, they may visit bigger sites but I never once saw them visit a house building site. I think that is still the case. Those places are very, very dangerous. Scaffolders do not go to the sites to build secure scaffolding so that the workers can build the top level of the house. The workers set up a set of drums and place a plank on top of them and then hop up and finish off the wall. They are quite dangerous ways of working. When they want to put up the massive steel lintels above windows and such, which are quite heavy, they get up on that same makeshift scaffolding of a couple of drums and planks on top. I only have a minute and wish I could have said more; maybe I will make a member's statement later. It worries me more that the two gentlemen who died were working on tilt-up construction—big concrete slabs tilted up to create the walls. I have seen them being constructed and I believe them to be extremely dangerous. If people are not trained in all the ways of working with that material, it is very, very easy for a fatality to result.

The real concern I have is that when driving through Gwelup on my way to work today I noticed two houses being built by tilt-up construction. If inspectors are not visiting the places being built with bricks, inspectors will not be asked to visit tilt-up slab constructions.

**The PRESIDENT:** I have two members standing. I will give the call to Hon Adele Farina because she rose first.

**HON ADELE FARINA (South West) [12.10 pm]:** Thank you, Mr President. I will try to leave some time, although there is not much time left. Before I start, I want to make a comment on the contribution made by Hon Dave Grills, which received a lot of interjections. I just want to say that I endorse his comments. I agree with him that it is unsafe for members of Parliament to be working through the night, especially those of us who are country members who then have to drive to our electorates.

**Hon Donna Faragher:** The member —

**Hon ADELE FARINA:** I am sorry. Did the member want to make a contribution or not?

**Hon Donna Faragher:** All I am saying is that therefore you did not agree with the interjections from those people on the other side. He said he should resign.

**Hon ADELE FARINA:** I was interjecting myself saying that I agreed with him.

**Hon Donna Faragher:** Well, others were saying that he should resign.

**Hon ADELE FARINA:** I agree with my interjections. This is a dangerous practice. The only point made by Hon Dave Grills with which I disagree is that all a WorkSafe Western Australia inspector could do is visit after the fact and say, "Why did you do that?" The reality is that a WorkSafe inspector could not attend Parliament

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even after the event because it is outside their jurisdiction. An effort by me to get a WorkSafe inspector to my electorate office to look at the work environment of my staff was met with the response that it was outside their jurisdiction to attend electorate offices. I got no help from WorkSafe with my concerns to get the Department of the Premier and Cabinet to move. The bottom line is that the death of the two construction workers at the site in East Perth on 25 November has highlighted the need for greater on-site safety security.

In the 12 years from 2003 to 2014, 3 000 workers have lost their lives in work-related accidents in Australia. That is a shocking figure. In 2014, 188 workers in Australia were fatally injured at work, 94 per cent of whom were male workers. In 2014, the construction industry accounted for 16 per cent of worker fatalities, which is three times more than the number in the mining industry. Western Australia had the fourth highest rate of fatalities in that particular year for all Australian jurisdictions. On average, there is one death through a work fatality every 21 days in Western Australia. As Hon Alanna Clohesy said, since July 2014 there have been 29 deaths. In my view, they are unacceptable and shocking figures; they should be unacceptable to every member in this house. Every person is entitled to a safe work environment and every person is entitled to return home safely at the end of a working day.

A review of prosecutions for WorkSafe fatalities reveals some startling facts. In Australia, the average fine for a workplace fatality is around \$100 000. For businesses making millions or billions of dollars a year, this is a minuscule penalty and serves no deterrent value at all. Most small businesses go into liquidation to avoid paying the penalty. In most cases the fatalities were foreseeable and in many cases there had been a similar prior accident at the workplace resulting in injury, yet improved work safety procedures were not implemented. On 22 October 2015 an iron ore company affiliated with Rio Tinto was fined \$70 000 and ordered to pay \$5 000 in court costs over the death of a man at a mine in WA's Pilbara region. In my view, the fine was not proportionate to the loss of life and failed to serve as a deterrent. The relatively minor fine was imposed, despite the fact that the company pleaded guilty to failing to provide a safe workplace for its employees. The magistrate determined the hazards were foreseeable, and a similar incident had occurred at the mine site two months earlier, resulting in the injury of another employee. This event was clearly foreseeable, which raises questions —

**Hon Michael Mischin:** What has it got to do with the motion?

**Hon ADELE FARINA:** Perhaps if we had more WorkSafe inspectors, they would actually be able to go to workplaces to ensure that safe work procedures are implemented. In looking at these issues, there is something very wrong with the system that sees companies being fined on average \$100 000 for unsafe work practices and unsafe WorkSafe systems resulting in the death of a worker, yet, for example, Amcor was fined a record \$36 million for colluding to fix the prices of cardboard boxes when there was no risk to life, property or environment—make sense of that! This sends a very bad message, suggesting that we are not placing an appropriate value on the loss of a human life in foreseeable and preventable circumstances. This needs to change. We need to address this issue, particularly when we know that most of those workplace fatalities, if not all of them, were foreseeable and preventable. This is clearly unacceptable. Although the details of the two construction worker fatalities on 25 November are the subject of an inquiry, and there is some difference in the facts reported by the media about what happened at the site that will no doubt become clear through the inquiry, it is clear that those fatalities were preventable. We also learnt that the Construction, Forestry, Mining and Energy Union were stopped from attending different Jaxon Construction sites in the period leading up to that incident. I hope that an inquiry will look at why the union is being denied rightful entry, whether that is impacting on safety at these workplaces, and why union complaints are not being acted on by WorkSafe in a timelier manner because we heard that unions' complaints were lodged. What really concerns me is that it is not just unions or members of the Australian Labor Party raising this concern; the Master Builders Association of WA's construction director, Kim Richardson, is reported in the media as saying that safety standards in the construction industry have slipped. It is not us saying that safety standards have slipped but the industry. He also indicated that there was a lot of box ticking by employers saying they have safe work systems but very little checking of those systems to ensure that they are in fact safe. That should be a concern for every one of us. A person cannot simply tick a box and make a workplace safe. Checking needs to be done and we need to ensure that safe systems are in place.

Motion lapsed, pursuant to standing orders.