

Senate reference inquiry for the framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia.

29th April, 2018

Committee Secretary
Senate Education and Employment Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir or Madam:

As a parent who has affected by an industrial death I wish to share my thoughts regarding prevention, investigation and prosecution of this tragic event. Furthermore, as an observer of the - *Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee* meetings and an Indigenous academic. I wish to address the Terms of Reference (ToR) but also extend the meaning of those ToR to include the cultural needs of Aboriginal and Torres Strait Islander peoples, whose work place experience is predominantly falls under ToR –
c) 'increased use of temporary and labour hire workers'. Let alone the hazardous conditions due to the remoteness and extreme heat of many worksites.

Background

My son was a member of a Union and well aware of safety practices and had complained to the management about the lack of compliance with safety standards. He then lost his life in 2016 due to this neglectful behavior. It was a true blessing that my son's partner is a committee member and I was introduced to the above mentioned committee, which gave us emotional support but also the much-needed logistic support to navigate the process of seeking justice. I use the term 'justice' rather than a 'prosecution' as several wrong doers have been prosecuted but end up with sentences of a mere two years and then they are eligible for parole. This is hardly justice for willful neglect that leads to the death of a worker, but also financial loss and in some cases serious illness in family members impacted by the death.

The toll on the emotional health of several of the father's who have lost their child is particularly evident over a 3-6 year period. Even though 10 sessions of professional counseling is on offer it does not reflect the lengthy period it takes for the courts to prosecute. The importance of the following committee cannot be underestimated for its important support role.

Consultative Committee

On 23 August 2017 the Queensland Parliament passed laws to establish the Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee. This committee will have the legislative mandate to give advice to the Queensland Government about the information and support needs of persons affected by work-related fatalities and serious incidents.

These legislative amendments are the culmination of years of advocacy by families for a greater voice in how Government responds to families and injured workers. In 2015 the Queensland Government convened two family forums involving family members and injured workers and relevant safety agencies. As a result of these forums the Office of Industrial Relations administratively established the Interim Consultative Committee for Work-Related Fatalities and Serious Incidents (the ICC).

Since 2015 the ICC, made up of people directly affected by a work-related fatality, illness or serious incident has provided a centralised, public voice about the support services required to assist families affected by a workplace incident. Information about the ICC including its members is available at:

www.worksafe.qld.gov.au/about-us/interim-consultative-committee

In August 2017 the committee was formally established under the Queensland Work Health Safety Act 2011 as the Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee, (The Affected Persons Committee)

Aboriginal and Torres Strait Islander workers and schools.

As I listened to the various workplace accidents and the warnings by parents to be mindful of electricity related accidents I became deeply concerned for Indigenous peoples living in regional and remote areas with few services. Furthermore, the fact that I am an experienced Indigenous researcher and therefore am well aware of conditions in places as remote as the outer islands of the Torres Strait, as well as remote regions of Australia, I asked the various bodies about the support for Indigenous communities and the response was that the local policeman was the health and safety officer as well as the various other duties. This of course is nonsense as even a metropolitan policeman would be viewed as unfit for such a vital task, both technically let alone be across the 'human safety' concerns. I think this is unacceptable and 'economic common sense' would see the value in training Indigenous people to become health and safety officers as well educators to the communities of the dangers of worksites and household electrical fittings and other related WPHS issues.

When one becomes aware through the grief of a parent of the lack of safety switches in Queensland schools one immediately thinks of those with little representation in remote areas.

Recommendations

The following are my recommendations relating to the Terms of Reference (ToR) but also extended them through Recommendation e) *any other related matters*

1) The establishment in all states and territories and Aboriginal and Torres Strait Islander regional areas the following committees:

Persons Affected by Work-Related Fatalities and Serious Incidents Consultative Committee.

2) The incorporation of Aboriginal and Torres Strait islander regional work place health and safety officers as ongoing positions in the government. As well as designated career paths. This relates to the following ToF.

*safety implications relating to the increased use of temporary and labour hire workers;
jurisdictional issues surrounding workplace investigations which cross state and territory boundaries;
issues relating to reporting, monitoring and chains of responsibility between states, territories and the Commonwealth;*

3) An audit of all Indigenous community schools have safety switches and a follow education of the importance and need for safety switches in public buildings and homes. This can be done by producing locally produced videos or apps by Indigenous media outlets and in so doing give more Indigenous employment opportunities.

This extends ToF:

issues relating to reporting, monitoring and chains of responsibility between states, territories and the Commonwealth;

4) That the workplace health and safety officers and assessors be independent of the employer. Also that a regular monitoring occur of their capacity to check and assess, just as it occurs in the police force.

(This is to ensure officers are not being harassed into compliance by unscrupulous individuals or pressure from the executives of corporations. We cannot forget just how much money is at stake in relation to many of these building sites.)

This extends the ToF:

the role of employers and unions in creating a safe-work culture;

issues relating to reporting, monitoring and chains of responsibility between states, territories and the Commonwealth;

5) That a tender for social research into the health related and deaths by family members after such industrial deaths of loved ones. The research should focus on the economic costs to the economy, if such health related conditions due to long term stress from seeking justice, are not recognized.

This relates to the ToR:

the effectiveness of penalties in situations where an employer has been convicted of an offence relating to a serious accident or death; and any other related matters.