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Workplace Safety Must Be Protected

Posted on 29 April 2022

Legislative Assembly 22 February 2022

Mr MORRIS (Mornington) (16:32): It is a pleasure to join this debate. I think the member for Oakleigh referred to this bill as a grab bag; I probably would not be quite that kind.

But you would have to say the workplace safety issues certainly do dominate it through the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019—parliamentary counsel really let themselves go on that one, didn't they?—the Legal Profession Uniform Law Application Act 2014, the Occupational Health and Safety Act 2004, the Workplace Injury Rehabilitation and Compensation Act 2013 and the Victims of Crime Assistance Act 1996.

I guess the two that really do not fit into that overarching theme of workplace safety are the Legal Profession Uniform Law Application Act changes and the Victims of Crime Assistance Act changes. I certainly have no problems with the changes that are proposed for both of those acts of Parliament, but I do question what the hell they are doing in this bill. It is in that sense, as the member for Oakleigh said, a grab bag.

Six acts basically cover the same area; the other two are just tacked on.

It seems to me that the only reason they are in fact there is that the minister happens to be in the same department. There seems to be no other logical connection at all.

I just make the observation that that really is a bad precedent, because clearly the minister who has management of this bill is across the workplace safety aspects, across those aspects of the portfolio, but—and this is not a criticism at all—it is just not practical for that minister to be across the detail of other portfolios to the extent required. I make the point that in the briefing that was provided to the member for Ferntree Gully and a number of us I asked a question about a particular piece of legislation and the people doing the briefing could not give that answer. I mean, they went off and found the answer and got the information for us, and I appreciate the briefing and I am not critical of the fact they could not provide the information, but the point I am making is that that inability to provide information arises from the fact that these two changes have been lumped in with a package of changes to workplace safety laws, and they in my view should not have been. But that is probably enough on that.

The changes proposed by part 2 to the Accident Compensation Act improve compensation arrangements for workers with—I love the language—‘certain work-related injuries that are progressive in nature’. I think the member for St Albans talked about the impact of silicosis. This is a terrible scourge, and it is absolutely essential that we keep all legislation, but particularly workplace safety legislation, up to date because the dangers change all the time.

The manner in which the condition, if unfortunately it is contracted, needs to be dealt with and the way in which compensation measures apply need to keep evolving, and what is proposed here in terms of those changes is entirely appropriate. Also the changes with regard to allowances for attendance at funerals, but that is a relatively minor part of part 2.

A number of speakers in this debate have rightly made the point that workplace safety is not negotiable, that it is a right that everyone should enjoy.

To me it is not just about safer workplaces in the physical sense. In the context of these conversations we talk a lot about physical safety. We have had the conversation about particularly disabilities arising from incidents or at worst deaths, but there are lots of other ways you can be injured in the workplace. We need to protect mental health for workers. We need to make sure that workplaces are free from bullying.

To me, regardless of what you are doing—it does not matter, frankly, whether you are working on the Metro Tunnel, whether you are a chippy on a block out at Clyde or whether you are working in this place—you deserve to be protected and not just physically. You need to be protected in terms of mental health and you need to be protected from bullying.

We have heard lots of talk from many people on the government side not just in the context of this debate but in innumerable debates over my 15-plus years in this place where it is the high moral ground all the time. But unfortunately walking the talk does not always happen.

I will not go to the obvious incidents that are current, but I think we need to be aware of the hypocrisy that unfortunately is shown so often.

There is I think a concern with regard to the changes to prohibition notices. I know there are two views on that one. The expansion of circumstances in which prohibition notices can be issued has the potential to lead to a situation where inspectors are simply issuing penalties rather than seeking to get the problem solved, and in the context of workplace safety getting the problem solved, to me, is paramount.

It is not about additional income; it is about getting the problem solved, and I am not sure the legislation does that appropriately. You need to encourage collaboration. We talk about the need for collaboration between employers and employees. You need collaboration between the inspectors and the operators of the business as well. Simply whacking a fine on people does not solve the problem, and that is a concern.

Parts 3 and 4, the amendments to the Dangerous Goods Act and the Equipment (Public Safety) Act, essentially both clarify that the funds that are collected from infringements are paid into the WorkCover Authority Fund. So it is hypothecation. I know the Leader of the Nationals—and I heard the member for Ripon—talked about this. I probably have a slightly different view to some of my colleagues. Hypothecation has its place.

A couple of years ago, I think it was, I was very keen to see the amounts collected from boating licences hypothecated to the Better Boating Fund. That was the commitment that the government of the day—the current government—had made, but when we came to the

legislation the hypothecation was not there. It was simply, 'Trust me, I'm the Treasurer. Whatever comes into that fund I will allocate, but it's still going into general revenue'.

Yet in this case I think it is very different because we are talking about infringements. We are talking about penalties issued at the discretion of inspectors, not licences that are paid by users of a service or users of a particular public facility, as with the Better Boating Fund.

So there is a real danger with this particular brand of hypothecation, where the penalties go back into a fund controlled by the employer. In many ways it is simply direct taxation, so I do have some concerns about hypothecation in this case.

There is a real potential for some overzealous enforcement.

There are a range of other measures in this bill. As I mentioned, the two that do not slot into the workplace safety area are the Legal Profession Uniform Law Application Act—I do not profess to know a great deal about it, but on the surface it appears to be a useful change—and I certainly do want to acknowledge and support the changes to the Victims of Crime Assistance Act.

It is a bill that is not exactly perfect but one that probably does more good than harm, so I am not opposed.