



## **PARLIAMENT OF WESTERN AUSTRALIA**

### **INAUGURAL SPEECH**



## **Hon Kyle McGinn, MLC** **(Member for Mining and Pastoral)**

Legislative Council

Address-in-Reply

Wednesday, 24 May 2017

*Reprinted from Hansard*



# Legislative Council

Wednesday, 24 May 2017

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## ADDRESS-IN-REPLY

### *Motion*

Resumed from 23 May on the following motion moved by Hon Sally Talbot —

That the following address be presented to Her Excellency the Honourable Kerry Sanderson, Companion of the Order of Australia, Governor in and over the state of Western Australia and its dependencies in the commonwealth of Australia —

May it please Your Excellency: We, the members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

**HON KYLE McGINN (Mining and Pastoral)** [5.53 pm]: Madam President, I would like to recognise and acknowledge the elders past, present and emerging on the land upon which we meet today and also the elders past, present and emerging on the land in the region I represent. I sincerely congratulate you, Madam President, on being elected President of the fortieth Legislative Council. Your achievement is more significant in the context of gender imbalance, which sadly still exists in the community generally and in this institution more particularly. It is testament to the contributions you have made to the people of Western Australia in your capacity as shadow minister in the previous Parliament and member for South Metropolitan Region since 2001 and the respect in which you are held within these chambers and the broader community. Let me note that during your wonderful representation of the people of Western Australia, you never shied from supporting the battlers, the disadvantaged and the working class and the organisations that represent all these people.

I stand here today proud to be making my first contribution to this place and would like to express my gratitude again to Madam President, the clerks and the parliamentary staff, who have made me feel very welcome and have been helping me out whenever needed. To the people of the Mining and Pastoral Region, I say a huge thank you for your support of the WA Labor Party in the March 2017 election. The support from the community across the electorate was uplifting and provided me with the ongoing motivation to stay true to my beliefs and political principles whilst on the campaign trail. It further demonstrates that the people of regional Western Australia understand that the policies of WA Labor are not city-centric, but benefit all people across this great state. During the election, I had the pleasure of meeting many wonderful people across the region. I have lived in the Pilbara region for the last three years and have lived in remote and regional Western Australia for three-quarters of my life. In my time living and working in this electorate as a union organiser representing working men and women, I have witnessed time and again the impact that the economic downturn in Western Australia has had on local residents, who made a conscious decision to reside in the regional mining communities rather than opting for the fly in, fly out lifestyle forced upon many workers by multinational resource companies. It is vital that both the state and federal governments put their shoulder to the wheel and ensure that resource companies put back into the community what they take out by supporting the community infrastructure that is vital for ensuring the sustainability of remote mining towns. This means permanent jobs, preference for local employment, and training and education of

our youth. It also means affordable housing, support for local contractors and the end to the reliance on a transient FIFO workforce. Let us go back to a time when multinational resource companies had a corporate responsibility for ensuring local sustainable communities and when governments backed this position to the hilt. Although royalties for regions provided a sugar hit, it did nothing to promote long-term sustainable jobs and employment opportunities for regional Western Australia. Local jobs for local workers is the key factor in getting our regional communities back.

The mining and pastoral electorate is the largest and most diverse electorate in Australia. It is the economic powerhouse that drives this nation and has many of Australia's largest mines and gas hubs. It is the leading region in the export of our mineral wealth. Despite the federal government's reliance on the mining and pastoral electorate to fill the federal government coffers, the people of my region perceive the federal Liberal government as a government that takes all but gives very little back. The Turnbull government feeds off the wealth generated by the Mining and Pastoral Region, whilst areas in my region have some of the most disadvantaged groups within Australia. This includes Third World conditions for some Indigenous communities, high youth unemployment and a casualised workforce, whereby many workers are employed by labour hire firms. It is time for the Turnbull government to give Western Australia back its share of the GST and allow the incoming Mark McGowan government the opportunity to fix the mess that Barnett, Nahan and Buswell have left in their wake.

Parliament should not be about the politicians, but about the debate of ideas and the policies the state government needs to implement in order to improve the life of everyday Western Australians. It is also important for newly elected politicians to articulate the underlying beliefs and principles that form the foundations of the ideas and policies they will promote in support of the people in their electorate or region.

I would like to take this opportunity to let the people of Western Australia know who I am, what I stand for and what my goals are as a member of the fortieth Legislative Council. I was born on 23 May 1988 at Royal Darwin Hospital in the Northern Territory. My parents, Sally Williams and David McGinn, bought a five-acre block of land on the outskirts of Darwin in a town called Humpty Doo. It was a three-bedroom, one-bathroom metal-clad shed without air conditioning, and there was not much in the way of luxuries. Material possessions came a distant last to the family values, which were instilled in my siblings and me from a very young age. I am the eldest of three children. I have two amazing sisters, Caddie McGinn, and my younger sister, Millie McGinn. Growing up, I could not have asked for a better family or a better place to grow up. My father always worked hard to ensure he could provide an income for the family whilst my mother raised us three kids. They had good working class principles. Life was tough, but there was always food on the table. My dad took his cooking trade offshore and became an Australian seafarer, working away for four weeks at a time. It was difficult to grow up with dad missing a lot of important milestones, and for much of the time my mother did the job of two parents. She never complained and she never missed taking me to training and games for my local rugby league team, the Litchfield Bears. When I was 14, we relocated to Mt Gambier in South Australia to be close to my mother's family. Whilst attending Grant High School in South Australia I soon realised that school was not really for me. I was obsessed with becoming a chef and joining the workforce to earn a living. My parents had instilled at an early age the value of hard work. I was lucky that the student counsellor, Mr Bell, identified this and managed to get me a traineeship through a local restaurant called Charlie's. At first I thought I had made a massive mistake. I was stuck in a corner of the kitchen scrubbing mounds of plates, cutlery

and filthy burnt pots, and all the while getting yelled at for every little mistake and breath I took. After I had done my time in the scullery I was finally, bit by bit, given jobs on the tools. I believe that spending time in my grandma Marj's kitchen as a child and seeing my father cook resulted in the passion to follow in their footsteps.

I turned 18 and decided I wanted to see more of Australia, seek out better restaurants and continue learning the cooking trade. Leaving home was made a little easier for me when I had my first taste of what a bad employer was while I was working at Charlie's. I was forced to work overtime without pay and the employer had the audacity of calling it "love time". It shows that the employment model of wage theft commenced long before it became popular with the likes of 7-Eleven, Caltex and labour hire firms such as Request Group and Construct Labour Solutions used by Gerry Hanssen and the building developer Finbar. If I complained, I would be penalised financially by getting fewer shifts on the roster. Being young and naive I thought that this surely could not be the norm for an employee in the workforce. Surely, this employer was simply the odd one out. How wrong I was.

Not long after my eighteenth birthday I decided to pack my suitcase and move to the Gold Coast. I ended up living with my best friend Sammy Jo Gordon and I must take this chance to thank her now for pestering me to move to the Gold Coast, because if I had not made that decision, I fear I would not be standing here with you all today and would not have the life that I have had thus far. I found work in a Mediterranean franchise restaurant called Toscanis in Helensvale on the Gold Coast. The next 18 months were tough. I experienced many downs and many disappointments. I lived over one hour and 45 minutes away from my job. It took me two buses and a train to get to work each day. If I finished my shift just five minutes later than expected, which happened quite often, it meant an additional one-hour wait for my train and getting home at 1.00 am. As any worker who is serving or has served an apprenticeship would know, apprentices are constantly under pressure. My wages were low and regardless of the hours I worked, I barely made enough money to survive from week to week. I often found myself begging my parents for money just to cover the rent. For that, I felt deep shame. Despite this I was always positive and believed there was a light at the end of the tunnel. A big step forward for me was the pay rise I was expecting in the third year of my apprenticeship, or so I thought. It was around this time that the Howard government introduced WorkChoices and individual workplace agreements. I had not taken much interest in politics at that time, as I had never understood the link between bad working conditions and bad workplace laws. Boy, was I going to get an education. My boss sat me down without representation and instead of that pay rise I was expecting to about \$15.50 an hour with penalty rates, he handed me a contract that stipulated that I would receive \$12 flat an hour and said that if I did not like it, the door was over there. I also have to mention that a fellow apprentice who was under 18—she was 17 at the time—was dealt with in the same way. Her parents were not even invited to the meeting. Being young, broke and away from my family, I felt bullied by my employer, but most of all let down by a Liberal government that I had mistakenly thought was there to represent ordinary Australians. I was an Australian apprentice and had been hung out to dry. To make matters worse, not long after this betrayal by my employer, I was hit with another blow. I arrived at work one day to discover that the restaurant I worked at was all locked up and the boss had run away. When I rang the boss to find out what was going on, he told me that the business had no money and because the business had been mismanaged my annual leave and sick leave that I had accrued during my employment was gone and I would never see it. I also found out that they had misappropriated my superannuation payments. Feeling like my world had just imploded overnight, I was left running the kitchen for the franchise whilst the business was in limbo. It is at this time of my life things took a turn for the better.

At this point in time there was an upturn in work in the oil and gas sector and an increase in job opportunities. In the great tradition of Australian seafaring, I found myself working as a cook with my father in the offshore oil and gas industry. At that time of my life it was a massive honour and privilege to be given the opportunity to work side by side with my father and become a second-generation Australian seafarer, something I am very, very proud of. I entered the industry with no idea of what it was like, and I knew even less about what it was like to work under a union-negotiated enterprise agreement. I quickly learnt the value of backing my mates in and knew I did not have to look over my shoulder to see if they had my back covered, because they always did. I joined the Maritime Union of Australia when I joined my first ship. The ship was called the *MV Markab*. I still remember the day I received my seaman's book from the union. Over time I learned the true value of having a seaman's book and that exploitative work practices were just as relevant in the offshore sector as in the onshore hospitality industry. The key difference was that now I had a union to support me and my mates in addressing the wrongs and ensuring that employees had a voice.

Nobody enters the workplace intending to be a union delegate. It is the outcome of workers wanting to right the wrongs, to stand up for their mates and to ensure that the collective voice of workers can match the money and resources of the labour hire firms, vessel operators and multinational oil and gas companies for whom we work. The oil and gas industry, just like every industry in this country, has its share of exploitative work practices, bad safety and job insecurity. If it were not for the MUA, working as an offshore cook in the oil and gas industry would be no different from working for Toscanis. If it were not for the MUA, there would be no jobs for Australian seafarers, as the likes of Malcolm Turnbull and Michaelia Cash would have exported our jobs to foreign nationals who are paid as little as \$2 an hour. The federal Liberal government has consistently attacked the rights of Australian seafarers to work on the Australian coast to appease their multinational masters such as Chevron and Alcoa. Meanwhile, a succession of state governments has allowed our state shipping to fall into disrepair. This is something I will lobby to change. My narrative about the problems facing workers in the maritime industry is one that can be applied to nearly every industry in Western Australia. As a state Labor politician, I will not be hiding from issues on the basis that some of them are influenced by federal legislation. I believe it is incumbent on me to lobby for change to workplace laws that affect every working man and woman in Western Australia. I believe it is my responsibility to argue for improvements in workplace health and safety, for industrial laws that protect the wages of Western Australian workers, for laws that regulate labour hire firms, for laws that stop foreign nationals from taking Australian jobs whilst Western Australians are dumped on the unemployment scrapheap. It is my responsibility to argue for the promotion of training opportunities for young workers and for policies that will fill the workshops on the Kwinana strip and Henderson. It is my responsibility to ensure that companies exploiting our resources use WA content in their construction and ongoing operations and to ensure that builders and subcontractors who break workplace laws are prevented from securing future government contracts.

Australia is an island nation that needs to have a thriving maritime industry to ensure border security, job opportunities for Australian seafarers and business opportunities for Australian shipping companies. The federal government has simply neglected the Australian maritime industry. It has deliberately sabotaged Australian content because of its misguided and narrow-minded ideology and philosophy. The major towns and cities of Western Australia are bordered by desert to the east and water to the west. Our maritime sector is an integral part of our economy. It should not be abandoned and left to be run by foreign business; it should be brought back into the hands of Australian companies and Australian workers. It is ironic that the Liberal Party, which looks to the United States for guidance and leadership on how it should manage its economy, chooses to ignore a fundamental piece of legislation at

the heart of the United States maritime economy. The Jones Act ensures that US-built and US-flagged vessels are the only vessels allowed to operate on the US coast. We need similar legislation in Australia to rebuild an industry that is vital to Australia's long-term economic, social and industrial interests. We need to ensure that we have Australian content in Australian workplaces, but it is equally important that we deal with the issues that adversely affect workers throughout Australia. I want to bring members back to my workplace experiences.

In 2012 I was employed by Programmed Marine and worked on a rig called the *Stena Clyde* in Bass Strait. Following a period of leave, I arrived at the start of my swing in Melbourne and immediately sensed that something terribly wrong had occurred on board the rig. We had our flight delayed and were told that there had been an accident on the *Stena Clyde*. That afternoon, we were flown out to the rig, still unaware of the seriousness of the situation we were heading into. The communication from management, as normal, was very poor. Upon arrival, I quickly went to the galley to see my comrades who had swung onto the rig a couple of days earlier. When I saw them, I could see the horror in their eyes. An incident had occurred on the drill floor involving two workers: Peter Meddens, 32 years old, and Barry Denholm, 60 years old. Both workers died on the drill floor earlier that day—rest in peace Peter and Barry. They were killed at work doing what every worker is doing—trying to provide for their family. Peter had a young family. His kids will grow up without a father and his wife will grow old without her husband. Barry left behind his wife, who will also grow old without her husband.

What happened next changed me forever. The *Stena Clyde* was a chaotic place to be. When Peter and Barry were killed at their workplace, one was decapitated and one was crushed to death. The rig operator called upon the cooks and stewards to provide medical assistance to the on-board medic in a valiant but ultimately failed attempt to save the lives of both workers. After dealing with the horror of seeing their mates killed in a violent and totally avoidable incident, in my opinion, the vessel operator ordered the cooks back to the galley to serve lunch. There was no regard for providing workers with a safe place of work prior to them being killed. There was an equal lack of regard for looking after the welfare of workers who had to witness the gore of two violent deaths whilst trying to save the lives of those two men. The same employer denied co-workers of the deceased union representation in the ongoing investigation of the workplace fatalities. The employer hindered and obstructed union safety officers from coming on board to undertake an independent investigation. No amount of counselling can take away the numbing impact that those fatalities have had on me. It further reinforced in me the obligation that I felt I had to step up to represent my fellow workers and to do everything in my power to stop another family losing their loved one at work on my watch. Similarly, it provided further motivation for me to step up as an organiser for the Maritime Union of Australia, and now as a member of Parliament.

The fatalities on board the *Stena Clyde* convinced me of the need to have laws that act as an effective deterrent to employers who put profits before workplace safety. The recent spate of fatalities in the WA building and construction industry is even more reason why we need to have effective and industry best practice occupational health and safety regulations in WA and effective regulators who are prepared to do their job and introduce manslaughter laws that properly punish business owners and managers who kill workers on a site or at a workplace they manage.

Since October 2015, we have witnessed a fatality in the WA building and construction industry, on average, every nine weeks. It is no wonder that we have such a spate of killings on our building sites when we have an OHS regulator that is little more than a toothless tiger. Worksafe has no office in the Pilbara despite it being the economic hub of Australia. Workers

are left to call a hotline and report anything that is wrong or unsafe in their workplace. They are then subject to no feedback from Worksafe and have to apply for freedom of information to get any feedback. It is an absolute shame. Shame on the Barnett government for stripping Worksafe of its capacity and will to regulate safety throughout WA, particularly in the Mining and Pastoral Region. The Barnett government dismantled Worksafe's Karratha office despite a spate of workers being killed on mine and construction sites in the Pilbara, including a fatality on Hanssen's Pelago Apartments project. When a German backpacker was killed in yet another workplace fatality on a Hanssen-Finbar construction site in Adelaide Terrace, Worksafe turned up to the site more than an hour after the Construction, Forestry, Mining and Energy Union's safety officials, and 30 minutes after the police. Hanssen and the owner of Hanssen, which builds 34 per cent of all apartments in Perth, refused to stop the concrete pour despite having a worker fall 13 floors to her death. Hanssen's management team had allowed the young backpacker to stand on a plastic bucket whilst balancing precariously over a service shaft. There was no harness and no safe place for the worker to anchor a harness to, even if she wore one. Hanssen's projects have been a deathtrap for 15 years and remain a deathtrap to this day. The owner of Hanssen has no fear of Worksafe inspectors shutting him down and he relies upon a transient and exploitable workforce made up of backpackers and labour hire employees to build his projects. To show the contempt that employers have for workers on their projects, I will read out an email that Gerry Hanssen sent to the family of the young German backpacker who fell to her death —

Dear family of Marianka.

Our sincere condolences for the sad loss of Marianka.

Be assured we will accommodate her sister and husband with all there needs while here in Perth .

Marianka was a lovely ,

well respected,dedicated worker and a valuable member in our company.

Very sadly in a moments lack of concentration and dedicated to do the right job she omitted to harness up and secure herself.

She did this job for 15 floors impeccably and a 30 second lack of concentration caused this fall.

Only God would know the answer.

All 300 people on site ,their thoughts and prayers are with her.

Well had a Buddhist monk bless her spirit on the place of the accident next day.

He said to all of us,if her spirit could talk what would she say to all of us, his answer was, Marianka would say I AM SORRY FOR LETTING YOU DOWN to my mum,dad,family,friends and workmates.

We all wish you lots of strength and sympathy at this time of this sad loss.

If there was ever a fatality that highlights the need to bring in industrial manslaughter laws, it is this latest Hanssen fatality. Hanssen had the audacity to blame a worker, who had less than 10 weeks of construction experience, for her death. But what does Hanssen have to fear from Worksafe? Absolutely nothing. This is the same organisation that still has not finalised its investigation and report into the workplace deaths of two young Irish nationals who were crushed to death by a tilt-up panel on a Jaxon construction site less than one kilometre from where Marianka was killed on the Hanssen site. We need industrial manslaughter laws but we also need a regulator that will do its job of protecting workers. Worksafe needs more inspectors to pro-actively monitor safety in WA workplaces and on building sites in

particular. We need to ensure that Worksafe inspectors have industry experience. We need to ensure that Worksafe prosecutes employers who fail to comply with OHS laws and not wait until somebody gets killed at work. We need to clean out the Worksafe hierarchy who have failed in their obligation to properly manage safety in this state.

There are people in my life who, without their support and encouragement, I would not be standing here today. I will try to name you all and I apologise if I have missed anyone, but I do send you my thanks. To my grandparents Marj, Alan, Ducka and Clair, my nanna, Lorna, and late poppa, Jim, whom I miss with all my heart. Without my grandparents, I would struggle to be here today. They have been a great support base to me. To my mum and dad, your love has been overwhelming. To my sisters, Caddie and Millie, I could not have asked for two more beautiful sisters. I want to note that my youngest sister, Millie, battled cancer when she was 15 years old. She had Hodgkin's disease. My sister had the fight of her life. Millie, you are the strongest person I know. Millie is in remission still today. Caddie has just had her first child and my first niece, Olivia. She is a beautiful and healthy baby, and I know you will be a great mother, Caddie. I thank my family—uncles, aunties and cousins—for all your support over the years.

To the Maritime Union of Australia and its members, I thank you all for your support over the many years I have been working in the offshore industry, and all the support I received when I was an organiser in the north west. To Chris Cain, I thank you for your respect and the fact that you gave me responsibility and trusted me immensely. You have always believed in me, and that kept me inspired. Thank you, Christy. To my former work colleagues at the MUA WA branch, Gak, Jack, Spud, Danny, Adrian, Jeff, Elyane, Luke, Sarah, Sandra, Georgia, Kylee and Paul, I thank you all. I have thoroughly enjoyed working with you.

To the Construction, Forestry, Mining and Energy Union and its members, I thank you for your hard efforts throughout the election campaign and your ongoing commitment to workplace safety and better working conditions. To Mick Buchan, I thank you for all your friendship and support.

To Sarah Maguire, thank you. To Sue and Kim Stubbs, my adoptive parents of the Pilbara, you are both amazing. To Tamara Stubbs, your friendship has been of huge value to me and your passion and drive will continue to inspire me. To Clayton Brown, you are a through and through union man with a heart of gold. You truly are a comrade for life.

To all the candidates in the Mining and Pastoral Region, Darren Forster in Kalgoorlie, Shane Hill in North West Central, Kevin Michel in the Pilbara and Josie Farrer in the Kimberley, and, in the upper house, Hon Steve Dawson, Peter Foster and Chris Mousley, I thank you all for the campaign that we ran in the Mining and Pastoral Region.

To Adam Wall, Dave Abbot, Jason Leach, Josh Marmion, Kristen and Yianni and their beautiful family, John Peters, and all the members of the ALP branch in Hedland and Karratha, my thanks to you all. To Tracey Heimberger, your vigour in the campaign across the Pilbara region was second to none. I thank you for that. To David Fox, Paul Ferreira from the CFMEU, who showed up day in, day out to letterbox-drop throughout the campaign, Amy and Ant Man, Scooter, Stephen Thor and Deb, and Deana and Ben Lawver, and to Tim Downs and Des Harding for their support throughout my career, thank you.

There is someone here today who I want to say a special thankyou to. She is sitting up in the gallery. Beccy, we met one year ago. From the moment we met, I knew you were special. Over the 12 months we have been together, my love for you has continued to grow. You have supported me in all the decisions I have made, even if you do not agree with them. You are my better half. You make me better as a person. You are my soulmate. For all your support, I say thank you.

I hope the speech I have given today helps people to understand who I am, where I come from and what I stand for. I am honoured to have this opportunity to represent the Mining and Pastoral Region and excited to get out into the Kalgoorlie electorate. I do not expect Kalgoorlie to be easy, but as members might have guessed by now, I am not about taking the easy road and am up for the challenge. Before I take my seat I would also like to thank WA Labor, especially all the rank and file party members who turned out during the election campaign, because together they make this party what it is today. Every day, we are making a difference. Thank you.

[Applause.]

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