

Sydney worker death underlines failure of government safety regulators

Martin Scott
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A young tradesman died at work yesterday morning in Engadine, in Sydney's south. The worker, aged in his 20s, reportedly received a fatal electric shock before falling off the roof of a butcher's shop where he was working on an air-conditioning unit.

Another man, in his 60s, who attempted to provide first aid to the younger man also sustained injuries and was treated by paramedics at the scene.

The young man's tragic death is a stark reminder that workplace deaths remain an all-too-frequent occurrence. Preliminary data from Safe Work Australia show that 173 workers were killed on the job across the country in 2023, a rate of almost one fatality every two days.

Two recent incidents highlight the dangers:

- On January 15, 27-year-old Luke O'Brien was fatally crushed between a light vehicle and a truck at MHP Mitsubishi Alliance's (BMA) Saraji coal mine in Queensland's Bowen Basin.

- On December 28, Daniel Sa'u, a 29-year-old worker on Brisbane's Cross River Rail project, was found dead in his car less than three hours after leaving work where he had been showing signs of severe heat stress. The project was also the site of a serious workplace injury on July 25, when 54-year-old Nation Kouka fell around 12 metres from scaffolding and was taken to hospital in a critical condition.

Many worker deaths go unreported in the corporate media or disappear from the headlines after a single news cycle. As is the case with the Engadine incident, few details are made public and inquiries for more information are dismissed with a blanket response: "SafeWork NSW is investigating."

These investigations by government safety regulators, not just in New South Wales (NSW) but throughout the country, typically take years and serve primarily to whitewash the responsibility of corporate employers and the regulators themselves.

SafeWork NSW is currently itself the subject of an investigation. In 2022, the then Liberal-National state government commissioned retired NSW Supreme Court

judge Robert McDougall to carry out a review into the organisation.

The review's final report has not yet been made public and "is currently being considered by [Labor] Minister for Work Health and Safety Sophie Cotsis," according to a press release issued by SafeWork NSW on Monday.

While submissions to the inquiry have not been published, they have been obtained by the Australian Broadcasting Corporation (ABC), which reports they "show dozens of regulatory failures," resulting in serious injuries and deaths in multiple industries.

SafeWork NSW is "accused by workers, inspectors, unions and victims of being timid, ineffectual and suffering from systemic cultural and operational issues," the ABC reports.

One of the submissions is from Patrizia and Robert Cassaniti, whose son Christopher was killed in a scaffolding collapse on a Northern Sydney construction site in 2019. The apartment complex he was working on has been in the news again in recent weeks, with serious defects discovered that potentially pose a risk to occupants.

The Cassanitis believe that adequate regulation by SafeWork could have prevented their son's death, along with other workplace fatalities.

They wrote: "This is not the only example where the regulator should have intervened earlier and more effectively to oversee workplace cultures and thus save lives."

The review was ordered in October 2022, after revelations in state parliament that SafeWork had failed to investigate safety concerns at job sites where workers were subsequently killed.

In one 2018 incident, Sri Lankan labourer and father of two, Girishanth Singarajah, was fatally struck by a reversing 23 tonne loader at Aussie Skips in Homebush. The vehicle was fitted with a reversing camera, but it was not operational.

The parliamentary committee was told SafeWork NSW had received four separate complaints about safety issues at the company in the two years preceding Singarajah's death.

These included a “request for service” from a subcontractor a month before the incident and an anonymous tip 20 days before the incident, yet the safety regulator did not inspect the site until the day Singarajah was killed.

In January 2021, 59-year-old bridge and wharf carpenter Max Haywood was killed when he was hit by a yacht mast that fell from a crane controlled by an unlicensed operator.

The regulator had been alerted six weeks earlier that the company was employing unlicensed drivers, but again did not perform an onsite inspection until after Haywood’s death.

In February 2022, SafeWork NSW was informed that the company was still using crane drivers that were not properly licensed, but did not investigate until three months later, after a further complaint.

Despite the supposedly “independent” status of SafeWork NSW, in a 2020 survey conducted by the Public Service Association (PSA), 20 percent of inspectors said they believed “political pressure” was responsible for their being ordered not to issue contravention notices to certain businesses.

Forty-two percent said they “had been instructed or pressured by a manager or director to recommend no further action be taken in cases where they had enough evidence to recommend prosecution.”

In some cases, survey respondents reported that they were ordered not to conduct site safety inspections at all, so as to “not upset the government agency.”

Cotsis, then in opposition, played a prominent part in calling for the McDougall review, along with a separate “performance audit” into the “Effectiveness of SafeWork NSW in exercising its compliance functions.”

This audit was to be carried out by the state auditor-general, Margaret Crawford, and was originally slated to take six months, meaning it should have been finalised soon after Labor took power in the March 2023 state election. However, the report apparently remains incomplete, with the release date now listed as February 2024.

The protracted nature of the two inquiries into SafeWork NSW reflect the fact that they share the function of the regulator itself, as a means of covering over the prevalence of unsafe working conditions and shielding the businesses and governments responsible from accountability.

This is by no means confined to NSW. So-called safety regulators in every state play the same role.

At the time of Kouka’s fall in July last year, the Cross River Rail project had already been issued 266 improvement notices, 29 infringement notices, 35 prohibition notices and one electrical safety notice by WorkSafe Queensland. The scaffolding from which he fell had been checked and approved by the regulator just eight days earlier, according

to Queensland Labor’s transport minister, Mark Bailey.

On the same day as Kouka’s near-fatal accident, a worker at another Cross River Rail site narrowly avoided serious injury when a heavy piece of steel rod fell from height and smashed through the windscreen of the forklift he was operating.

Despite the project’s chequered safety record and Bailey’s declaration of a “safety reset” last July, the death of Sa’u suggests that workplace safety measures as basic as heat management are not being enforced at Cross River Rail. According to the Construction, Forestry and Maritime Employees Union (CFMEU), several other workers have been hospitalised due to heat stress in recent weeks.

The CFMEU’s public criticism of WorkSafe Queensland and contractor CPB serves as a cover for the union bureaucracy’s own role in allowing unsafe conditions to continue on the Cross River Rail project and at other workplaces around the country.

Workers’ anger over the death and serious injury of their colleagues, and concern for their own safety, has compelled the union to call limited safety stoppages, including a protest on January 19 over CPB’s “blatant disregard” for heat management. The CFMEU leadership has ensured that these sporadic demonstrations amount to nothing more than stunts, posing no threat to the company’s operations and profits.

The reality is that the CFMEU and all the other unions serve as an industrial police force for the corporations. Their paid health and safety officers, who have the power to stop work over safety concerns, instead ensure that workers remain on the job, under the illusion that issues are being reported and “investigated” by the toothless safety regulators.

In fact, the unions work hand-in-hand with management and the government safety bodies to cover over the real underlying cause of dangerous working conditions, the subordination of workers’ health and lives to the interests of corporate profit.



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