Submission to:

The Review of the Occupational Health and Safety Act

By:

The Australasian Meat Industry Employees Union (Victorian Branch)

November 2003

The Australasian Meat Industry Employees Union (AMIEU) makes this response to Discussion Paper of the Occupational Health and Safety Review Act that was released on 17th October 2003. We appreciate the opportunity to make this response, but there has not been sufficient time to prepare a sufficiently detailed response. We recognise, however, that your review has been extremely thorough despite having operated in limited time.

Background

The meat industry has been built over many years and has continued from generation to generation. Work in meatworks and associated workplaces has always been physically hard, dangerous and skilful. Without the strength of organized labour, the AMIEU, it would undoubtedly be more dangerous.

Workers' compensation is a dramatic understatement of the level of work related injuries and illnesses, but they are the only statistics available. The number of workers' compensation claims reported during 1994/95 implies that a worker in the Meat Processing Industry has almost 1 chance in 5 of experiencing a serious (that is, entailing a fatality, permanent disability, or temporary disability resulting in 10 days or more time lost from work), compensated, work-related injury/disease over the course of a working year.

Assuming a worker spends his/her whole working life in this industry, on the basis of probability, he/she is almost certain (99.96%) to experience a serious, compensated work-related injury/disease over the course of his/her working life. (Probability will depend on the occupation and age of a worker and while some workers will actually avoid an injury/disease over the course of their working lives, others will experience more than one).

The meat processing industry is the worst performing industry with respect to occupational health and safety. For example in Victoria:

- Highest claims frequency rate – 3.65 claims per $1m remuneration;
- Second highest claims cost rate - $101,593 per $1m remuneration;
- Meat is 1.8% of the manufacturing industry, yet accounts for 7.5% of all compensation claims and 8.5% of all costs.

As this data suggests, current and potential consequences of poor OH&S performance is a threat to the health of workers in the industry.

AMIEU Commitment to Health and Safety

Occupational health and safety (OH&S) is a fundamental and longstanding pursuit of the AMIEU on behalf of its members. For example:

- There has been a full time health and safety/compensation officer for more than 30 years.
- The Victorian Branch of the AMIEU established a medical centre in the 1960s because of the need for medical practitioners who were capable of recognising and providing proper treatment for zoonotic infections and other work related conditions suffered by workers in the meat industry.

- The AMIEU was actively involved in debating and developing the legislation for health and safety , that is the 1983 Bill and eventually the 1985 OHS Act.
- The AMIEU was pleased when, in 1990, the Victorian Occupational Health and Safety Commission (VOHSC) initiated work on the development of industry based Codes of Practice, particularly a Code for the Meat Industry.
- When, in 1992 the Kennett Government abolished VOHSC and scrapped the work that had been done on industry based Codes of Practice, the AMIEU continued working on industry specific guidelines and eventually negotiated guidelines with the industry employer association.
- The AMIEU has provided training on health and safety in our industry for representatives since 1986. Our training is WorkSafe approved.
- Representatives of the AMIEU are regular participants in tripartite and government bodies associated with workers' compensation and health and safety.

AMIEU members, their families and their communities are extremely interested in the outcomes of this Inquiry. The AMIEU therefore values the opportunity to make written submissions to the Inquiry.

Framework of our submission

The AMIEU considered that the Occupational Health and Safety Bill that was introduced into the Victorian Parliament in 1983 was excellent draft legislation. The employers were extremely threatened by the Bill, for example they feared that the introduction of health and safety representatives would shut down industry. The legislation that was passed in 1985 included amendments to the 1983 Bill such as the introduction of designated work groups. This was a compromise to employers who feared that every worker would be appointed as a health and safety representative, which was never intended.

The experience since 1985 has shown that limited numbers of workers are willing to take on the role of representing their co-workers in health and safety. After all, the health and safety representatives who won recognition by WorkSafe all talked about the research and planning that they had put into the role in their own time. However the concept of Designated Work Groups has created problems, particularly with changing work arrangements.

In particular, employers believed that the role of Unions would give us power that would destroy production. In the years from 1985 to 1992 Unions played a positive role in the Victorian Occupational Health and Safety Commission as well as in supporting, resourcing and training health and safety representatives. The abolition of the Commission and the legislative attempt in 1992 to remove the Union from playing a positive role in workplaces was a step backward.

Specific comments on questions raised in the Discussion Paper

The AMIEU is not making comment on every question raised in the discussion paper. We support the VTHC submission which covers more questions than we are making specific comment on. When we do not make specific comment on questions it should be considered that the AMIEU considers that the VTHC comment covers our position adequately.

Should s.6 be amended to state that the objects of the Act include – protecting persons (other than workers) against risks to their health or safety arising from the conduct of an undertaking in a workplace ; eliminating, at the source, risks to the health, safety and welfare of persons (other than workers) arising from the conduct of an undertaking in a workplace?

The AMIEU supports the detail of the VTHC submission on this. In particular we would like to emphasise that the objects should include the rights of workers to work in a safe and healthy environment which considers both their physical *and psychological* needs.

Should the duties of hazard identification, risk assessment and risk control be imposed by the Act, rather than by individual sets of regulations applicable to particular industries or categories of risk?

We would support the inclusion of a the identification, assessment and control with consultation at each stage being introduced in the Act itself. It is included in most of the regulations and codes of practice but it should be introduced into the Act. In the Guidelines for Health and Safety in the Meat Industry (which is attached) it can be seen how we believe that it should be covered.

Practicability

The AMIEU strongly supports the removal of the phrase 'so far as is practicable'. The inclusion of this phrase, in repeated places in the Act, means that health and safety representatives repeatedly have to argue with their employers about cost. We recognise that the cost of preventative measures is a real issue, but, every time the health and safety representatives raise the issue of prevention (if an injury has not occurred) they have to enter into an argument about practicability.

For example, where workers stood all day on cement floors, that were often wet, in a room that was 12 degrees Celsius, the HSR proposed that rubber matting to stand on was needed. The HSR was faced with an argument about practicability. The hardness of floor surfaces contribute to fatigue if prolonged standing is required. As the workers handle knives constantly, fatigue can be a very severe risk.

Having to enter into arguments about practicability, constantly, is a common disincentive for workers standing for the position of HSR and trying to contribute to workplace health and safety.

Should WorkSafe inspectors be empowered/required to give advice to duty holders about compliance?

The AMIEU considers that the inspectorate should focus on enforcement. This certainly does mean informing employers of the regulations and codes of practice and the need to comply, but the focus of the inspectorate should be on enforcement.

For most of the time from 1992 to 2000 the inspectorate focused on almost entirely on advising, but this did not result in improvement of health and safety. One of the reasons that employers continue to call for advice is a consequence of the move from a prescriptive to a performance based regulatory system. The ability of the inspector to provide advice about what constitutes "compliance" is limited by the nature of the mixture of prescriptive and performance based Regulations.

Where a regulation specifically details the control which should be implemented, then obviously duty holders are so informed – they are told the "what". When this prescription is not available, the inspector provides advice to the duty holder about the "how" – the employer has to obtain technical advice, to adopt a systematic approach to risk control, the importance of consultation etc. It is not up to the inspectors to provide that advice or information.

Should there be any advice-provider outside the private sector, whether
(a) as a division of WorkSafe; or
(b) as a separate agency?

Information Officers could be reintroduced. They did exist previously and their role was to visit workplaces to provide advice and facilitate training. The policy was to also employ people from a range of backgrounds so that multi-lingual information could be provided. If the Information Officers were re-established then WorkSafe could consider a nominal charge for this service.

WorkSafe should also support the development and implementation of advice provided by unions and industry associations.

Should a person nominated by an employer under s.21(4)(ca) be required to undertake a course of training relating to occupational health and safety which is approved by or conducted by the Authority?

Yes. Training of the management reps should be mandatory. One of the greatest frustrations of HSRs is when they return to the workplace after training and the management representatives or supervisors don't know what the HSR is talking about. The outcome will not only benefit enterprises directly but will lead to a more productive consultative, co-operative arrangement in workplaces.

Should the Act clarify the responsibilities of labour hire agencies and group training agencies and host employers, perhaps by including the notion of "joint responsibility" and confining the duty of labour hire agencies to matters over which they have control?

The AMIEU has significant concerns that both host employers and labour hire agencies will seek to minimise their responsibilities.

Both should be responsible, in particular for issues over which they have control. The agency must have a responsibility to (for example) ensure that they provide workers with the right 'skills'/training/qualifications required by the host, that the workplace where they place the worker is healthy and safe (or not place the worker), that the host has systems in place, etc.

The host employer must have the duty to (for example) ensure that hired workers are given jobs appropriate to their level of skill/qualification/etc, that they are provided with workplace/hazard specific training (eg workplace procedures, etc), and of course must provide a workplace, process, plant, substances etc that is safe and without risk to any workers.

We come across situations where workers believe they are employed by a company (such as the abattoir at Bacchus Marsh or the Perfect Pork boning room) because they applied with that workplace for a job and got taken on there, did not receive paperwork and only find out that they are employed by a group training agency or a labour hire firm when they are injured and apply for WorkCover. According to Richard Johnstone, section 22 does of the current Act provides the best coverage, when there is a host employer.

There is a real need for the inclusion of labour hire etc workers in consultative mechanisms – how the employer and host will implement their duty to consult and how labour hire workers' rights to representation and participation will be exercised. In particular the non-coverage now by sections 21(4)(a); 26(6); and 37(3) must be rectified by including all of the workers, not just the employees.

Is there is a need to broaden the scope of the definition of "employee"?

Yes, the definitions should be broadened, particularly for the purposes of consultation so that the variety of workplace relationships eg contractors, casuals, labour hire, outworkers are included in consultative arrangements in the workplace

Can/should the concept of "persons at work" be introduced?

The "persons at work" concept exists for duty of care and needs to be broadened as above.

Should the employer's duty to consult extend to subcontractors?

Yes, the duty to consult should be extended to subcontractors.

What should the legislation say in spelling out the functions of health and safety representatives?

The legislation should specify that the function of HSR is to represent workers. That is, workers' H&S representatives are elected by workers to represent workers. The legislation should specify that employers have absolutely no role in the election of the HSRs. If there is Union coverage, Unions would be appropriate bodies assist workers with the election.

Should the legislation impose any specific duties on HSRs? If so, what should the content of those duties be?

The legislation should absolutely not impose any specific duties on HSRs. Health and safety representatives do not have power, so they must not have any duties imposed on them. In order for them to contribute to health and safety HSRs need rights (or entitlements). They must have:

- rights to all information on OH&S
- be consulted on all issues related to health and safety
- have the right to inspect workplaces
- participate in identification of hazards, assessment of risk and decisions about controls
- have the right to represent individual workers on all matters relevant to health and safety
- have the right to release on paid time for approved H&S training of their choice
- have the right to issue Provisional Improvement Notices and Provisional Prohibition Notices
- have the right to perform all of the entitlements of H&S representatives on paid time.

Should the OHS Act enable an authorised representative of an industrial organisation to enter a workplace in which at least one of its members is working? Under what circumstances?

We note that, in the Discussion Paper, there is reference to the NSW Act with regard to the right of an 'authorised representative of an industrial organisation', but the question posed does not reflect the NSW Act on the matter of entry to the workplace.

We do not consider that it would be sufficient to give Unions the right of entry where *at least one of its members* is working. An anti-Union employer who wants to prevent Union access will demand the name of the member. If the Union Officers refused to identify the individual we would be refused entry. If that individual is identified that employer will then harass, victimize him/her or sack him/her. This would put Union members at risk in workplaces with anti-Union manager/employers.

Unions should have the right to enter places of work *where we have reason to believe that there are members or persons eligible to be members* work.

The AMIEU proposes that we should have the right of entry when there is *any suspected breach of the occupational health and safety legislation.*

The AMIEU believes that the Victorian OHS Act should contain provisions similar to provisions of Section 76 to Section 85 of the NSW Act.

Should the OHS Act provide for a tripartite body to advise and make recommendations to the Minister with respect to legislation and standards; establish inquiries and legislative reviews; and develop a long-term strategic plan, including research priorities?

There should be a tripartite OHS body under the *Occupational Health and Safety Act* specifically to advise and make recommendations to the Minister in respect to legislation, standards, national and international development and the establishment of research priorities, public enquiries and legislative reviews. This body should also have responsibility for developing a long term, at least ten years, strategic plan for improving workplace health and safety.

An example from the previous Victorian Occupational Health and Safety Commission was the proposed development of Industry Codes of Practice. Not only did the abolition of the Commission mean that work was scrapped, it meant that the planning and direction in health and safety was lost.

Since the abolition of the Commission, there has been no attempt to evaluate future risks and modes of prevention. In fact, since occupational health and safety has been tied into the Victorian WorkCover Authority, the entire focus has been on injuries that have been accepted as compensable. Emerging injuries or illnesses have not been researched or methods of prevention have not been given sufficient consideration.

Is the election of a health and safety representative the best means of ensuring employee participation in OHS management at the workplace?

Yes, it is. The election of Health and Safety Representatives, if genuinely conducted by the workers (as noted above), is the best means of ensuring they are represented democratically, fairly and honestly.

Should there be provision for the election of more than one HSR per DWG? Under what circumstances? Should an HSR of a DWG be permitted to represent –
(a) employees in another DWG;
(b) employees in the same workplace who are not in a DWG?

Yes, there is a real problem with the present system in only allowing for one elected HSR for each Designated Work Group. The AMIEU fully supports the introduction of more than one elected representative for each DWG.

There are particular difficulties when problems arise but the HSR is off work:
on an RDO, or
off sick, or

off work with a work related injury/illness, or
on alternative duties and working in a different part of the workplace, or
on annual leave, or
on long service leave.

Some workplaces have negotiated agreed arrangements to suit their own circumstances (for example “deputy reps”) but they are not strictly in accordance with the law. This becomes a problem when there is a dispute over an issue or when WorkSafe inspectors visit the site and require evidence of compliance for the establishment of DWGs etc.

Finally, as stated above, the concept of DWGs (with only one HSR per DWG) was introduced into the OHS Bill in order to alleviate an unfounded fear that was expressed employer associations in 1983 to 1985.

Should the OHS Act prescribe a role for representative organisations in consultative structures and processes at workplace level?

Yes. The Act should allow for both workers and OHS Rep(s) the right to request the involvement of their union. Historically unions have always been at the forefront of fighting for safer and healthier workplaces, they have expertise in dealing with OHS issues and in the protection of workers’ rights and are able to bring to particular workplaces solutions etc from other workplaces. OHS Reps should also be able to seek the involvement of their Union Delegate, as many of the issues they are involved in have a relevance to OHS.

How can training of HSRs be enhanced?

Training can be enhanced by requiring mandatory Stage 2 and Issue Resolution courses as well as access to training as part of the implementation of any new or amended regulations.

There was stage 2 training that could be approved in the past. In 1988 the AMIEU applied to the Victorian Occupational Health and Safety Commission for approval for this training. We ran stage 2 training from 1988 to 1994 when the approval of all stage 2 training was scrapped by the Authority. This was supposed to be for a short period while there was review of the approval process.

The AMIEU believes that ongoing training is essential for OHS Reps to improve their knowledge and to not only keep up to date with what is going on, but also to enhance their skills and confidence and ability to resolve issues in the workplace.

To enhance training the Authority must begin to approve more courses and be prepared to support HSR participation. The AMIEU would support a 5 or 10 day per year provision for OHS Reps or an increase in the number of approved courses. It is essential that OHS Reps are able to attend training so

they can develop their own skills, discuss their own issues and network with their peers.

Should the role and functions of inspectors be defined in health and safety legislation? If so, what should their enumerated functions be?

Yes the role and function of inspectors and the inspectorate should be defined in the OHS Act, along with the role of Information Officers (if introduced) and the Authority.

The role of the inspectors should be that they enforce the legislation and support the rights of workers.

In what ways could the provisions relating to PINs be changed to make PINs a more effective means of enforcing compliance with health and safety legislation?

The PIN should be re-written in plain English and there should be less focus on the "legality" issues and more on the substance of the OHS issue. The issue is really the support OHS reps receive from inspectors and also the pressure from employers on the OHS rep not to issue PINs.

There may be value in union officials being able to issue PINS as a means of protecting reps.

Should an HSR have the right of appeal against an inspector's decision to cancel or modify a PIN?

Yes, OHS Reps should have the right of appeal against an inspector's decision and to have access to their union in that appeal process.

Should workers have a statutory right to refuse to perform unsafe work?

Why should the Common Law rights of workers be replaced by a statutory right which could then be repealed by a parliament? Workers already have the right to refuse to perform unsafe work under Common Law. The Authority should promote the Common Law right

What role should claims data have in establishing prevention strategies?

The claims data should only be one of several sources used to determine strategies and priorities. It may also assist in helping to identify particular hazards that need to be addressed in particular industries.

But it is not the only source –

Other sources include anecdotal information from industry partners, research, other government departments (particularly Health), health associations eg Asthma Foundation etc Coroners information, BEACH information, GPs,

surveys, other jurisdictions. A number of Zoonotic diseases are notifiable infections.

In fact the level of underestimation if WorkCover claims data are the only source of data for planning can be seen. One clear example is recent statistics in which 28 workers from one abattoir suffered from the zoonotic disease Q Fever (a notifiable Zoonotic disease) in the past year, but only 7 claims for WorkCover were lodged by workers who were placed in that abattoir.

There is very strong evidence that claims data is not accurate due to under-reporting, non-reporting of physical injuries, long latency illnesses/ conditions and there is little/no recognition of "psychosocial" injuries or illnesses.

It must also be recognised that in the real world the employers often put pressure on workers not to claim compensation. This could happen by the employer paying for treatment (beyond their excess) or by threats and intimidation if the worker lodges a claim. Further, it has been our experience that the increased use of casual and labour hire workers (so-called "contingent employment") has exacerbated the under/non-reporting of injuries.

Is the regulatory burden (or cost of compliance) too great or is the regulatory framework not stringent or prescriptive enough?

The regulatory burden on employer's is not too great – the main burden of unsafe workplaces is borne by the workers. The cost in dollar terms cannot be compared to the cost in human terms. However there are some areas where there should be much more prescription. There are some areas prescriptive regulation would be better than performance regulations.

For example, there is no regulation that covers First Aid. There is a Code of Practice that suggests to identify and assess whether first aid is needed. In all other States there are requirements that large workplace that are hazardous must have first aid rooms, occupational nurses and first aiders.

The meat industry means that workplaces must have hazards like: bulls, knives, bone cutting and crushing machinery. It would be sensible to have First Aid prescription when hazards cannot be eliminated because they are the nature of the industry.

Are the powers of HSRs misused or abused? If so, how can this be prevented?

Health and safety representatives do not "abuse" their powers. It has been our experience that allegations of abuse are the result of HSR being active and unafraid to take actions they genuinely believe are warranted at the workplace – such as issuing PINs or Cease Work orders. If the HSR were abusing their rights under section 26 the workers would not be paid for time in which they were ceased and PINs would be lifted if they were being placed with no base. So what would be the point?

Does the OHS Act clearly establish a 'chain of responsibility' for health and safety obligations?
Are all links the chain of responsibility covered by the duties in the Act? If not, which additional parties should be covered?

No the Act does not clearly establish a 'chain of responsibility' – there are problems with the power of the Act being insufficient to cover the "upstream" responsibilities in the design of workplaces and in some cases the design of plant, packaging and equipment.

Particularly the situation that faces the Lumpers in our industry can show how the building design and construction can be key issues.

Depending on the building design where the carcases are being delivered, the carcases could be put straight onto a rail or it could be necessary to carry a quarter of beef (45 – 50 kg) on each shoulder up stairs, along corridors and around corners.

What should each party in the chain be obliged to do? For example, should the Act specifically require upstream parties to provide risk assessments of plant, substances, buildings, and workplace infrastructure down the chain?

The AMIEU believes that upstream or downstream parties should have duties with relation to the design, testing, undertaking and provision of risk assessments of the product. For example the food to animals in feed lots can alter the product (eg the cattle) to the extent that the boners need far greater force to be able to bone the beef. The additional force required increases the risk of manual handling injuries. The food given to the animal increases risk in a different part of the chain.

Should owners of buildings leased as workplaces have a duty to ensure that the building is safe?

Yes, absolutely (eg as per the Legionella regs and the duties under the new Asbestos regulations)

Should duty-holders be required to satisfy certain specified requirements before being issued with a license to operate?

Yes. Meat Industry Processing is already licensed to operate. The licensing is to ensure the safety of the product. There is no reason that workers' health and safety is not as important as the consumers' health and safety.

But Meat Industry Processing is extremely dangerous and is the worst performing industry in health and safety. Clearly it would not be difficult to introduce OH&S requirements as well as Quality product requirements for licensing

Are current licensing arrangements sufficient?
No

Are HSRs adequately protected against marginalisation, victimisation, harassment and discrimination?

Definitely NOT! This is evidenced by the fact that there has not been one successful prosecution of an employer under S54 with relation to an elected rep. Protection from harassment and discrimination must be written into the Act in the same way as discrimination legislation ie that a worker need only prove that discrimination has occurred for reasons including that they have acted in the area of OHS. (This provision to be extended to all workers).

Should inspectors be specifically obliged to consult with the HSR in relation to a disputed PIN?

Yes, absolutely

Do inspectors have adequate knowledge of health and safety legislation and issues generally?

The level of knowledge and expertise varies greatly and VWA has an obligation to ensure that inspectors are provided with adequate and on-going training. They should ensure that there is education on the nature of the range of industries.

Why is there no provision for inspectors to be seconded to industry to gain experience and understanding?

We do want inspectors to have experience and understanding of the range of industries. However we believe that there are dangers in the process of secondment to industries. It is possible that there would be 'capture' by the process of secondment. If inspectors were to be placed in an industry they would have to be placed 'undercover' or the employer could limit and control what they see.

It would be far better if a percentage of Inspectors already had industry experience. In particular a number of the inspectors who are recruited should have had experience as health and safety representatives. The AMIEU has constantly advised that there must be some inspectors who have worked as slaughterers, boners or labourers in order to understand the processes.

Does the Authority respond appropriately to serious injuries, fatalities and other allegations of risk?

Serious injuries are not always reported. The investigation is varied and we could give examples where the inspectorate's response is an excellent and

serious investigation of the risk as well as investigation that is an insufficient response.

An example of a problem was: when the workers had identified a band saw that was particularly dangerous and needed urgent action. The supervisors ignored the workers report. A worker on the afternoon shift suffered serious injury at the bandsaw resulting in emergency hospitalisation. The Management did not notify WorkSafe for 6 days, The bandsaw (ie the dangerous machine that caused the injury) was removed before the injury was reported to WorkSafe. Unfortunately, when WorkSafe did investigate they did not ask to see the bandsaw, and they did not speak to the injured worker despite numerous requests from the worker to speak to the inspector.

In addition to this, there is the issue of serious, but non-traumatic disease/injury (eg stress, bullying) VWA's record on the latter is totally inadequate.

Are the current mechanisms for complaints about inspectors and discipline of inspectors adequate?

No they are totally inadequate. Complaints are also construed to relate solely to an individual and not on the system or environment the Inspector may be working in. There are no clear mechanisms for complaints. Processes for dealing with complaints should be transparent and objective.

Is the notification of employer and HSR on entry provision (i.e. section 40(1)) adequate?

The intention is that the inspector notify both the rep/s and the employer "upon entering the workplace". In fact, the most common scenario is that the inspector notifies the employer, and must often rely on the employer to notify the rep. The outcome is too often that the rep is not notified at this time and often does not even know that an inspector has been at the workplace until a later time. In addition, too often the HSR only receives a copy of the inspectors report or notice if it is passed on by the employer.

Should industrial organisations be able to bring prosecutions for health and safety offences?

Despite the fact that approximately 20% of workers in the Meat Processing Industry suffer serious work-related injury/disease in a working year, there has only been one prosecution in Meat Processing Industry in the past four years. Clearly there have been many breaches of the OH&S Act in that time and yet no legal action was taken.

An example where we believe that there should have been prosecution but it was not taken by the Authority was when a meatworks in Brooklyn was burnt down in 2001. The investigation by the Metropolitan Fire Brigade showed that:

> "Despite the presence of large quantities of anhydrous ammonia, corrosive liquids and an LPG bulk tank, the MFB Dangerous Goods Department has no record of an application for a fire protection report, as required by the Dangerous Goods (Storage and Handling) regulations 1989 or 2000.
>
> ….At the time of publishing this report, the MFB Dangerous Goods Department were following up the issue of non-compliance, with both Westgate Cold Stores and the Dangerous Goods Division of WorkSafe Victoria. It appears, however, that this site did not and, still does not, comply with either set of dangerous goods regulations."[i]

The AMIEU does not consider that the current situation with prosecutions being the discretion of the Authority is sufficient. The Act should be changed so that Unions have the authority to be able to prosecute to be extended to union officials similar to NSW provisions with provisions for costs to be awarded to the union (Section 106 of the NSW Act).

[i] Metropolitan Fire Brigade Investigation