

**NATIONAL OCCUPATIONAL HEALTH AND SAFETY  
COMMISSION**

**NATIONAL CONFERENCE**

**IMPROVING OCCUPATION HEALTH AND SAFETY IN**

**THE BUILDING & CONSTRUCTION INDUSTRY**

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**TRADE UNIONS AND SAFETY**

**Addressed by Andrew Ferguson**

**NSW Secretary, Construction Forestry Mining & Energy Union**

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Thank you for the opportunity to address this conference.

Firstly, I would like to congratulate Kevin Andrews the federal minister for employment and work place relations – the accommodation and amenities at the Sheraton Towers Southgate in Melbourne are much better than his non-union building sites where workers have to struggle for toilets and lunchrooms let alone evacuation procedures.

The Construction Forestry Mining Energy Union and its predecessor unions; the BWIU, OPPWF, FEDFA and BLF and other building unions have a long history of involvement in campaigns to improve occupational health and safety in the building and construction industry. We are focused not just on wages and employment conditions, but also place a high priority on improved workplace safety

In addition to efforts to educate employers and workers the building unions have sought to have enacted and strengthened legislation, regulations and code of practice. Strong laws and regulations are vital to improved safety. However, we have also sought to unionise and organise workers to have the industrial and political strength to influence workplaces and parliaments with the objective of improving safety.

When I commenced work with the Building Workers Industrial Union in 1980. I worked as a field organiser. I remember actively participating in meetings of workers to ban the use of asbestos in new construction. I remember one dispute on the Royal Prince Alfred site at Camperdown in Sydney where workers led by Casey Conway, a militant delegate of the Operative Plasterers & Plaster Workers Federation, took strike action to enforce a ban. They were taking strike action not just to protect their own safety but campaigning more broadly to protect others. The workers were also focused on the needs of hospital workers, patients and future maintenance workers.

This campaign eventually culminated in a government prohibition on the use of asbestos in new construction years later. If it was not for this active trade union campaign, the government prohibition would have taken many more years to achieve.

Building Unions have been in the forefront of campaigns to improve workplace safety. Without strong and effective building unions there would be more fatalities and serious injuries on Australian building sites.

### **The Unions Role in OH&S**

The CFMEU, and its antecedent unions and other building unions, have taken a leading role in protecting workers' health and safety and developing improved OH&S standards in the building construction industry. From the campaigns for amenities, toilets and lunch rooms on sites, from the banning of brick hods to limits on the weight of cement bags, from the banning of lead paint in 1956, to demanding compulsory safety helmets/hard hats in 1957, from bans on the use of asbestos in the early 1970's and of organo-chlorines in the 1990's; from the introduction of full-time job safety officers in 1972, to the promotion of site safety committees in more recent years – construction workers and their unions have been campaigning to make construction sites safer.

The CFMEU has trained thousands of occupational health and safety representatives in safe work practices, as well as dealing with accident prevention on site. In association with our training company COMET, we have conducted OH&S training for tens of thousands of building workers.

The CFMEU has also taken a leading role with employers, government and health and safety authorities to develop industry standards and regulations designed to reduce workplace accidents, including the national standards for tilt-up, roof edge protection and demolition. Across the country, state branches of the CFMEU have been active in developing dozens of code of practices and regulations for the industry.

Examples of other recent initiatives include:

— The Crane Safe Assessment Program: whereby all mobile cranes are subject to annual assessments by endorsed external assessors. The program is already required by law in Victoria and is being implemented across other states, with plans to extend it to all types of plant.

— Pre-cast and Tilt-Up Standards: CFMEU Safety Officers have worked successfully for the introduction of these standards. The need for these standards has been highlighted by several deaths on tilt-up jobs over past years.

— OH&S legislation: CFMEU Safety Officers have contributed substantially to the new NSW OH&S Act 2000 and Regulation 2001 and the Beattie Government review of Queensland OH&S regulations.

— A significant contribution to the NSW Government General Purpose Standing Committee Number 1 Inquiry into Serious Injury and Death in the Workplace.

Independent research in the UK has shown that unionised workplaces have 50% less accidents than non-union workplaces. A separate study found that having a workforce safety representative on site is the best way to ensure compliance and an effective response to OH&S audits and hazards. Unionised workers ensure that they have effective OH&S representatives who fight for their rights. These representatives feel confident to advocate and represent workers and not being pressurised to put profit and job security in front of workplace safety.

The Cole Royal Commission's OH&S discussion paper noted that Australian residential building, roof tiling and civil construction, have noticeably higher rates of workers compensation claims. Both sectors have considerably lower levels of union membership.

Also, many injury claims in these sectors are processed through the Medicare system rather than the workers compensation system.

The problem is, however, public policy at the present time, especially at a federal government level, is oriented towards reducing the role trade unions can play. A series of highly political attacks, culminating in the biased and discredited Cole Royal Commission into the building and construction industry, led to draconian proposals for legislative change. The Federal Government's proposal, as proposed in the *Building and Construction Industry Improvement Bill*, was to create a Federal Safety Commissioner. The Union states its view that an additional layer of public bureaucracy is not the solution to workplace safety. This is especially true of this proposal, given that it goes hand in hand with a proposal to effectively lock trade unions out of the workplace safety process, enforced by a proposed Australian Building and Construction Commissioner. This anti union agenda was recently defeated in the Australian Parliament but the Federal Government is continuing with this agenda.

As part of the Federal Government's agenda, much has been made of the abuse of safety by trade unions for industrial advantage. I regard this as a much overstated slur on the thousands of trade unionists who agitate for the safety of their fellow workers on building sites and who exercise a legitimate right to refuse to work in unsafe conditions. If safety issues are being abused by unions for industrial purposes, and I largely reject this proposition, then there are stringent remedies to deal with that under existing industrial law, through state and federal industrial relations commissions. However, for any union delegate that makes this mistake there are a hundred employers involved in substantially more abuse that leads to loss of life and serious injury.

According to the National Occupational Health and Safety Commission's *Compendium of Workers' Compensation Statistics Australia* the number of weeks lost in the construction industry through workplace injury or illness rose from 94,939 weeks in 1997-1998 to 168,655 weeks in 2000-2001, an increase in the order of 78%. The cost of workplace injuries in the industry rose over the same period from \$82,833,100 to a staggering \$190,278,000. Improving this industry means improving our health and safety record.

Construction, of its very nature, gives rise to significant hazards. Those hazards can be reduced by effective management. But the evidence that I have outlined above suggests that health and safety in this industry is not receiving that attention.

The Cole Royal Commission into the building and construction industry has done at least one useful thing in identifying the root cause of this continuing problem: a culture of cost cutting in an inherently dangerous industry has led to the widespread disregard for safe work practices.

But the Royal Commission's canvassed legislative solutions, and the resultant *Building and Construction Industry Improvement Bill*, did not attempt to resolve the problem of employer greed and cost cutting. The efforts of the Howard Government to undermine and destroy the role and relevance of the CFMEU and other building unions is a direct attack on safety standards. A strong and effective CFMEU is vital for industry safety.

What is required to maintain and improve industry safety is a package of complimentary measures that attack the cause from various directions. The CFMEU outlined its proposal to the Cole Royal Commission. Our recommendations included:

- o **More resources:** The respective state and territory governments should allocate more resources to their workplace inspectorates, including the establishment of specialist units for the construction industry and sectors such as demolition and asbestos removal where such units do not presently exist.

o **National database:** There should be established a national OH&S database for the industry administered by NOHSC or other appropriate body and funded by the Commonwealth. Each State/Territory jurisdiction should be required to report all OH&S incidents [including notices, accidents and fatalities] in the industry to that body on a regular basis.

A record should be kept as part of this database from which clients, contractors, trade unions and the public at large could obtain details of the safety record of all contractors in the industry. All information collected through such process should be made publicly available. An annual report should be prepared by that body and tabled in the Australian Parliament.

Such information could also be used by the relevant licensing bodies who should be required to take an employers safety record into account when issuing a license. Guidelines should be established for such licensing bodies to allow for “repeat offenders” to be denied the necessary license and thereby be excluded from the industry.

o **Safety plans:** Each contractor should be obliged to produce, either as part of the prequalification procedure or as part of the tender, its safety plan should be taken into account for the project and that such safety plans be taken into account in assessing the suitability of that contractor for the project. For successful tenderers, such safety plan should be made available upon request to the site safety committee and the applicable trade unions with coverage for the site.

o **Taxation Compliance:** There is widespread and growing taxation non compliance in the building and construction industry. The ATO has failed to address this crisis. Shonkey contractors who avoid tax are systematically undercutting legitimate operators which then lowers all standards including safety.

o **Immigration sanctions :** The Federal Government needs to introduce and enforce effective sanctions, penalties and prosecutions for employers who are caught using unlawful workers as cheap labour. These workers are generally forced to work in unsafe situations and are being injured and killed.

o **Penalties:** There should be a national review of OH&S laws applying in each state and territory with a view to ensuring that existing penalties, including financial/criminal sanctions, act as an adequate deterrent to poor OH&S practices.

o **Worker representation:** Each state/territory should review existing legislative provisions in respect of safety committees and safety representatives with a view to ensuring that workers rights for representation and involvement are guaranteed and that adequate and appropriate measures exist as mandatory minimum requirements.

o **Plant & equipment:** A program should be introduced nationally requiring that all plant and equipment (including tower cranes, mobile travel towers, scissor lifts, concrete pumps, hoists, pile drivers, compactors, skid steer loaders, dozers, excavators, etc), used in the industry be inspected annually, certified as safe and conforming to manufacturers specifications. The “Crane Safe” program applying to mobile cranes in Victoria could be used as a model for such a program.

o **Right of entry:** Union officials should have a national unrestricted right to enter workplaces to investigate and address complaints about OH&S issues.

o **Government contracts:** Government contracts not be let to contractors and sub-contractors with a proven track record of non-compliance with OH&S standards.

o **Industrial manslaughter:** The introduction of industrial manslaughter legislation in every jurisdiction is a necessary step to tackle reckless employers.

## **Industrial Manslaughter**

The Union campaign for industrial manslaughter laws is a campaign for justice. The fact is that in the building and construction industry, workers are regularly killed. They are ordinary workers, simply trying to earn an honest and decent living. If the sons and daughters of our politicians, the rich, media barons and all other business tycoons were being killed more would be done. The industry is dangerous, but it is also a breeding ground for irresponsible and negligent employers. In an industry such as this, there is a special responsibility to have proper regard for the health and safety of workers. The rate of death in the industry due to industrial accidents is evidence that this responsibility is not being discharged.

According to the National Occupational Health and Safety Commission, one worker dies on average every week in this industry. That is a tragic and scandalous statistic, and is proof that more needs to be done from a regulatory and public policy perspective to improve safety in the industry. Employers must be aware that if their negligent or reckless actions on building sites results in the death of a worker, then they will be held responsible, fined, and where appropriate, imprisoned.

The Union makes no apologies for this. It is time that Governments took drastic action to prevent workplace death, and punish those responsible.

### **Some Real-life Stories**

In August last year, a young 15 year old by the name of Joel Exner was on his third day of work on a building site in Eastern Creek, west of Sydney, erecting a roof on a factory. He had received no safety induction, and no training of any sort regarding working safely from a height. Australian standards require a double layered mesh to be used to prevent tools, materials, or workers, from falling through the roof to the ground below. If only a single-layer mesh is used, then a harness is required. On this site, only a single layer mesh was used, and Exner had no harness on. The mesh had been incorrectly installed. He fell from the roof to his death, hitting the ground below. The employer is currently being investigated by WorkCover NSW, with a view to prosecution.

The accident is tragically similar to a copy cat accident that occurred in 2000. On that occasion, young Dean McGoldrick had left Tamworth to come and work on a building site in Broadway in Sydney. Dean was 17 years old, and like young Joel Exner, was in his first week of work on the Broadway building site, working from a height. Like Joel, he had received no site induction, nor any safety training. He fell from the roof where he was working, to the ground below. The employer had failed to provide any perimeter scaffolding for the protection of Dean and his workmates. He died later in hospital.

The employer of Dean McGoldrick was prosecuted in the NSW Chief Industrial Magistrate's Court, and was fined \$20,000. To date, only \$1,800 of that amount has been paid. It is scandalous that an employer, found to be responsible for the workplace death of a young 17 year old, should have been fined such a pathetic amount.

The example of this particular employer getting off lightly is not an isolated example. It is not uncommon for employers to use phoenix company arrangements to avoid the consideration of their record when they are prosecuted for an OHS breach. The Federal Government has not effectively dealt with the issue of widespread tax evasion and phoenixing in the industry. This failure has a detrimental impact on industry safety.

It is clear from these examples that Australian youth, along with grown workers with families, are being killed on our building sites. As I already pointed out, Joel and Dean were only one of 50 others that died on the building sites in the years that they were killed.

The Union is convinced that the case for industrial manslaughter is clear.

Rather than spend five minutes here today, I would've preferred that Kevin Andrews the Federal Minister spend his five minutes with Sue Baxter, the mum of Joel Exner, Robyn and Tim McGoldrick, the parents of Dean McGoldrick and Norman Wano, the dad of 18 year old Selwyn Subrinsky-Wano another young building worker killed at Darlinghurst 10 years ago. Unfortunately, the minister is quarantined from the suffering and trauma of the families and friends of workers killed.

### **The ACT legislation**

Recently, the trade union movement and the families of workers killed were successful in a campaign to have industrial manslaughter legislation introduced in the Australian Capital Territory. The introduction of industrial manslaughter legislation in the ACT is a major achievement. The trade union movement now intends to campaign for the introduction of this legislation in all state and territory jurisdictions of the country.

In terms of what has been achieved with the ACT legislation, the CFMEU believes that the legislation has an important dual role.

It will have the role of deterrent to employers in this industry. The possibility of fines or even imprisonment for the worst cases of negligence or recklessness should awaken recalcitrant employers that they have very serious OH&S responsibilities. Employers benefit from the skill and hard work of their employees. They have a duty to ensure that these employees work in safe and healthy conditions.

As well as a deterrent role, the legislation will be appropriately punitive. The law treats very seriously the situation of, for example, the reckless or negligent driver, who causes the death of a pedestrian. That driver is charged with manslaughter, and if found guilty, may face imprisonment. The Union can see no reason why the workplace should be any different. If an employer, through his or her actions, negligently or recklessly causes the death of an employee within their care, then that employer should face the same level of punishment as in the example of the driver.

The Federal Government and many Liberal Party politicians are obsessed in attacking the CFMEU, irrespective of its impact on safety standards in the industry. On 13 June 2004 we had Senator John Tierney issue a press statement attacking the CFMEU in Newcastle. Senator Tierney was the Deputy Chair of the Senate Inquiry into legislation to regulate the building industry following the findings of the Cole Royal Commission. Tierney accused the CFMEU of running a smear campaign against one of his mates Michael Curren of Novocastrian Demolitions.

This company may be in the 'good books' of the Howard government for having a non-union agreement but their safety performance was appalling. Attached to this paper is extracts from a statement of a 38 year old Maori worker Darin Keeler who was injured whilst working for Tierney's mate. On 7 March Darin Keeler committed suicide penniless and starving. Seven days earlier he had seen a social worker at Mater Misericordiae Hospital in Newcastle. According to the social worker in the Emergency Department Darin had no money and when he was seen "had not eaten for the last four days". Unfortunately, anti-union bigotry has prevented Senator Tierney and many others in his government from objectively dealing with the realities of employer negligence and contempt for workplace safety.

### **Immigration Rorts**

Australian workplaces are riddled with unlawful workers. These unlawful workers include tourists and workers on visas working contrary to their visas. In addition, we have the

Department of Immigration and Multicultural and Indigenous Affairs inappropriately issuing visas to workers. There is no effective monitoring by DIMIA of employers who arrange for guest workers to work in this country. The majority engaged in the building and construction industry are underpaid and used as cheap labour. Equally important, they are vulnerable to abuse being forced to work in unsafe situations. We all remember the tragedy at Lake Cargellico several years ago when two workers were killed on that site. Mr Steve Malothane was seriously injured. This worker from a shanty town in South Africa had been issued with a 456 business visa. From day one he illegally worked on a building site as slave labour.

A Malaysian tourist (sic) Kow Chey was seriously injured on a Strathfield building site March this year and died 5 days later at Concord Hospital. This was his second visit to Australia as a 'tourist' during which he worked. Mr Chey left behind a widow and 7 children. The month before he died another 'tourist' from South Korea Mr Dong Ha Kim was seriously injured on another small non-union site in Cleveland Street, Surry Hills. This worker who spent weeks in a coma fighting for his life will never properly recover.

Last month Mr Raghavengra Ramakrishna was crushed and killed by a tonne of granite while loading a truck. His employer; Sydney Granite Wholesalers Pty Ltd had in addition to importing stone from India 'imported' guest workers. This worker was also on a 456 business visa. The performance of the Federal Government in respect of these issues is a disgrace. We have a government obsessed with refugees and border security issuing visas to guest workers to be used as cheap labour. These visa workers have no protection from the Federal Government and are being killed and maimed. In addition, we have tens of thousands of tourists working in dangerous situations. When they are caught they are deported but, there is no penalty and sanctions on the unscrupulous employers. I know of sites when the next day after an immigration raid, a new gang of unlawfully are engaged with no fear of prosecution from the Federal Government.

### **Sydney Olympics**

Unfortunately, one worker Tom Pascoe was killed. Tom, a Maori from New Zealand was killed by a pallet of bricks collapsing from scaffolding at first storey height of a villa in the Olympic Village. This fatality was one too many but contrasts with the thirteen workers already killed in Athens on Olympic construction.

The Olympic Village had a lesser degree of trade union influence than the other Sydney Olympic projects. The dog eat dog culture of the non-union housing sector is significantly different from the higher OH&S standards on highly unionised commercial construction.

The Olympic building program was one of the largest ever undertaken in this country. An estimated 8,000 workers were involved in constructing the Olympic facilities.

In late 1997 a Memorandum of Understanding for the Olympic Construction Program was signed between the Labor Council, CFMEU, other affiliates and the NSW Government. The Memorandum outlined a set of principles and understandings for 18 Olympic projects. This Memorandum was complimentary to site specific project agreements negotiated by the Labor Council and the CFMEU.

Project agreements and enterprise bargaining agreements were virtually all identical. Pattern bargaining was an integral component of the Olympic building programs success.

It was with great disappointment that the Cole Royal Commission failed to properly deal with workplace safety. I nominated a non-union site at Flemington in Western Sydney for Commissioner Gyles to visit. The site was a deathtrap. Unfortunately, the builder objected to a site visit to his site by the Royal Commissioner. Commissioner Gyles predictably refused to

press the issue and visit the site choosing instead, a highly unionised Grocon site in Sydney's Haymarket to visit where safety standards were outstanding.

In particular, the CFMEU was outraged by the failure of the Cole Royal Commission to examine the success in the construction of Sydney's Olympics. The site union delegate for the Multiplex Olympic Stadium, Mario Barrios who proudly carried the Olympic Torch for a section of its relay through Sydney, was ridiculed and attacked by Counsel Assisting the Royal Commission. There was no interest in the safety performance of the Olympic construction program.

Sydney Olympic venues were built on time and within budget. They were built with a highly unionised workforce receiving decent wages and conditions. The overwhelming majority of workers were employed under union negotiated enterprise bargaining and project agreements. Experienced and effective trade union officials, many with a reputation for militancy, organised these sites.

In the Memorandum and in enterprise and project agreements there was provision for training in occupational health and safety. Union delegates and our officials, with the support of a highly unionised workforce, ensured the training took place.

All the major contractors employed senior CFMEU union delegates on their sites. Union activists with OH&S skills and experience were active members of site based OH&S Committees. Many of these union delegates and OH&S representatives including Ante Zdrilic, Alex Melnikoff, Gary Flynn and Mario Barrios, were rank and file members of the Executive State Council of the CFMEU. They were not only active trade unionists but were committed to the Olympic building program. In the words of Tony Webb in his book 'The Collaborative Games – The Story Behind The Spectacle' *'The bottom line was that they ensured that the commitment to deliver on time and in budget was achieved safely'*.

Considerable training occurred on Olympic projects and in particular in the area of occupational health and safety. COMET Training which is a joint initiative of the CFMEU and MBA in NSW did much of the training including OH&S induction and site specific training. Many of the trainers were committed trade unionists including; Joe Owens former President of the green bans NSW Branch of the BLF.

The only one significant work stoppage on an Olympic site related to occupational health and safety. This stoppage occurred during the construction of the 12,000 seat temporary stand for the Aquatic Centre at Homebush. Workers were concerned for the safety of the structure not just for themselves but also for Olympic participants. Their action and concerns were vindicated when the design and structure of the Aquatic Centre were rectified before there was a resumption of work.

There is no doubt in my mind the Olympic Games would not have been delivered in time and within budget with outstanding occupation health and safety standards if the Federal Government had had its way successfully undermining the influence of the CFMEU. If Tony Abbott had been NSW Minister for Industrial Relations and not Jeff Shaw, the Olympics would have been an industrial battleground with restrictions on union right of entry with lower wages and more workers killed and maimed. The Olympic Games were built union and proud.

The building an construction industry needs well resourced and effective trade unions. Workers need strong unions to protect and enforce their safety needs and rights. We are not willing to be dependent on the generosity and goodwill of employers and politicians and for this we make no apology.



I did not have Secondary Employment at the time of my accident.

I came here to Newcastle in 2001. Apart from working for MR CURREN I did some training at Wickham for T & A Services as an excavator operator.

I am having trouble remembering things since my work accident.

My duties at the Newcastle Demolition Service were to attend a building site and take down the building. I would have to use power tools and concrete cutters, chain saws, 30 to 90 pound jack hammers. Put up scaffolding and take down asbestos. It was very heavy manual labouring work. You had to be very fit and alert because things are always falling and you have to keep an eye on the other workers.

I have my OH&S certificate to work on building sites. I have had a lot of experience in the industry and consider myself a safe worker.

The circumstances of the injury that I am claiming are that on 11<sup>th</sup> December, 2003 I commenced work at 7am at 33 Patrick Street, Merewether.

We were demolishing a house on that site. We were taking off the roof of the house on that day. After the roof was taken off Michael CURREN arrived at the worksite with his excavator. It is about a thirteen toner.

Michael was there to knock the walls down. He came in and knocked the front of the house in then pulled the top of the house in. He pulled a few inside walls in and he took out the right hand side wall.

He then went over and knocked over the left hand side of the house. The left side of the house fell onto the house next door. There was a disabled girl living inside this house with her carer. I believe that at this time he was rushing along too much. The outside walls should have been taken down by hand.

He was going down towards the rear wall that was still standing. I recalled my mates' workbags being up there so I asked them where their stuff was. One guy couldn't remember so I walked around the back to have a look.

Before I went to go around there I told Mick to stop the machine and I told him what I was doing. He said, "What, you're worried about \$20 bags".

I was walking back and told him that they weren't there. He carried on working the machine. I was walking away from the rear of the house and I was on the side path and there was timber in front of me, it was in front of my walking path so I grabbed it and threw it away so I could get past. I kept away from the machine in case it slipped on some of the timber that was around it. I wanted to keep a safe distance from the machine because it was moving.

I was about 15 to 20 feet away when Mick lifted up the rear timber wall.

I saw the wall start to cartwheel and was looking for my escape route. I did not want to scramble over the wood in case I slipped or even worse, it may have got me in the back. When I looked back I saw the wall cartwheel end over end and land on top of me. It only took about 5 to 10 seconds from when he started up the machine and grabbed the wall. I did not have anytime to do anything else. I put up my arm to protect myself and then bang.

I couldn't hear or feel anything. There was just a white light at first then I saw everyone looking at me and I was trying to get myself free from the fence. My safety jacket was

hooked on the fence that I was pushed over. My safety helmet that I was wearing landed on the other side of the fence. (I have still got the helmet)

I kept walking off the site and there were people watching me. Michael asked me if I was alright and I told him I was, he said, "Lucky I did not kill you, I would be in Gaol". He then got back onto his machine and carried on.

I kept working because I did not want to make a fuss. If I had stopped I would have froze up. I had a bleeding mouth and my whole head and body were numb. I think that I would have been in shock. My body then started to freeze up after that. Mick took off home after that because it had been raining, it was about 5.30pm. The accident happened between 3pm or 4pm I think. He did not offer to take me to the Hospital and told me that he would see me tomorrow.

He then took me here to my home. I had the next day off because I was really sore. I had about a week off and then a mate of mine took me to see Dr CLARKE at Mayfield. I think that was the 17/12/2003.

The Doctor sent me for XRays. When I got there they wanted money for this. I then rang the office and told the office lady what had happened. She wanted to record the accident then and I told her that it should have been done on the day of the accident.

I then had to ring Mick CURREN and he told me that I carried on working and that I was at the pub all night. He did not want to hear anything about it. He was worried about his insurance going up. The phone cut off and I did not have any money to pay for the calls.

He never rang me up or came to see me. I was laying around in agony so I went to Centrelink and told them what had happened. They then put me in touch with WorkCover. They put me in touch with QBE Insurance. I had some telephone conversations with them about the accident.

QBE arranged for me to have XRays last Thursday the 15/01/2004. They only took XRays of my spine. They did not take any of my head.

Since the injury I have had headaches constantly and some days they are worse. They are in the back of my head and right around my neck. I get sore legs and back too, however, these vary from day to day. I don't feel as lively as I used to. I am always tired and when I am sore all I can do is sleep.

I believe the accident was caused by Michael CURREN rushing around before Christmas. The day before he reversed into a car in Tudor Street. I believe that I was doing everything right. I was wearing my safety gloves, vest and hard hat.