

SUBMISSION, LABOUR HIRE LICENSING BILL 2017

Submission to: Finance and Administration Committee, Queensland Parliament

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From: Mr Andrew Lovett (made on his own behalf)

Address:

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Date: 19 June 2017

Dear Committee Members,

This submission is to raise concerns with you over the drafting of this new bill. I have appended a brief paper published on LinkedIn by Andrew C. Wood, Barrister and expert in employment law, titled "10 reasons why Queensland's new Labour Hire Licensing Bill will struggle to meet its admirable objectives". I also refer you to other publications concerning this new bill by Mr Wood.

It appears that the drafting of the new legislation oversteps its objectives by a considerable margin.

Could you please reconsider and perhaps invite an independent employment law specialist, such as Mr Wood, to address the relevant issues for your good selves.

10 reasons why Queensland's new Labour Hire Licensing Bill will struggle to meet its admirable objectives

Published on June 11, 2017



Andrew C. Wood

Barrister, Tasmanian Independence...

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Here's 10 reasons why Queensland's new *Labour Hire Licensing Bill* will struggle, if not fail altogether, to meet either of its two admirable objectives - in my opinion.

1. It is built on the foundation of a definition of "*labour hire provider*", which equates workers to commodities that can be supplied;
2. It fails to distinguish between *supply* and *use* of workers;
3. It conflates different types of workforce services within the one definition;
4. It fails to appreciate the breadth of its coverage and the magnitude of the task of creating exceptions by regulation;

5. It simultaneously fails to include workforce logistics and other significant role interfaces, where exploitation may be experienced;
6. It miscalculates both the cost of the regulatory burden it imposes on business and the resources that will be needed to enforce it;
7. It confers upon the Chief Executive a discretion to impose licence conditions that is unguided by any legislative criteria;
8. It invites costly and contentious third-party interventions into the procedures for granting licences and imposing conditions;
9. It is susceptible to being used in ways that circumvent *Fair Work Act* restrictions on matters that can be included in enterprise agreements;
10. It will impose on QCAT a responsibility to decide industrial questions that it is not equipped to handle and which lie outside its usual jurisdiction.

Andrew C. Wood, Hon FRCSA (Life)