



Speech by

## Fiona Simpson

MEMBER FOR MAROOCHYDORE

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### WORKPLACE HEALTH AND SAFETY AND OTHER ACTS AMENDMENT BILL

**Miss SIMPSON** (Maroochydore—NPA) (9.36 pm): Good workplace health and safety is absolutely essential. However, that is not the primary aim of the legislation. It is a very poorly disguised Trojan horse for the union movement to walk over the top of mum-and-dad small businesses as well as big businesses, with unrestrained access to business records that have nothing to do with workplace health and safety. Union officials, who do not have to have criminal history checks, will now be able to enter people's property and demand access to workers' records and to the workers themselves, whether or not those workers are union members.

Following the Cole royal commission of inquiry into the building industry, which exposed corruption and thuggery in the extreme ends of the union movement, clearly the extreme ends of the union movement and their mates in the Labor Party have learned nothing. Without checks and balances, power will be abused. This law will be greatly abused. There are those in the union movement who do their job with the genuine interests of the workers at heart. Others at the extreme ends love the power and have no respect for people's personal rights. Under this legislation, those people will be legalised bullies.

The legislation states that union officials may inspect any plant, substance or other thing at the workplace, observe work carried on at the workplace, speak to members, eligible members or the occupier, and inspect and/or copy documents, including employment records. Twenty-four hours notice to the employer must be given in order to inspect those records. However, as one reads on one finds that the definition of those employment records is extremely broad and—surprise, surprise—has nothing to do with workplace health and safety issues. The bill gives a definition of 'employment records' which includes records setting out the type of industrial instrument regulating the employment of worker, remuneration and other benefits, leave, superannuation contributions, termination of employment, type of employment including whether the employment is permanent, temporary, casual, full time or part time, the personal details of the worker and any other matter prescribed under a regulation.

These are not workplace health and safety issues. This legislation is really about trying to restore the power of the unions in non-unionised workplaces. The Beattie government tries to paint itself as some kind of conservative Labor government, but this legislation blows that myth out of the water. This is radical legislation. It provides hefty penalties for employers who do not comply with even minor aspects of the law but no penalties for union thugs who abuse these laws.

I make it quite clear that I know there are good union officials and that the union movement is a very important part of our democratic society, but the powers in this legislation have no checks and balances. They will be abused. There will be the extraordinary situation where employers face all the penalties and all due care and diligence but not those union officials with only three days of training who are able to gain extraordinary access to the workplace. Because while the legislation talks about them only using these powers where it is reasonable, there are no penalties for cases where they are unreasonable. As we have seen with that extraordinary royal commission, there are those extreme ends of the union movement that will abuse bad law and will also, unfortunately, break the law.

As I have mentioned previously, I am concerned that there seem to be no criminal history checks upon some of these people who will have access to businesses. I can imagine in particular women in small business having someone front up to their door and demand right of access; they would find that rather extraordinary. Regardless of gender, that is quite extraordinary.

I have some examples that I need to put on the record of people in good businesses who respect their workers, pay them well and provide good conditions who are under threat of being closed down because of that extreme end of the union movement which has abused bad law and is probably acting outside of the law. In the clothing industry the laws which were meant to protect outworkers from working in sweatshop conditions are now being turned against legitimate and good businesses that pay above-award wages, provide good conditions, but have failed to comply with a requirement to register with a board of reference. The cascade effect of that means those businesses can face up to \$20,000 in fines in the courts, even though their subcontractors are recognised by the Australian Taxation Office as subcontractors, even though the Workers Compensation Board recognises those subcontractors as subcontractors and not as employees.

What does the Textile Clothing and Footwear Union try to do? Is it worried about these subcontractors not getting good wages? If it was so worried about these people who are set up as subcontractors who are actually working for people in the clothing industry, one would think that union would try to get money to help these people. That is not the case. The evidence that I have is that, in fact, this particular union is using this small breach of the legislation—not being registered with a board of reference—to blackmail a number of very good small businesses in this state.

The consequence of that is that one businessperson I talked to who was caught in an extraordinary way—because they send shirts out to be embroidered—because of this provision, a bad provision which means that they have to be registered with this board of reference, now finds that the unions say they are outworkers, even though all these other official entities such as the Australian Taxation Office and the Workers Compensation Board recognise them as subcontractors. The union is demanding \$15,000 from that one particular business.

I know of others. The subcontractors in these circumstances are not sweatshops. There needs to be a distinction. It makes me very angry when good people who are trying to abide by the law and who are more than fair in the conditions they are applying are being blackmailed in a way which is really unconscionable and face having to close their business down. For a small business to have a union representative come in and give them a without prejudice document—which I will table—and say, 'If you do not sign this we will take you to court. You can face up to \$20,000 in fines. But if you negotiate with us, pay us \$15,000, we will withdraw that action in the courts. But that \$15,000 will not go to the workers; it will go to the union. But wait, there is more. You also have to sign a home workers code of conduct.'

That seems innocuous, but it is interesting when one starts looking at some of the details such as a payment of \$2,200. It never ends. It is a gravy train for those who are not about looking after workers but are about looking after themselves. It is being abused and that is why I think we need to be realistic in this place. There are extreme ends of the union movement which are bringing the whole union movement into disrepute. That is why there is concern that this legislation before the House is just going to be a tool in the hands of bullies who will be legalised to bully other people in a way that will attract no penalty. Having talked to these businesspeople I can tell members that they are terrified. They are good people who do not deserve that sort of thuggery, but they will see more of it under this legislation. That is not in the interests of workers. These women are going to lose that subcontract work. That is wrong and the minister should be concerned about it.

**Mr BARTON:** I rise to a point of order. This has got absolutely nothing to do with the bill and the relevant enforcement body is in fact the federal government, not the state government.

**Madam DEPUTY SPEAKER (Ms Jarratt):** Order! It is not a point of order, but I am reminded that the member should return to the contents of this bill.

**Miss SIMPSON:** It is relevant to the bill because bad laws will be abused. This legislation is bad law that does not deliver its stated aim of protecting workplace health and safety. It is about protecting unions, without any checks and balances on those powers. All institutions require checks and balances to ensure that powers are not abused and used against those who are in a less powerful position. This is relevant and, with respect to the minister, those awards are both state and federal. I am using that as an example of how bad laws will be abused. I am concerned that this legislation before the House is only going to be a tool in the hands of those more extreme ends of the movement. As I said, there are those who are doing the right thing, but bad laws will be used by those who are at the extreme end of the movement.

It is worth noting that some very mainstream employer organisations have stated their strong concern about this government's move to fast-track this legislation and the implications of this legislation. In particular these organisations have emphasised that these new powers could be misused, such as in the circumstances I have outlined, which has nothing to do with workplace health and safety issues.

There was a joint statement of the AI Group Queensland, Master Builders, the Queensland Trucking Association and the National Retail Association. They are peak bodies of employers. It is extraordinary that small business and big business is going to pay the price of this Labor government's disagreement with the federal government's industrial relations changes. This is payback legislation and the people who are going to pay most dearly are those who are the least powerful and, in this case, small businesses who do not have \$15,000 or \$20,000 or the time to put up with those who are coming into the workplace without due respect to people's rights.

This legislation is a hallmark of where this government is going wrong. It is unreasonable. It is not about real consultation with those who are going to be affected and it is certainly not about the genuine issues in relation to workplace health and safety which we believe in very strongly and which, as a previous coalition member has mentioned, the Hon. Vince Lester was a strong advocate of. In fact, I believe that he probably initiated some of that legislation. It is time that we had no more of these pieces of legislation which are Trojan horses for others with a different agenda in some sort of industrial warfare against those who are the least powerful—mums and dads in small businesses in particular—who do not have the power to seek legal redress and will not have the legal mechanisms under this very unbalanced legislation which is exposing that the heart of this Beattie government, the power behind the throne, is not those unionists who really care and have a concern for workplace health and safety but the radical unionists who will not accept that some people will choose to join unions and others will not and that is their right.