



Speech by
Marc Rowell

MEMBER FOR HINCHINBROOK

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CHILD EMPLOYMENT BILL

Mr ROWELL (Hinchinbrook—NPA) (2.38 pm): In speaking in the debate on the Child Employment Bill I would really like to recognise the contribution of young people in Queensland. They play a very significant and integral role in carrying out tasks in workplaces within the state. They fill many holes in the broad spectrum of activities. They do an excellent job. Providing an incentive for them to go on to do further work is extremely important. We do not want to see their schooling jeopardised by the desire to take home some money and have some funds in their pockets. Sometimes there are demands placed on them by their families to add funds to those of the bread winner. In rising to speak in this debate, I would like to acknowledge what the young people of this state do.

The Child Employment Bill applies to children who are under the age of 18. Under the bill there are certain requirements for children aged 17 and 18 in relation to the way they go about their work, but more importantly this bill is about children who are under the age of 16. The bill includes protection for unpaid and volunteer workers and exclusions relating to collecting donations, apprenticeships, traineeships and work experience which come under other legislation. These are extremely important components, and what young people face in the workplace is becoming more mixed and more varied all of the time. The intention of this bill is to ensure that work performed by children under the age of 16 in particular is not detrimental to their schooling or the health and safety of their physical, mental, moral and social development. To a large extent, I am in agreement with the intent of the bill. But, at the end of the day, there are requirements that have to be met in terms of younger people, and this bill is attempting to do that.

I am pleased to see the member for Moggill come into the chamber, because some time ago he presented a bill which had very close connotations to this bill. In 2004 he introduced the Industrial Relations (Minimum Employment Age) Amendment Bill. I do not think that there is a great deal of variation between the two bills, but at the time the government voted down that bill. It is a pity that politics are being played with regard to young people, their future employment opportunities and regulations that require that they are not being unduly or unfairly treated. These regulations are designed to ensure that their school activities are kept up to speed and that they are not required to do jobs that are far too onerous for them.

The bill's regulations prescribe the type of work, hours and work conditions that the businesses have to comply with. The bill also includes the entertainment industry. This is of more concern to the younger age group—for example, children who are as young as six. The regulations ensure that they are not brought into a situation which could compromise their future. Parental consent is required for school-age children—that is, children 16 and younger. The bill also prohibits employment when they are required at school. That is acceptable to the opposition. The chief executive officer of the Department of Industrial Relations has to approve the child's date of birth, the details and hours required at school, the name of the employer and the consent of the parent. I was very concerned about this proposal, and they were issues that I raised with ministerial staff in the green paper. However, my concerns have been put to bed to a large extent in that the form will be quite simple.

Anybody who wants to employ a person who is under the age of 16 will be able to send this form off to the parent of the young employee. The parent will fill the form out and that form will be returned to the employer. The form will identify the types of issues we have spoken about—the date of birth and so on—

and will also verify that the young employee has to comply with the requirements of school, detailing the hours of school with the consent of the parent. However, I do have concerns about this. Sometimes when an employee is required to do it quickly—and I know this is the case with tax file numbers and the forms that have to be filled out—it takes a lot longer than one would hope to get that information back. One can give the form to the young employee and tell them to take it home to their parents but sometimes it can take a week before that form comes back. In the interim, the employer is in breach of the act if he does not have a signature from the parent of the young employee.

Of course, there are other issues such as a special circumstance certificates where a child is living independently of their own parents or does not have a parent. What happens then is that the chief executive officer of the Department of Industrial Relations has to approve the child to work where it will not interfere with their schooling. That might be an even more convoluted process compared to the parental consent process. Very often job opportunities could be denied to people if we cannot find some simple mechanism to get around this particular problem. If we find that there are difficulties with getting these forms back and employers are in breach of their requirements, hopefully we will develop some other mechanisms to ensure that we find a solution to the problem.

There are also work limitation notices. The chief executive can issue work limitation notices on the grounds that the work will not interfere with the child's schooling or is harmful to their health or interferes with the safety of their physical, mental, moral and social development. That is fine, but there can be some slight infringements in these areas. If we get very specific and put it into legislation, unfortunately we will get to a point sometimes where people can be denied a job opportunity because of a work limitation notice that can be put together by the chief executive of the Department of Industrial Relations.

The bill generally, as I have said, is being supported by the opposition. There are inspectors. The cost of these inspectors is unknown, but it will be an additional cost burden that the department will, I assume, have to recoup. Under the IR Act, there will be a range of powers dealing with the seizure of evidence. There is no limitation on who may commence the proceedings, and that is also of some concern. It is like a third-party endorsement almost. The industrial relations department can issue a special circumstances certificate relaxing restrictions on the specific child's case when the primary issue in this legislation is taken into account. That does give room to compromise when a difficult situation develops relating to the employment of a young person under the age of 16.

I turn now to extended unpaid leave for parents with children at school. It appears that this legislation has been turned into an omnibus bill as we have a part 7 amendment to the Industrial Relations Act. There are some minor changes. It is of some concern that these acts have been mixed together, and I am sure that other speakers from the coalition side will be raising these issues. Just how much can be afforded by employers? It is important that problems associated with people who need additional time and leave are addressed, but very often that can be coordinated between the employer and employee. It is of some concern that we have this thrown into the Child Employment Bill.

I want to raise some issues that came out of the *Alert Digest* from the Scrutiny of Legislation Committee. The *Alert Digest* says that the committee refers to parliament the question of whether committing such large sums of the operative provisions of clause 9 to regulations is, in all circumstances, an appropriate delegation of legal power.

We have had an indication of what is intended, but certainly a raft of regulations will be introduced in accordance with what is intended by the introduction of this bill. The *Alert Digest* stated further—

The committee draws to the attention of Parliament the fact that the maximum level of penalty provided exceeds that favoured by the committee.

I know that the ministerial staff say that the penalties contained in this legislation are consistent with those contained in other industrial relations legislation and that a financial penalty is always an encumbrance on those people who unfortunately breach provisions contained in legislation. However, I believe that the penalty imposed by this legislation is out of step with the activity that would be considered to be in breach of the legislation.

In general, the opposition does not have any major concerns about the legislation. In some instances—and I do not say in all—it gives employers confidence, because under this legislation they will have a piece of paper from parents that says, 'The child is under the age of 16. We give our consent. The things that we are concerned about will be addressed' and so on. But in those instances where large numbers of short-term employees are required, for a person to gain employment it could take a longer time than is desirable to obtain parental consent and a special circumstances certificate. That may not necessarily be the fault of the employer; it could be more to do with operational issues, particularly in relation to certain areas of Queensland. I am aware that sometimes it takes employers a long time to get information to the parents and to then receive consent from them.

Generally, I support the legislation. There are a number of issues of concern which I am sure other members of the coalition will raise in their contributions. With those words, in principle I commend the legislation the House.