




Speech by

Jo-Ann Miller

MEMBER FOR BUNDAMBA

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PENALTIES AND SENTENCES AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs MILLER** (Bundamba—ALP) (8.11 pm): Thank you, Mr Deputy Speaker. Remarkable. I would like to speak now on the Penalties and Sentences and Other Legislation Amendment Bill 2012. This is a complex, piecemeal and haphazard bill which seeks to amend a number of different pieces of legislation. The major components of the bill include the 10 per cent increase in the penalty unit, the introduction of an offender levy for individuals using the court system, amendments to the Civil Proceedings Act 2011 to expand the definition of a 'relationship' to include a 'registered relationship' and to allow for the automatic recovery of overpayments to Queensland Health and hospital employees. There are also some minor and technical amendments which affect the rules of the Land and Children's courts, commissions of inquiry and sundry legislation.

It is important that fines are reflective of the general cost of living in the community. Fines act as both a disincentive to any wrongdoing and also punishment once wrongdoing has occurred. If fines are too low relative to income, their deterrent effect is significantly diminished. The last time the standard penalty unit was increased was in 2008 and before that it had not been increased for nine years. The standard penalty unit is not indexed to inflation and therefore it needs to be increased by legislation to ensure it continues to keep pace with inflation. I support the increase in the penalty unit, noting that the \$10 or 10 per cent increase is roughly in line with inflation over the 3½ years since the last increase.

I am pleased to add my support to this change and note what a difference a few years make. When the previous government increased the penalty unit, which had not changed in almost a decade, I ask: who opposed it? It was the member for Southern Downs, the then Leader of the Opposition, who fought tooth and nail against it and so did every other member of the LNP in this House. The member for Southern Downs called it 'nothing more than an effort to gouge money from Queenslanders' and the Treasurer called it a 'grab for cash'. It must be nice to have such a short memory, never having to stick by your previous statements. Blatant hypocrisy is fast becoming a major hallmark of this LNP 'can't-do' government.

I support this element of the legislation. It is reasonable and fair to adjust the penalty unit from time to time. I just think it is incredibly important to keep the government accountable and to point out how far they have moved from their position in less than four short years.

I now turn to parts of the bill concerning health overpayment recoveries. Health employees have been singled out in these amendments, with provisions relating to the recovery of overpayments to them that are not applicable to any other workers in Australia. This is highly unfair. I acknowledge that workers have already suffered with the introduction of the new payroll system. It is unfair to punish them because of this. Everyone expects that overpayments have to be repaid. I certainly expect that. No-one would argue that Queensland Health has no right to recover overpayments from staff. What we have here is an argument with the manner in which it is being done under this bill.

In his explanatory speech the Attorney-General spoke of overpayments which continued to be generated at an average rate of \$1.7 million every fortnight. The vast majority of this amount is not through any fault in the payroll system but due to changes in rostering and absences of workers which occur too late in the pay cycle for them to be factored into the payroll for that fortnight. I would ask and respectfully request—but never bow to—the Attorney-General to please clarify in his speech in reply exactly how much of his quoted \$1.7 million is attributable to late roster changes and absences so that we can have a clearer picture of the scope of the ongoing problem. So tell us, Attorney-General, what the real story is.

I understand there will be a change made to the pay date of health employees so that this will occur 10 days after the work period instead of the current three days. This change was in fact announced by former minister Wilson in December last year after extensive consultation with the unions that represent health workers. This change should give a much greater degree of accuracy in the calculation of appropriate pays for the actual work undertaken during the period. Given this measure, wouldn't it be better to wait until we see how that works and how much of a problem then exists before taking such a heavy-handed legislative sledgehammer to crack not a walnut but an almond?

Legislation is not required. The health workers unions and health workers themselves have been acting in good faith in all negotiations in relation to the Health payroll. The previous government spent a lot of time and energy in negotiating acceptable conditions for the recovery of overpayments. It is disingenuous of the government to seek to go behind those negotiations with the heavy hand of legislation just because you currently have a large majority in the House. But I tell you what: it is going to go down next time. This smacks of arrogance from you lot over there and we have come to expect that from this government but also the government's anti-worker, anti-union—

Mr DEPUTY SPEAKER: Member for Bundamba, would you please address your comments to the chair. Thank you so much.

Mrs MILLER: I would be delighted to, Mr Deputy Speaker. But we have also come to expect the anti-worker and anti-union sentiments of the government and in particular the Attorney-General. I do not make this allegation lightly. The government has acted diabolically in respect of public sector workers in this state. The arbitrary sacking of workers and the changing of redundancy conditions in the new directive are a slap in the face to the hardworking people who serve the government and the state in what can sometimes be very trying circumstances.

The amendments contained in the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill 2012 are another prime example of this bias. It is no coincidence that this was the second bill debated and passed in this 54th Parliament. The amendments offend on many other fronts as well. By allowing automatic recovery from workers' pay, this bill reverses the onus of responsibility and requires workers to prove they do not owe the money. There is a reason why employers have not been able to withhold workers' pay in such a unilateral way under Queensland industrial law, and that is that it is open to abuse. That is why this principle should always be protected.

The other issue with the way in which deductions can be made is the fact that not only wages can be attacked. Queensland Health or any other employer can automatically recover up to 25 per cent of 'an amount otherwise payable at the time'. This includes allowances or any other payment that is employment related, not just wages. This is another way in which health workers are being singled out for particularly draconian treatment.

The deal being negotiated between the previous government and the unions was for a smaller proportion of the wage to be taken in repayments. It provided for a sliding scale of 10 per cent to 15 per cent depending on the salary earned by the worker and it was to be implemented by way of a change to the award, not through legislation or unilateral action. This bill means that if a hospital cleaner or a wardie or a nurse is taking their annual leave not only will up to 25 per cent be allowed to be deducted from their wages for the period but the employer can also access 25 per cent of their leave loading. Mr Deputy Speaker, dear or dear!

The employment transition loans will be available to assist employees disadvantaged because of their change to the roster period and pay date. Again, this was a good idea and former minister Wilson's December media release clearly indicated that this was proposed by the previous government.

There will apparently be a directive issued in relation to early repayments, but again this is very unclear. This bill is lacking in that there is no mention of if or how any interest might be charged on the loan. So I ask the Attorney-General: will the minister assure the House that the silence on this matter means that there will be no interest payable? Everything needs to be upfront and open in this matter.

I would like to place on the record that tonight I received a message from Gary Bullock, the state secretary of a great union, United Voice. He advised us of the effect of another declaration—which is that all employment security will be abolished in hospitals and schools. So the people of Queensland should take note: this government is going to contract out the provisions that are in the enterprise bargaining

agreements so that health professionals face losing their jobs as services, like cleaning, get contracted out. United Voice has a campaign that started tonight called Our Jobs Not For Tender. So shame on you over there. Shame on the lot of you. You are a disgrace to Queensland. You are the job pimps of Queensland. And you, Premier, are the job pimp of Queensland for being in charge of it. You are a disgrace.