Speech By

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WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

Mr JANETZKI (Toowoomba South—LNP) (12.44 pm), continuing: I rise to conclude my contribution to the debate which I commenced yesterday. I will focus on one aspect that is relatively uncommon in the broader debate, and that is the proposed reinstatement of the codes of practice to full legislative status under this bill. That would be a return to the Workplace Health and Safety Act 1995 and the position of recognising these particular codes of practice as legislative status.

The bill provides that these safety measures referred to in the various codes are mandatory unless the business can display equal or better measures that are either in place or working on being in place. That entails the imposition of a reverse onus of proof. We know that Labor governments love a reverse onus of proof. They have a long history and I reflect particularly on vegetation management. They love to reverse the onus of proof wherever they can. It took an LNP government last term to address some of these problems in an act that overturned a whole range of other personal liabilities that would accrue to directors of businesses and companies. It also addressed and amended 89 acts in this Queensland jurisdiction that reversed the onus of proof. It is concerning to see that a reverse onus of proof has now been reintroduced with these codes of practice.

I am also concerned about the independent ACTU union official that conducted this review, Tim Lyons. He reflected his opinion in the review—although it has not been reflected in the bill at this stage—that in 2018 at the COAG review Queensland should be advocating for the reversal of the onus of proof in prosecutions. That should concern all businesses. It is chilling to think that next year we are going to see more reverse onus of proof arguments put forward at COAG representing Queensland.

I would like to reflect briefly on the impacts of these particular bills on the business community. I spoke a little bit about it in my contribution yesterday. The CCIQ have spoken about this. In their best guess the imposition of these rules will not in any way, shape or form improve health and safety outcomes in Queensland, will not see an improvement in health and safety culture, and will not address the issue at hand, which is fatalities. It was addressed purely for rank political purposes. Businesses will again cop it in the neck because they are forced to go back to square one and revisit all their health and safety obligations. There has been no drive for this whatsoever from the business community. Every proponent and every submitter to the committee said that this is unnecessary, except the trade unions of course. We now have a $1 billion imposition on the heads of business to make this work. As I reflected yesterday, we are asking questions as to why this legislation is necessary. The business community of Queensland are the ones who are left with long-lasting questions. They have to go back to square one.

One of the questions they will be asking is this: what is our liability under this act? It is going to be untested. It is unclear. There are discrepancies in definitions—between ‘senior officers’ in this act and ‘officers’ in another. It is completely unworkable and it is completely unclear as to how this will work. The most concerning part is about where it ends in the management chain. Where does this end? We

have seen various jurisdictions introduce these laws. In the ACT, the officers who will be caught by these laws are officers under the section 9 definition in the Corporations Act, which will be a secretary, a director or a person capable of making decisions that influence the organisation.

There is no clear way forward here. Businesses that have just come to terms with the 2011 amendments will now need to go back to square one and reconsider these issues all over again. That will be a cost to business and there will be no discernible improvement in the health and safety environment for Queensland workers. It will simply be a cost and an imposition on businesses.

All businesses should be chilled by these new laws. They are not being introduced to work harder for Queensland workers; they are being introduced as a payback of debt for the CFMEU donations to the Labor Party. We have been here and we heard about it again today throughout question time. I do not think this Labor government will stop with this. They have this track record now of bill after bill after bill. In the last sitting week, we saw a bill on the labour hire movement. In this sitting week, we have this particular bill. I do not think the Labor Party will stop until they have managed to choke up Queensland businesses with union-demanding legislation. They will not just be choking workplaces. Labor will not be satisfied until they have choked up middle management and every boardroom in Queensland. That will be a cost to Queensland taxpayers and Queensland businesses. This House should be rightly alarmed. I urge the House to reject the bill.