




Speech By
Ray Stevens

MEMBER FOR MERMAID BEACH

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WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL

 **Mr STEVENS** (Mermaid Beach—LNP) (5.22 pm): Before I start, I would like to say how well you suit the Speaker's chair, Mr Deputy Speaker Elmes. I look forward to your generous rulings in relation to my speech. It should come as little surprise that I rise to speak against this blatantly self-serving, union-building legislation which has come about following abysmal circumstances in October 2016. Let me begin by stating that I and all of the other LNP members of the committee agree that workplace health and safety is a shared responsibility between everyone. We further share a belief in the dignity of work and the right of all workers to go to work each day and come home safely to their families at the end of every shift. That position is not negotiable.

What the non-government members of the committee believe—contrary to the suggestions by the chairman of the committee—is that this legislation will not help to stop in any way whatsoever industrial deaths in the workplace. We are saying clearly that this legislation is for one purpose only and that one purpose is to put more union muscle into the negotiations between employers and employees. The legislation in the proposed bill does not address workers safety in a practical manner. Instead, it delivers another patently union-serving piece of legislation designed to appease the Palaszczuk Labor government's union support base prior to the upcoming and yet to be announced election. Members can take it from the horse's mouth right here and now that the election will be on 2 December. All members of the House should get ready and get their running shoes on. The Leader of the House offered me 10 to one on that, and I am happy to take that up.

I am astounded that this faulty legislation has been presented without major revisions. Submissions received during the consultation period from the Queensland Law Society and the Bar Association of Queensland registered serious concerns with the proposed industrial manslaughter offences. Specifically, the Queensland Law Society noted—

The Society is extremely concerned that the proposed provisions ... do not provide any defences to the charge. This is a serious defect in the drafting of these provisions.

I might add, as the minister referred to, that because of the sub judice laws we cannot talk about the prosecutions that are currently going on through the law courts and the appropriate channels. Both the Law Society and the Bar Association agree that that is the best way to address these serious fractions of workplace health and safety.

When we consider the above concerns in conjunction with additional submissions that highlight the existence of a sufficient existing legislative framework, such as the manslaughter provisions in the Criminal Code and the offences and penalties regime contained in the Work Health and Safety Act 2011—and the shadow minister referred to just about every other submitter other than the union representatives who were there en masse to present to the committee—we are left with the understanding that the Palaszczuk Labor government's development and delivery of this bill is yet another lemming-like adherence to the marching orders of their union overlords to the detriment of everyday Queenslanders. We have heard the shadow minister talk before about the debt that is owed

by members opposite to the union members who campaigned physically on their behalf at their booths. We have all seen that on many occasions, and we have seen the register of large donations from the union movement so that they could take their place in—

Mr Harper interjected.

Mr STEVENS: I have plenty and they are all on the register. I take the interjection from the member for what is that place in Townsville that One Nation is campaigning in? I think it is Thuringowa, yes.

The reality is that all of the members on that side of the House owe their existence in this parliament to these union people who are promoting this legislation as a Trojan Horse answer to the horrible problem of industrial deaths. It is not the answer at all and it will not assist in any way, shape or form to address deaths in the workplace. Unfortunately, they are using the sentiment, the sadness and the grief of people who have been affected by that horrible thing of a death in the workplace to promote themselves. It is a disgusting practice to use that sort of *raison d'être* to promote their own interests, increase union pressure in the workplace and make sure that more union representatives are appointed through the employer organisations and that union members get preference over non-union members in the workplace.

We all know that union numbers are falling, but they are the tactics they are resorting to in order to keep the union movement relevant, powerful and stocked up with a lot of money so they can support these little lemmings in the House here every three years, and soon to be four years. They want to make sure they have their power in the workplace to enforce their wonderfully well-paid positions in the union movement. For everyday Queenslanders—

Mr Power interjected.

Mr STEVENS: I take the interjection from the member for Logan. It is not about the workers. It is about the executives of the union movement who are living it up on the fees from union members. In many cases they are short-changing them a la the Bill Shorten method: making sure they get paid less on Sundays than other workers did previously.

For everyday Queenslanders who have already suffered a terrible, devastating loss of a family member, partner or friend due to a workplace incident, this bill will provide no real or tangible answers. This was admitted by the union representatives present at the hearing and the proponents of this bill's introduction. They admit that industrial deaths will not be prevented by the introduction of this ham-fisted regulation. I suggest that it is more likely that the Palaszczuk Labor government's union mates would find opportunities to threaten and coerce employers through union instigated prosecutions to force more union representatives and union affiliated employees onto employers. It is clear in my mind that the Palaszczuk Labor government is adopting this 'sledgehammer to crack a walnut' approach to ensconce union affiliation and union power in the workplace despite the likely job-threatening additional business costs.

I asked representatives from the Chamber of Commerce & Industry Queensland, the CCIQ, who represent about 60,000 employer groups and about 250,000 employees, to quantify that. The departmental officers could not quantify any costs in relation to the implementation of this legislation, so I asked the CCIQ: what will be the economic impact of this bill? The answer came back from the CCIQ, an independent body that the Labor Party referred to on many occasions when in opposition, as the shadow minister referred to. The CCIQ estimates that this bill will cost all businesses \$1.125 billion in the first year of implementation with ongoing costs of \$540 million. That is \$1,125 million in costs associated with this bill and the regulation and the red tape that will go with it. The CCIQ, an independent body, has advised what this will cost Queensland. In other words, this is job-killing legislation again from the Labor Party and the minister is overseeing this terrible legislation that has come into the House. The CCIQ have estimated the economic damage that will be caused by this bill and the red tape and all the associated matters that will be put in place to deal with this industrial manslaughter legislation will be equivalent to half the damage caused by Tropical Cyclone Debbie. That is the economic effect of this bill on Queensland.

Indeed, during the consultation period the vast majority of submitters not only deplored the need and efficaciousness of this bill but also noted at length less costly outcomes such as improvements to areas including the training and education of workplace health and safety inspectors and the delivery of more education, safety and compliance campaigns which the minister could implement out of her budget. Further, I note for the benefit of the House that a similar law—this is not new—was introduced in the ACT in 2004 with the same intent, the same Labor rule. It is yet to see a single successful prosecution. Therefore, the successful utilisation of the felony of industrial manslaughter is a

jurisprudence concept that is pure conjecture and speculation in its practical implementation in Queensland. I note the presence of one of the eminent barristers of Queensland: the Clerk of the Parliament. The fact is that the Queensland Bar Association said that any prosecutions under this particular legislation will be very, very difficult to implement.

I remind the House that the current Work Health and Safety Act 2011 was implemented as part of a national harmonisation process, a process in which all jurisdictions in Australia, except Western Australia and Victoria, have implemented the model workplace health and safety legislation with only minor variations to allow for consistency with jurisdictional requirements. That means this is a complete walk away from that national accord, if you like, in terms of making workplace health and safety a national issue to be addressed for all of those companies that work right across the nation and that come into Queensland to do business. Queensland's own WHS Act specifically references that a balanced and nationally consistent framework securing the health and safety of workers is its main objective. This is not a national piece of legislation. This is a thought bubble by this particular union owned Palaszczuk government just to appease the unions coming into a very, very tight election period. Implementing this legislation would therefore break with the harmonisation, likely negatively impacting Queensland enterprises. I again reference the CCIQ's submission, which states—

Creating disharmony about obligations, entrenching a clear delineation between employers and everyone else moves away from the goal of shared responsibility for safety, risks creating a blame culture and is very unlikely to improve occupational health and safety outcomes ...

It is fair to say that the best practice review undertaken by the so-called independent Mr Tim Lyons would likely have a pro-union basis as he is a former ACTU vice secretary of many years. Saying that he is an independent reviewer is like Dracula saying he was only a nurse at the blood bank. It is unbelievable that a serious government and a serious minister can stand up and say that a former ACTU representative, lobbyist and mover and shaker in the movement can be classed as an independent reviewer and make these recommendations for this legislation to have effect in Queensland but not in all of the other states.

The 21 legislation based recommendations, 19 of which are undertaken in the proposed bill before us today, are not only in favour of the unions but bludgeon through a union agenda to the detriment of good legislature, and this becomes more obvious when considering the amendments within the bill. These amendments are not limited to the Work Health and Safety Act 2011 or the industrial manslaughter offence but also include suggestions for mirror amendments to the Electrical Safety Act and Safety in Recreational Water Activities Act 2011 through establishing an unnecessary independent statutory office for work health and safety prosecutions—another job for a union mate I am sure. This is unnecessary as the existing Workplace Health and Safety Queensland office could simply establish a separate prosecution division within its bounds now rather than providing another example of the Palaszczuk Labor government's typical fiscal ineptitude, not to mention the concerns surrounding the proposed workplace health and safety prosecutor's powers, which are unlimited and unfettered with inadequate checks and balances. They are not subject to the same checks and balances as other prosecuting bodies. A further superfluous and, as described in a submission, irrational amendment to remove the current internal review process for workplace health and safety disputes, contained within the issue resolution amendments, showcases yet again that the proposed changes by the Palaszczuk Labor government in this unpalatable bill will only undermine good workplace health and safety practices.

In short, this bill is nothing more than a further attempt by the Palaszczuk Labor government and its lemming-like ministers to shore up union power in the face of falling membership while creating more burdens for Queensland businesses and their hardworking employees.