




Speech By
Stephen Bennett

MEMBER FOR BURNETT

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LABOUR HIRE LICENSING BILL

 **Mr BENNETT** (Burnett—LNP) (10.24 pm): In addressing the Labour Hire Licensing Bill, I will be confining my contribution to the horticultural and agricultural sector. The bill is an overreach, particularly in the mining and construction sector. We saw so many submissions to the committee. I will address my objections to this, but I will outline solutions without imposing this heavy-handed proposal in front of us.

I find the exploitation of seasonal agricultural workers completely unacceptable, as do many in our regional areas who talk to workers, hear or witness what can and does happen. I get bitterly disappointed by reports that rogue operators have exploited farm workers under the seasonal worker programs or other labour hire arrangements. We receive many submissions and representations into my office reiterating that something needs to be done to stem the alleged exploitation of predominantly backpackers. Members will recall that I have spoken many times on this subject in this House.

There are different types of arrangements that need to be explored, like being a strong supporter of the Seasonal Worker Programme because it is designed to deliver a win-win for farmers and seasonal workers from Pacific nations. We have many seasonal workers in my region, like on citrus farms, picking fruit and vegetables. These predominately Pacific islanders provide a wonderful contribution to the farming sector and local communities, whether it be in sport or local churches. The Seasonal Worker Programme, when operating correctly, delivers reliable harvest labour for Australian growers and economic opportunities for people from developing nations in the South Pacific.

The reports that the committee heard point to a small number of rogue labour hire companies failing to meet their obligations within the program to properly treat and pay workers. These issues can be addressed without this offensive bill that is poorly drafted and full of unintended consequences. These reports further raise serious evidence about whether the government's enforcement agencies are sufficiently resourced to monitor and police the program and able to bring dodgy operators to justice within a reasonable time frame.

The issue is that we have the legislation and we have great farmers achieving amazing results, but we need more enforcement agencies on the ground. All agencies are to blame, including the federal agency. My request is the agencies establish permanent bases in areas with large numbers of seasonal workers and backpackers, like Bundaberg, the Lockyer Valley, Bowen et cetera, to adequately deal with these issues. We do not need more legislation or regulations.

In their submission to the committee inquiry Growcom, Queensland's peak grower group, stressed that there is no place in the Australian horticulture industry for anyone who seeks to wilfully exploit workers or contravene the good intentions and economic outcomes designed to flow from the Seasonal Worker Programme. The Seasonal Worker Programme has been highly successful, with many workers returning year after year to the same farms where they have established strong, positive working relationships with growers and local communities.

To become an approved employer within the Seasonal Worker Programme, farm businesses or labour hire companies must complete a rigorous review and assessment process by the Australian government. Through federal professional development programs, such as the Fair Farms Initiative, peak bodies have strongly emphasised that growers must comply with the fair work laws at all times and have an important role to play in ensuring that those working on their farms are both treated and paid appropriately. This includes situations where workers are supplied to the farm through a labour hire company.

This issue has been a regular inclusion at training days, field days and in all peak body newsletters. The recommendation to growers is that they follow due diligence to ensure they are using a reputable company and follow this up with further checks directly with their workers. However, let us not be naïve. In instances where workers are being coerced into silence and labour hire companies are deliberately obscuring information, it is very difficult for growers to be sure that workers are receiving their proper entitlements. In these cases, we must be confident that the monitoring, compliance and enforcement mechanisms are being fulfilled at a government level, especially the federal government level.

I remind growers in my region that if they suspect that there may be a breach they must report it to the Fair Work Commission. I remind growers and labour hire operators that we all need to respect and follow the existing requirements, such as: check the labour hire company's business credentials, for example, an ABN; ensure robust labour hire contractor agreements are in place between the farm business and the contractor, which sets out who is responsible for what; do the appropriate checks to ensure the labour hire company has not been prosecuted by the Fair Work Ombudsman for not complying with workplace laws; review workplace practices on a regular basis—schedule time to check in with contractors and their employees regularly to ensure they are complying with workplace laws; ask for evidence of pay slips provided to employees; check that all employees know their pay rate; check that all employees know which award they are employed under; ask for evidence of superannuation payments and an up-to-date WorkCover policy; and ask for evidence of visa checks to ensure all employees have the right to work in Australia. These are existing laws that provide some coverage and confidence to our industry. It is clear to many and concerns are being expressed about the high level of inconsistency that the bill has with fundamental legislative principles. The bill breaches the Legislative Standards Act 1992 in sections 4(4)(a), 4(3)(d), 4(3)(e) and 4(2)(a).

I stress that labour hire does not present any unique challenges that existing legislation could not deal with, and any increased intervention will have a significant negative effect on the sector. What I am hearing is that any additional regulations or intervention is not welcome for businesses, such as family farms already suffering under government compliance and many regulations such as workplace health and safety, workplace relations and many other requirements that just add costs.

We know that having any key parts of legislation prescribed by regulations, and that change regularly without oversight, poses an inappropriate use of power without reason. This is unworkable. In a major overreach of the bill—the proposed search and seizure powers without a warrant—we need to reflect on how serious this proposal is. It is at odds with the Legislative Standards Act. We know that these types of powers should only be awarded by a warrant by a judge, as is appropriate. What is being proposed is to allow inspectors to enter property without consent or a warrant. Can you imagine what such a delegation of power will mean for some organisations in Queensland? What will this mean to farming families? This proposal is open to interpretation and abuse on so many levels.

When the Queensland Labor government proposes legislation that is a long way from the national standards, it should ring alarm bells. This standalone state scheme will, as reported, make us unattractive to business and investment. This is an attack on our sovereign risk. We should be working on removing legal burdens from our small businesses—those mum-and-dad farms that need our assistance—not adding more with a big stick approach. This proposed bill will significantly increase red tape for these small businesses such as the extensive application process, as well as six-monthly reporting obligations, and those yearly renewals will further add to the workload of many time poor businesses.

I have struggled with the third-party reviews. I note concerns about the erosion of natural justice and procedural fairness. Can you imagine legislation that allows a third party who has an external interest to interfere in legal proceedings? This is defined in section 93(3).

There will be politically motivated groups who will take great advantage as they inject their organisations into legal activities, even if not invited or welcomed by the main proponents. This is a disgraceful abuse. These activities could shut down exports and trading opportunities and delay operations and production. This will have a serious effect on jobs and our local economy.

Whilst evidence of the presence of some dodgy operators in the labour hire industry is well known, this overreach approach to overcome the small number of undesirable operators in the industry through complicated and unnecessary legislation is both overkill and a political excuse to seek greater union participation in the labour hire industry. There is no certainty that these rogue operators will be captured by this legislation—something that we heard time and time again and was confirmed by departmental officers during the committee process. Allocating more funding to policing existing Fair Work inspectors would undoubtedly achieve greater results than this legislation in eradicating dodgy operators under current national laws.