




Speech By
Ann Leahy

MEMBER FOR WARREGO

Record of Proceedings, 9 September 2020

CRIMINAL CODE AND OTHER LEGISLATION (WAGE THEFT) AMENDMENT BILL

 **Ms LEAHY** (Warrego—LNP) (2.15 pm): I rise to contribute to the Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020. The objectives of the bill are to implement the underlying policy intent of the recommendations made in the committee's report entitled *A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland* that was tabled on 16 November 2018. The two recommendations of the report that require legislative amendments are as follows: recommendation 8, a simple, quick and low-cost wage recovery process for workers; and recommendation 15, the criminalisation of wage theft. I thank committee members from both sides of the House for their report as well as the many submitters who commented on the bill. There were some 27 submissions and I will come to them later in my contribution. In general, employee representatives were supportive of the bill while most of the employer representatives did not support the changes.

I wish to make it clear that the LNP believe that workers deserve to get paid for the work they do. No-one wants to see workers being ripped off. This has never been more important given that a record number of Queenslanders are on the jobless queue. At 8.8 per cent, Queensland has the worst unemployment rate in the nation. Even prior to COVID, under the Palaszczuk Labor government Queensland had the nation's highest unemployment, the most bankruptcies and the lowest business confidence. Anastacia Palaszczuk was the last Premier to announce an economic stimulus package and the first and only Premier to cancel her budget—which we still have not seen and this is our second-last sitting day. No budget means that Labor is flying blind through the biggest economic crisis in almost a century.

Queensland also continues to have the highest youth unemployment rate in the nation and the most long-term unemployed. It is clear that Labor just is not working for Queenslanders. It was highlighted in the parliamentary committee inquiry on the issue of wage theft that the Palaszczuk Labor government has attempted to use this issue to undermine the federal industrial relations system. We see that when we get into the submissions.

With the committee report, the LNP attempted to include workers and contractors under the direct control of the Queensland government. I am sure that past and present workers of Sunwater are interested in this because they have been inadvertently underpaid. I am sure the Health workers impacted by Labor's Health payroll debacle would be interested in this as well. The Palaszczuk Labor government voted down sensible amendments that would have compelled the inquiry to investigate Labor's ongoing Health payroll debacle as well as the underpayment of security guards and other contractors at the Commonwealth Games and the use of contractors in the Public Service—an issue which has constantly been raised by the Together union.

I will outline some concerns raised by the various industry groups. In particular, the Chamber of Commerce & Industry Queensland stated that in their experience—

... an overwhelming majority of compliance cases are due to genuine and inadvertent errors in the payment of wages and other entitlements stemming from the inherent complexities of the workplace relations system.

It is difficult for employers. I often get phone calls from employers who ask, 'How do we work this out?' When they are in a remote area, they do not have a group to go to and they have to rely on that telephone support to make sure their workers are paid correctly. Many businesses want to make sure they get it right. The Chamber of Commerce & Industry Queensland continued—

Simply criminalising wage underpayment will not address the systemic difficulties within the workplace relations landscape and reduce the incidence of wage underpayments.

The Local Government Association of Queensland were not opposed to the legislation. They said they had no objections to the criminalisation of wage theft where that theft is caused by deliberate, wilful and systemic acts by unscrupulous employers, and they were generally supportive of any proposal to simplify processes for correcting wrongs. They claim there needs to be greater definition of wage theft because the award structure they operate under is complex, confusing and can be challenging to administer. In some cases, depending on the nature of the businesses that are operating or what they are responsible for, they could be administering various different awards.

The Australian Industry Group advised that the existing regulatory system provides an appropriate framework for addressing underpayment of employees' remuneration and applies appropriate sanctions to the small minority—and I think we should say that: the small minority—of employers who deliberately underpay their staff. Most of them do the right thing.

Mr Krause interjected.

Ms LEAHY: I take that interjection from the member for Scenic Rim. The arguments against introducing legislation exposing employers to criminal penalties for underpayment are even more compelling in the present economic circumstances where it is essential that no barriers are imposed on investment and employment. They stated that as the Commonwealth government's JobSeeker scheme is gradually phased out, the unemployment rate is likely to increase as employees currently working zero hours are included in the figure. In such an economic climate it would be inappropriate to introduce legislation that would further discourage employers from engaging more staff.

We read today allegations on the front page of the *Courier-Mail* that leaked emails have exposed that JobKeeper payments for a former staffer and Queensland Greens candidate for Clayfield were funnelled into the Maiwar Greens campaign account. Maybe the Labor government should be investigating the alleged wage theft in the Queensland Greens rather than increasing—

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Stewart): Order, members.

Ms LEAHY: Thank for your protection, Mr Deputy Speaker. Maybe the Labor government should be investigating the alleged wage theft in the Queensland Greens rather than increasing the complexity and compliance for Queensland businesses. I doubt we will see—

Honourable members interjected.

Mr DEPUTY SPEAKER: Order, members.

Ms LEAHY: I doubt we will see this Labor government investigate the Greens party's alleged wage theft complaint so close to an election; it might upset the preference flows. I also want to make mention of some instances of wage theft we have seen firsthand. I have here an article from the *Sydney Morning Herald* which says—

Mr Millar interjected.

Mr DEPUTY SPEAKER: Member for Gregory.

Ms LEAHY:—'Bill Shorten's AWU 'sold out' workers for \$300,000'. We have seen wage theft firsthand and, unfortunately, this has come from Bill Shorten.