




Speech By  
**Hon. Grace Grace**

**MEMBER FOR MCCONNEL**

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Record of Proceedings, 21 May 2020

**JUSTICE AND OTHER LEGISLATION (COVID-19 EMERGENCY RESPONSE)  
AMENDMENT BILL**

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (12.49 pm): I rise in support of this bill. In particular, I will be addressing the amendments to the portable long service leave legislation. It amends the Building and Construction Industry (Portable Long Service Leave) Act 1991. We are in unprecedented times and there is a lot of hardship out there. In relation to the debates that we have been having in this House, it would have been nice to have had a debate last night if the opposition really wanted to talk about the border issue instead of debating a motion based on bogus integrity issues. I recall one of them being that the member for Thuringowa had a spat with the *Townsville Bulletin*. That was a really big integrity issue! Instead of spending the hour debating exactly what they want to debate, they come in here and they move a motion on some bogus integrity matters. Then we have the member for Caloundra get up here and start to discuss how we need to debate these issues. They squander an hour talking about absolute rubbish.

**Mr DEPUTY SPEAKER** (Mr Weir): Member for McConnel, that debate was last night. We are on the COVID bill now and I ask you to come back to it.

**Ms GRACE:** Mr Deputy Speaker, with all due respect, I was responding to the member for Caloundra who raised the issue of the border closure throughout the whole of his speech.

**Mr DEPUTY SPEAKER:** Member for McConnel, I gave you leeway to do that. Now I ask you to come back to the bill.

**Ms GRACE:** Thank you, Mr Deputy Speaker. The Palaszczuk government is committed to providing economic support for Queensland workers and their families suffering financial distress as a result of the COVID-19 global health pandemic. Queensland has two portable long service leave schemes—a building and construction industry scheme, which is administered by the Building and Construction Industry (Portable Long Service Leave) Act, and the contract cleaning industry which is administered by the Contract Cleaning Industry (Portable Long Service Leave) Act 2005. These portable long service leave schemes allow registered workers to accumulate long service leave entitlements based upon their continuous service in an industry rather than with a single employer because of the high migration within an industry of those workers—contract cleaners and construction workers. These schemes are vitally important for workers in industries in which there is a high level of workforce mobility. They ensure that these workers do not miss out on the key entitlement of long service leave which they did before these schemes were introduced.

The bill introduces temporary amendments to the Building and Construction Industry (Portable Long Service Leave) Act and the Contract Cleaning Industry (Portable Long Service Leave) Act 2005. The amendments would allow registered workers under these schemes with at least five years service to apply for payment of all or part of their long service leave entitlement if they are experiencing financial hardship due to COVID-19 emergencies.

We are in unprecedented times. Allowing this to occur is unprecedented, but we understand the hardship that some workers may be going through. We do not propose that this becomes a precedent; it is only for these unprecedented times. Ordinarily, registered workers under these schemes would not be able to apply for their pro rata long service entitlements until they had reached 10 years or equivalent service, recorded under their respective industry scheme.

The amendments are beneficial in that they are intended to provide easier access to accrued long service leave where members are suffering hardship as a result of the COVID-19 emergency. There are no impacts if members do not seek access to their long service leave. They will just continue as normal.

These changes have been advocated for, and have broad-ranging support from, the building and construction industry portable long service leave board, the contract cleaning board and industry stakeholders, including employers. I thank the MBA. I have had excellent discussions with representatives of the board from the MBA, union representatives representing the industry and workers as well.

The board will also work up the criteria—can we call it the rules—for early access. There will be appeal rights in that. For example, details are included in this bill about how an affected registered worker makes application for payment for their entitlement. It also provides details of the approval process. The authority will be able to consider the different circumstances of the affected registered workers and review and appeals rights will apply. Details of their entitlements and calculation of the payment of long service leave will be included, along with the criteria to be met under the application and how a worker goes about applying.

Workers who are eligible to receive a financial hardship payment may make a claim if they wish to do so. Accessing portable long service leave on financial hardship grounds will reduce a worker's long service leave balance by the amount they elect to access, if approved. Workers under these schemes will continue to accrue service credits for any eligible work they perform.

Individuals should consider their circumstances prior to making a claim. Workers are encouraged to seek independent financial advice regarding their personal taxation obligations arising from accessing portable long service leave entitlements under these financial hardship provisions and also under ordinary circumstances. To be well aware of exactly what they are applying for and how it may affect them is always a good thing to do in these very difficult times.

Take the example of Frank, who works on a large construction site. There have been no shutdowns at the site and Frank has continued with his employment during the COVID-19 pandemic. Frank's partner has been stood down from her role in another industry. Hopefully, she will be able to claim the JobKeeper allowance, but their household income has reduced by more than 30 per cent. They have three children. Frank goes to the QLeave website to lodge a claim for long service leave but his claim is denied because he only has seven years service. With the change in this legislation for financial hardship cases, if Frank qualifies with the criteria, he will be able to use the entitlements he has accrued to claim a long service leave payment. The supplementary income could be used to support his family during this time. Whether it is Frank or Frankie, he or she will be able to make application in that way to help them as workers through this pandemic.

These changes are supported broadly and I am very proud to be bringing them forward for the first time since they have been set up in these unprecedented world economic times.

The descriptions of circumstances under which the amendments will apply are not exhaustive and are to provide instructive guidance only without limiting any further advice or directions from the Chief Health Officer in respect of the COVID-19 emergency. If we need to extend or otherwise, it will be dependent on the Chief Health Officer. Further, the amendments have been based on similar provisions included in the COVID-19 Emergency Response Act 2020.

The schemes will be able to deal with applications flexibly in light of the range of circumstances which might affect individuals and their households. Review and appeal rights would apply. That is fairly important. If someone is experiencing hardship and they feel that they should be entitled to it, the board is very keen to ensure that this is a facilitative provision rather than an exclusive provision. If there are issues where someone feels they have been wrongly denied, then those appeal rights will be built into the process.

The provision, very importantly—because we do not want this to be a precedent—expires on 31 December 2020. There will be transitional provisions for applications not decided or payments not finalised before the state, which is only fair. If you get your application in and it has not been decided upon or finalised, you will be able to have a transitional provision to have that work through.

Importantly, the proposed changes do not provide any additional entitlement to workers under these schemes but rather they simply allow for earlier eligibility to pro rata entitlements on financial hardship grounds. As I said, there will be strict criteria in relation to that. Queensland workers and their families have been hit hard by the crisis. We, as a Labor government, will always do what we can to ensure economic support.

These legislative amendments are considered reasonable and necessary to support workers and their families in these challenging and unprecedented times. We want to make sure that no-one is in financial hardship. As with some who are accessing superannuation, JobKeeper and others, and businesses have access to grants and a number of economic supports that the government has put in place, we wanted to make sure that workers and their families were not inhibited in accessing rights that they may otherwise not have had but will not impact on them in the long term.

I fully support this amendment. The cabinet was very happy to do this. I commend the bill to the House.