



Speech By
Jarrold Bleijie

MEMBER FOR KAWANA

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**CRIMINAL CODE AND OTHER LEGISLATION (WAGE THEFT) AMENDMENT
BILL**

Mr BLEIJIE (Kawana—LNP) (11.45 am): Let me start where the minister finished. She was advising the honourable member for Pumicestone that she should get some qualifications in industrial relations. Is the minister suggesting she should go and get a masters from Harvard perhaps, or would she be suggesting she gets some little 15-minute industrial relations trade union qualification and then pass it off as a masters? Is that what the minister is suggesting?

Ms GRACE: Mr Deputy Speaker, I rise to a point of order. I was pulled up for relevance and I ask the same in relation to the member—relevance.

Mr DEPUTY SPEAKER: Member for Kawana and Minister, I have allowed a bit of leeway in this debate, but I think we are straying way outside of leeway, out towards Pluto somewhere. Please come back to the terms of the bill.

Mr BLEIJIE: Almost two years ago the government completed an inquiry into issues around wage theft in Queensland. Now this minister would have us believe it is all the federal government's fault. Considering the minister wants to talk about who has been sitting on their hands, I ask: what has the minister been doing for five years while she has been the industrial relations minister? The explanatory notes state—

In the Report, the Committee handed down 17 recommendations to combat wage theft, of which six were for the Queensland Government to action, including two recommendations that require legislative amendments.

The objective of the Bill—

as outlined by the minister—

is to implement the underlying policy intent of Recommendation 8 (Simple, quick and low-cost wage recovery process for workers) and Recommendation 15 (Criminalisation of wage theft) of the Report.

From the outset I want to state clearly the LNP believe that no worker deserves to not get paid for work they do. They all deserve the proper wage entitlements that they are allowed under their particular job conditions and the award. No-one wants to see any worker being ripped off, and Queensland families deserve the financial security and the dignity of work, including nurses who were ripped off by the Labor government under the health payroll debacle years ago.

Mr DEPUTY SPEAKER: Member, that word is unparliamentary. I ask you to withdraw.

Mr BLEIJIE: I withdraw. The minister talked about the review and the inquiry that the government undertook. I recall the debate in the House at the time about that particular inquiry. I remember the LNP moved an amendment to the motion to set up that inquiry that resulted in this legislation. We moved an amendment that if the committee were serious about looking into wage theft then they should look at the health payroll debacle, and the government voted against that amendment. If we want to be serious and look at all wage theft, how about we look at all wage theft including that of the Queensland government regarding Queensland public servants.

Ms Grace: Get serious.

Mr BLEIJIE: I am serious. The minister interjects 'get serious'. I am, because the Queensland Health payroll debacle—

Mr DEPUTY SPEAKER: Minister, you have made your contribution. The member for Kawana now has the call.

Mr BLEIJIE: It is a serious matter. Thousands of nurses across Queensland were not paid and we moved an amendment to the motion regarding this inquiry to have that issue looked at. They were still receiving debt collection letters into this term of government—during the last five years. In her contribution, the minister talked about the inquiry that was set up—and I do remember the debate—but she cannot have it all her way. She cannot sit in here and say it is okay for her to talk about the inquiry but we cannot talk about the amendment we wanted to move to her inquiry, because that is what happened: those opposite voted against looking into the Queensland government's dereliction of duty in terms of nurses' payroll.

Who could forget the recent situation involving the Commonwealth Games? They did not pay the security guards for the Commonwealth Games. Then the security guards brought action against the Queensland government to recover money that the Queensland government did not pay. This minister would have us believe that it is all the fault of the private sector's bad businesses and small businesses, yet the Labor government does not even pay its own employees. The first issue was the Health payroll debacle under Labor; it is still an issue to this day. Then they did not pay the security guards at the Commonwealth Games. More recently, they voted in this House to freeze the pay of these hardworking public servants that they now defend. Let us get serious, as the minister asked, and have a proper debate about all the issues. One cannot have a debate about these issues without looking at Labor's history in this regard—and it is poor.

This has never been more important given that, in terms of job security, a record number of Queenslanders are now on the jobless queue. At 8.8 per cent, under the Palaszczuk Labor government Queensland has the worst unemployment rate in the nation. We said at the time of the parliamentary inquiry that it was just a political stunt prior to the 2019 federal election. The fact that it has taken almost two years for these changes to come before the parliament proves that fact. As highlighted in the parliamentary committee inquiry into the issue of wage theft, the Palaszczuk Labor government attempted to use this issue to undermine the federal industrial relations system. As we said in the statement of reservation, the LNP attempted to include workers and contractors under direct control of the Queensland government. The Palaszczuk government voted down those sensible amendments that would have compelled the inquiry to investigate the ongoing Health payroll debacle, the underpayment of security guards and other contractors at the Commonwealth Games and the use of contractors in the Public Service—an issue, I might add, that has been consistently raised by the Together union.

This bill is more window-dressing from a desperate government that has lost touch with its traditional base, highlighted by the shockingly low primary vote at the last federal election for the Labor Party. I never thought I would agree with comments of the CFMMEU or of Michael Ravbar. Members who know me know that that is strong coming from me! I never thought I would see the day that I would say that, but recently—

Mr Nicholls: Maybe just repeat that?

Mr BLEIJIE: I will. Recently Michael Ravbar hit the nail on the head with his scathing assessment of the Palaszczuk Labor government failing to stand up for Queensland workers. In announcing the CFMMEU was withdrawing from Labor's Left faction, he said that it had become a protection racket for dud politicians like the member for South Brisbane. He said—

The leadership vacuum in the left has seen a once powerful voice for working Queenslanders atrophy to the point where today it is little more than a creche for party hacks ... The left factional leadership have consistently devoted far more energy to internal intrigues and power plays than driving policy platform that reflects both socially and economically progressive values.

In the process, the faction has become little more than a protection racket for dud members such as Jackie Trad, who as former deputy bears much of the blame for the failure to look after workers' interests even on major public projects such as Cross River Rail.

What about the amount of government advertising we see at the moment? I see a lot of CFMMEU advertising against Minister for State Development, Kate Jones, at the moment as well. Finally he said—

Quite simply, the so-called left faction is now merely an impotent and self-serving echo chamber for a cabal of Peel Street elite who have totally lost touch with their working class roots.

The Minister for Industrial Relations would have us believe today that Labor is the party for the workers—not according to the CFMMEU. It has also pulled their funding. In a media interview Michael Ravbar also said—

The Labor government has been walking away from its working class roots, ignoring the issues that affect the mining industry ... (and) construction workers and their families.

We're concerned the Labor party is focused on the inner-city elite, and not actually governing for all of Queensland ... we're not going to be a part of it.

Ms LINARD: Mr Deputy Speaker, I rise to a point of order. Knowing this bill in depth, I really question how this is relevant to what we are debating in this bill. I ask you to rule on relevance.

Mr BLEIJIE: On the point of order, the long title amends the Industrial Relations Act. The CFMMEU is a registered organisation in Queensland. In response to the member's point of order, I put it to you, Mr Deputy Speaker, that talking of industrial organisations, as the minister did in her contribution, is within the long title of the bill.

Mr DEPUTY SPEAKER (Mr McArdle): Member for Kawana, I just caution you not to stray from the long title of the bill or the content of the committee report and recommendations contained therein.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. While this minister might huff and puff and proclaim that Labor is the only party that will stand up for workers, I simply refer to the comments of her union comrades in the CFMMEU.

It should be remembered that the Bligh Labor government referred significant elements of our private industrial relations jurisdiction to the Commonwealth in 2009, as has been mentioned by the minister, a move the LNP opposed at the time. I was at the regional parliament. That bill was moved by current Treasurer Cameron Dick and supported by Premier Anastacia Palaszczuk and the Minister for Industrial Relations, Grace Grace. Apart from tuckshop workers, local government employees and Queensland government sector employees, they referred all industrial relations powers to the Commonwealth—

Ms Grace: No, you are wrong.

Mr BLEIJIE: The minister just said that in her contribution. In the industrial relations section—

Ms Grace interjected.

Mr DEPUTY SPEAKER: Minister, this is the last occasion. If you have a concern about the member's contribution, please write to the Speaker on this issue.

Mr BLEIJIE: Thank you. I quote from *Hansard* and the contribution of the current Minister for Industrial Relations in 2009. She said—

The national industrial relations system will provide Queensland employees with continuing decent wages and employment conditions. Workers have nothing to fear. The ability of Fair Work Australia to issue remedial take-home pay orders will ensure no employee suffers a loss of wages when moving to a modern award.

...

In conclusion, this bill strikes, in my view, the balance in establishing a national IR system but respects state rights at the same time. It is in the best interests of workers and business.

Now this minister will have us forget that she said that? Seriously! She says that I was misrepresenting. In 2009 she said 'a national IR system but respects state rights at the same time. It is in the best interests of workers and business.' The Labor government referred industrial relations power to the Commonwealth.

Ms Grace: Wrong.

Mr BLEIJIE: I take the interjection. It was her speech.

Ms Grace: It was a small percentage of what was left over.

Mr BLEIJIE: I take the interjection—'a small percentage of the industrial relations system'.

Mr DEPUTY SPEAKER: Minister, this is the final time. I will put you on a warning next time.

Mr BLEIJIE: The minister said to the member for Pumicestone that she might need a lesson in industrial relations. Maybe we should send the minister up to *Hansard* and get her to read her own comments from 2009. She did say in the interjection that a small part of the industrial relations system was referred. It was the entire private sector industrial relations bar tuckshop workers, local government employees and the Public Service. Every person working for a company or for a small business in Queensland is under an award under the federal industrial relations system. That is what they did back in 2009.

An honourable member: Just a small part.

Mr BLEIJIE: I take the interjection. 'Just a small part' the minister said, but it was not. It was quite a large part in that every award, bar the three I mentioned, is covered by federal industrial relations. In fact, the minister said in her contribution that she blames the federal government for not acting and that that is why this parliament is considering wage theft legislation.

I note that the government is a little concerned and that the current Treasurer, the member for Woodridge, is concerned, because when I have raised these issues of industrial relations—he was the minister who introduced the bill to refer private sector industrial relations powers to the federal government—he basically denies it as well as this minister. He is living in denial that the Labor government referred the powers and now it is regretting referring the powers and is trying to fix these issues. There are current laws in place and we have read stories where companies have been found guilty by federal government prosecutors of not paying their employees' entitlements.

Mr Nicholls: Fair Work Australia.

Mr BLEIJIE: Yes, Fair Work Australia. There have been big cases before Fair Work Commission, such as one involving a celebrity chef from *MasterChef*. All of these issues have been found out and they have been prosecuted by Fair Work Australia. I cannot accept the minister saying that nothing is happening at the federal level because the laws in place which Labor transferred because its Labor federal government wanted it to at the time—I think Rudd was the prime minister—

Mr Nicholls: First time around—Rudd and Swan.

Mr BLEIJIE: I take the interjection from the honourable member for Clayfield—Rudd and Swanny. They were the ones who wanted their Labor mates to transfer the powers and their Labor mates in Queensland did transfer those powers. In 2009 the minister's position was that everything will be fine under a national system, which the LNP opposed, and now she wants to attack the federal government because her friends are no longer the federal government. That is the reality. If it was a Labor federal government, she would still be spruiking how good the national IR system is. In fact, who could forget that it was Bill Shorten, the then industrial relations minister, who appointed all of the members to the Fair Work Commission to start with? They then whinged about members of the Fair Work Commission doing their job when in fact it was Labor that appointed the first Fair Work Commission anyway.

In relation to this bill, there are a wide range of criticisms from business groups, unions and legal stakeholders. Stakeholders raised concerns about the constitutionality of the new laws, the impact of complex award conditions on small businesses and the current state of the economy, whether conciliation needs to be compulsory as a low-cost option for mediating disputes between employers and workers, and the duplication in terms of provisions under the Fair Work Act and the Fair Work Ombudsman. Other stakeholders also opposed the introduction of criminal sanctions for a civil matter, which is the case at the moment. We note the comments from the department that—

The Queensland Government is confident about the validity of the provisions having regard to existing Commonwealth laws. If the Commonwealth introduces wage theft criminal laws, that will be a matter for the Government to consider at that time, having regard to the specific nature of the reforms and drafting of relevant provisions.

To provide certainty to businesses and workers, the minister should advise this parliament whether Crown Law advice was obtained in relation to the constitutional validity of these new laws and, if so, the advice should be publicly released. Crown Law advice has been released in this place for proper and open, transparent debate so that members can fully participate in the debate knowing that some of the stakeholders to the committee raised the issue of the validity of the said laws. I call on the minister to table that Crown Law advice to show that she, firstly, in fact sought the advice from Crown Law and, secondly—

Ms Grace interjected.

Mr BLEIJIE: You are the only minister who has moved 300 amendments to her own piece of legislation—

Ms Grace interjected.

Mr DEPUTY SPEAKER (Mr Kelly): Order, members! Comments will come through the chair and squabbling across the chamber will cease.

Mr BLEIJIE: My apologies, Mr Deputy Speaker. In considering all of the submissions to the wage theft bill, when this inquiry was first announced two years ago by the minister, the government was looking at a separate offence under the Criminal Code which did concern me greatly. I now note that it has proceeded with an amendment to the definition of 'stealing' under the Criminal Code. That does relieve some of the concerns I had with respect to it being a completely separate offence and the Labor government administering that. However, in saying that, I note that the government is proceeding in amending the Criminal Code under the stealing offence by adding a subcategory of wage theft. The

minister has confirmed that the government will be reviewing these provisions in six months. That is also acknowledged and appreciated because there is a lot of concern in the business community. I note that the National Retail Association put in a good submission, as did the CCIQ, with respect to this issue. In their submissions they say that there are civil laws in place that can deal with such matters but clearly the Queensland government considers that not to be the case, hence why it is introducing this amendment. I do believe that the review in six months would be good because there is quite a lot of concern in the business community.

I note that the minister has also indicated that it is not the intention to catch any businesses that are not deliberately doing the wrong thing. Many small business owners wake up every morning and worry about how they are going to open their business doors, particularly in this current climate, and put food on the table for their families. The last thing they need to be worrying about are the criminal penalties applicable because they may have made an honest mistake with respect to their employment conditions.

Mr Nicholls interjected.

Mr BLEIJIE: Yes. I take the interjection from the member for Clayfield. In its submission the CCIQ noted that having an award under the IR system is not just a simple process. It is incredibly complex. They are confusing. My own daughter has recently just changed jobs and she is now working in a pet shop which does not sell live animals; it believes in Adopt, Don't Shop—#adoptdontshop, which I always support. She has just gone through the whole process of looking up the awards for pay and conditions. It is incredibly confusing for businesses and for young people getting jobs—I note that the minister mentioned the hospitality industry in particular—but we do not want to get into a situation where honest mistakes by businesspeople mean that they are sent to jail. I note that the minister has indicated that that is not the intention of these laws, hence why the stealing offence that the government is amending puts in the word 'intentionally'. If people are deliberately doing the wrong thing, they should be held accountable to the laws. They are currently, I believe, satisfactorily being held to account. In the media we have seen cases of companies that have done the wrong thing and are being prosecuted through the federal bodies.

As I said earlier, the bill implements two of the six recommendations from the wage theft inquiry held almost two years ago. I ask the minister to provide in her response and throughout the debate an update on the other four recommendations that were for the state government to action as a result of that inquiry but are not contained in this bill. As I said, the review is a good idea, even though obviously we have an election on 31 October. I can say to the stakeholders who submitted to the inquiry that although the LNP is expressing real concern about the fundamentals of this legislation in terms of where it came from we will not block its passage today in the House on the basis that there will be a review of these laws in six months time. The government needs to work with the CCIQ, the National Retail Association, the unions and the bodies that submitted to the inquiry because, once the laws pass—and I note the minister said that the offence of stealing will be introduced upon assent by the Governor—we will be carefully watching to ensure that small businesses and businesses that are not intentionally doing the wrong thing are not caught up and prosecuted for these offences, because everyone can make mistakes. Even the Treasurer said that yesterday. Everyone can make mistakes.

Business is incredibly complex. The stress of business at the moment under the coronavirus restrictions is still applicable. It is incredibly difficult for business in Queensland and across Australia at the moment and this adds another level of challenge or worry for businesses. Some 99.9 per cent of businesses in Queensland do the right thing and they want to be doing the right thing but, as I have indicated, the industrial relations system at the federal level is still so complex for a lot of small businesses to get their heads around.

The Chamber of Commerce and Industry Queensland indicated in its submission that it acknowledges that people do make honest mistakes and we do not want to see those people prosecuted for those honest mistakes. Businesses have struggled. We are hearing stories of businesses like builders—and there are some on the Sunshine Coast—that cannot get their workers to site because of the restrictions in place with respect to coronavirus and they cannot sign off on houses in New South Wales. This is causing real issues for Queenslanders.

We need every job we can get in Queensland. The building community, which has businesses and builders interstate, cannot get site workers because of the border restrictions and the quarantine that is required after that. We need to help these people. I have written to the health minister.

Mr DEPUTY SPEAKER (Mr Kelly): You are straying a bit from the long title. I will bring you back to the long title.

Mr BLEIJIE: The LNP will not be opposing these changes. The fundamental point remains that Queensland workers are not best served by the Palaszczuk Labor government whose members only care about their own jobs. We will watch this bill. We will work with the stakeholders in this six-month

review to identify if there are any changes that are required. We will listen with open ears to what the business community is saying. Businesses are suffering at the moment. We have seen an unemployment rate of over eight per cent. We have seen 72,000 people out of work. More will be out of work under the Palaszczuk Labor government. Business needs all the support it can get in Queensland and it will not get it from a Labor government. It will get support from an LNP government.