




Speech By
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MEMBER FOR NUDGE

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CRIMINAL CODE AND OTHER LEGISLATION (WAGE THEFT) AMENDMENT BILL

 **Ms LINARD** (Nudgee—ALP) (12.10 pm): I will start my remarks on this bill as I did in 2018 when tabling our committee's report into wage theft, because it was that report and its recommendations that are the genesis of the bill we are debating today: a fair day's pay for a fair day's work is an ideal deeply rooted in Australia's labour history and egalitarian values. To most it is an indisputable right that a worker is fairly and duly remunerated in accordance with their effort and the law. To most, but not to all. It is for that cohort, and only that cohort, of employers who intentionally exploit their workers for financial gain that much of this bill is directed. Not the ones who make genuine mistakes in regard to the calculation of allowances or pay rates and who fix that error in good faith as soon as it is identified.

The LNP opposition, through both of our inquiries, has consistently tried to muddy the waters in that regard. We are not talking about honest mistakes. This bill is for that cohort of employers who not only treat workers unfairly, by intentionally robbing them of their duly earned entitlements, but equally rob honest employers of a level playing field in the business. They undercut those businesses doing the right thing and create human misery for their employees.

In 2018 our committee inquiry received evidence from more than 100 witnesses and 360 survey respondents—Queenslanders wanting to tell their story of wage theft. Our report revealed that wage theft is costing Queensland workers over a billion dollars in lost wages and over a billion dollars in lost superannuation every year. Combined with an estimated \$100 million reduction in consumer spending and \$60 million in lost tax revenue, the overall economic loss could amount to almost \$2.5 billion stripped from the Queensland economy every year. These are not just numbers, these are real Queenslanders and Queensland families who are going without what they are duly entitled to, what they earned through the oldest of relationships between servant and master, worker and boss, where a worker's time—and there is nothing more precious—and their labour are given in exchange for the wages to which they are entitled. It takes both parties to that relationship to hold up their end of the bargain.

As part of our initial inquiry report we made 17 recommendations, six relating to the Queensland government, of which two required legislative change. Both are addressed in this bill: firstly, in respect of introducing a simple and low-cost wage recovery process for workers who have fallen victim to wage theft; and, secondly, by introducing a criminal offence for those engaging in intentional and deliberate wage theft. We have acted because that is what Labor governments do: they act where there is injustice to level the playing field; they stand for jobs and for workers and for a fair go. While the Minister for Industrial Relations, Grace Grace, and our government act decisively on wage theft, the federal government obfuscates. At the federal level the other 11 recommendations we made to improve the plight of workers in this state have been received with radio silence, as have been successive Senate, Productivity Commission and academic reports and recommendations into wage theft in this country.

What our committee heard over and over again in our initial inquiry is that affected workers feel powerless to reclaim their lost wages and entitlements and have been largely left alone to do so by an underresourced federal regulatory system. Workers are left alone in most cases to try to conciliate with employers to recoup their entitlements. Again I draw the distinction between that and cases of genuine error that are resolved between employer and employee respectfully. That is not what this bill is about.

The stories we heard publicly during the inquiry were heartbreaking. The ones we heard in private hearings often worse. Many of the most exploited workers are vulnerable, young, migrant workers or single parents who really need that job. Leaving workers who are already in an unequal power relationship to have to negotiate with the very employer who has withheld their legal entitlements or a percentage of it or docked their pay for customers not paying their bill or for accidental breakages on the job or the like is as fair, to my mind, as asking an employer to negotiate with an employee for the return of money or goods intentionally stolen from the till or their business. But that does not happen because an employee who intentionally steals from their place of business commits theft and is held to account under the criminal law of this state, and rightly so. An employee who is intentionally stolen from is asked to work it out themselves, to negotiate for some usually lesser sum than that which they are owed. That is not fair and that is not justice and that is not the employment relationship I want my two boys to experience when they enter the world of work.

Where there is a dispute over a worker's entitlements there should be a simple and low-cost recovery process available to assist. Where there is deliberate and intentional theft of a worker's entitlements—and intentionally and deliberately withholding something known to be legally owed to another is theft—there should be an appropriate deterrent and punishment and that deterrent and punishment should apply equally whether the dishonest party is the employee or employer. Theft is theft. To quote the Minister for Industrial Relations, this bill is for all Queensland workers who have fallen victim to wage theft and unpaid or underpayment of wages. It is a bill about stepping in where a state and federal LNP government never will to protect and provide for Queensland workers. I commend the bill to the House.