




Speech By  
**Brent Mickelberg**

**MEMBER FOR BUDERIM**

---

Record of Proceedings, 20 March 2024

### **WORK HEALTH SAFETY AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr MICKELBERG** (Buderim—LNP) (3.56 pm): I rise to address the Work Health and Safety and Other Legislation Amendment Bill 2023. This bill purportedly seeks to give effect to the Queensland government's response to recommendations from the *Review of the Work Health and Safety Act 2011: final report 2022* and particular recommendations from the 2018 review of the model work health and safety laws, the Boland review. However, ultimately, this is a bill that is designed to entrench Labor's patrons, the union movement, and make it more difficult for workers to be represented.

The LNP do not agree that the Work Health and Safety and Other Legislation Amendment Bill should be passed. We do not agree it should be passed because we do not agree that the bill seeks to advance the safety of workers. I am sure that all members of the House would recognise that the safety of workers, at work and at home, should be paramount. However, this bill seeks to address union influence and not the safety of workers. The Labor government says that this bill seeks to implement necessary reforms that strengthen worker representation in relation to work health and safety, but the truth is that this actually takes away workers' ability to advance their own interests and to have advocacy of their choosing on workplace health and safety matters. This bill seeks to restrict the ability of workers to choose who advocates on their behalf.

Specifically, the bill seeks to legislatively establish a monopoly for a single predetermined union as the sole entity that is allowed to represent or assist workers on health and safety matters in the workplace. It also legislatively creates new right-of-entry powers that enable a predesignated union to enter workplaces and intrude upon workplace health and safety matters irrespective—and this is the key point—of the wishes of the workers involved. It begs the question: why has the government brought this legislation into the House?

I highlight a point that the member for Southern Downs made, which was that those opposite are hopelessly conflicted on this issue. They do not pretend to be anything other than the union movement. The Labor Party is the union movement. Every single member opposite owes their existence in this House to a union—every single one.

**Mr Saunders:** Hear, hear!

**Mr MICKELBERG:** I hear the 'hear, hear' from the member for Maryborough.

**Mr Saunders:** Very proud.

**Mr MICKELBERG:** 'A proud union thug', I think he was quoted as saying in the past.

**Mr DEPUTY SPEAKER** (Mr Martin): Order, members!

**Mr MICKELBERG:** We will get onto some union thugs a bit later on. This bill is clearly designed to entrench union power. This is about union influence and union power; this is not about workplace health and safety. This bill seeks to broaden the rollout of employee health and safety representatives on job sites and to mandate time frames for their establishment. Those health and safety representatives will be able to receive copies of enforcement notices. They will be advised if a workplace health and safety entry permit holder is onsite and advised of any incident notifications made to the

regulator. They will also be able to direct workers to cease work if there is a serious hazard. They will be entitled to earn the equivalent wage while they are attending training—training that in many cases will be delivered by RTOs owned by the union movement, which will funnel funds back to the Labor Party.

Given that many workers do not work a standard 38-hour week, those health and safety representatives will also be entitled to any overtime, penalties or allowances that they would have been entitled to had they been on the site. If it is a 24/7 worksite, they will be entitled to that overtime as well. If a health and safety representative reasonably believes that a person is contravening or has contravened the Work Health and Safety Act in circumstances that make it likely the contravention will continue or be repeated, section 90 allows the health and safety representative to issue a provisional improvement notice, a PIN, requiring the person to remedy the contravention. They will be able to choose their training without the need to consult the employer. I wonder: why would they want to be able to do that? Disputes around time off or reasonable costs will require mediation involving an inspector or the Industrial Relations Commission.

As I said, this bill will allow any relevant union—I will not go over the points made by the member for Southern Downs—to act as a representative of workers even if that union does not have any workers onsite who identify as members of that union. This is clearly a nod to the CFMEU and its ongoing turf war with the AWU. We know that those opposite owe the AWU a great debt, but we also know that members opposite, such as the member for Bancroft, are card-carrying members of the CFMEU. They are hopelessly conflicted on this issue. This will only seek to incentivise parties to take matters to the Industrial Relations Commission rather than to resolve them at the lowest level. This will not advance the workplace health and safety rights of workers; this will make it more difficult for employers and employees to work together for the betterment of safety of employees.

The bill also prevents companies taking out insurance to protect themselves and their officers from the liability of paying penalties for noncompliance with workplace health and safety laws. I heard the member for Stafford earlier proclaiming that this was a great thing, but I wonder if he would consider that professional indemnity insurance for a nurse, a lawyer or any of those other occupations which are necessarily risky, which may necessarily expose the worker to a liability, is something we should also do away with. I would suggest it is not. I would suggest that it is an important measure to protect those who work in those industries. If you support that argument, surely you should support the right of employers and of their officers to ensure they can protect their liability through insurance. Let's be clear: no insurer is going to insure a party that wilfully and blatantly disregards the law, because that would be a bad risk. The reality is that this is just about rewarding the union movement.

Let us look at the union movement. We have heard a lot about the value and the virtues of the union movement. Let's have a look at their record. In 2018 Justice John Reeves of the Federal Court of Australia said 'the CFMEU had a culture of wilful defiance of the law'. In 2016 Justice Kavanaugh said that 'the CFMEU engaged in systemic and wilful defiance of court orders'. He imposed penalties on that union for contempt of court. In 2019 Dave Hanna, former president of the CFMEU Queensland branch and a good friend of this Labor state government, was convicted of fraudulently receiving \$150,000 in payments from a labour hire company. He got six years in prison for that—as he should have. Roy Savage, a former Queensland Health Services Union official, was convicted of fraud in 2018. He got five years. Who can forget Kathy Jackson? She got two years and nine months in prison. Michael Williamson, the former national president of the HSU, got seven years. He knocked over a million dollars from the union—from union members. This is the calibre of some individuals in the union movement. I want to make the point that this is about some individuals, but to suggest that unions are the paragon of virtue and that only a registered union is able to represent the rights of workers is a nonsense.

In a contribution a couple of weeks ago I said that elements of the union movement were akin to organised crime. Let's look at the record of the CFMEU and the comments—

**Government members** interjected.

**Mr MICKELBERG:** I hear those opposite saying it is a big call, but let's look at the comments from justices of the Supreme Court and the Federal Court. Based on the contribution of those individuals and the record of the CFMEU, I think in many cases they are organised crime—not like organised crime; they do behave as organised crime. If we look across the road at Queen's Wharf, I understand that in January there were only six days when people were active onsite.

**Mr DEPUTY SPEAKER** (Mr Kelly): Pause the clock. Member, I believe you are starting to stray. I have given you a fair bit of latitude. I bring you back to the bill.

**Mr MICKELBERG:** Thank you, Deputy Speaker. I am talking to the influence of the union movement in Queensland and its effect on productivity and on workers' safety. Across the road at Queen's Wharf, workers were onsite for six days in January. I am told that the CFMEU went onsite—

**Mr DEPUTY SPEAKER:** Pause the clock. I will just take some advice. Member, I have just given you some pretty clear direction in relation to the direction you were going in your speech. You have chosen to ignore that and continue in that direction. I will give you the call, but if you continue down that path I will sit you down.

**Mr MICKELBERG:** Thank you, Deputy Speaker. I am directly addressing the statement of reservation in the committee report—

**Mr DEPUTY SPEAKER:** You can resume your seat, member.

#### **Notice of Motion, Dissent from Deputy Speaker's Ruling**

**Mr MICKELBERG:** Mr Deputy Speaker, I give notice that I will move dissent from your ruling.

**Mr DEPUTY SPEAKER (Mr Kelly):** That is fine. You can resume your seat.