

# Criminal Code and Other Legislation (Wage Theft) Amendment Bill 2020

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Education and Minister for Industrial  
Relations

## 1 After clause 8

Page 6, after line 24—

*insert—*

### **8A Insertion of new ch 9, pt 1, div 6**

Chapter 9, part 1—

*insert—*

## **Division 6 Providing employee information to registered employee organisations**

### **354A Definition for division**

In this division—

*registered employee organisation* means an employee organisation that is registered under chapter 12.

### **354B Authority to give information**

- (1) An employee may authorise the employee's employer to give information about the employee to a registered employee organisation.
- (2) The authorisation may be given to the employer—
  - (a) directly by the employee; or
  - (b) by a registered employee organisation on behalf of the employee.

- (3) The authorisation—
  - (a) must be in writing and legible; and
  - (b) must state—
    - (i) the name of the employee; and
    - (ii) the name of the employee’s employer; and
    - (iii) the information to which the authorisation applies; and
    - (iv) the name of the registered employee organisation that may request the information and to which the information must be given; and
  - (c) must be signed by the employee, including by electronic signature; and
  - (d) may be made electronically.
- (4) The authorisation has effect until the earliest of the following events happens—
  - (a) the authorisation is withdrawn by the employee;
  - (b) the employee’s employment with the employer ends;
  - (c) there is a break in the employee’s continuity of employment of longer than 3 months.
- (5) The employer must keep an authorisation given under this section at, or in a place where it can be accessed from, a workplace of the employer in Queensland.

*Note—*

This subsection is a civil penalty provision.

### **354C Requirement to give information**

- (1) This section applies if—
  - (a) an employee has authorised an employer under section 354B to give information about the employee to a registered employee organisation; and
  - (b) the registered employee organisation gives the employer a written request for the information about the employee.
- (2) The employer must, within 15 business days after receiving the request, give the registered employee organisation—
  - (a) the information requested to the extent it is held, or able to be accessed, by the employer; or
  - (b) if some or all of the information requested can not be given because it is not held, or able to be accessed, by the employer or because subsection (3) applies—a notice identifying the information that can not be given and the reason it can not be given.

*Note—*

This subsection is a civil penalty provision.

- (3) Subsection (2)(a) does not apply if giving the information is inconsistent with an Act or law.
- (4) The information—
  - (a) must be given in writing and be legible; and
  - (b) may be given electronically.
- (5) If the employer gives information to the registered employee organisation under subsection (2)(a), the employer must notify the employee.

- (6) If the employee is employed in a department (the *first department*), the information required to be given to the registered employee organisation by the first department includes information that—
- (a) is held by another department; and
  - (b) relates to the employee’s employment in the first department.
- (7) However, if the employee is employed in more than 1 department, the information required to be given by the department to which the request is given is limited to the information about the employee’s employment in that department.
- (8) In this section—  
*department* includes a public service office.

### **354D Unlawful access**

A person must not wilfully deceive or mislead an employer in order to gain access under this division to information about an employee.

Maximum penalty—40 penalty units.

## **2 After clause 15**

Page 17, after line 29—

*insert—*

### **15A Amendment of sch 3 (Civil penalties)**

Schedule 3—

*insert—*

### Chapter 9—Records and wages

- |   |   |                |                  |
|---|---|----------------|------------------|
| s 354B(5) (Authority to give information)   | (a) a person affected by the contravention  | the commission | 27 penalty units |
|   | (b) an employee organisation of which a person mentioned in paragraph (a) is a member |                |                  |
|   | (c) an inspector  |                |                  |
| s 354C(2) (Requirement to give information) | (a) a person affected by the contravention  | the commission | 27 penalty units |
|   | (b) an employee organisation of which a person mentioned in paragraph (a) is a member |                |                  |
|   | (c) an inspector  |                |                  |

### 3 Clause 16 (Amendment of sch 5 (Dictionary))

Page 18, after line 9—

*insert—*

***registered employee organisation***, for chapter 9, part 1, division 6, see section 354A.

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