

***Cognate - Electrical Safety and Other Legislation
Amendment Bill 2024 and Workers' Compensation and
Rehabilitation and Other Legislation Amendment Bill 2024
– Sandy Bolton, MP for Noosa***

Thank you, Mr Speaker.

I rise to speak in this cognate debate.

First a brief comment on the Electrical Safety Bill, which gives effect to issues identified in the 2024 Review of the industrial manslaughter provisions, right back to the 2017 Best Practice Review of Workplace Health and Safety Queensland.

It is perplexing, how a 2017 review is only now being implemented in legislation. An issue for Government in our post-COVID world has been the capabilities of our public sector, which includes agility and responsiveness. Implementing new laws seven years after they were recommended does not demonstrate these traits.

A lot of the changes in the bill are about ensuring that Queensland's electrical and other safety legislative framework keeps pace with developments. From the submissions received, no one opposed the bill although issues were raised around specific provisions, and it was acknowledged that there were detailed discussions and consultation during the development of this Bill.

One area of contention was the coverage of certain low voltage installations, such as low voltage equipment in motor vehicles.

The Motor Trades Association of Queensland, the Bus Industry Council and the Electric Vehicle Council raised concerns with the potential that this might cover construction or maintenance of electric vehicles, with the Department advising that it was not intended to, however it raises the issue of why this is being left to Regulations. It is an important issue for these business and is not a technical detail for Regulations, and should be in the Bill.

Statements of Reservation were raised who even though broadly supportive of the Bill, were concerned with that the bill will give inspectors excessive powers in the workplace.

Now to the Worker Compensation Bill, which has come about because there is a legislative requirement for a review of the Workers Compensation and Rehabilitation Act every five years.

It makes a range of changes to the compensation scheme; however, the most important concern is the non-inclusion of gig economy workers in the compensation scheme.

The Bill provides the capability to cover gig-workers through regulations at a later stage if the Government decides to do so, however it has not done so yet.

It was only last year that an Uber driver on the Fraser Coast was murdered while doing his job. He was classified as a gig-worker, so not classified as an employee of Uber, even though he worked for Uber. This left his family without any entitlements.

Every Queenslanders who goes to work should expect to come back home at the end of the day.

However in the often tragic circumstances that they do not, their family should receive compensation, just as every other worker.

Instead what we see in this Bill, the Government is waiting for a Commonwealth Fair Work Commission decision before doing anything, yet workers compensation is a state responsibility?

This despite Queensland reviewing the Workers' Compensation Scheme in 2018 and the review recommending gig-workers be included in the scheme. A further review in 2023 made the same recommendation.

They found gig workers are low-paid and unlikely to have their own insurance, and as quoted in the inquiry report, the pay and conditions they work under would likely be deemed illegal were it not for legal contrivances which gig platforms use to gain a competitive advantage over their rivals. Are we hearing again what Uber did to our taxi owners and drivers?

As the Transport Workers Union says, these workers have been misclassified as independent contractors by gig companies, which are those that independently work for themselves and are therefore responsible for their own work health insurance.

Gig companies like Menulog, say 'traditional employment concepts like workers' compensation cannot have sensible application in the on-demand delivery industry'.

However, the 2018 and 2023 reviews say they can and should be.

Let's look at this. We should not be waiting for someone else like the Federal Government to tell us it is time to ensure all gig-workers and their families have a right to compensation if injured or killed on the job. And we should not be leaving recommendations unactioned for years – in this case so far 6.

Our government needs to do the right thing, and move Queensland forward, instead of lagging behind and waiting for someone else to make the decision. These are Queenslanders, and Workers Compensation is a state responsibility, not the federal governments.

Finally, I would like to thank the Ministers, committees, secretariat, and those who made submissions and appears at public hearings for these two bills.