

~~That under the provisions of SO 137, the Magistrates Amendment Bill be declared an urgent bill and pass all remaining stages on this sitting day.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

~~**Madam DEPUTY SPEAKER** (Ms Grace): Order! In accordance with the motion agreed to, the bill is now set down for the second reading to be moved later today.~~

INDUSTRIAL RELATIONS (RESTORING FAIRNESS) AND OTHER LEGISLATION AMENDMENT BILL

Introduction



Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.35 am): I present a bill for an act to amend the Industrial Relations Act 1999 and to make amendments to the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015.

Tabled paper: Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015, explanatory notes.

Three months ago, the people of Queensland kicked out an arrogant and out-of-touch government because it did not listen to or support workers and their families. Contrary to telling government workers that they had nothing to fear from an LNP government, within six months of gaining power the Newman LNP government betrayed its own employees by exercising its massive majority to remove a range of employment conditions that helped ensure an impartial Public Service. It ruthlessly sacked 24,000 employees across the public sector, destroyed the fabric of our Public Service and damaged confidence in the traditions of our Westminster system of government. The LNP stripped away vital safeguards and conditions from Queensland workers, including state and local government workers. It rewound Queensland's IR system and set it back to the dark old days of Joh Bjelke-Petersen. Joh would have been proud. Today the Palaszczuk government puts fairness back into Queensland's industrial relations system and starts to repair the damage done by three years of disgraceful LNP government changes to the working conditions of many government workers.

The Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 gives effect to the government's election commitments and priorities for industrial relations reforms. This bill abolishes those aspects of the LNP's industrial relations system that, if allowed to continue, would have irrevocably damaged the state's IR system and undermined the government's commitment to restoring fairness for government workers.

The bill I am introducing today seeks to amend the Industrial Relations Act 1999 to, one, restore the conditions of employment in awards and agreements covering state government employees that were made unenforceable by the LNP, including job security, contracting out protections, union encouragement, organisational change, policy incorporation, private practice, resource allocation to and restrictions on termination change and redundancy—the TCR provisions—and giving personal employee information. Two, re-establish the independence of the Queensland Industrial Relations Commission—the QIRC—by removing the unfair requirement that the QIRC must consider the employer's financial position and fiscal strategy as part of the public interest in wage arbitration matters. The LNP's amendments were an abuse of power because the act already sufficiently contemplates such matters and gives the QIRC latitude to take account of such considerations. These amendments tilted the bargaining and industrial relations arrangements in the government's favour in circumstances where the government is the employer. Three, return the QIRC to a layperson's tribunal where workers and union advocates operate on a level playing field with their employers by removing provisions that were introduced by the LNP that allowed legal representation without the consent of all parties. Four, remove prohibitions in qualifications on content that can be included in a modern award or certified agreement in the future. This means that the previous prohibitions on content identified as non-allowable in modern industrial instruments, modern awards and modern certified agreements will be gone. Five, remove the notice requirements for an authorised industrial officer to enter a workplace and exercise rights under the IR Act. The notice requirements are overly bureaucratic and do not support a genuinely cooperative relationship between employers, unions and the workers they represent.

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The right of entry under the IR Act will be returned to the way it was prior to the former government's amendments. The bill ensures that, into the future, modern awards provide fair and just employment conditions. Under the circumstances, an immediate response was required by the government and I suspended award modernisation on 17 March 2015 to allow for consultation with stakeholders on the process and the outcomes to date. Upon passage of the bill, award modernisation will be continued and those awards that have not been modernised will be done under the amended industrial relations arrangements.

The bill removes the requirement on the commission to complete award modernisation by December 2015. The bill amends the modern award objectives to remove the explicit requirement of the commission to have regard to an employer's financial position and fiscal strategy considerations when modernising or varying an award. The bill seeks to stop the commission from certifying any new agreements from the date the bill is introduced until after the amendments are passed and the underpinning award or awards are modernised.

Ten modern awards were made prior to the suspension. These are the Queensland Local Government Industry Award 2014 and nine other awards in the state government sector. Concerns have been raised that employees subject to these modern awards and certified agreements are disadvantaged because of the loss of conditions as a consequence of award modernisation and by restrictions on what could be bargained for in their certified agreement.

For those awards modernised under the LNP's restrictive regime, the bill requires that the QIRC must review and vary the modern award in light of the amended act. This means the commission must: remove the previously mandated clauses, and any ancillary provisions; insert a new dispute resolution clause meeting the amended act requirements; include in the modern award any provisions that were in the premodernisation awards about union encouragement, union delegates, right of entry and termination change and redundancy—TCR.

For any other provisions that were in a premodern award and were omitted or changed during the modernisation process, the commission must reconsider the omission or change in light of the amended framework for award modernisation and the submissions of the parties. Also, where there has been significant change to the number of awards covering an industry—for example, the local government industry, which went from 18 awards to one award—the bill requires the commission to re-examine the matter of coverage. The bill provides that the commission can increase the number of awards covering the industry if it considers it appropriate to do so.

Seven modern agreements have also been certified under the LNP's restrictive bargaining regime. There are four in local government and three in state government. For those modern agreements certified to date, the bill will impose a new nominal expiry date set three months following the variation of the underpinning modern award. The bill makes clear that bargaining for the new agreement is taken to have commenced upon the variation of the modern award.

We have prioritised the changes in this bill because of the ongoing, day-to-day, adverse effects the LNP's laws are having on hardworking government staff in this state. We have worked quickly to make the necessary changes to bring an end to this unfair situation. We welcome the input on these urgent changes that we have received from stakeholders to date, and are dedicated to continuing consultation and engagement with all stakeholders as the government looks to make amendments.

The government is committed to ending unreasonable and unfair contracts for doctors and reinstating the right for all doctors to collectively bargain. We will do this by repealing the LNP's 2013 amendments which mandated contracts for all senior medical officers, SMOs, and precluded SMOs from rights to unfair dismissal under the act. The government will look to make amendments that restore the rights of SMOs to have a say in their industrial conditions and negotiate important changes collectively without the fear of unilateral changes to their contract.

These changes are necessary because the former government's attacks on Queensland workers were so extreme and unfair. They attacked the day-to-day conditions and take-home pay of hardworking Queenslanders. Under the guise of harmonisation with the Fair Work Act, their changes, in reality, not only stripped away current employee rights but also prevented workers from negotiating their conditions into the future. That clearly was not fair—in fact it was downright mean-spirited and was one of the reasons that hardworking, fair-minded Queenslanders turned their backs on the LNP.

Workers have earned their rights to fairness and equity in the workplace over the last 125 years and the LNP tried their hardest to take them away in one term of government. The Palaszczuk government is restoring fairness to workers in the state's industrial relations system.

First Reading

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.44 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.


Referral to the Finance and Administration Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.44 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Finance and Administration Committee report to the House on the Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill by 1 June 2015.


 **Mr KNUTH** (Dalrymple—KAP) (11.44 am): I support the motion moved by the Treasurer. Local governments across Queensland are now negotiating enterprise bargaining agreements under the Newman government's modernisation criteria. I have spoken to many council workers who are concerned that the entitlements that they fought for over decades have now disappeared as a result of an act of parliament introduced by the former Newman government. Council workers are some of the lowest paid workers in Queensland. They work hard all their lives and they might pay off their house and pay off their car, but when they retire there is not much left over. That is the life of working class people.

Madam DEPUTY SPEAKER: Order! Member for Dalrymple, in relation to standing order 236 and relevance, the motion relates to the time frame and not the actual bill.

Mr KNUTH: I am supportive of the time frame.

Madam DEPUTY SPEAKER: Can I draw your attention to the fact that the debate is really around the time frame and not the issues that you are expressing. Standing order 236 requires that your comments be relevant to the time frame. I call the member for Dalrymple.

Mr KNUTH: I support the motion moved by the Treasurer. I believe that this legislation will provide for balanced criteria for enterprise bargaining agreements while councils are now in the negotiation process. I support the motion.

 **Mr STEVENS** (Mermaid Beach—LNP) (11.46 am): I think I heard the Treasurer correctly that this bill is to be rushed through the committee process and the report delivered by 1 June. That is some three weeks for the members of the Finance and Administration Committee to have effective and proper consultation with all the groups affected. There will be large numbers. I think the Treasurer himself would agree that there will be a lot of people affected by this processed legislation. There should be due, fair and proper consultation with those affected by the outcomes of the legislation rather than it be rushed through. We heard so many times from the good Treasurer himself in opposition that we should allow for fair debate. It is a very important piece of legislation.


A minimum of four weeks was given for very simple legislation not legislation of the magnitude of this which involves major changes to the industrial situation in Queensland. This legislation will have ramifications on industry confidence and on the confidence of government workers. All those matters will be of interest and require input from the community. I understand completely where the government is going in terms of repaying favours to its union backers in terms of this matter. That is totally within their—

Madam DEPUTY SPEAKER: Member for Mermaid Beach, please resume your seat. I mentioned before standing order 236 which relates to relevance. This motion relates to the time frame. We are not debating the bill. I draw your attention to that fact and ask that you be relevant.

Mr STEVENS: That comment was in relation to the timing. I understand the push by the government to get a result for those interested parties and have this matter resolved very quickly. It is


about timing. That was the part of the conversation I was having to point out the rush by the government to have this piece of legislation move through this House. It is inappropriate. It is unfair to those people who will be affected by the outcomes of this legislation. We will oppose the motion to have this legislation returned so quickly to this House.

015 We are happy if they put a reasonable time frame on the consideration of this matter. Then it will be purely a matter for debate on the bill which, as you so rightly referred, should happen at the appropriate time. But what we are absolutely disappointed in in terms of the honesty and integrity of the new Palaszczuk-Gordon government is that they are rushing this through and that they think that the bad habits that they were totally against in opposition are now such a wonderful thing. The opposition will be opposing the time frame for the report on this bill. The Finance and Administration Committee should have a proper time to consider this matter because it does affect a wide range of people.


 **Mr HINCHLIFFE** (Sandgate—ALP) (Leader of the House) (11.50 am): I rise to support the motion moved by the Treasurer. I am not surprised that we hear members opposite suggesting that they are going to be voting against it, because they will do anything to delay fairness. They will do anything to delay the opportunity for Queenslanders to have a fair industrial environment. But most particularly the reason why this government understands that it is important to get this legislation in place in a timely manner, once it has been duly considered by the committee process over the coming weeks, is that we know how important it is for those bodies that are going to be planning and budgeting for their communities, particularly local governments right across the length and breadth of Queensland, up and down the coast and out to the western borders, to have certainty. They all need to have certainty. They all need to have surety about how they are going to plan for their budgets for the years ahead.

This reform, this reinstatement of the rights and fairness for many workers throughout Queensland and most particularly for local government workers right throughout Queensland—and I acknowledge the contribution in this debate by the member for Dalrymple, acknowledging how hardworking local government workers are and how difficult their circumstances can be—is yet another opportunity to ensure that in a timely way local governments are able to manage and budget for how their hard-won and hard-fought-for conditions can be observed and provision provided for improvement of those conditions over time.

I commend the Treasurer's motion to the House to allow this bill to be considered in a timely way in order that we deliver not only certainty for local governments throughout the length and breadth of Queensland—something that I think they would cherish and appreciate—but also certainty and opportunity for fairness for so many hardworking Queenslanders.

 **Mr WALKER** (Mansfield—LNP) (11.52 am): I am interested to hear the Leader of the House claim that it is for the benefit of local government that he is going to do this so very quickly. I can tell the House that local governments around this state do not want it quickly and they do not want it at all, and the government will hear that loud and clear. The opposition already knows that there is great disquiet within the Local Government Association of Queensland, amongst the mayors around this state, and within the legal profession. I know that the Law Society and other legal bodies are totally dissatisfied with the 'consultation' that has occurred in respect of this legislation.

This government was dewy-eyed in the first speeches that were made by so many new members as to the great new world of consultation we were going to have—how things were not going to be rammed through. We have already had the electoral legislation rammed through because it is an election promise, as if that makes any difference. We have now this rammed through without proper consultation. What the member for Mermaid Beach has said is correct, and we on this side of the House will not have a bar of it being rammed through. It requires appropriate time for consultation and the House should give it that.

 **Mr CRANDON** (Coomera—LNP) (11.53 am): As deputy chair of the Finance and Administration Committee, I would like to rise and point out a few interesting words in the title of the bill—Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill. In talking about fairness, how many times have we seen this type of thing come through the House in previous Labor governments? And now we see it happening today. We are required as a committee to do a proper job, a thorough job, a full job for all of Queenslanders in a period of something in the order of three weeks. We already have a workload in the committee that is going to challenge the committee, and the secretariat staff in particular, in achieving a good quality product that needs to be delivered back

to this House. To suggest that this bill can be done in a less than three-week period is unfair, if I can say that. It is not restoring fairness.

I note that the Leader of Opposition Business suggested a one-month time frame. I would suggest to you that a one-month time frame be the absolute minimum, in all fairness to the secretariat who need to arrange and organise public hearings and what have you. But I would suggest a two-month period as a minimum for the proper consideration of this bill.



Hon. CW PITT (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.55 am), in reply: I have heard the range of comments and none of them are surprising. I expected that there would be some concern from those opposite in terms of the time frame, and I acknowledged that there would be some concerns. What I do find is a whole lot of crocodile tears being cried by those opposite today. When we talk about time frames for the introduction and passing of bills in this House, let's cast their mind back to what happened over the last three years. I am very happy at the end of this three-year term to compare Labor's record, the Palaszczuk government's record, to what happened under Campbell Newman's government.

The reason this is so urgent is quite simply the decisions of the former government: the sacking of 14,000 workers, the arbitrary stroke-of-a-pen arrangements they put in place for industrial relations and their removing very important conditions that should have been considered to be allowable matters on any day of the week—hard-fought and won conditions, as we have heard from the Leader of the House. This has been our largest single platform, besides our opposition to the sale of public assets that they spent \$70 million on, for a long time. This is about ensuring that we put in an act our election commitments.

When we talk about time frames, let's everyone remember what happened. I will step this out for them so they can see the hypocrisy. What we saw last term was on the Monday of a certain sitting week there was a big discussion about casino licences—the casino licence led recovery for Queensland—and that was thrown right in on day one. That was exhibit A. That was the first distraction. On the second day they brought into this House laws that we are all very aware of—the VLAD legislation. They brought that in on the Tuesday. Then what happened? Did we have a month to look at this serious legislation? Did we have three weeks? Did we have one week? No. We had hours—hours to get across 180 pages of legislation. That is how much time we had.

Frankly, for them to sit across there and suggest that they have any high moral ground when it comes to timing of election commitments being brought into the House or any moral high ground when it comes to the timing of passing legislation is absolutely absurd. I respect the fact that we will need to work hard in terms of ensuring that consultation can happen in this period, and I expect there will be some concerns raised. I note that the shadow minister has already referred to the Bar Association and the Law Society. I understand that they have made those concerns known to the government already. I can say that that is not what they should expect from this government, nor should they expect these sorts of time frames ongoing.

I make no apology for the fact that this is important to allow certainty of our industrial relations framework in this state, to ensure that bargaining can happen right across the public sector so that local governments are able to go into the second half of this year—knowing that they are preparing budgets and knowing all of the other elements they are dealing with—with certainty in terms of the industrial relations system, particularly as it relates to award modernisation in Queensland. They are literally crying crocodile tears over there about this. This is less to do with than anyone else. They are just upset that they are still in denial about losing an election. That is the worst part about this, because this is all about their opposition to this bill. They know very clearly the time frames—

016 Mr STEVENS: I rise to a point of order, Madam Deputy Speaker. You just ruled in relation to talking about the bill itself. This is about the timing of the bill.

Mr PITT: I was talking about time frames when you got up on your feet.

Madam DEPUTY SPEAKER (Ms Grace): Order! I call the Treasurer.

Mr PITT: Thank you, Madam Deputy Speaker. My old sparring partner—he was Leader of the House and I was Manager of Opposition Business—go way back. I know that he is feeling sentimental, and it is great to have a bit of tit for tat with him today.

I come back to the point that those opposite rushed through so many pieces of legislation. I will stand on the record of this Palaszczuk government at the end of this term and do a quick compare

and contrast. They are very quick to judge. They used a range of excuses to say that things were urgent and provided no opportunity for our side of the House to consider motions.

As for the Deputy Chair of the Finance and Administration Committee, I understand, having been a former member of that committee, that that committee can have a significant workload. But I ask: where was the member for Coomera when the legal affairs committee was getting smashed the day that the VLAD laws were put into this House and passed on the same day with no genuine reason for urgency? We are allowing as much time as we can to ensure the bill is passed before the end of this financial year to ensure that we can go into the next financial year with some certainty around industrial relations matters.

I have met with the Local Government Association of Queensland on numerous occasions, and I will continue to meet with the Local Government Association of Queensland and individual councils as required, as will the Deputy Premier and Minister for Local Government, because we want to restore fairness. That is exactly what this legislation is about. We will work through this process to make it work the best that it can for everyone concerned. We want to put certainty into an area that had the guts ripped out of it only three years ago.

Division: Question put—That the motion be agreed to.

AYES, 46:

ALP, 43—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, O'Rourke, Palaszczuk, Pearce, Pease, Pegg, Pitt, Power, Pyne, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

KAP, 2—Katter, Knuth.

INDEPENDENT, 1—Gordon.

NOES, 42:

LNP, 42—Barton, Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Dickson, Elmes, Emerson, Frecklington, Hart, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, McVeigh, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Springborg, Stevens, Stuckey, Walker, Watts, Weir.

Resolved in the affirmative.

~~WORK HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL~~

~~Introduction~~



~~**Hon. CW PITT** (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (12.07 pm): I present a bill for an act to amend the Electrical Safety Act 2002 and the Work Health and Safety Act 2011 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.~~

~~Tabled paper: Work Health and Safety and Other Legislation Amendment Bill 2015.~~

~~Tabled paper: Work Health and Safety and Other Legislation Amendment Bill 2015, explanatory notes.~~

~~The former Newman LNP government shamelessly tied the hands of workers and their representatives, increasing the risk to workplace injuries and making it harder to take preventative action in the workplace. We on this side believe that every worker has the right to go to work expecting to return home safely to their family and friends at the end of the day. We believe in genuine consultation, cooperation and respect between employers and workers.~~

~~It is critical that all parties in the workplace have the ability to participate in the resolution of health and safety issues and gain advice or be represented where a work health and safety issue arises. Workers and employers benefit by the provision of safe and healthy workplaces where parties involved share responsibility for improvements in work health and safety practices to prevent workplace incidents.~~

~~In recognising these benefits and our election commitments, the bill restores the rights of work health and safety, or WHS, entry permit holders to gain preventative and meaningful access to workplaces. This is achieved by removing the requirement for WHS entry permit holders to give at least 24 hours notice before entering a workplace to inquire into a suspected WHS contravention. Instead, WHS entry permit holders will be able to enter a workplace immediately if they reasonably~~