THURSDAY, 24 FEBRUARY 1994

Mr SPEAKER (Hon. J. Fouras, Ashgrove) read prayers and took the chair at 10 a.m.

PETITION

The Clerk announced the receipt of the following petition—

Crime, Marsden and Waterford West

From **Mr Beanland** (181 signatories) praying for a more effective deterrent against crime, particularly juvenile crime, in the Marsden and Waterford West areas.

Petition received.

PAPERS

The following papers were laid on the table—

(a) Deputy Premier, Minister for Emergency Services and Minister for Rural Communities and Consumer Affairs (Mr Burns)—

Government response to Parliamentary Travelsafe Committee's Report No. 9, relating to pedestrian and cyclist safety

(b) Minister for Tourism, Sport and Racing (Mr Gibbs)—

Report of the Task Force Appointed to Review the Wine Industry Act 1974.

MINISTERIAL STATEMENT

Access to Savings Accounts; Casino Control Division

Hon. K. E. De LACY (Cairns—Treasurer) (10.02 p.m.), by leave: Disclosures in a Brisbane court yesterday that minors had been able to hoodwink a major bank and avoid detection by staff at a Queensland casino are of the utmost concern to the Government and, I am sure, to all honourable members. There are two matters that concern me. First, the community has a right to know how a major bank reportedly handed over $30,000 in cash to a teenage girl without exhaustive checks being performed. I am sure all parents—indeed all Queenslanders—would be disturbed to learn that access can be made to their savings accounts with what is apparently flimsy documentation.

The second concern is what happened at the casino. Queensland prides itself in having the cleanest casino industry in the world. According to court proceedings, funds obtained from the bank were then gambled in the casino. I am anxious to know if indeed this was the case, and I have instructed the Casino Control Division to fully investigate the circumstances of this case. The Casino Control Division is seeking a record of the police interviews in order to establish whether the minors entered the casino gaming area, and how much—if any—money was gambled. Videos taken by the casino's security camera surveillance system are also being used to assist in the investigation. The casino operator, Conrad Jupiters, has today written to the Casino Control Division following its initial investigations into the allegations. I table a copy of this letter for the information of honourable members.

However, I am advised that security officers are present at the entrance to the casino gaming area 24 hours a day. They are required to demand proof of age and identity if they suspect a minor is seeking to enter the premises. Similarly, table operators are required to advise security if they suspect a player is under age. I give an assurance to the House that the Government's policy on underage gambling is strictly enforced in the most vigorous and practical way, and that any breaches and/or lapses will be remedied.

SUBORDINATE LEGISLATION COMMITTEE

Report and Occasional Paper

Mr J. H. SULLIVAN (Caboolture) (10.05 a.m.): I lay on the table the report of the Committee of Subordinate Legislation on its review of public use forms and move that it be printed.

Ordered to be printed.

Mr J. H. SULLIVAN: I also table a copy of an occasional paper produced by the Business Regulation Review Unit of the Department of Business, Industry and Regional Development titled "The Importance of Good Form Design", which the committee believes to be an excellent companion document to its report.

The Government has embarked on a gradual process of removing public use forms from regulations made under the appropriate Acts, replacing forms so prescribed with forms approved by the relevant department's chief executive officer. The committee held concerns regarding the lack of scrutiny of such forms, which it was felt could result in unnecessary personal information being requested.

The thrust of this report is that the Committee of Subordinate Legislation endorses the change to forms approved by the chief executive officer subject to the development of a uniform policy, with the policy itself enacted in subordinate legislation.

On behalf of the members of the committee, I express our gratitude to those people from all Government departments who assisted the committee in its review process. I also express our thanks to the Committee's research officer, Helen Grant, and secretary, Madeline Cook, without whose efforts our report would not have been possible. Madeline Cook has worked with our committee for a number of years but will shortly depart on maternity leave. On behalf of all committee members, past and present, I want to place on record our sincere appreciation for the diligence with which she guided our committee in that time and wish Madeline and Frank and their new family all the best for the future—a future, I might add, that we fervently hope includes returning to our committee.

QUESTIONS UPON NOTICE

1. Vehicle Confiscation, Cape Melville National Park

Mr SLACK asked the Minister for Environment and Heritage—

"With reference to the seizure of a vehicle by a park ranger in Cape Melville National Park on 11 November 1993—

(1) In her response of Friday 18 February to my Question on Notice of Thursday 17 February, in which I asked, first, whether there had been communication between a representative of the Premier's office and the Director General of the Department of Environment and Heritage in relation to this seizure, and secondly, whether there was any subsequent communication between the Director General and a senior regional bureaucrat in relation to what action should, or should not, be taken in relation to the incident subsequent to communication from a representative of the Premier's office, he responded, in part, that—

'The Regional Director and the Director General discussed the possible provision of alternative transportation for the Premier's Department officials who were on official business.'

Who were those officials and what was the nature of their official business in Cape Melville National Park?

(2) In her answer to point three of my question on notice of Thursday 17 February she indicated that 'The Regional Director has advised me that the ranger did not follow normal regional policy and report all events to his immediate superior at the earliest possible time.'

Is it not the case that the Ranger drove immediately to Lakefield National Park where the matter was reported to senior rangers, and that as a result of this contact with his superiors, he proceeded to Cooktown Police Station to report all relevant matters?

(3) In her response of 18 February in relation to point 4 of my Question of Thursday 17 February, she stated that the Regional Director was concerned 'That the ranger did not have the delegated authority to confiscate the vehicle . . .'

Isn't it the case that there was a long and detailed history of the effort underway by officers of the Department of Environment and Heritage in the Cape Melville National Park relating to concerns about the theft of foxtail palm seeds, and that both the ranger, and the Regional Director, would have been perfectly clear about the rights of seizure, as set down in the National Parks and Wildlife Act 1975?

(4) Why was a Premier's Department official engaged in what could fairly be described as a grilling of the park ranger at the Cooktown Police Station on the morning of Saturday 13 November?

(5) Why were the Cooktown police subsequently reluctant to become involved in the investigation of a matter that, in the hands of other officers, led to a number of charges?

(6) Is it a coincidence that the Premier's department official who took part in the interview described in (4) arrived at the Cooktown Police Station on the morning of Saturday 13 November in a distinctively marked vehicle which matched perfectly the description of a distinctively marked vehicle which was also sighted in the park by the ranger who seized another vehicle nearby?

(7) Who were the people in the photograph developed from one of two rolls of film found in the seized vehicle?"

Ms ROBSON: I seek leave to table the answer and have it incorporated in *Hansard*.

Leave granted.

1. Mr Dennis Atkins and Mr David Barbagallo travelled to Cooktown to prepare for what was a planned visit by the Premier to the Starcke Pastoral Holdings. Because of the protracted nature of the negotiations to acquire the property, that visit was subsequently postponed. These officials did not go anywhere near Cape Melville National Park.

2. The questions of fact and law that relate to this issue are ones I expect will be determined by the Magistrate hearing the charges.

3. The National Parks and Wildlife Act 1975 provides certain powers to Field Officers appointed pursuant to Section 6 (5). My Regional Director has raised concerns about the appointment of the ranger as a Field Officer and advice from the Crown Law Division is currently being sought. Whether the ranger was legally empowered to confiscate the vehicle is also the subject of advice from the Crown Law Division.

4. Mr Dennis Atkins, who was present at the police station on Saturday, November 13, advises me that:

> "After Paul Barbagallo and Gordon Uechtritz were told by the Cooktown police that the vehicle had been seized, the policeman said that he thought the ranger was still in town and if they returned at 9am they might be able to find out more about the matter. At 9am Paul Barbagallo and Gordon Uechtritz returned to the police station. The policeman said the ranger was inside. Paul Barbagallo and Gordon Uechtritz asked if David Barbagallo and I would accompany them while they discussed the matter. The ranger outlined what he had done and why he had done it in relation to the vehicle. Both Paul Barbagallo and Gordon Uechtritz asked him questions. David Barbagallo asked one or two questions as well. I listened to all that took place and would describe it as an orderly and amicable discussion. The policeman wound up the discussion by saying that the matter would now be handled by the fauna squad. At the time of going to the police station the only information anyone had was that Paul Barbagallo's vehicle had been seized. It should be stressed that no charges had been laid and there was no indication that charges would be laid during the discussion. It is my understanding that the charges referred to were laid about a week and a half after November 13."

5. This question should be addressed to the Minister for Police and Minister for Corrective Services.

6. I am advised that Mr David Barbagallo and Mr Dennis Atkins arrived at the Cooktown police station in a bronze Toyota Land Cruiser which they hired in Cairns on Friday, November 12. Its registration number was 938 BDH. It had stickers on either side of the vehicle which said "Cairns Four Wheel Drive". The vehicle was returned to the company on the morning of Sunday, November 14 at Cairns Airport.

7. I have no knowledge of any photograph.

2. TAFE Colleges

Mr SLACK asked the Minister for Employment, Training and Industrial Relations—

"(1) What are the qualifications and relevant TAFE college experience of the director of each TAFE college in Queensland?

(2) What are the expectations of the Executive Director of TAFE Queensland in relation to these people in the areas of education, training, community service, auditing and financial management?"

Mr FOLEY: In response to the honourable member's question, I make the answer as follows—

(1) There are 29 TAFE colleges and institutes throughout Queensland. Each TAFE college/institute director has a range of formal and informal educational qualifications as well as an appropriate level of experience in teaching and/or administration. Although a degree is not a formal prerequisite for appointment to the position, each director has qualifications at first degree level, and 35 per cent of these have qualifications at master or doctorate level.

(2) The Government expects TAFE directors to deliver a high standard of service for the people of Queensland.

3. TAFE Colleges

Mr SANTORO asked the Minister for Employment, Training and Industrial Relations—

"With reference to the regular change of name of TAFE Queensland from (a) Division of TAFE, to (b) Bureau of Employment, Vocational and Further Education and Training, to (c) TAFE-TEQ and now to TAFE Queensland—

(1) In making these decisions, what costings were considered in relation to (a) disposal of current award certificates, diplomas, statements of attainment, statements of attendance, (b) replacement of the above, (c) change of road and building signs and other major capital items which bear the current corporate crest and identification, (d) change of current stocks of stationery, (e) change in promotional materials (posters, brochures, handbooks, etc) and (f) marketing and promotion of new corporate images?

(2) In changing from Colleges to Federations and Institutes what is the estimated cost of changing stationery, signs, logos and promotional materials?

(3) Will any of the massive costs associated with these superficial/cosmetic changes enable the organisation to function more efficiently and, if so, in what way?"

Mr FOLEY: I seek leave to table the answer and have it incorporated in *Hansard*.

Leave granted.

(1) The change of corporate name from TAFE-TEQ to TAFE Queensland which was made in recognition of the changed responsibilities of the organisation is to be made over an extended period of time in a manner which will minimise costs.

(a) TAFE Queensland units are to use existing stocks of stationery as far as practicable. Award certificates, diplomas, statements of attainment, statements of attendance to be issued for the academic year, 1994, will be issued under the title TAFE-TEQ to allow for usage of existing stocks. It is anticipated that existing stocks will cover the 1994 academic year and that there will be minimal wastage.

(b) Stocks of award certificates will be exhausted by the end of 1994. Print runs for the 1995 academic year will bear the title TAFE Queensland.

(c) No changes to road and building signs and other major capital items are to be made as a consequence of change to name. Rather, name changes will be undertaken progressively as part of routine maintenance to existing facilities.

(d) Existing stocks of stationery are to be used. Reprints will then carry the title TAFE Queensland.

(e) Existing stocks of promotional materials are to be exhausted. As stocks are revised and updated, the title TAFE Queensland will be used.

(f) Due to the phased implementation of the name change there will be no specific marketing and promotion activities to promote the new corporate image. Rather, the corporate image will be phased in as part of normal promotion of TAFE Queensland courses and programs.

(2) With respect to the change from colleges to federations and institutes, stationery, signs, etc, will be progressively changed in accordance with repurchase of equipment and maintenance, although some directional signs have been erected to assist students with directions.

(3) Because of the phased introduction of the name change there are no massive costs associated with it, but rather the name change has been undertaken in recognition of changed roles and responsibilities of TAFE Queensland following the introduction of the National Vocational and Education Training System as from 1/1/94.

4. Vocational Education, Training and Employment Commission

Mr SANTORO asked the Minister for Employment, Training and Industrial Relations—

"(1) Does he recall that in the debate on the Vocational Education, Training and Employment Amendment Bill 1993, I described as 'stupid' and 'bureaucratic' his provisions which require Queensland's own source funds to be paid by the State to ANTA and by ANTA back to the State VETEC authority?

(2) Is he aware that this can not occur by book entry and cheques have to go back and forth with him agreeing that this occur quarterly?

(3) Why are more enlightened Ministers saving their State's money by refusing to engage in such ridiculous arrangements and seeking to undertake transfers by way of book entry?

(4) What costs have been incurred by Queensland through (a) taxes and charges and (b) foregone revenue through loss of investment on State funds as a consequence of him agreeing to participate in such absurd arrangements?"

Mr FOLEY: I seek leave to table the answer and have it incorporated in *Hansard*.

Leave granted.

(1) Yes. Regrettably time has not been so merciful as to expunge from memory the contribution of the Member for Clayfield to that debate.

(2) The requirement to transfer Queensland State sourced funds to ANTA and for these to be returned to the State is a requirement of the Heads of Government Agreement, July 1992 and has been confirmed by the Commonwealth, Queensland and ANTA to be requirements under the Audit Act.

The Ministerial Council has requested ANTA to investigate changing this actual transfer to a notional transfer.

(3) Four States/Territories, Victoria, ACT, Western Australia and Queensland all carried out actual transfers as required by the Heads of Government Agreement and the Audit Act.

New South Wales, Tasmania, South Australia and the Northern Territory did not transfer funds.

ANTA has no authority under the legislation to take action against the four States that did not make an actual transfer of funds and this now becomes a matter between the Commonwealth and the States/Territories concerned.

This quarter, Queensland received a total of $29,090,911. This included $2,152,500 for National projects and Interstate Co-Operative Projects, and $1,378,716 for the Australian Traineeship System, both amounts of which were substantially in excess of Queensland's population share. These funds were transferred in accordance with the ANTA Agreement. Other States run the risk of such funding being withheld if they do not comply with the Agreement into which they freely entered.

(4) In relation to taxes and charges, the cost to Queensland is 42 cents for each transfer which comes to a total of $1.68 per year.

In relation to foregone revenue through loss of investment on State funds, advice from Treasury Officers is that there is no impact. Since the funds are transferred on the same day, the daily balance on which interest is based does not change.

5. Tourism Industry

Mr DAVIES asked the Minister for Tourism, Sport and Racing—

"What is the condition of the Queensland tourism industry as detailed in the latest edition of the *Queensland Economic Review*?"

Mr GIBBS: I seek leave to table the answer and have it incorporated in *Hansard*.

Leave granted.

The best way to consider the condition of the Queensland tourist industry is to look at some of the confirmed growth from the latest available figures compared to twelve months ago.

In the September quarter 1993, gross expenditure on tourism in Queensland was 17.5% higher than the same period in 1992.

Expenditure by interstate tourists rose by 13.8% during the same period and that of overseas visitors by 30.2%.

In terms of who made the expenditure, overseas visitors are now contributing 38% of the total tourism expenditure (compared with 34% in the September quarter of 1992) and interstate visitors are contributing 50%. Queenslanders holidaying in their own State contribute about 12% of the total tourism expenditure in Queensland.

The growth in tourism is reflected in increasing room occupancy rates that continue to outstrip the national average. Average occupancy for the September quarter 1993 was 65.8% compared to the national average of 54.5%.

Importantly, there has been a slight increase in the average length of stay which is now 2.4 days compared to 2.3 days twelve months earlier. This combined with increased visitor numbers gave Queensland a total number of guest nights of 4.5 million in the September quarter 1993, an increase of 10% over the same period twelve months earlier and a marginal increase in Queensland's share of total guest nights in Australia.

On accommodation alone, total expenditure in the September quarter amounted to $174.4 million, an increase of 12% over the previous year.

The statistics continue to show that the Queensland tourism industry is strong and like many other industries, is leading Australia in its growth.

QUESTIONS WITHOUT NOTICE

Termination of Contracts of Corrective Service Officers

Mr BORBIDGE: I ask the Minister for Police and Minister for Corrective Services: can he confirm reports that the contracts of three senior Corrective Services officers—the Director of Planning, Ross Millican; the Director of Custodial Corrections, Isabel Hight; and the Director of Finance, Fred Richardson—have all been terminated or are about to be terminated?

Mr BRADDY: I can confirm that certain negotiations were entered into by the board of the Queensland Corrective Services Commission, and arrangements had been

made—without my knowledge—in relation to that matter.

Mr Borbidge: Is that true, or not?

Mr BRADDY: The matter was brought to my attention before the process was completed. I have had a look at the matter and at legal advice and it appears that it is a matter for the commission itself through the board——

Mr Borbidge: Not your fault.

Mr BRADDY: The honourable should wait until he hears the answer. It is a matter for the board and the commission. It is my understanding that the arrangements commenced to be entered into had not gone to the board of the commission but to a subcommittee of the board. I drew the attention of the Director-General to that. I also directed him to talk to the head of the Public Sector Management Commission about the types of arrangements that are now common in relation to redundancies and what should be done. In view of my direction, the termination procedures are not proceeding at this time. The matter is still being negotiated and discussions are occurring between the Public Sector Management Commission and the director-general and his staff. The terminations which were being put in place by the director-general are not proceeding at this time.

Ministerial Responsibility

Mr BORBIDGE: I direct a further question to the Minister for Police and Minister for Corrective Services and I refer to the attempted purge of senior corrective services staff and the Minister's previous record for sacking public servants to protect his own position. I ask: when will the Minister begin to accept responsibility for his own incompetence and the incompetence of his Government?

Mr BRADDY: I made it very clear that the proceedings referred to in the earlier question had commenced without the matter being referred to me. When it was referred to me I stopped what was then proceeding. I believe that it is more appropriate that these matters should be finalised—if they are to go ahead—after the period has expired for the four new positions. What has occurred is that in technical terms all of these contracts—all of these positions——

Mr Borbidge: Which is the fourth position.

Mr SPEAKER: Order! I ask the Leader of the Opposition to cease interjecting.

Mr BRADDY: They were similarly proceeding in relation to the secretary to the board, not one of the directors. It is a slightly different position, but in some ways comparable. I have said to the director-general that it is my direction that these matters should not be finalised at a stage prior to the four new positions being advertised. There are four new positions. As Opposition members would understand, or should understand, when new positions are created that technically finishes the old positions for people under contract. The time for——

Mr Cooper: They can't work it out. Are they sacked or not?

Mr BRADDY: They are not sacked.

Opposition members interjected.

Mr SPEAKER: Order! I am not going to allow more than one member on any side of the House to be talking at the same time.

Mr BRADDY: It is very clear for those who want to understand. They are not sacked. They were never sacked. There were negotiations in relation to redundancy agreements, which I have stopped. I have stopped them at this time and directed——

Mr Cooper interjected.

Mr SPEAKER: Order! I warn the member for Crows Nest under Standing Order 123A.

Mr BRADDY: I have stopped them at this time and directed that it is not appropriate to proceed with them. It is my direction that any redundancy agreements, if there are any, should not be entered into until all other avenues have been explored—such as whether they may still wish to apply for the new positions which have been advertised or whether they can be translated elsewhere in the public service. It was certainly never at my direction or with my knowledge that negotiations were being completed in relation to redundancy agreements.

Institute of Public Affairs, Report on Queensland Economy

Mr PITT: My question is directed to the Treasurer. I refer to the recent glowing report by the Institute of Public Affairs wherein it states that the Queensland Government has not squandered its inheritance. I ask: can the Treasurer detail the nature of this inheritance and the current position.

Mr De LACY: I am always amused—four and a half years down the track—how when we get some praise or credit from different institutions around Australia, they always refer to our inheritance. I guess we will be here for 20 years and they will still be saying, "Oh, but it was the inheritance; it is not the way you did it."

Dr Watson: You won't be there for 20 years—don't worry about it.

Mr De LACY: In 20, 30 or 40 years they will still be saying, "Oh, but you inherited it." If I can put a good face on it, I guess that it is grudging admiration from conservative think tanks who do not like the Labor Government. Let us examine the inheritance. I am sure that honourable members have read with great interest the *Queensland Economic Review*. When we were elected in 1989, the net debt per capita in Queensland was $1,540. It is now $263. To put that in another context——

Mr Elliott interjected.

Mr SPEAKER: Order! I warn the member for Cunningham under Standing Order 123A.

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A. I warn honourable members across the Chamber today that, having been warned under Standing Order 123A, that is their last warning. If they continue to interject, they will have to go. Question time will not be disrupted by interjections all the time.

Mr De LACY: When we start talking about the inheritance, they all start to make a lot of noise. If we look at the performance of Queensland, where we have reduced the net debt per capita from $1,540 to $263, and compare it with the other States where the debt was $4,112, it will be seen they have actually increased their net debt per capita to $5,422——

Mr FITZGERALD: I rise to a point of order. Mr Speaker, I seek your ruling. Is that a blanket order for question time that there is to be no interjection, even if honourable members are seeking information——

Mr SPEAKER: Order! Members who have been warned for interjecting under Standing Order 123A will not be given a further warning and will be asked to withdraw from the Chamber. That is what I said. I did not say that it was a blanket ruling on interjections. I said that members having been warned for interjecting will not get a further warning today. I am warning honourable members about that.

Honourable members interjected.

Mr SPEAKER: Order! We will count to 10.

Mr De LACY: It almost seems like they have a new strategy—to carry on like juveniles to divert attention.

Mr Burns: That is an old strategy.

Mr De LACY: As the Deputy Premier says, that is an old strategy, not a new one. Members of the Opposition make a lot of comments about tax. Let me say what the situation is in respect of tax. In 1989, the per capita State taxes in Queensland were $871, whereas those of the other States of Australia were 32 per cent higher. In 1994, the per capita taxes in the rest of Australia were 38 per cent higher than the per capita tax in Queensland of $1,096. That means that the gap between Queensland and other States is, in fact, increasing. Not only that, in 1989 Queensland only had the second lowest State taxes in Australia—second to South Australia. In respect to—

Mr Horan interjected.

Mr SPEAKER: Order! I warn the member for Toowoomba South under Standing Order 123A.

Mr De LACY: Net interest payments have reduced the—

Mr LITTLEPROUD: I rise on a point of order. The Treasurer is reading from a document that every member of the House has access to. We can read it ourselves in our own good time.

Mr SPEAKER: Order! There is no point of order.

Mr De LACY: I am worried that members opposite might miss some of it—particularly the parts that paint Queensland in a good light. The net interest payments per capita have been reduced from $117 to $39.

In conclusion, let me make the point that these are only figures, and they do not mean very much to the person in the street. However, the fact is that, because of this great financial performance, this Government has been able to direct resources to those underfunded departments in Queensland, such as health, education, police and welfare, to which funding was never directed before. This Government has been able to rectify the deficiencies it inherited from the National Party. If the Opposition is going to talk about our inheritance, I say that our inheritance is the underfunding of all of those important social structures. That is the real inheritance that this Government received.

Sunlover Boat Hire

Mr PITT: I ask the Minister for Tourism, Sport and Racing: is he aware of the dispute between the QTTC and a Sunshine Coast boat hire business over the use of the trade name "Sunlover"?

Mr GIBBS: I am aware of the dispute. I thank the member for Mooloolah, Mr Bruce Laming, for bringing this matter to light yesterday. I was advised of it only late yesterday afternoon.

Quite frankly, this matter is a case of bureaucracy gone mad. As members would be aware, Sunlover Holidays has traded since 1982. It was not registered as a trademark until December 1992. It was only some three months after that that the Neals registered the "Sunlover" name without checking to see whether a trademark was in existence.

It should be acknowledged that, although there was a failure on the part of people to check if there was a trade name such as "Sunlover" in existence, in this case the operation in question is a small mum-and-dad operation. I understand that they operate only three small houseboats. They play an important role in Queensland's tourist industry, and I will be using my ministerial discretion later today to overrule the decision by the Queensland Tourist and Travel Corporation. The Neals will continue to be able to use the name "Sunlover" for their boat hire business and will continue to play the role the we all encourage in the tourist industry, that is, to be competitive and offer the very best product that we can in Queensland.

Princess Alexandra Hospital, Transrectal Ultrasound

Mrs SHELDON: In directing my first question to the Minister for Health, I table a letter from the Director of Urology at the PA Hospital, David Nichol, on behalf of all urology staff requesting the urgent provision of a transrectal ultrasound, which is the only reliable means to do guided biopsies to detect prostate cancer, which kills as many men as breast cancer kills women. The machine is worth approximately $10,000, yet the PA Hospital, one of Queensland's major teaching hospitals, does not have one. Its doctors use needles to search blindly for any suspect lesion, or they turn patients away to pursue their own treatment elsewhere.

I have also tabled the medical superintendent's answer, in which he states that the hospital cannot afford the machine. I ask: on what grounds does the Minister justify endangering the health of Queensland men in this penny-pinching manner?

Mr HAYWARD: I thank the member for the question, because it shows her complete lack of understanding of the budgetary process for capital works for hospitals in Queensland. Let me repeat that this Government has introduced a $1.5 billion 10-year hospital rebuilding and re-equipping program. That program is worth roughly $150m a year.

Mrs Sheldon interjected.

Mr HAYWARD: Let me just explain how it works, so the member knows.

Mrs Sheldon interjected.

Mr SPEAKER: Order!, I ask the Deputy Leader of the Coalition to stop interjecting and to listen to the answer.

Mr HAYWARD: What happens is that each hospital in each region is asked to submit what it considers to be its priorities. Within the context of the PA Hospital, that hospital details its priorities for the replacement of capital equipment or hospital refurbishment. In simple terms, I am sure that that item would have been part of that hospital's priorities. Within the context of the priorities that it sought, I would imagine that it was not the No. 1 or No. 2 priority.

Mrs Sheldon: I hope you don't get prostate cancer.

Mr HAYWARD: The member should listen to what I am saying. If we operate a capital works system on the basis of letters from people who are aggrieved because they do not get their way, we will never be able to achieve a competent or a balanced budget. Given that the member is the shadow Treasurer, it is a bit of a worry that she does not understand that.

This Government has a commitment to spend $1.5 billion over the next 10 years to rebuild and re-equip Queensland's public hospital system. That program is about purchasing new equipment and addressing the needs and the problems of the past. As I said before, quite simply, each hospital allocates its priorities, and that is determined within the context of the regional priorities. They are then assessed by the capital works planning committee. On the basis of the overall priorities in that region, if the items fit into that context, they are purchased.

Sentencing of Juveniles

Mrs SHELDON: I refer the Minister for Family Services and Aboriginal and Islander Affairs to the comments by the head of the Children's Court, Judge McGuire, in which he attacked the pathetic attitude of parents who could not accept responsibility for their children, and to his statement that he expected the Minister's department to notify all parents when their children were to be sentenced and to tell them that the court insisted that they attend. I ask the Minister: why has her department failed

to ensure that parents are present during sentencing of juveniles, and what action does she intend to take?

Ms WARNER: In the light of the judge's comments, the department has to work out a set of criteria of how far it goes in terms of trying to contact the children's parents. As it was pointed out in the article by the judge himself, the problem is that it is often quite difficult to contact the parents. There is no suggestion from the judge that my department had not made attempts to contact parents to tell them that their children would be appearing in court. The issue then becomes a matter of how far we go. The judge is saying that he will not hear the case until the parents are present in court. It will be interesting to find out what excuses he will accept and what excuses he will not accept for parents not being present.

Administrative streamlining will need to take place in order to give full effect to his very sensible suggestions that the department should put in place some firmer processes. Unfortunately, as the honourable member would be aware, and as the judge is aware, there will be circumstances in which it will not always be possible for parents to attend the court. So the judge will have to decide whether or not he will hear the case. Of course, that will be at his discretion.

Use of Toxic Chemicals in Schools

Mr LIVINGSTONE: I ask the Minister for Administrative Services: is he aware of concerns about claims that toxic chemicals are being used in schools? Can he inform the House of the true situation?

Mr MILLINER: Yesterday, I was very disappointed to read the press release that was issued by the member for Tablelands, because it only indicated that he is part of the fear campaign that is being generated by the Opposition. The situation in relation to floor coverings at schools was that there was a problem with a floor covering in a school on the tablelands. I notice that the member called for an inquiry. He is a bit late, because after the problem was detected, the Administrative Services Department was so concerned about it that it immediately contacted the manufacturer and the Division of Workplace Health and Safety. The division inspected the product, and the advice that we have received from it and from the company concerned is that if the product is used as directed, there will not be any problems with it.

It is interesting to note that this product has been used thousands of times throughout Australia and New Zealand, and only a couple of problems have been reported. The matter has been investigated. As I said, the Division of Workplace Health and Safety has indicated that if the product is used as directed, there is no problem with it. To allay the fears of school communities, the Administrative Services Department took one step further and directed contractors to lay this product only during school holidays. The danger arises only when the product is being laid and when it is curing. After it has been laid and cured, an odour comes from the product. To allay the fears of the community, we directed that the contractors use this product only during school holidays so that the odour may dissipate prior to the staff and students coming back to the school. The Government was aware of the situation and moved very quickly to overcome it.

Rockhampton Community/Police Consultative Council

Mr LIVINGSTONE: I direct a question to the Minister for Family Services and Aboriginal and Islander Affairs. I understand the Minister attended a public meeting organised by the Rockhampton Community/Police Consultative Council. I ask: can the Minister please outline the outcome of that meeting to the House?

Ms WARNER: I thank the honourable member for the question. There was a meeting on Monday afternoon after Cabinet of about 200 people in Rockhampton. The member for Keppel, Mr Lester, urged a number of people to come to that meeting to discuss the broad issues of law and order and juvenile justice in Rockhampton. The broad range issues that people were raising and wished to discuss included concerns about police powers of arrest, sentencing options—that is, the relative values of detention versus other kinds of orders such as community service orders—and issues of law and order in relation to Aboriginal families.

The meeting was very constructive. It went for about an hour and three quarters, and everybody had their say. The member for Keppel was the first person to get the ball rolling when he made the comment—and it appeared on the front page of the *Courier-Mail*—that he thought that there was much to be learned from the Saudi Arabian experience where people had their hands cut off. What the honourable member said——

Mr LESTER: I rise to a point of order. I am deeply hurt and offended by that comment. I did not suggest that they should have their hands cut off.

Mr SPEAKER: Order! Is the member saying that the comment was untrue?

Mr LESTER: I did say that I did not advocate that. It is in the *Courier-Mail*. The Minister should not try to change the facts.

Ms WARNER: I will repeat clearly for the member exactly what I said. I said that the honourable member suggested that there was much to be learnt from the Saudi Arabian experience, in which people had their hands cut off. He described it at the meeting as: a person is warned once, twice, and then has his hand cut off. The issue, although humorously put by the honourable member, is not exactly a humorous one.

The people at the meeting were generally interested in what measures we could take to stop re-offending. I was very pleased with the meeting in that sensational retributive justice suggestions were not made by people, even though they obviously had very deep concerns. They were asking what the merits of detention were. I pointed out to them that the problem with detention is that people who go into detention centres generally re-offend when they are released. We really need sentencing options which get through to the kids so that they can reform their behaviour.

In conclusion, a woman—and she was possibly 30 years old—addressed the meeting. She pointed out that she had been an offender and a re-offender over many years.

Mr Veivers interjected.

Ms WARNER: The honourable member should listen; he would learn something. A lot can be learned from this woman's experience. She had been in detention centres. She said that she had learnt a lot of skills at those detention centres about how to effect break and entry. The member for Keppel can confirm this story. She was very grateful for the work that had been done by people such as welfare officers and social workers who had managed to get through to her about her offending behaviour and divert her from that behaviour. She now has a university degree and is in full-time employment. She is no longer an offender. She pointed out that she was of Arabic descent and that she was very glad that her family had come to Australia because, despite her previous offending behaviour, she still had all her digits. At what point do we decide that people are lost causes?

The meeting was useful and constructive. People actually understood much more clearly the issues before them, and they were prepared to discuss them in a reasonable and constructive manner, unlike the sorts of comments that we hear from the other side of the House.

Boystown

Mr LESTER: I ask the Minister for Family Services and Aboriginal and Islander Affairs: why is it that Boystown, which has had such a great record of successfully rehabilitating wayward children and depends entirely upon referrals from her department, has only 43 children referred to it when it has the capacity and staffing to be able to rehabilitate 84 children. Why is it that, when Boystown has fully registered secondary schooling facilities, rural education programs and apprenticeship training with TAFE accreditation, a well-appointed droughtmaster stud and intensive social training programs, she is not utilising this facility fully?

Why is it that—with one exception when the person was too far gone anyway— Aboriginal and country boys are not sent there? Why is it that Boystown, and similar organisations such as Cathwack, are not used fully when crime is so rampant in this State? Why is it that Boystown has to raise $1.5m annually from the public to keep going, and the Minister does even use it or refer people to it?

Mr SPEAKER: Order! That is not a question; it is a speech. I will ask the Minister to answer the parts she wishes to.

Mr FitzGerald: Yes or no.

Ms WARNER: I am very tempted to say "Yes" or "No". A more appropriate question would be: is the moon made of blue cheese?

Boystown is a facility that is partially funded by my department. It is also funded from a number of other sources, including its own fundraising activities. The places in Boystown are not reserved for people who have been referred there by my department. Under the new juvenile justice legislation, if people were sent there as part of their sentence, that would be a matter for the courts, rather than for my department, to determine.

The member may recall, if he knew about the new Juvenile Justice Act—and I suggest that not many people opposite do—that the sentencing provision is no longer a measure undertaken solely by my department; it is a measure that emerges from the courts. Boystown has a number of outreach activities as well from which it could recruit boys to attend the centre. I am not sure of the exact number of people at Boystown at the moment. It is a matter for the Boystown administration to determine who does and who does not go there. It is a matter for people of my department to refer people to it only when it is thought appropriate, rather than as matter of course to fill up places because they are there.

Police Numbers in Rockhampton

Mr LESTER: I direct a question to the Minister for Police and Minister for Corrective Services. In view of the fact that the Minister claims that, with the recent addition of four police, there are now full police numbers in Rockhampton, I ask: why is it that Deputy Commissioner Aldrich recently admitted at a public meeting in Rockhampton, after I had questioned him, that the city was 11 police short? It would seem that, with the addition of four police, the city would still be seven police short. That claim is backed up by Rockhampton police who have contacted me. Is Deputy Commissioner Aldrich lying, or is the Minister lying?

Mr SPEAKER: Order!

Mr LESTER: I withdraw the word "lying" and substitute "telling an untruth".

Mr BRADDY: The question is offensive, but the member for Keppel usually is, so it does not make much difference. The position has been made very clear to the member for Keppel and others, if only they would listen. When Mr Aldrich spoke at that meeting—and I heard his reply—he did not make the statement that the member for Keppel alleges he made. Mr Aldrich said that 11 permanent positions were not filled at that time, but not all of them were vacant because temporarily appointed officers were serving——

Mr Lester: They were cadets. We've always had cadets.

Mr BRADDY: No. Some officers were appointed temporarily while the 11 permanent positions that needed to be filled were advertised.

Mr Cooper: Fifty-five shifts short.

Mr BRADDY: The member should just be quiet. Since that meeting, those positions have been filled. I am assured by the deputy commissioner for the region and by the Police Commissioner that there are 128 positions in Rockhampton and that all of them are filled.

Kuranda Railway

Dr CLARK: I ask the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development: can he please advise the House of the success of the Kuranda railway and its importance to the development of tourism in the region?

Mr HAMILL: Yesterday, in this House, I was able to report on the progress made in the marketing of tourism in central-western Queensland as a result of the Spirit of the Outback train. I am pleased to inform the honourable member that the Kuranda train, which is world famous and which is a wonderful attraction for far-north Queensland, is doing exceptionally well under the marketing strategies that have been brought to bear in recent times under this Government. In fact, in this year alone, when compared with the same period last year, 30 000 additional passengers have used the Kuranda train. That represents growth of 8.7 per cent. This year, we anticipate that the Kuranda rail experience will succeed in bringing half a million passengers to the Kuranda Range for the very first time. That is a tremendous achievement. I believe that it demonstrates the ability of Queensland Rail to market a world-class tourism product.

It is not simply a case of moving people. Such an enterprise requires a considerable amount of marketing and a considerable amount of investment. The operation of the Kuranda line is very difficult and very expensive. Each year, $2m is spent by Queensland Rail on maintaining and upgrading track. In order to continue the growth of the Kuranda rail experience, Queensland Rail has invested significantly in the rolling stock. The wooden carriages are expensive to run. That is why Queensland Rail has committed $10m to the refurbishment of those cars. That program is almost complete.

With respect to Kuranda, Queensland Rail is putting its money where its mouth is. It is investing heavily in the long-term future of the Kuranda railway. It is certainly generating tourism dollars for far-north Queensland.

Bus Services in Cairns

Dr CLARK: I ask the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development: could he please inform the House of the benefits to Cairns residents of the Government's new policy framework for urban bus services and, in particular, could he inform the House as to the timetable for the introduction of the new policy?

Mr HAMILL: The Government's policy for the development of passenger transport is a very important one. In Cairns, the policy will deliver very substantial benefits to the residents of the area. Cairns has a particular problem with bus services, in that there is little coordination across the four operators that provide services in the district. Indeed, if a resident wants to travel from the northern beaches of Cairns to one of the southern suburbs, it involves a complicated process of travelling to the central city and changing from one bus operation to another, or certainly changing buses.

An important feature of the Government's policy for passenger transport as it applies to Cairns is the determination of Cairns as a single contract area. That will provide greater integration and the opportunity for increased services. One feature of Cairns that is similar to many other areas in the State is that there are few off-peak services and precious few weekend services. The policy framework will deliver better and more frequent bus services in the Cairns area.

As to the second part of the question—we have been implementing the policy in close consultation with the bus industry. I want to place on record my appreciation for the support of the vast majority of bus operators in the State. Those who are conscientious can see quite clearly that the new policy guidelines will enable them to expand their business. I inform the honourable member that, in early March, we will be releasing to the industry the policy details on the commercial contract boundaries that will apply across the State. We will seek feedback from the industry on those policy details.

In addition, in mid-March, we will release for the purposes of consultation with the industry the details on the minimum service requirements. That is an important feature of the policy. We will be prescribing the minimum levels of service—a measure that will see service levels, frequency levels and standards in the industry lifted—with a view to having the detailed contract area arrangements in place by April so that full implementation can occur from the middle of the year.

Mr P. Pisasale

Mr GRICE: I ask the Minister for Justice and Attorney-General: does he agree that it is necessary to amend the Criminal Law (Rehabilitation of Offenders) Act in order that persons seeking public office must disclose any history of past criminal connections? If the Attorney does not agree, is he aware that, in 1979, at the age of 28, Alderman Paul Pisasale, the Labor Party's mayoral candidate in Ipswich, was charged by the Ipswich CIB and later convicted of stealing and aggravated assault? Is the Attorney also aware that Alderman Pisasale is actively using the provisions of the Criminal Law (Rehabilitation of Offenders) Act to deny the existence of such convictions?

Mr WELLS: I will not go into the calumniations that are spread by the honourable member, but I will make a comment about the Criminal Law (Rehabilitation of Offenders) Act. That Act prescribes that, after a period of five years, a person is entitled to deny his or her record, including under oath, provided that it was an offence of a certain category—a non-indictable offence or an indictable offence which is triable summarily and which was tried summarily. There are a series of exemptions to that general rule contained in the Criminal Law (Rehabilitation of Offenders) Act. Those exemptions include a variety of areas. For example, a person cannot become a justice of the peace if he or she has been convicted of a series of those types of offences.

Those exemptions were put into that Act by a National Party Government. Those exemptions are untouched by any amendment introduced by the Labor Party Government. The exemptions about which the honourable member is complaining are exemptions for which the National Party is responsible. I am very pleased to hear from the honourable member that he has a concern in regard to the legislation. I would be interested in discussing the matter with him further, in terms of any ideas that he might have for law reform, because none is forthcoming from the mugs on the front bench. I welcome further discussions with the honourable member on the subject. However, it must be borne in mind that the exemptions to which the honourable member referred were put in place by the Opposition.

Government Initiatives to Assist Professional Women

Mrs BIRD: I direct a question to the Minister for Business, Industry and Regional Development.

An Opposition member: Oh!

Mrs BIRD: The member should be quiet. He might like it. I ask: can the Minister outline any Government initiatives to assist professional women in their work aspirations?

Mr ELDER: I am not sure Opposition members would like it, but I know that they are pretty quiet at times. Yesterday, I launched a study on mentoring: Beyond the Status Quo. It was good to see many business women attend that launch. The purpose of that study was to establish the extent of mentoring itself in the work force and the relationship in terms of mentoring with women, whether women were suffering in terms of not receiving the type of mentoring support that was quite evident in the work force as far as males were concerned. In the past, it has been a lot easier for males to be mentored through their career path than it has been for women. Quite conclusively, that has been proved to be the case.

As honourable members would appreciate, mentoring is an informal arrangement. It helps

people in their career development. It also helps them along their career path. Because of the way mentoring had taken place in the work force previously, women were disadvantaged. This report showed was that there were pro-active methods that businesses could adopt to assist women in a mentoring arrangement. My department has produced a brochure that will give a practical guide to women on mentoring in the workplace. In my view, it is a concrete guide to help women's aspirations in the work force.

It is important that honourable members understand that mentoring is an important subject for the simple reason that women are represented in many work fields, particularly teaching and nursing. Also, women are increasingly represented in small business. However, there are very few women in our society fulfilling the positions of business managers. That problem has to be addressed.

I ask business chiefs to recognise that problem and to change their mind-set, because apart from equity reasons—and I have said this time and time again in this House—it is important to use the skills of the entire work force, not just half the work force. Through this grant from my department, we will be taking more initiatives in developing more program assistance for women who are self-employed or are employers. Also, I hope that the grant will assist women in their career path to business management in this State.

Queensland Rail's Traveltrain Marketing Strategy

Mrs BIRD: I ask the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development: can he inform the House of Queensland Rail's Traveltrain marketing strategy, particularly in regard to the Spirit of the Tropics service, and whether or not those strategies are working?

Mr HAMILL: I am pleased that the honourable member has shown such a keen interest in the development of tourism potential in the Whitsundays. A couple of years ago, I was with the honourable member in Proserpine when details of the expansion of QR services into the area were offered to the local tourist operators. One area in which the Whitsundays is a very strong player in the tourism market is in relation to economy and backpacker tourism.

In terms of the economy class section of its service, particularly in that area, Queensland Rail decided to develop that particular section of the market. Queensland Rail has done that very successfully. In fact, last year, through the refocusing of part of its services such as the Spirit of the Tropics, the department saw a 16 per cent increase in patronage. The Spirit of the Tropics really does focus on young backpacker and economy travellers. Indeed, one of the noteworthy aspects was the introduction of the disco on wheels, Club Loco, which has proved to be very successful indeed.

I think that initiatives such as this really do bring great benefits for regional tourism in the State. Of course, those benefits flow on to accommodation and so on in communities such as Proserpine and Airlie Beach.

This year, Queensland Rail has introduced an East Coast Discovery Pass to build on the already substantial gains it has made in the young travelling market. At a cost of $123, that pass offers unlimited travel along the east coast for a six-month period. I think that will further develop what is an important part of Queensland tourism and an important part of domestic tourism.

As my colleague the Minister for Tourism, Sport and Racing says, we should never forget that a very important part of the tourism market in this State comes from Queenslanders and other Australians going on holidays—indeed, the entire domestic tourism market. Queensland Rail is certainly focusing on that.

Crime in Toowoomba

Mr HEALY: In directing a question to the Minister for Police and Minister for Corrective Services, I refer him to the recent spate of crime in the Toowoomba inner city area and an eyewitness report in the *Toowoomba Chronicle* of 18 February from two security patrol guards describing vomiting, urinating, vandalising teenagers roaming the streets till dawn as a normal night's activity. I also refer the Minister to another report in the *Toowoomba Chronicle* of 17 February about a Russell Street trader who reported a break-in to Toowoomba police and was told, "You would be lucky to get a car around there in 20 minutes", even thought the police station was only two blocks away, within walking distance. I ask: what steps is the Minister's Government taking to address police numbers on the beat in Toowoomba between the hours of 10 p.m. and 4 a.m. when the crime is occurring, and can he give Toowoomba businesses an assurance that things will improve?

Mr BRADDY: As the House well knows from answers to previous questions, the question of crime is a matter for the whole community—and it is a very serious matter. As Judge McGuire said, the one thing that we need

first and foremost in our community is a greater sense of responsibility by parents.

Police, in turn, are trying to activate that sentiment by the longstanding and successful Police Citizen Youth clubs. I think Toowoomba has been a city where the police and the community have long had good relations. In relation to rostering after normal hours—I believe that we need to do better in terms of having police working in the evenings, particularly on weekends.

As the House has been informed, I directed the Queensland Police Service to negotiate under enterprise bargaining formulas to proceed to enable more police to be rostered at weekends and at night. That negotiation is proceeding. I am quite determined and sure that that negotiation will come to a successful conclusion this year. That will be for the benefit of Toowoomba and for the rest of Queensland.

In the meantime, police are trying all sorts of initiatives to control crime. As the honourable member would probably know, there is a police pedestrian beat in parts of Toowoomba which is a trial not only for Toowoomba but also for the whole of the State. There are multifaceted attempts to defeat this problem.

Of course, police cannot anticipate a particular crime. They are not able to know by some form of osmosis when someone is going to do something and stop them before they do it. Crime will always be an aspect of our society. However, we cannot be complacent about it. This Government is not complacent about it. The increased police numbers show that it is not complacent, as does the change in methods of operation. Another example of the Government's desire to decrease crime is this very important experiment with police beat patrols in Toowoomba.

Manufacturing Exports from Queensland

Ms POWER: I ask the Minister for Business, Industry and Regional Development: can he advise the House of the latest figures regarding manufacturing exports from Queensland?

Mr ELDER: I thank the member for the question. I can recall a member from the other side of the House not long ago asking about manufactured exports. This morning, I am going to enlighten that honourable member. This year, Queensland exported almost $6 billion worth of manufactured goods. That is an increase of some 13 per cent over last year but, more importantly, under the Goss Government those programs, activities and policies of market enhancement that we have had in place through the 1990s has seen a significant growth in exports. We have seen a growth of nearly 42 per cent, from $4 billion when the Labor Party came to power, to $6 billion now. That growth shows that that market enhancement policy, that sophistication in the market that I have been talking about, is working and that we now have a much stronger manufacturing base than was the case years ago.

Members will recall that, under the previous administration, the late eighties were known in Queensland as the boom years. I emphasise that 1992-93 was not a boom year, yet we have been able to achieve figures such as those I just cited.

I shall concentrate on a couple of sectors that were the main contributors to that figure of $6 billion. There was a lift in the value of processed foods and beverages from $2.7 billion last year to $3.3 billion this year. Much of that is associated with the work that is being done within my department, Treasury and other departments in terms of increasing the opportunities for the food processing industry. If we are to do anything, we need to value add at home and to move into the Asian markets.

The processed food market in Asia is now worth $US50 billion a year. That figure is estimated to increase to $US100 billion a year by the turn of the century. We need to be in that market, and we need to be taking pro-active steps to actually achieve that breakthrough. This Government is doing that, and that is evidenced by our export figures.

As to other increases—throughout the nineties, overseas sales of transport equipment have doubled from $62m to $122m. Exports of chemical, petroleum and coal products have more than doubled from $111m to $232m. Evidence of the broadening of our economy and that our policies are working is apparent in that there are now new categories developing in the export field. One of those is wood and paper products. Last year, we exported $37m worth of those products, which were not an export item when this Government came to power.

Mr Connor: Come on—you're just wasting time.

Mr ELDER: I am not wasting time. This is an important subject. The honourable member misses the point. In the 15 months that I have been Minister for Business, Industry and Regional Development, I have not been asked one question about manufacturing. The reason for that is that it is all good, positive news. Opposition members dance around on the issue of crime, but they miss the important elements in this State, namely, economic development,

manufacturing export growth and job growth—that is job growth right throughout regional Queensland.

Police Cadets

Ms POWER: In directing a question to the Minister for Police and Minister for Corrective Services, I refer to the recent graduation ceremony of 107 police cadets, and I ask: can the Minister comment on the attributes and skills of those new officers, in particular whether they are more reflective of the general community, and how they will continue to improve the quality of the Police Service in this State?

Mr BRADDY: This is certainly a very important time in the history of the Queensland Police Service, because the Government has embarked upon a deliberate policy of attempting to attract to the Police Service people who more broadly reflect the community. It has been very successful in doing that. The latest batch of police officers would certainly be the best educated in Queensland's history. They included graduates from universities in Queensland in engineering, science, psychology, teaching, nursing, and so on. That covers just a few of the professions. Many of them are embarking on their second or third careers. Among those graduates was a former taxi driver, a carpenter, a minister of religion, a former lecturer at the Queensland Conservatorium of Music and a diverse group of people with confidence and skills gained from previous employment and life experience which will serve them in good stead.

Most importantly, in many ways those police graduates represent a wealth of social and ethnic backgrounds and a variety of life experiences. In addition, almost a third of the new police were women. That is something that has occurred over the past several years under this Government. It was noted by me—as I have done at previous graduation ceremonies—that the female recruits gained more than half of the year's academic and special awards at that ceremony, despite being outnumbered two to one by the men. There is no doubt about the quality of the women we are attracting to the Police Service, as well as the quality of the men. There is also a healthy mix of ages and social backgrounds. Around half of the new recruits were born in Queensland, and the other half are people who have become Queenslanders by choice. That is yet another illustration of the growing number of people in this State who have come to Queensland because they believe that this is the best place to live.

This extremely healthy mix of age, gender, birthplace, social background, education and life experience augurs well for the professionalism of the Queensland Police Service.

Police Resources, Fortitude Valley

Mr BEATTIE: I ask the Minister for Police and Minister for Corrective Services: can he outline any recent measures to improve police resources and enhance public safety in the Fortitude Valley area?

Mr BRADDY: Some very important work has been done by the Queensland Police Service in the Valley area. Recently, the honourable member and I were present at the opening of the refurbished Valley Police Station. The police at that station indicated very strongly how much their morale had risen not only because of the refurbishment of that old police station but also because of other matters that have been attended to, and which were able to be attended to, as a result of this Government's determination to give numbers and resources to police in that area.

The Valley Police Station is now the administrative centre of the Valley police cluster, which also includes the Newstead and New Farm divisions. It now has a present staffing strength of 91 uniformed officers, including CIB and Juvenile Aid Bureau officers. This compares favourably with the previous total when the station covered a much larger district. Those 91 officers are doing more confined and precise work compared with the work done in the previous larger district.

In relation to the Valley—this Government has negotiated to have security cameras placed in that area to assist in identifying violent offenders. The Public Safety Response Team is also operating in the Valley to assist local police in relation to the control of violence. The Valley task force of uniformed and plain-clothes officers covers prostitution and potential trouble spots. All of this is part of a determination to liaise regularly with the local communities.

Mr SPEAKER: Order! The time allotted for questions has now expired.

INDUSTRIAL RELATIONS REFORM BILL

Second Reading

Debate resumed from 17 February (see p. 6927).

Mr SANTORO (Clayfield—Deputy Leader of the Liberal Party) (11.08 a.m.): Something is obviously drastically wrong with the Goss

Government's industrial relations policy and legislation, given the very substantial changes that have been made on three occasions now in a period of four years. During the debate on those changes, the Opposition expressed some very major concerns about the direction of the Government's industrial relations policy and legislation, and it opposed the Bills for very good reasons, which are on the public record.

Today, from the outset, I inform the Minister and members opposite that the Opposition finds this particular piece of legislation as objectionable as any other piece of industrial legislation that has been introduced by this Government and this Minister. As a result, the Opposition will be opposing the second reading of the Bill and, in all probability—unless the Minister is able to give some answers—several clauses at the Committee stage.

In mid-1990, we were told by the then Minister, the Honourable Neville Warburton, that the Bill which was to become the 267-page Industrial Relations Act 1990 was supposed to provide a blueprint for the future after a comprehensive overhaul. In his second-reading speech, the Minister stated that the Labor Government was legislating to create an equitable basis for the regulation of employment relations—

> ". . . to ensure that the State's industrial relations system is suited to the task of developing Queensland's industrial base as we face the 21st century."

We were told by Minister Foley just over 12 months ago that his substantial amendments in what was to become the 94-page Industrial Relations Amendment Act 1992 would—

> ". . . provide an effective framework within which employers, employees and their unions can negotiate modern wages and working conditions suitable to a high-skill, 21st century economy".

Now Minister Foley introduces 229 pages of further amendments and attempts to describe this embarrassing period of instability in his industrial relations policy as—and I use his words—a "hallmark . . . of the Goss Government". Considering the mess his industrial relations policy is in, I am not surprised that he is now not looking as far ahead as the twenty-first century.

The centrepiece of his 1992 legislation was a new division for certified agreements based on the then Federal model in Division 2 of Part 10. However, clause 10 (2) of the current Bill deletes that whole division! Admittedly, it replaces it with something else; nevertheless, this intrinsically important clause is deleted.

No wonder the employers and workers of Queensland are thoroughly confused and are shaking their heads in absolute dismay. The simple fact is that the Goss Government, through Minister Foley's inept administration, has lost its way in the field of industrial relations. The Minister seems to have no other policy than to follow whatever the Federal Minister decides.

The facts speak for themselves. On 28 October 1993, Federal Minister Brereton introduced a 211-page Bill that contained the results of the deal that the Federal Labor Government had struck with the unions. Similar to the situation with employers, consultation with the State Governments had not been adequate. Indeed, the record of the Labor Ministers conference at the end of October shows that States—

> ". . . emphasised their strong concern . . . with regard to the process of Commonwealth consultation with the States/Territories on the legislation which they regarded as completely inadequate . . ."

That was the view of Ministers who are not rubber-stamps. The record also shows that, contrary to the view of the overwhelming majority, Minister Foley considered the process to have been satisfactory. In respect of a proposal to delay the Commonwealth legislation to allow adequate consultation, Minister Foley's position was recorded as—

> "Queensland opposed the proposal. It was plain the Commonwealth intended to proceed with the legislation and it was plain they had a mandate so to do."

Certainly, the Queensland Minister could not claim that he had access to the entire Commonwealth Bill before it was introduced. However, on the very day that the Federal Bill was tabled, Minister Foley issued a media release which stated that he—

> " . . . will recommend to State Cabinet that Queensland introduce new laws to encourage enterprise bargaining into the non-union sector, in line with legislation to be introduced into Federal Parliament today."

Mr Foley: It was a draft Bill. They agreed to amend it as a result of our representations.

Mr SANTORO: I will take the interjection from the Minister. I have a substantive and substantial contribution to make on behalf of the Opposition. I encourage him to use the time available to him to reply to me. We will eventually come back to the Minister and dispute whatever statements we feel comfortable disputing.

Mr Foley: The point is that we had access to the earlier draft of the Commonwealth Bill. We made representations and they changed the Bill.

Mr SANTORO: I note that the Minister mentioned an "earlier draft". I note that he is again using the wordsmith's tool to camouflage very cleverly——

Mr Foley: They changed it because of our representations.

Mr SANTORO: Perhaps the Minister may wish eventually to tell us how it was changed. In no way am I wishing to be rude to the Minister, but I want to go through this speech so that the views of the Opposition can be known to the people of Queensland— particularly the industrial relations practitioners.

The Minister stated that he would—

> ". . . recommend to State Cabinet that Queensland introduce new laws to encourage enterprise bargaining into the non-union sector, in line with legislation to be introduced into Federal Parliament today".

He also stated that he—

> ". . . would propose legislating to ensure the minimum standards to be included in Federal laws, which are set out in ILO conventions, be applied in Queensland".

If that grossly premature announcement was not bad enough, the Federal Labor Government subsequently moved no fewer than 174 amendments to the Federal Bill that Minister Foley had already endorsed. Subsequently, the Federal Government accepted literally pages of additional amendments by the Senate. So much for the good that would accrue from the Minister having an advance copy of the Bill. It was changed 174 times. Even if he had been given a copy of the Bill, it had 174 amendments. The Minister had rubber stamped them without a single clue as to what was involved.

Minister Foley had publicly endorsed a Federal Bill that was to be subject to very substantial amendment! It seems that Minister Foley is either so uninterested or incompetent in this portfolio that he is prepared to just adopt a blank-cheque approach to legislation, notwithstanding where his simple yet dangerous path of follow-the-leader with the Commonwealth will take him.

It would not have been so unimpressive if, during the period leading up to the passage of the Federal Bill, Minister Foley had joined various major players, including Ministers from other States, in publicly expressing views on the very important issues under debate— what should be the outcome of the Federal Government/ACTU negotiations. Instead, the Minister chose to sit on the fence waiting for the outcome of the debate and then endorsed what he thought was the result—apparently irrespective of the outcome.

As Queenslanders, we have, in effect, been disfranchised. The State Government did not adequately represent us in the debate and we are now left with the inevitable pressures for consistency between the Federal and State systems to which Minister Foley has succumbed.

The Bill currently before this House shows that where Minister Foley has adopted comparable Commonwealth provisions, he has made what appears to be the most superficial changes. For example, he has changed "conditions of employment" to "employment conditions", "maintained at" to "kept at", "contrary to" to "against", "referred to" to "mentioned", "thinks" to "considers", "in relation to" to "about", "observed" to "complied with", "attaining and maintaining" to "reaching and keeping", etc.

Mr Welford: It's called plain English, you dummy.

Mr SANTORO: I take the interjection from the honourable member for Everton. When the Minister tries to teach us plain English, it will be a very worrying day.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I ask the member for Everton to withdraw the term "dummy". The Chair considers it unparliamentary.

Mr WELFORD: I withdraw.

Mr SANTORO: In one section, he has changed "to conform with" to "in accordance with", but in another section has changed "in accordance with" to "for". That is very profound stuff indeed! I am sure that those employers who have employees under both the Federal and State jurisdictions will want to "thank" Minister Foley for these changes, which can only work against harmonising Commonwealth/State industrial arrangements, and will add to their difficulties.

Minister Foley's whole approach has made a mockery of any suggestion that the Goss Government has any serious industrial relations policy or vision. The whole unfortunate period of the Foley administration of a portfolio he never wanted would be a complete joke if it were not for the fact that State industrial relations legislation affects over a million workers and many thousands of employers in Queensland.

The Opposition objects to Labor's shabby attempt to push through a Bill of such significance and magnitude within the minimum

period of seven days from when it was first introduced. There is absolutely no reason for this. No other State has yet introduced legislation to complement the Federal Industrial Relations Reform Act. The question has to be asked: what is the rush?

Furthermore, the Federal Minister has announced that the earliest date that the Commonwealth legislation will become operative is 30 March 1994. Indeed, he has indicated publicly that there is some doubt about that date being achieved, given the regulations and other statutory instruments that are yet to be finalised or approved. Minister Brereton has not even announced appointments to the new Industrial Court that will be needed to administer the new minimum standards which Minister Foley seeks to replicate.

It has been suggested that perhaps Minister Foley wants to avoid the Bill being closely scrutinised by employees, unions, employers and the public to enable him to avoid having to personally defend its provisions. As I have said previously, there is one place in which he cannot hide, and that is in this Chamber. That is why I have been approached in the past week by numerous stakeholders in the Queensland industrial relations system who are outraged at how Minister Foley has ignored any views that they might have on his proposal.

The Minister currently has the numbers, and no doubt the Labor Party will be able to push the Bill through at break-neck speed. However, be warned that this heavy-handed treatment will rebound on the Goss Government at the ballot box, and particularly within the small business community.

Mr Foley interjected.

Mr SANTORO: I will take that interjection from the Minister. If the Minister is fair dinkum, he should let this Bill lie on the table of the Parliament for a couple of months, so that individual employers can actually see what the Bill is and what the effect——

Mr Foley: I circulated a copy of the Bill to the industrial relations consultative committee several weeks ago, and prior to Christmas I circulated the policy issues.

Mr SANTORO: The Minister circulated a copy of this draft Bill to his advisory committee, did he? Did he circulate a copy of this Bill, or did he—when he introduced this Bill last week—circulate a lovely, coloured, glossy document that talks about the amendments. The Minister's interpretation of consultation is a shameful sham. People are saying that, and the Minister knows it.

The plain fact is that Minister Foley and the Goss Labor Government are riding rough-shod over employers, employees and their organisations by not consulting with them on a Bill which will significantly affect their interests. This steamroller mentality is not the responsible way to introduce an industrial relations framework that will contribute to industrial harmony and the increased productivity that Queenslanders need. Actions of this nature, when there is no pressing urgency to pass legislation, do not contribute to good law-making—as evidenced by a number of errors to which I will refer eventually, and perhaps I will give them to the Minister for him to consider when moving amendments. I notice that he has circulated a number of proposed amendments. I can tell the Minister that I have a few that I want to circulate as well, and I will see whether he will agree with them and avoid the embarrassment——

Mr DEPUTY SPEAKER: Order! I remind the honourable member for Clayfield that discussions about amendments should be held during the Committee stage. The member will return to the Bill.

Mr SANTORO: As I said, actions of this nature, when there is no pressing urgency to pass legislation, do not contribute to good law-making. Parties to the Queensland industrial relations system have a right to be offended and to be angry, considering that they will have to grapple with the practical application of the provisions in everyday workplaces. This applies particularly to employers, whose costs will increase as a consequence of the new minimum entitlements for workers. In respect of the provisions relating to the dismissal of employees, those entitlements go well beyond the provisions of ILO conventions. Employers' administration costs will increase as they are forced to observe more bureaucratic processes. If Minister Foley was more prepared to engage in reasonable consultation with industrial relations stakeholders in addition to the handful who sit on his own committee and those who are members of the legal associations, he could gain a real understanding of the issues that he is still not resolving. That will alleviate the Minister having to continually change tack on the industrial relations policy at relatively short intervals.

On behalf of those parties who have not been consulted, the coalition calls on the Goss Government to agree to suspend debate on this Bill for a period of at least two months to allow those parties time to adequately examine the proposed legislation and to provide comments and suggested changes, including fixing up the

mistakes and the unnecessary duplication that even a cursory reading of the Bill reveals.

Let me make it clear that the coalition is not opposed in principle to the greater harmonisation of the Federal and State industrial relations systems. At a time when the whole country is seeking to become more productive and competitive, and is seeking to obtain a larger export market, it seems ludicrous that Australia has seven unique industrial relations systems. Some employers who are seeking to improve their economic efficiency have their employees in single workplaces covered by both the Federal and State jurisdictions. which have different requirements.

There is a better alternative to the Commonwealth proceeding unilaterally to impose minimum standards on the States and the one-way roping-in of State jurisdiction employees to the Federal system. I am talking about a complementary system of industrial relations in Australia, which is achieved through collaborative State and Commonwealth action and without particular jurisdictions being seen as winners and losers.

If Minister Foley finds this proposal bewildering, it is because he can only interpret what I am foreshadowing a coalition State Government will do to his mirror-image of Canberra approach. He had no influence in the provisions which, as everyone knows, were cooked up between the ACTU and Minister Brereton. If the Minister claims that he had an influence, it would have been so superficial and so insignificant that it would not matter. If it does matter, maybe the Minister should tell us about it.

I say to Minister Foley that I am talking about a quite different approach from the current circumstances—one that his subservient attitude to Canberra indicates he does not understand. I am referring to a situation whereby a future Queensland coalition Government will sit down with the other States and the Commonwealth as equals and seek, through a genuine and cooperative approach, to develop compatible arrangements that avoid duplication and contribute to greater efficiency, productivity and competitiveness. Clearly, the Minister is not interested in that sort of arrangement. I will elaborate on what I mean. On Friday, at the meeting of the Committee of Heads of Government, our Premier along with his counterparts and the Prime Minister will consider an agenda item that states—

> "All governments are seeking to encourage enterprise bargaining and to facilitate greater flexibility in the Labor market but no agreement has been reached by jurisdictions on how this should be done. Different approaches are being pursued.
>
> The States propose that a review of industrial relations be conducted, focusing on the scope for achieving greater uniformity between legislative frameworks governing industrial relations."

That is what the Premier will be saying tomorrow. If this Bill, which seeks to rubber-stamp the Federal version of enterprise bargaining and certain minimum standards, is rushed through Queensland Parliament at this stage, the proposal will be tantamount to closing the gate after the horse has bolted. The Queensland Minister will have capitulated to the overthrow by the Commonwealth Minister for Industrial Relations of Queensland's industrial provisions, and they will be inconsistent with his recent legislation.

What will Premier Goss say to the other State Premiers at the Heads of Government meeting when it comes to this item on the agenda? Will he apologise for the action of the Queensland Minister to rush through this legislation, so strengthening any Federal resistance to the proposal? I know that many of Minister Foley's counterparts in the other States are shaking their heads in bewilderment at the actions of the Queensland Minister whom they, with me, assume to be disinterested in industrial relations to the extent that he was prepared to adopt the Commonwealth's approach to enterprise bargaining even before he saw the Commonwealth's Bill. This is all from a Minister who, in early October 1993 in this place, had the gall to display such self-indulgence that he referred to his having "displayed vision and assertiveness in the field of industrial relations". Although I appreciate that the Minister must have an imaginative speech writer, I caution him against straying too far into the field of fantasy and fiction.

On the one hand, Minister Foley is asking this Parliament to go along with his all-the-way-with Canberra approach on the basis that we will still be left with some semblance of State jurisdiction. On the other hand, Queensland appears to be having no impact on setting the agenda, which the Minister is asking us to adopt. There appears to be a Commonwealth take-over of the agenda through the use of its constitutional powers. In November 1993, after the horse had bolted because the Federal Bill had been introduced, Minister Foley acknowledged in correspondence to a Commonwealth Senate committee that the Queensland Government had—

> "Expressed concern at the use of the Corporations power of the Australian Constitution in the field of industrial relations."

Although the Minister claimed that he had obtained an assurance from the Federal Minister that those powers would be limited to enterprise flexibility agreements, no document to this effect has ever been released. If it had, one would think that at least one other State would have heard about it. Reference to the record of proceedings at the Labor Ministers Council meeting on 22 November 1993, upon which he relies, shows that the discussion on the implications of the Federal Bill was virtually useless in terms of the States receiving any assurances for the future. Minister Foley also stated in that Senate committee submission—

> "This is the first time that the external affairs power has been used in the area of industrial relations. The use of external affairs power has enormous potential to change the balance between Federal and State jurisdiction. This is of considerable concern.
>
> At the same time Australia's international obligations are important. Consequently a better and more formal process is needed, in cases where State jurisdiction is involved before conventions are ratified. Formal processes operate in other developed and democratic Federations such as Canada and Germany.
>
> Such a process might include a legislative requirement for the Commonwealth Government to consult each of the States, a specified consultation period of three months and a requirement that the views of the States be taken into account prior to any decision to ratify a Convention."

Minister Foley went on to state—

> "The Commonwealth's use of the corporations power and the external affairs power to make industrial relations laws is a 'Crossing of the Rubicon'. It is the greatest change in the constitutional balance of industrial relations laws since Federation."

A number of points need to be made about the use by the Commonwealth of these additional constitutional powers in the area of industrial relations. Minister Foley comes to this Parliament and expresses no such concerns. He would have us believe that all is well with his approach of leading honourable members down the garden path of endorsing Commonwealth action to use its constitutional powers to override traditional State prerogatives. The Minister wishes to withhold these concerns from the Queensland Parliament. It seems that he has sold out Queensland's interests for the sake of keeping a superficial mutual admiration political relationship with his Canberra mates, or at least the mates of his political advisers. References in his second-reading speech show no concerns; in fact, the speech gives the opposite impression. The Minister stated—

> "It—

the Bill—

> "unashamedly takes up the provisions of the Commonwealth Industrial Relations Reform Act."

Later he states—

> "This is a real chance for this Parliament to acknowledge the importance of international obligations."

No mention is made of major concerns about, or the disapproval of, the Commonwealth's unilateral action. He was quite happy to piously mouth that concern in correspondence with the Senate committee inquiry. It is a blatant attempt to dress up a wolf in sheep's clothing so that we will all fall for his deception. However, I say to the Minister that we will not be deceived.

Although Minister Foley wishes to engage in the fanciful with self-laudatory comments, the plain fact is that he is a lightweight in having any influence on setting the Australian industrial relations reform agenda. Perhaps he has written a letter that gets closer to the real impact of the Commonwealth's use of its constitutional powers, but he has made no impact on the Federal Government in terms of achieving outcomes. He has no practical vision of any substance, and would rather coast along letting the Commonwealth set the pace, riding on its coat-tails.

The fact is that ILO Convention 158—that is, the Convention Concerning Termination of Employment at the Initiative of the Employer—which is set out in Schedule 10 of the Bill that is currently before us was ratified by the Commonwealth without the agreement of the Queensland Government. I note that the honourable member for Waterford has been briefed by the Minister. I will ask him to respond to the point about what is contained in Schedule 10, which reflects ILO conventions ratified by the Federal Government but not by this State Government. The Minister expressed concerns, but he does not reflect them either in this Bill or elsewhere.

Also, the Commonwealth has given no watertight guarantee that it will not so act again

without the agreement of the States. Why has Minister Foley not been able to persuade his Federal counterpart to introduce the Federal legislation which he has sought to that effect? Minister Foley recently asked this Parliament to enshrine in legislation the Commonwealth/State agreement for the ANTA experiment, when there was no necessity to do so. The Foley legislation merely recorded the agreement, which incidentally he is attempting to amend by clause 43 of the current Bill. God only knows what that has to do with the present Bill.

Mr Foley: It's a drafting correction.

Mr SANTORO: I take the interjection. I wonder how many more interjections of that type I will take during this debate. Surely assurances about the future use by the Commonwealth of constitutional powers in the area of industrial relations and the process of ratifying future ILO conventions warrant at least equal action. How can a mention about the ANTA Bill, which we debated for hours, be a drafting error? It absolutely defies logic that a drafting error which utterly and totally is inconsequential to this Bill can be merely and piously described by the Minister as a drafting error. I have heard it all.

The simple fact is that through his powder-puff approach to Canberra he has absolutely no hope of achieving Federal legislation in this area. If this Parliament is going to be asked by the Goss Government, as is the case with this Bill, to introduce State legislation which mirrors Federal legislation made with reliance on external affairs powers, it is no longer appropriate for the Queensland Cabinet to ratify ILO conventions on behalf of the State. Queensland agreement to ILO conventions should be subject to parliamentary endorsement whilst the Foley mirror-legislation policy is in force.

A number of other ILO conventions affecting the area of industrial relations which are not included in the Schedules to the Bill have already been agreed to by Queensland. I understand that, yesterday, a Commonwealth/State technical officers meeting considered a further nine ILO conventions. Does Minister Foley propose to recommend Queensland's endorsement of those without any cast-iron guarantee that the Commonwealth will not use them through its external affairs powers to establish more industrial arrangements which will override State industrial legislation?

I will now turn in more detail to the substance of the Bill. Honourable members will notice a few additional themes throughout, including one that the industrial balance is being tilted in favour of unions, with the real losers being the approximately 70 per cent of employees in the private sector in Queensland who, in practice, will be locked out of enterprise bargaining. Of course, the real agenda which the Minister has adopted, and which after all was drawn up by Mr Kelty and the ACTU, is to force non-unionists to become members of a union to be able to participate in enterprise bargaining. This is little wonder, considering the substantial decline in union membership in recent years.

Also, employers, many with only small businesses, are going to have to incur additional costs to satisfy more generous employment arrangements. It must be borne in mind that Minister Foley has provided no costings of the impact of the legislation on the community. The Bill's Explanatory Notes refer only to estimated costs for Government. Employers are expected to cop it sweet and fund increased employee entitlements and have to observe more bureaucratic procedures. The Bill includes several variations from the Federal legislation without explanation for these being included in the Explanatory Notes or in the Minister's speech. I will refer to several significant differences now and at the Committee stage.

I wish to turn to the issue of enterprise bargaining. Reference to the Bill indicates that the Minister is proposing a new two-stream enterprise bargaining process. In his second-reading speech, Minister Foley stated—

> "A major objective of the Bill is to encourage and facilitate the increased use of enterprise bargaining."

What the Minister is really admitting is that the existing provisions have not been working effectively, as evidenced by the relatively small number of agreements. In his speech, the Minister referred to 155, which compares with 500 in New South Wales. Whilst 30 per cent of New South Wales agreements have not been with unions, the Queensland comparable figure is negligible.

Considering that Minister Mr Foley has been telling us that the Queensland legislation provides adequate measures to support both union and non-union enterprise bargaining, his latest admission represents a substantial about-face. Take, for example, Minister Foley's response to my question without notice on 8 October 1993 about enterprise bargaining by non-unionists. He described the proposed Federal enterprise flexibility agreement provisions as follows—

> ". . . it resembles the provision which was introduced into this House three years ago and which is already in operation in Queensland for the making of enterprise awards that do not necessarily involve the

> consent of the relevant trade union . . . as is available under section 105 of our Act and as was made clear in the decision on the Coachtrans enterprise award."

If honourable members are confused by this Foley double-speak, I do not blame them. Spare a thought for me. I have to examine his statements in detail, searching through the rhetoric for the rare point of substance. I will attempt to explain Minister Foley's reasoning, which goes something like this—

> enterprise bargaining by employers with non-unionists can occur pursuant to existing section 105, even though unions have the right to be represented in those proceedings and make submissions to the commission;
>
> enterprise bargaining by employers with non-unionists needs to be enhanced and therefore the Minister is proposing the new enterprise flexibility agreements under which eligible unions will have the right to become involved in negotiations and make submissions to the commission;
>
> the objectives of enterprise flexibility agreements are already being achieved through the existing section 105;
>
> to streamline things, the Minister is proposing the new enterprise flexibility agreements which are conditional on very detailed and cumbersome requirements which occupy a separate division—and he seems to see this as an improvement on the arrangements under section 105 which are relatively scant;
>
> Queensland needs both the new enterprise flexibility agreements option, as well as the existing section 105 option, which both involve unions to better encourage non-union enterprise bargaining.

If honourable members think that all of that adds up to muddled thinking, they are right. The problem is with the Minister and not honourable members. It now appears that Minister Foley, having blatantly made certified agreements—a union monopoly—is proposing two streams for non-union enterprise bargaining, each with different rules, but with unions having a significant role in each stream.

Mr Foley: They have no right of veto.

Mr SANTORO: I will get back to the right of veto. We will debate that issue at the Committee stage. What is missing is the obvious—the ability of employers and non-unionists to negotiate enterprise agreements and have these endorsed by the commission without the interference of unions who have played no part in the proceedings.

Honourable members should not let the Minister fool them if he pulls out the old doomsday hyperbole, saying that this would threaten basic rights and result in exploitative agreements being approved, as that would amount to a slur on the competence of the commission. Perhaps the Minister might care to inform the House why, if non-union enterprise bargaining is already occurring under section 105, which he is not seeking to amend, he is also proposing the very detailed enterprise flexibility agreement provisions which he has boasted will achieve similar objectives.

The simple answer is that the Minister is really not interested in wanting either option to work well for non-union enterprise bargaining. By ensuring a significant role for unions in each process, non-unionists will be 'encouraged" to become members of a union to take advantage of enterprise bargaining. That is what it is all about—to bring in as many people into the union net as it possibly can to swell the declining ranks of the union movement.

The Bill revamps the certified agreements provisions of the current Act. Under Labor's proposal, unions must represent workers. That is a complete and absolute monopoly. I urge honourable members to refer to proposed section 139BA. The comparable provision of the Federal legislation, section 170MA, contains no such monopoly, with the only requirement being that the signatories to a memorandum be "the parties to an industrial dispute". The recent High Court cases involving the 200 Victorian teachers and Hoyts employees indicate that employees can be directly represented in a dispute without being represented by a union.

I invite Minister Foley to explain why it is necessary for the union monopoly over Queensland certified agreements to continue. I call on him to amend the Bill to extend access to certified agreements to workplaces where employees are not members of unions. A matter which the Minister has failed to mention is that under the new section 170MC of the Commonwealth legislation, Federal certified agreements cannot be approved unless their wages and conditions are regulated by an award. A new subsection (6) provides that this can include a State award.

What is the effect of this? The answer is that it will facilitate the movement of employers and employees who reach agreement and choose to do so from the State to the Federal jurisdiction without the need for a Federal award to first be made. When he replies to this debate, I ask the Minister to inform the House what action he took

to seek to prevent this apparent Commonwealth takeover. The fact is that the Minister did nothing—at least, nothing effective. I respectfully suggest to the Minister that that is shameful.

Although the Minister would lead us to believe that the certified agreement provisions mirror the Federal legislation, there are a couple of other significant differences that the Minister has slipped in without explanation. When he replies, the Minister may care to provide an explanation for that. One major difference is the proposed section 139BJ, which allows any party to a certified agreement, by the giving of 30 days' notice and nothing more, to withdraw from the agreement. That is one of the most inequitable aspects of this Bill.

This is an amazing proposition and shows the Minister's real lack of understanding of enterprise bargaining under which agreements are intended to represent the settlement of all matters for their duration. Enterprise bargaining means that there should be no further claims over matters encompassed by an agreement which should alter labour costs during its term, unless both parties agree. Minister Foley is seeking to throw out this concept, even though there is no precedent elsewhere in Australia, no doubt because the unions have asked him to and he has complied. Let us consider the implications.

For example, take a situation in which after enterprise bargaining, which could have included industrial action—and no Opposition member denies anybody the right to withhold their labour—an employer and a union settle on an agreement. The employer agrees to increased wages in exchange for increased levels of productivity and fixed costs over the term of the agreement of, say, 12 months. Under the Foley proposal there would be no certainty or stability during that period, as the union could withdraw from the agreement at any time simply by giving 30 days' notice and create a fresh dispute with the employer. The provision can only advantage unions and disadvantage employers. In practice, there is nothing even-handed about the provision. If he is fair dinkum about encouraging employers to take on staff in these depressed economic times, I call on the Minister to remove the proposed section 139BJ from the Bill.

Another difference between the State legislation and the Commonwealth legislation is that the proposed Queensland version of certified agreements does not require the employees to be already covered by an award. This seems an obvious change, considering the large number of employees subject to the State legislation who are not covered by an award or industrial agreement. However, considering that it is proposed that certified agreements be entered into only with unions, the modification should not have stopped there. A similar modification should be made to the enterprise flexibility agreement provisions to allow employees who also are not covered by an award or enterprise agreement to enter into those agreements, which after all would be for the mutual benefit of employees and employers. Although the prior existence of a Federal award may be a requirement in the Federal legislation to prevent State jurisdiction employees from being roped into the Federal system, no similar reason exists for retaining the Commonwealth approach in the State legislation. The Minister may care to explain why this is the case.

These differences in approach in the Bill can be seen by comparing proposed section 139BC (1) and (2) with proposed section 139CC (2) and (3). Having extended certified agreements to employees who are award-free, Minister Foley spoils this inkling of initiative by proposing that for those employees the no-disadvantage test should be applied to "an appropriate award or industrial agreement nominated in the agreement"—that is, an award that has no application. What a nonsense this is! It no doubt came as another instruction to the Minister from his union advisers, who want to raise the waterline above which enterprise bargaining must float as high as possible.

A preferred option in respect of award-free employees would be for the no-disadvantage test to be applied against the minimum conditions in the Act, including those being proposed in this Bill. Surely a purpose of minimum statutory conditions is to ensure that an adequate safety net underpins enterprise bargaining. Why is that approach not acceptable to the Minister, considering that employees and unions will have to agree to the arrangements which are included in certified agreements? The probable explanation is that the unions that instruct the Minister are no doubt seeking to take advantage of his compliant nature to insert a higher and artificial safety net, that is, an award which has no application. I again say to the Minister that this is a nonsense.

Another insidious difference is in proposed section 139BN (2) (b) of the Foley Bill, which shuts out the rights of individual employees. The section prescribes who may make application to a Full Bench to have a certified agreement amended or terminated. The relevant section of the Commonwealth Act—section 170MM—includes "a person bound by the agreement". By comparison, the Foley Bill

restricts this to "a party to the agreement", remembering that the union monopoly in the Bill will not allow individuals to be parties to certified agreements.

I will outline other differences with the Federal Bill at the Committee stage, notwithstanding that the Explanatory Notes to the Bill are misleading when they state that the Federal enterprise bargaining arrangements are being adopted in "similar form". These additional differences include the Federal arrangement that certified agreements continue for three months after the period of the agreement has been omitted from the Foley Bill. If members compare section 170MI of the Commonwealth legislation with this Bill's proposed section 139BI, they will see what I mean. This modification works against a greater harmonisation of the Commonwealth and State industrial relations systems, which of course is one of the major stated objectives of this Bill.

In addition, the Federal legislation prescribes that women employees of non-English speaking backgrounds and young people to be covered by agreements have to be informed of certain matters and have procedures for the prevention and settling of disputes explained. Under the Foley Bill, they need only be informed of the latter. Presumably, Minister Foley's attitude is, "Who cares if individual workers don't understand anything, as this will make them more reliant on unions." Again, that is a disgraceful attitude for the Minister to adopt.

Enterprise flexibility agreements

The other stream of enterprise agreements relates to enterprise flexibility agreements, which are restricted to employees who are already covered by State awards. I refer members to proposed section 139CC (2). This leaves the 18.2 per cent of Queensland employees who are covered by neither State or Federal awards out in the cold. Once again, I call on the Minister to modify the existing proposal to allow employees who are award-free to enter into these agreements for the mutual benefit of employees and employers.

Mr Foley: What about inconsistency with the Commonwealth?

Mr SANTORO: Enterprise bargaining under this division of the Bill is likely to result in only limited arrangements which are seen as a tack-on to award provisions, rather than negotiated packages flowing from consideration of a broad agenda for improving productivity.

I take the interjection from the Minister. I want to get through this speech, and the Minister will have the chance to respond to me during his reply and at the Committee stage. The Minister should make a note of the points that I have raised so that we can debate them at a later stage.

There are a number of provisions regarding the role of unions which warrant attention.

Government members interjected.

Mr SANTORO: I urge Government members to listen. An enterprise flexibility agreement must be agreed to by a majority of the employees who are to be covered. I refer members to section 139CC (2) (i). However, in terms of proposed section 139CB, as soon as practicable after an application is made, the Industrial Relations Commission must notify each union which is a party to the award that the application has been made and that the union is entitled to intervene and to put submissions to the commission on why the application should or should not be approved.

Those honourable members who followed the debate in the Federal industrial arena must be surprised by this requirement and must be pondering, "Wasn't that proposed Commonwealth provision amended in the Senate so that the AIRC would only be required to publish a notice that the application had been made?" Reference to section 170NB (2) of the Federal Act reveals that to be the case. What Minister Foley failed to own up to in his second-reading speech was that he has changed the proposed Queensland provision back to the original Commonwealth position in order to prop up the unions, despite his so-called influence on the Federal legislative process, which saw concessions being made to him. Notwithstanding any concessions that were made to the Minister, he quickly reversed his own legislation to pander to his union mates.

Notwithstanding that only 50 per cent of employees need agree to the contents of a proposed enterprise flexibility agreement, the proposed section 139CD (6) provides that the AIRC may refuse to approve an agreement if the employer did not during the negotiations notify each trade union—of which only one employee need be a member—and give the union the opportunity to take part in the negotiations.

Proposed section 139CB prescribes that a union can dispute the approval of an agreement before the commission if "it is bound by an award that binds the employer for work performed in the enterprise". Whilst I appreciate that Minister Foley has been instructed to ensure that unions have every opportunity to sabotage non-union agreements, surely this overkill is blatant, undemocratic and outrageous. I call on the Minister to limit the right of a union to be heard to those unions which have members to be

covered by the agreement and who have authorised the union in writing to appear in the proceedings. What can be more democratic than that? What can be more democratic than giving employees who do not belong to unions the democratic, God given right to choose for themselves who will represent them?

Mr Welford: "God given"?

Mr SANTORO: Does the honourable member wish to deny that our rights are given by God? There is complete silence! It would not look too good in the member's electorate if he had answered that question.

The involvement of unions in enterprise agreements for non-union workplaces is one of the significant differences between the policies of the coalition and Labor. The Queensland coalition policy is to support extending enterprise bargaining to predominantly non-union workplaces, without any notion of a right by unions to frustrate or overturn agreements which meet statutory requirements.

I wish to stress that what I will say should not be interpreted as union bashing or representing extremist views. This is a line peddled by members of the Government with boring monotony, and it is simply not true. It is just recognising the plain reality of the situation, that is, that the majority of workers are non-unionists.

I say unequivocally that I support a continuing and important role for unions of employees and also unions of employers for those who wish to, and choose to, become members. However, union membership should be optional. Blatant attempts to force non-unionists to join a union by making it difficult for them to obtain the advantages of enterprise bargaining will, I suggest, succeed in bringing the union movement into disrepute in the eyes of the public. Unions will be seen as not having the capacity to attract members voluntarily. How often do we hear union leaders at a State and Federal level saying that unions must get their act together so that they can attract union membership? Because some of them—perhaps most of them—are lazy and cannot do it, they rely on the Minister's legislation to provide legislative compulsion and an incentive to join a union.

Mr Foley: Enterprise bargaining in the non-union sector.

Mr SANTORO: But what it is doing is not allowing people to indulge in enterprise bargaining if they are in the non-union sector without having the unions involved. It is an advantage to have the union involved, because if a person is a member of the union the process will go smoothly. If he or she is not a member of a union, then the heavy hand comes down.

What Queensland needs is diversity and competition between enterprises. Given the low rate of unionisation, the only way that this can be achieved is to also recognise bargaining units which are not union based and allow them to develop agreements without union involvement. This is what Premier Fahey did in New South Wales, where enterprise agreements may be entered into by a registered union, a works committee elected by not less than 65 per cent of employees, or directly with not less than 65 per cent of employees. True freedom of choice has been available and the shock/horror predictions of the critics that industrial anarchy or exploitative agreements would result have not materialised.

I urge honourable members to listen carefully to this. Since January 1991, approximately 70 per cent of the 500 New South Wales registered agreements have been negotiated with union involvement and sanction. We do not object to that. The 30 per cent which have been successfully negotiated without union involvement in New South Wales is 100 per cent more than the corresponding number which I predict will occur in Queensland.

In summary, the Bill does not provide for genuine non-union bargaining. Unions should not have the power to unnecessarily meddle with agreements reached between employers and non-unionists, particularly given that these will be examined by the Industrial Relations Commission to ensure that they comply with minimum legislative requirements. Where agreements have been negotiated in non-union workplaces, unions will not have the background to the relevant negotiations or share the common commitment to the agreed arrangements. They will come in cold and be likely to react negatively to non-union agreements.

What the Foley proposal means is that the industrial might of a union can and will be pitted against small business in the Industrial Relations Commission. I ask honourable members: what small business will be prepared to front up and take on the unions? Who would want to incur the costs, worry and inconvenience that would be involved in taking on a union that is determined to get its own way? Why would those employers want to bother to negotiate with non-unionists when their agreements can be opposed at length by the unions, with the full might of their resources?

All of this will have the effect of stifling enterprise bargaining in non-union workplaces. The result will be a less competitive and

productive Queensland than would exist under a coalition Government, which would allow both union and non-union enterprise bargaining. One of our most honourable and distinctive reforms will be that we will allow enterprise bargaining to occur in an environment unfettered by union heavies and by union thuggery.

Under the Labor prescription, small businesses will be effectively excluded from enterprise bargaining, unless they are prepared for the possibility of sucking a bitter lemon by negotiating with some unions. So much for living in a democracy and freedom of choice!

Mr Foley: Mr Borbidge said at the last election that he would abolish the State Industrial Relations Commission. Will you abolish the commission or not?

Mr SANTORO: I will take the interjection from the Honourable the Minister because it suits me to do so at this point in time. No, the coalition will not abolish the Industrial Relations Commission. We will have an independent umpire who will have full and adequate powers to protect the interests of employees. The Minister has been assured of that by me and by the Leader of the Opposition and the Deputy Leader of the Opposition in the past. I will not enter into any further debate on the matter. It is so simple. The commitment that we have made is unconditional, and we are very happy to make it.

I wish to turn to other sections of the Bill which are objectionable to the Opposition. I want to refer particularly to sanction-free periods. For parties negotiating single enterprise certified agreements, there is a sanction-free period during which industrial action can be taken with legal immunity. This commences after the union advises the employer—in theory, the reverse could also apply—that it would like to negotiate a certified agreement, and it continues during the bargaining phase. Industrial activity is subject to 72 hours notification, and the commission may make orders under section 139EC, including that a ballot be undertaken under section 190. The bargaining period ends when it is terminated by the commission unless an agreement is reached or the claim is withdrawn, although the grounds for terminations are limited under section 139DO.

If the industrial action is threatening health or safety or causing significant damage to the economy, the commission and the AIRC can direct the action to cease and make a paid rates award for a specified period. The unions would be expected to oppose such action if they felt that they were gaining the upper hand. These provisions are opposed by the Opposition on many grounds. It is lunacy to encourage industrial action in this manner.

Unlike the minimum standards provisions of the Bill relating to minimum wages, equal remuneration, parental leave and dismissals, there is no requirement for Queensland to legislate to prevent the intrusion of the Federal legislation. The whole concept seems to be a move back to the bad old days. In the past 5 years or so, as a result of substantial efforts on the part of management and employees to work together to improve Queensland's and the nation's productivity and our competitiveness, the number of strikes has been significantly reduced. It is totally inconsistent with that approach and quite wrong to expand the right to strike and engage in lock-outs in the manner proposed. The legislation misses the point of how important it is for us to perform without taking industrial action.

In practical terms, the provisions significantly favour unions, as lock-outs by employers can cause significant losses over and above immediate costs. The proposal is accompanied by the watering-down of secondary boycotts legislation and restricting access to common law remedies, unnecessarily exposing business to economic damage. That is another most objectionable feature of the Bill. All of this is proposed at a time when the economy is limping out of recession and we need to promote strong economic growth in the business community. Surely, even blind Freddy can see how economically irresponsible the proposition is. Obviously, Minister Foley cannot!

If there were to be such bargaining periods—and I am certainly not advocating this—they should be initiated with employer and union agreement. That highlights another imbalance in this Bill. It should also have stronger safeguards to protect the public and persons adversely affected by the industrial action. The ability of unions to unilaterally determine when such periods will commence needs to be modified to prevent possible union abuse.

A Foley fiddle in favour of the unions appears in proposed section 139DP (5), which is supposed to be based on the Federal section 170PP. The Foley version contains a significant difference which shows the bias against employers. It fails to mention the provision which allows the commission, if it thinks it appropriate, to make or vary the paid rates award to include a bans clause.

I wish to turn briefly to minimum conditions. Under the Federal Brereton legislation, minimum standards based on international treaties apply to all employees, whether or not they are covered by Federal awards or agreements. The Federal legislation overrides any State awards, agreements and legislation which do not comply.

Minister Foley says that changes to the Queensland legislation are needed to comply with Australia's international obligations. However, as I will shortly demonstrate, Minister Foley's Bill goes much further. In fact, minimum standards in the Bill are in excess of ILO conventions. In his media release dated 8 October 1993, the Minister stated that he had written to the Federal Minister seeking "assurances that the minimum standards to be legislated under the Federal Affairs power will not extinguish Queensland laws if they meet the relevant requirements". Now, after that huffing and puffing, what happens? The Minister now seeks to achieve to preserve State relevance by duplicating any Federal provisions which have this potential into Queensland legislation under State residual powers.

As I will demonstrate at the Committee stage, the Foley Bill does not guarantee that the Federal minimum standard provisions do not apply to a State jurisdiction. This is because certain Commonwealth provisions are not dependent on the absence of "an adequate alternative remedy" under a State law. Even where such a test is involved, this is reliant on a Federal industrial tribunal forming that opinion. The Brereton legislation seems grossly improper, with Federal industrial tribunals making judgments on the adequacy of the legislation of the Parliaments of sovereign States. So much for Minister Foley's macho flurry of correspondence which ends with a Foley wimp! These minimum standards are being introduced without any analysis being released of the costs thereof. This is most irresponsible, to say the least, and will cause many a small business much grief. Such costs will have to be borne by employers, in addition to the recent $8 per week increases. Additional costs are likely to be borne at the expense of jobs foregone.

Another point that is of concern is equal remuneration. A new Division 5 of Part 4 of the Act provides that the commission may make orders on the application of an employee, a trade union or the Anti-Discrimination Commissioner setting equal remuneration for work of equal value. This applies irrespective of whether the employee is covered by an award or agreement or is award free.

The provision overlaps to some extent in respect of some employees, with section 34 (1) which requires the commission to—

> ". . . fix the same price or wage as payable to persons of either sex for performing the same work, or work of a like nature and of equal value or productive of the same return of profit to their employer."

Why are both sections being proposed? The answer is outlined in a couple of words conveniently slipped into the Minister's speech, although not referred to in the Explanatory Notes. It is because the proposed Division 4 arrangements will allow the commission to order equal remuneration for over-award payments. Minister Foley might like to explain how this will work in practice.

I ask members to consider, for example, an employer with two employees, both of whom are male and who are doing similar work. One is being paid the award rate and the other is being paid an over-award amount, possibly because he is a better worker, or possibly because he is a member of the extended family, or a friend. Nothing is wrong with that, according to the Minister. However, if one of the workers on the lower rate is a female, the Minister says that the employer could be open to an application in the Industrial Relations Commission for an order that the over-award amount also be paid to the female worker.

How in heaven's name are small businesses expected to justify that the margin which they pay to one worker over another in over-award payments is based on performance and not gender? It is totally impractical to expect them to maintain individual performance management schemes which justify differences in pay for similar classes of work based on performance. Perhaps the Foley or trade union egalitarian goal is for everyone doing the same class of work to receive the same remuneration, irrespective of relative performance. Perhaps they want everyone to be paid award rates with no over-award payments. So much for recognising the individual and rewarding individuals above the award rate. Well done, Comrade Foley!

The problem is that the inclusion of over-award payments in these provisions could backfire, with some employers—and I stress that I would advise against this—deciding to go with all male or all female occupational groups rather than risk litigation in the Federal or State commissions.

Mr Foley: What a joke!

Mr SANTORO: Perhaps the Minister will tell us how employers will avoid the amount of litigation that is inherent in the ridiculous provisions of this Bill. The Minister is the joke, and his legislation is the joke, because this type of abuse will lead to what I have said will happen. In the near future, we will see who the joke is.

This provision substantially mirrors the comparable Federal legislation. However, it must be remembered that if the legislation is enacted there is no cast-iron guarantee that the

Australian Industrial Relations Commission will not make orders for employees to whom this division of the Bill applies. This is because section 170BE of the Federal legislation provides that the Australian Industrial Relations Commission must refrain only if it "is satisfied" that "an adequate alternative remedy" exists under a State law.

We could talk a lot more about all sorts of things. Undoubtedly at the Committee stage we will talk about parental leave. We will also talk a lot about dismissal, because the provisions relating to dismissal will place very onerous requirements on employers, including the requirement of notifying the CES and—honourable members have guessed it—the union. We will be talking about other very obnoxious sections within this legislation, such as those relating to family responsibilities and the way in which the Minister has gone way overboard with those particular sections to make it almost impossible for employers to conduct their business in a rational and managerially efficient manner. We shall talk about industrial actions which sabotage the ability of small businesses to conduct their business in an economic fashion, whilst this Bill allows unions to have almost utter and unfettered power in how they deal with industrial actions. I will perhaps say a few words about the Vocational Education, Training and Employment Act and perhaps bring the House a little more up to date, because the Minister's answer this morning to my question on notice certainly did not provide answers in relation to ANTA.

If one tests the contents of the Bill against its stated objectives in the Explanatory Notes, one finds that it fails on all counts and all objectives stated by the Minister. The Bill does not deliver what it promises. In its present form, the Bill is a shambles, and it is unfairly biased towards the union movement and against not only employers but particularly employees. I submit respectfully to the Minister that the Bill should be rejected in its current form. If not, I can confidently predict that it will only be a matter of time before Minister Foley comes back to this House with even further amendments for our consideration.

Time expired.

Mr BARTON (Waterford) (12.08 p.m.): I support the Bill which continues the necessary process of reform of industrial relations. It provides for yet more flexibility. It may not yet be the end of the road, because it is part of an evolutionary process. I intend to concentrate on the Bill's provisions for promoting bargaining and facilitating agreements. These provisions provide for new enterprise flexibility agreements.

Before turning to those, I would like to speak briefly about the extensive process of consultation that has taken place between the parties, particularly at the Industrial Relations Consultative Committee level. The parties that are represented on that body are the principal parties to industrial relations in this State—the Queensland Confederation of Industry, the MTIA, the RAQ, the ACTU and the AWU. The Queensland Industrial Relations Consultative Committee met and considered this Bill last year. It did not have the draft Bill in front of it, but it certainly had the Commonwealth Bill, and it discussed the proposed provisions on enterprise bargaining, the minimum standards as provided under ILO conventions and the miscellaneous provisions that are included in the Bill.

For the benefit of the member for Clayfield, I will refer to what the QCI said in an article in the *Courier-Mail* on Saturday, 5 February. That article stated—

> "The Goss Government always consulted employers over changes to legislation."

I table a photocopy of that section of the *Courier-Mail*.

The Bill protects the State's jurisdiction. I point out, particularly for the benefit of the member for Clayfield, that one significant change that was made provided that the Australian Industrial Relations Commission may, and I stress "may", refrain from making agreements if satisfied that adequate alternative remedies exist—that is, a State award or a State agreement. After negotiations between the Minister and the Commonwealth Government, that was changed to "must refrain". In other words, that is a very strong protection of this State's industrial relations jurisdiction. I point out to the member for Clayfield that the Bill cannot lie around this House for several months because the Commonwealth legislation will be proclaimed at the end of March. If we do not have comparable provisions in place by then, we will immediately start to lose the industrial relations jurisdiction of this Parliament and of this State.

Mr Santoro interjected.

Mr BARTON: That is something that the member for Clayfield, who is mouthing off as he usually does, simply would not understand. These changes are part of the continuing necessary industrial relations reform of the State.

Mr Santoro interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member for Clayfield has had a fair go in the past 60 minutes. It is obvious that the member for Waterford is not

going to accept the honourable member's interjections. I ask him to please desist.

Mr BARTON: Thank you, Mr Deputy Speaker. The changes are part of the continued necessary evolution of industrial relations in Australia that began in the mid-1980s with the process of structural efficiency and the process of award restructuring. They provided the foundations— the solid rock on which the new enterprise-based agreements are built. This evolutionary process is seeing a necessary improvement to give real control to the parties in the workplace at enterprise level. We are actually doing something; whereas, when members opposite were in Government, all they ever did was mouth the rhetoric and introduce totally inappropriate provisions.

We have moved away significantly from the rigidities that existed under the award system when it stood virtually alone. There must be a degree of consistency with the national legislation. This Bill will substantially ensure consistency with those national industrial relations laws. The Bill parallels the new Australian industrial relations legislation, most of which becomes law at the end of March.

Importantly, it does have a Queensland flavour because the constitutional position of the States is different from that of the Commonwealth. It is also necessary for two reasons—to ensure that we have consistency in the workplace and, importantly, to protect Queensland's jurisdiction.

We are seeing—for the benefit of the member for Clayfield and other members who are not experienced in industrial relations—that the Commonwealth is tending to follow us. Section 105 of our Act, which relates to consent enterprise awards, was proven to be effective in the Coachtrans decision of late last year. In many ways, the new Commonwealth provisions follow section 105 of our Act, which was enacted in 1990— particularly the provisions that relate to an agreement being enterprise specific, the no-disadvantage test, and the right of a union to be heard. That is not a right of veto, but the right of a union to be heard.

Importantly, in terms of consistency in the workplace there are many thousands of workplaces in Queensland that have a mix of Federal jurisdiction and State jurisdiction. That has occurred as a result of the 1990 Industrial Relations Act. Cross appointments of members of the Australian commission and the Queensland commission have been made. A single member can hear joint cases. The commissions must have consistent legislation if they are to be able to hear and determine these enterprise flexibility agreements together, because an employer who has people under both Federal and State awards can then ensure that he has consistent provisions and entitlements applying to his workplace. This Bill provides for that consistency.

Secondly, there is the important question of the State's jurisdiction. The provisions were, as I previously pointed out, negotiated between the Minister and the Commonwealth. We are very confident that we are protecting the State's jurisdiction, which would be lost if we were to follow the flawed advice of the member for Clayfield.

I will now deal with awards, because they are very important to the integrity of our industrial relations system. The new enterprise flexibility agreements are underpinned by the award system. There must be an award covering the enterprise to allow an enterprise flexibility agreement to be put into place. The agreement amends the award but in terms of its provisions has greater force than the award. That integrity and discipline is necessary because the awards are, in effect, the basis of our whole industrial relations system. They are determined by the commission and, most importantly, they are the property of the parties.

Of course, the parties are the unions of employers as well as the unions of employees. Unions of employees are registered organisations, and to maintain that registration they must comply with the very firm requirements of the Act. They must be disciplined in their actions under the Act in order to maintain that registration. This includes elections, provision of audited annual financial statements, and compliance with their registered rules. Registration provides benefits for unions but also the acceptance of very onerous responsibilities. These benefits are only provided if the unions accept those responsibilities. That is often not understood. It is the basis of our industrial relations system and the basis of the capacity of the registered parties to achieve awards. If we were to do what is being suggested by Opposition our entire system—the entire basis of the industrial relations system—would be gradually eroded and ultimately destroyed. That is something that this Government and the trade union movement is not prepared to accept in this country.

I also point out for the benefit of the members opposite that it is an industrial relations system that is supported by the great majority of employers and their registered organisations and a majority of the employees and their unions. What does this legislation now provide? I suggest that it provides a menu of options to regulate employee entitlements right through

from traditional awards, industrial agreements, consent enterprise awards under section 105, certified agreements which may build onto an award, and now this new provision of enterprise flexibility agreements. That is the sort of progress that I would have thought the Opposition would have been applauding, not condemning.

These new enterprise flexibility agreements are available to non-unionists. Importantly, however, for all of the reasons that I have just spoken about, there must be an award applying to the workplace in which the agreement will apply. They are not available in the award-free area, which does not need this level of regulation because traditionally the employers and their employees have made their own deals, reached their own level of agreement, and applied their own wages and entitlements standards. These agreements must be genuinely enterprise based. There must be genuine informed consent and the commission must test this in terms of its recognition or registration of these agreements.

The Bill provides for consultation. It provides for protection of certain employees who potentially could be disadvantaged. The examples given in the Bill include women. I would like to talk about each of these areas briefly. Those women who have little workplace experience, and in many cases have returned to the workforce after many years at home, are particularly at risk because they desperately need the job—particularly deserted wives. In many cases, they simply do not know what their rights are.

Another example is those people whose first language is not English. I would have thought that the member for Clayfield in particular would have supported that provision, because many new migrants do not even understand the systems in Australia—let alone know what their rights are. They need assistance. This provision also applies to young people who are desperate for work and who have little workplace knowledge—if any—and limited negotiating skills. We need to ensure that there is informed consent and that those people are supported to ensure that they are capable of giving such consent. There are some rough employers out there—they are an absolute minority, but they do exist.

The agreements must ensure no loss of entitlements when employment conditions are considered as a whole. The commission must apply the no-disadvantage test. I would like to briefly say that in some cases conditions can be reduced, in others they can be improved, but there must be no disadvantage when the agreement as a whole is considered by the commission. That is a very important test that I hope everybody in this place would support.

This morning, comments have been made about the immunity from civil liability for protected action during the bargaining period. That is part and parcel of having a system of enterprise bargaining worldwide, and we must have it. I congratulate the Minister on this long overdue and necessary reform. For far too long in this State and in this country, workers taking action either to advance their position or protect hard-won conditions that were in danger of being taken away from them—as we saw this Opposition try to do when it was in Government—believed that they had a right to strike. They simply did not have a right to strike. If they did, the consequences were such that they could lose their houses. They were also at great risk of losing their jobs. As Joh Bjelke-Petersen used to say, "You have the right to strike. You can go on strike if you like, but if you do, I will sack you", which he promptly did in 1985 when he sacked a thousand people who worked for SEQEB.

I want to speak in detail about the right to strike provision, which is limited to the defined bargaining period prior to an agreement. Provided that the provisions are followed, immunity from civil action applies. It is not a free-for-all. The party must give the other party and the commission seven days' notice to begin the bargaining period itself before taking the action. The party must provide details about who is to be involved and the matters about which it is seeking to negotiate. I might add that the provision applies equally to employers and unions. If negotiations come unstuck, the employees may go on strike, and the employers may lock out their employees. The party must give the other party and the commission 72 hours' notice of its intention to take that strike or lock-out action. In any case, even when a party does that, it cannot take that action until all avenues of negotiation have been exhausted. In the case of the union, the strike action must be properly authorised by the relevant officer or body representing the union. If the rules are broken, the commission will have the right and the power to intervene. It may place orders on the parties to suspend bargaining. If those orders are not complied with, that immunity from civil action as a result of that further strike action would be removed.

It is also important to note that during that bargaining period, the negotiations must be carried out in good faith. The commission may also, in intervening, order a secret ballot, the outcome of which must be complied with. In turn,

the commission may decide that it will assist the parties by way of conciliation. As one of my former colleagues Bill Kelty said recently in reference to the equivalent Federal legislation, "It's a brave new world out there, but it gets a bit tough sometimes." These provisions offer great potential benefits. Those benefits will depend to a large degree on the maturity of the parties. We believe that the parties will be responsible and will bargain in good faith, as they are required to do under the provisions of this Bill. They must also understand that any form of industrial action can be taken only as an absolute last resort. I am very confident that is what the parties to industrial relations in this State will do.

If the parties are mature in their attitudes—and they should be—this legislation will produce outcomes that will benefit the employers, the employees, the State of Queensland and, of course, this nation. I might add that when people are negotiating enterprise bargaining agreements, the outcomes of those negotiations will provide a sense of surety for the employers. They will know precisely what their wages and entitlements costs are going to be for a definite period, because conditions will be placed on whether or not they can be renegotiated. In fact, if there is even going to be movement in the agreement during its very firm life span, then the agreement must spell out the parameters for that movement. It may be a formula; the movements may be fixed. Whatever the case, when the agreement is registered, the parameters must be spelt out. If the agreement is going to be torn up, thrown away and a new one put in its place, then the provisions are extremely onerous. So, for the first time, these enterprise flexibility agreements give the employers a real degree of surety in regard to their costs for a period.

The member for Clayfield seems to be implying that because of this legislation, we will suddenly see a huge eruption of strike action by unions. My experience as a union official over a long period has been that workers do not make the decision to go on strike lightly. They go on strike as an absolute last resort—when they are backed into a corner as a result of the failure of negotiations and an inability to reopen those negotiations, or if they are attacked viciously by an employer who will not step back, regardless of what has been done to try to resolve the dispute. When workers go on strike, they receive a wage reduction, and that is not what workers are about. That is not what their organisations and their democratically elected union officials are about, either. The officials understand that to call workers out on strike means that they are offering them a wage reduction. The parties involved in industrial relations in Queensland are now sufficiently mature to understand that they have to bargain in good faith and that they have to adhere to the provisions contained in this Bill. I do not expect many strikes, or any strikes, to occur because of the amendments contained in this Bill.

If we do not give the work force the right to strike, in effect we are giving all of the powers to the employer. I say again that most of the employers in this State are fair people. They are good employers, they understand the system, and they will conduct themselves properly. However, as was demonstrated in 1985, there are a few sharks swimming around among them, and we should be concerned about protecting certain people. From 1985 to 1989, when the VEA provisions were in place, those people were greatly disadvantaged.

I have spoken on only a very small number of the provisions contained in this Bill. I congratulate the Minister, his staff and his department on introducing this difficult but, in my view, very good legislation. It is supported by most of the employers, who have been consulted, and the trade union movement in this State. I also congratulate all of the other people who have been involved in the consultation and negotiation process, including the ACTU at State and national levels and the Queensland Industrial Relations Consultative Committee. That body included representation by employers. I suggest that that body consults more with employers than does the member for Clayfield.

Over time, this legislation will be seen to be watershed legislation, which will provide great benefits to everybody. It is now up to the parties to the industrial relations system to be positive and to take advantage of the great opportunities that it offers. I support the Bill.

Dr WATSON (Moggill) (12.27 p.m.): I am pleased to enter the debate on the Industrial Relations Reform Bill 1994. Let me say at the outset that this is one of the most cynical and condescending Bills that has been introduced into this Parliament.

In my opinion, this Bill and its antecedent, the Federal Industrial Relations Reform Bill 1993, have deliberately misled five groups in this country. Firstly, both Bills have misled all Australians; secondly, this Bill misleads all Queenslanders; thirdly, both Bills mislead all workers; fourthly, both Bills mislead all employers; and, finally, and probably most cruelly, both Bills mislead all of the unemployed in this country.

According to its title, this Bill, the Industrial Relations Reform Bill, is supposed to be a reform

Bill. In reality, it is a reactionary Bill, which entrenches union control over working arrangements in a far more centralised, bureaucratised and legalistic fashion. The reason we have this Bill and the reason we had the Federal Bill was enunciated by Jennie George, the vice-president of the ACTU. She stated quite categorically the following—

> "What the employers have got to understand is that we won the election in March and this Bill is a pay-back for the commitments that were made by the Government in the course of that election campaign."

Of course, that sums it up. The unions are getting a little desperate. They believe that their relevance to the workplace is decreasing.

We know from the Australian Bureau of Statistics that only about 29.4 per cent of the work force in the private sector in this country is unionised. It is only in the public sector, where 67 per cent of workers are unionised, that there is any significant union authority. We can look at this issue from the viewpoint of the distribution of unions in all organisations in this country. In the small businesses, the ones that do not have the necessary technical expertise to get into fights with major unions, there are very few unionised employees. Only 16 per cent of organisations with fewer than nine staff members are unionised. Only 29.8 per cent of organisations with 10 to 19 staff members are unionised. Only 46 per cent of organisations with 20 to 99 staff are unionised. It is not until we reach the category of organisations with more than 100 employees that we see a majority of unionised employees. The problems with the Bill is that it significantly disadvantages small organisations, the ones that do not have the union background and will not be able to enter into a fair fight with the unions.

As I said, this Bill misleads all Australians. The Managing Editor of the *Australian*, Paul Kelly, is not known for being a sycophant of the National Party or the Liberal Party—he is more likely than not to be a supporter of the Labor Party. Because the State Bill mirrors the Federal Bill, those comments apply equally to Queensland. In a conference run by the IPA, the Treasurer quoted a Paul Kelly article, which read—

> "It is a Bill which puts the sectional interests of the union movement ahead of the national interest and therefore is bad philosophy as well as bad law."

That was Paul Kelly's summation of the 1993 Federal industrial relations reform legislation. That summation applies equally to this Bill. It not only misleads Australians because it puts sectional interests ahead of national interests but also fails to implement a lot of other conventions which are important to the way in which Australia has developed. This Bill implements ILO conventions, but it also fails to implement important UN conventions, such as Part 2 of Article 20 of the Universal Declaration of Human Rights.

The Bill states that people have a right to be a member of a union. We totally agree that people should have a right to join associations freely and voluntarily. They should also have a right to not be forced to join groups, and to not be threatened in some economic fashion if they do not choose to join groups. The Government is including certain elements from the ILO conventions, but it is not willing to include elements of the UN conventions, such as the freedom of people to choose whether they belong to unions.

Also, the Government exhorts us to follow the ILO convention. People are told that this is good for the country. Who are the signatories to the ILO conventions? Some of the signatories are countries with which we trade, and we have similar backgrounds to some of those countries. Some of the luminaries who are signatories to this convention included Afghanistan, Albania—perhaps the most oppressive regime in the world—Algeria, Angola, Bangladesh, Bolivia, Cambodia, Chad, El Salvador, Ethiopia, Guatemala, Haiti, Iran, Iraq, Syria, Tanzania, Uganda, Vietnam, Zaire and Zambia. Those were some of the signatories to this convention. Do honourable members think that those countries respect the civil rights of their citizens or the rights that we are proposing here?

This Government said that the convention was signed by other countries and that, therefore, it was something we should implement. That is absolute nonsense. The Government's Federal mates will utilise external affairs powers to impose these conventions on Australians. It is suggesting that the signatories to these conventions are held in high esteem.

We also hear the cry from the Labor Party, here and elsewhere, exhorting Australians to throw off their British past and to become a republic. However, the Government will not throw off one of the things that has destroyed this country this century. Why is it not willing to throw off the last remnants of the British craft/trade union system.

Mr T. B. Sullivan: Haven't you heard of union amalgamations?

Dr WATSON: We have heard about some union amalgamations, but the fundamental

philosophy of the union movement is still based upon the British craft/trade union system. If the Government wants to be independent, it ought to replace that system with a truly open union system.

Finally, this framework misleads Australians because it fails to address some basic ILO articles. On page 122 of the Bill, Article 1 stated—

> "The competent authority in each country shall, in agreement or after full consultation with the representative organisation of employers and workers concerned, where such exist, determine the groups of wage earners to be covered."

The Minister said, "Yes, employer organisations were consulted. We sent them the Bill." He sent them the draft Bill—I think he said that he did that on Wednesday, 1 February—and he told them to have it back by the Friday. He did not consult them. He then wanted to introduce it into Parliament in the following week. The Bill was so well drafted that, on the Tuesday before it was sent to this Parliament, he did not even have the explanatory memorandum completed—he was still trying to write it. How could he have consulted when he did not even know what the Bill was all about? The fact is that there was no consultation. As a leading lawyer and civil rights advocate, the Minister understands what consultation is. In this case, he did not consult.

Mr Santoro: He wanted to introduce the Bill on the Tuesday.

Dr WATSON: He was not ready on the Tuesday; there is no question about that. This Bill also fails Queenslanders. Firstly, it fails to——

An Opposition member: It just fails.

Dr WATSON: It just fails. It gives up Queensland's sovereignty to Canberra in the same way as Canberra is giving up our sovereignty to other countries. The Premier complains about private enterprise. An article in last Saturday's *Courier-Mail* stated—

> "Southern-based directors visited Queensland and congratulated the Government on the way it was going and its ability to maintain the lower tax base while properly managing the Budget. 'But they want to be on the plane back to Melbourne the next morning', he said. Mr Goss said Qld had to overcome the branch office syndrome."

What a hypocrite! He is running a branch office Government—a branch office for Paul Keating and Bill Kelty. That is the kind of legislation we see here. Yet we hear him piously saying——

Mr Connor: Like Mabo.

Dr WATSON: I will come to that issue. Two important pieces of legislation have come forward in the last few months. At the end of last year, we dealt with Mabo. At the beginning of this year, we saw the introduction of the Industrial Relations Reform Bill. That legislation is being dictated to this State by the Government's Federal counterparts. That is the mentality of members opposite. They talk about sticking up for Queensland and about trying to encourage head offices to locate here, but when it comes to the governing the State, members opposite sycophantically give up their responsibilities to Canberra.

Alan Woods, from the *Australian* newspaper, said that poor old Laurie Brereton simply holds the phone while Paul talks to Bill. In this case, there was no phone call. The Minister simply added a few amendments to the facsimile copy of the Commonwealth Bill that he received from Bill Ludwig to make it more responsive to Queensland union demands. That is all that occurred in this case. There was not even the decency of a phone call. The Premier was bypassed. The unions could go straight to the Minister and say, "This is the sort of thing we want."

We are talking about industrial relations reform. We are supposedly talking about enterprise agreements. In the *Sunday Mail* of last weekend, Terry McCrann—who is one of the best economic commentators in this country—summed up the position rather nicely. In the course of commenting on the waterfront dispute, Terry McCrann made a statement about the Federal Bill, and that statement applies equally to this Bill. He stated—

> "The one thing the events of the week most definitely do not show is how a deregulated enterprise bargaining industrial relations system could or would work. How 'enterprise bargaining' works, how Clayton's enterprise bargaining works, how a spineless Brereton system works, how a Kelty centralised 'deregulated' structure works, how the system 'we have to have' courtesy of Brereton and Keating works—certainly. But none of those have the remotest connection with real enterprise bargaining where employers and employees (with or without a bargaining agent such as a union) sit down and work out a mutually beneficial arrangement for that enterprise, with such deal-making underwritten by minimum standards on such matters as hours and wages."

That comment sums up the position perfectly. This legislation represents the worst of all possible worlds. It is not a totally centralised system and it is not a truly deregulated system.

Yet again, the Labor Government has failed Queenslanders.

This legislation also fails workers. It assumes that workers do not know what is good for them—otherwise, why the necessity for trade union involvement in enterprise bargaining? This legislation assumes that employers and employees cannot negotiate and agree without unions being involved. The real reason for the assured involvement of unions is the protection of the power and financial strength of the unions. In a recent *Business Review Weekly* article, Nicholas Hay outlined why trade unions are reacting so violently to the proposals by CRA and Comalco for "all staff" work forces.

I want to read into the record a poem written by a member of the union for which the member for Waterford was once an organiser. The author of this poem lives in the electorate of the member for Cook, and probably voted for him. It is an interesting reflection of the view that the workers have of the tactics adopted by the union and the representation that they receive.

Mr Welford: He's representative of all the workers, is he?

Dr WATSON: I believe that Mr Mitchell, who is referred to in the poem, is a Metalworkers Union heavy. The poem states—

"So you're back here in the cape, Mister Mitchell, with a scent
Of ever falling numbers midst a tide of discontent;
In days gone by an angry word or punch behind the shed,
Could keep the likes of me in step with the single mindless tread.

My family has oft mistaken this frame for a man,
But you see me as a child who'll falter if I can;
A poor Aussie worker, too dumb to form a view
Without the guiding hand of clever blokes like you.

We're a single income family, hardly ever make a fuss,
I rarely change a light globe and never rode a bus;
The pace of change is frightening, nothing seems to stay the same,
It is the age we live in, there's no-one here to blame.

'Salaried staff', they offer; you can see the plot
To wean us from the union and join the other lot;
The promises of airfares, super and more pay
Just to join and work in this new 'productive' way.

You fly in now and then when our cries hurt your ear,
Enjoy the air-conditioning and a cold Albie beer;
You promise to support us, 'stand steadfast to the last'—
Another shaking fist and a fortnight on the grass?

There are those who will remember, your last Weipa affray,
One moment here to fuel the flames, the next you'd slipped away;
Your sense of strong conviction remains with those who follow
As they share their wives' airfares, their words sound very hollow.

You speak of solidarity and with slogans of the 'masses',
But you creep towards the future with feet bogged in molasses;
You thumb through TUTA textbooks on policy and power,
And repeat the same old rhetoric for hour on dreary hour."

Mr Welford: This is longer than Paradise Lost.

Dr WATSON: The member should pay attention, because there is more to come. The poem continues—

"You warn of poor conditions and breaches of awards
But you cannot point to any as you fumble for your swords,
They are truly blunted and you are running scared,
Remembering how your full-time mates at Hamersley have fared.

You threaten and assail with images not easily lost
Of what is apt to happen if we give you blokes the toss;
You underestimate us now as you have in the past
Too dumb to tell a doughnut from another horse's ass.

You promise this and promise that, and pray new laws are passed,
Too late to save the cushy job, for you the die is cast;
When the talking is all over and you have gone away,
I know whose bloody logo is still there on my pay."

That poem reflects the view of the workers at the cutting edge who are involved in the negotiations that will occur under the proposed system. Undoubtedly, this Bill—as has the union movement in the past—sells out workers. It provides no flexibility so that agreements can be modified and adapted to suit certain climates. That will be the undoing of the proposed system.

As I stated earlier, this Bill is against the best interests of employers and the unemployed. Unfortunately, time will not permit me to canvass that matter in detail. However, it must be understood that this Bill will increase the cost of hiring labour. Whether Government members like it or not, the fact remains that, when labour costs are increased, employment opportunities are reduced. As a result, the unemployment rate rises. Paul Kelly, to whom I referred earlier, reinforces my assertions. Paul Kelly is not totally committed to the Liberal or National Party view.

At present, the world is demanding greater workplace flexibility. However, this Bill delivers only workplace bureaucracy. The world is demanding innovation, but this Bill delivers only increased legal verbiage. This world is demanding creativity, but this legislation delivers only union sterility. I support the contribution by the member for Clayfield. This Bill deserves to be unreservedly defeated.

Ms POWER (Mansfield) (12.47 p.m.):

" 'Tis the hope for something better than the present or the past
'Tis the wish for something better strong within us till the last
Stronger still in dissipation
'Tis the longing to ascend
'Tis the hope of something better that will save us in the end."

Those are the words of Henry Lawson.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member will resume her seat. I remind all honourable members of Mr Speaker's ruling this morning in relation to interjections. He stated that that ruling will apply all day. Therefore, if there are any further interjections from members, the members shall be warned and subsequently removed from the Chamber.

Dr WATSON: I rise to a point of order. That is not my recollection. I thought that Mr Speaker redefined his ruling and made it quite explicit. With all due respect, I thought that it was to apply only to members who had been warned.

Mr DEPUTY SPEAKER: Order! There is no point of order.

Ms POWER: Following the contribution by the member for Moggill, I place on record that I am happy to be "misled" by the reform Bill being introduced to this House. It seems to me that some strange interpretations were offered by the member for Moggill and the member for Clayfield about unionism. I have read books that go into the history of the establishment of unions and the struggle for the right to join them. We live in an era that is probably better than the 1880s, but members opposite want to sell out the rights for which our predecessors fought. I, for one, am not prepared to listen to that sort of argument. I think unions have a part to play. The member has drawn a very long bow with his comments about Jennie George. I think the effect of what Jennie George was saying was that people had faith in the Labor Party, and that is where they put their efforts, because the GST and other principles that were exposed by the Liberal Party would have sold out workers.

I would suggest that the figures quoted by the honourable member go in some way to proving the need for unions. However, the fact of the matter is that the more employees an employer actually employs, the more likely that employer is to be party to a dispute. To suggest that an employer and his or her employees can sit down and work out solutions every time there is a problem is just nonsense. Comments such as that prove that the honourable member has no idea of the power plays that can go on. In particular, if there is no award coverage, an employee can be dismissed simply because he or she will not work under the agreement that the employer says that he or she will work under. I suggest that the honourable member has it all wrong. He would probably do well to listen to the speeches of the members on this side of the House. Government members will be able to explain the situation to him.

I am also pleased to see that the member for Moggill has suddenly become a great exponent of Amnesty International. After hearing the quotes that the member cited, I am looking forward to his support and attendance at meetings of that body. I suggest that there were a number of contradictions in the honourable member's speech.

Mr J. H. Sullivan: He's not even here to listen to your speech. He's got no commitment to anything.

Ms POWER: I take that interjection. I suggest that most of the members of the Opposition have little commitment to anything.

From the reading that I have done on the history of the trade union movement, I am able to say that in the past 100 years the trade union movement has changed considerably. It is not

something that is archaic, or something that came over on the First Fleet and has remained the same to this day. Amalgamations are only one area where there has been considerable change. In fact, the participation of women in the union movement and the way in which trade unions operate on the floor have certainly changed a lot. I, for one, would not want to see them abolished.

It is interesting to note that the Liberal and National Parties support mutual recognition only when they agree with the principle involved. In some areas, they are keen for mutual recognition across Australia but, suddenly, when it comes to industrial relations, they do not want to have any part of a national standard. We will see what happens in regard to some of those other issues in the future.

I recently re-read *Proud to be a Rebel*. It is a book about the life and times of Emma Miller. When I have to listen to the sorts of speeches that members of the Opposition make about industrial relations, that book is my inspiration. It gives me an understanding of women's pioneering role in the labour movement. Emma Miller is just one of the many women who have struggled over the years to make gains for women. She struggled against exploitation; she fought to obtain for women the right to work in male occupations such as tailoring and printing; and she struggled to obtain for women the right to be members of unions and to be recognised as workers.

By ignoring women's participation, history books distort the facts and perpetuate the myth that there were no women leaders; that women were passive spectators with nothing of importance to contribute; that women had made few achievements in which they could take pride; and that women had no historical experience on which to draw. Research conducted by women into the union movement shows that this is not so. Over at least the last 100 years, for which there is some record of unionism in Queensland, there are many examples of women striving to achieve a better life for their sisters, particularly those in the work force.

In his second-reading speech, the Minister stated that these proposals—referring to certain sections of the Bill—were a significant contribution to the International Year of the Family, and so they are. However, for myself and my sisters in the union movement, it is a reward for the long struggle to see recognition of the work of women in the work force and recognition of their uniqueness as primary carers in the family—the unpaid work force.

While history has often left us ignorant of the many women who worked tirelessly towards change, I would today like to place on record some of my contemporaries who have worked towards these reforms that we see enshrined in this legislation. I know when I do this that I will be guilty of leaving some out, but I think that they will understand that it is better to have a few names on the books than to have none at all. In particular, I would recognise Grace Grace and Katy Steenstrup from the Trades and Labor Council, Sue Yarrow and Wendy Turner from the Miscellaneous Workers Union, Mary Kelly and Jenny Hughey from the Queensland Teachers Union, Bernadette Callaghan from the Federated Clerks Union, and Jeni Eastwood from the State Public Services Federation. There are a number of others who have contributed significantly.

In particular, I would like to mention a woman in north Queensland who presided over the TLC in Bowen—and I am sure the member for Whitsunday would agree with me that that was not an easy feat. That woman is the late Anne Turner. She led the way in north Queensland.

The contribution today from the member for Clayfield goes to show that we have a long way to go.

Mr J. H. Sullivan: You don't call that a contribution!

Ms POWER: I used the term lightly. I would again like to quote from *Proud to be a Rebel* to prove to honourable members that what was happening in the 1880s still happens today. In that book, Leontine Cooper states—

> "Why should women be prevented from entering into competition in the labour market on the same footing as men . . . ? Because the laws which at present govern the price of labour are unjust why should she be made the chief victim? Is not man's sense of justice large enough and strong enough to allow her to come and work by his side and fight, not against her, but against the system which robs the labourer of his share in the wealth he creates, and so, by the fierceness of competition, prevents either from earning more than a mere pittance?"

Mr Bredhauer: The member for Clayfield doesn't even want equal pay for work of equal value.

Ms POWER: I take that interjection. In 1994, women will celebrate 100 years of suffrage. Australians are not familiar with the suffrage movement, but research shows that in Queensland the vote had to be fought for against great opposition—opposition that was

quite often insulting to women. When I listened to the contribution from the member for Clayfield, it made me think that nothing has changed. I found his comments insulting to women. He could not recognise the right for equal pay for equal work. He shattered his argument when he talked about who worked harder. I think that that is the same sort of argument that has been going on for 100 years. I find it quite insulting.

Today, the reform Bill takes up provisions of the Commonwealth Act to provide key protection and improvement for individual employees. I am particularly pleased, as I said earlier, to see proposals for helping to prevent and eliminate discrimination generally and, in particular, on the ground of family responsibilities.

The ILO convention states that signatories should prevent discrimination against workers with family responsibilities and to help those workers to find a balance between their employment and family responsibilities. Again, I refer to the member for Moggill who suggested that that was not a reasonable principle to have simply because some of the signatories on that convention may not have the same adherence to some of those policies as we probably enjoy in Australia. Words are cheap. However, I think that takes nothing away from the principle. It is a good principle. This legislation enshrines those principles.

Only through legislation can women be assured of safety nets to prevent discrimination. Any reading or research shows that women have always been discriminated against in the workplace, particularly because they worked in areas that were seen to be women's work, such as nursing, teaching, home duties and other care facilities. The work that women did was recognised as a traditional role—it is what women did, therefore, they should be paid less. The rate of pay for women had nothing to do with skills or sex; their work was simply seen as work that women did, and that was the basis of their pay structure.

When women wanted to enter into non-traditional areas, the argument of taking jobs away from men was raised. There was no recognition of women having a right to be in those industries and certainly, if they went in there, there was no argument about why they should be paid the same money. There were always arguments about men being the main breadwinners, therefore they should get the money. Emma Miller, for one, was a woman who did not always have a husband to provide for her. That was one of the reasons that she worked tirelessly. However, in the past, there was no recognition that women could actually be the main breadwinner.

The quotes I read from the book by Emma Miller are over 100 years old. It has taken over 100 years for there to be some recognition of equal pay for equal work. This legislation enshrines that principle.

Sittings suspended from 1 to 2.30 p.m.

Ms POWER: Before the lunch break, I was making the following points: that people have wanted unions for a long period; that unions serve the need to redress the discrimination that occurred in the work force; and that it is only through legislation that we can protect workers. Because of that, there is a need for this legislation to reform industrial relations in order to take it into the twenty-first century.

The three specific areas that I shall talk about are those which are particularly important to women in the work force, namely, equal pay, termination of employment and leave provisions. Before lunch, I spoke about some of the problems that have existed with equal pay in the work force. It has been a struggle to recognise equal work and equal pay, particularly in the sexes. This legislation strengthens the commission's powers to implement equal pay.

This Bill is about more than just making a comparison between men and women employed in the same occupation or performing the same duties. It gives order to the increases and decreases in the rates of remuneration. An employer cannot decide to pay one group of workers a different amount simply on a whim. The legislation also ensures that equal remuneration is consistent with established methods of determining rates of remuneration.

I turn now to termination of employment. Termination of employment for women has always been a subject of frustration. While women were often discriminated against in the way in which their employment was terminated, it was very difficult to prove that a particular woman was being dismissed simply because her employer did not see her as the main breadwinner; pretended that he did not know that she was pregnant or did not know that she was getting married; or whatever else the underlying reason was, and would come up with a story that suited his purposes.

The termination of employment provisions of this Bill will address those unfair practices and unfair dismissals. I am reminded that until almost the 1970s, women teachers in this State were sacked the moment that they took their marriage vows. After every holiday they were re-employed for the school term, and then their services were terminated again. When school resumed, they

received a letter telling them that they could come back. That was quite blatant. While things have changed for the better over the past 20 years, there is still quite a lot of inequality in these practices which, most of the time, are very subtle, and it is very hard to prove the real reasons underlying a notice of termination.

One of main aspects of this legislation is that the employee must be given a specific period as a notice of termination. That may range from something like one week for a person who has perhaps given less than a year's service to four weeks for people with over five years of service, and even an additional notification if that person is, say, over 45 years of age or has given a long period of service. The Bill also allows people to take breaks in their service without disrupting their continuity of service. It also sets minimum amounts of compensation that must be paid in lieu of notice of termination. In other words, the employer must follow a fair process in respect of dismissals.

One aspect of great interest to groups that have been discriminated against in the past is that this Bill specifically prohibits termination of employment because of a temporary absence due to illness or injury; union or non-union membership; filing a complaint against the employer; a whole range of discriminatory practices based on race, colour, sex, sexual preference, age, mental or physical ability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; and—the big one for women—absence on maternity or parental leave.

I turn specifically to leave. The leave provisions detailed in the Explanatory Notes are comprehensive, to say the least. I would probably be brave enough to say that there are some sectors of the reform Bill that still need to be addressed. I believe that will come in the form of amendments in the future as this legislation starts to work. At least there is a recognition of women as workers and a recognition that women from non-English speaking backgrounds and many other women in Australia have cultural and traditional barriers that affect their ability to work if they have the pressing needs of being the primary carer in their families—whether it be for their children or aged relatives. This Bill goes a long way towards addressing those issues. The legislation also recognises workers with family responsibilities and gives them a chance to exercise their right to free choice of employment and to become and remain integrated in the labour force, even if they are taking time off to care for a family.

The Explanatory Notes outline some basic principles of 52 weeks of shared unpaid parental leave. Of course, that would be reduced if other parental leave was taken at that time. The legislation also makes the point that parental leave does not break the continuity of service of a worker. That has been a big issue of dispute for women workers over a long period. It was a very effective tool used by many employers, particularly the former State Government, to say that, when women went on leave, that period broke their continuity of service. Some women found themselves actually working for, say, 25 years to become eligible for long service leave, because they had taken breaks in their service to have children. I always thought that it was a great contradiction in terms, particularly in the Education Department, that women were allowed to take leave so that they could have children—which gave them the job—but, in doing so, they actually forfeited the rights that male workers had at that time.

Time expired.

Mr LAMING (Mooloolah) (2.38 p.m.): When I listened to the opening sentence of the Honourable the Minister's speech on industrial relations reform—

> "Since the days of T. J. Ryan successive Queensland Labor Governments have striven to protect the basic rights of workers"—

I thought that the Minister was going to say "to a decent job", but he went on about resolving industrial disputes peacefully, which was a disappointment. I thought it was bound to be a benchmark piece of legislation to help get our 150 000 registered unemployed back on the job. It would have been a masterpiece of industrial and political timing to launch real employment-producing legislation midway between the Federal Government's Green and White Papers on creating employment opportunities. It is my intention during this debate to explain to members how this Bill does not even meet the concerns expressed in the Green Paper.

Less than two months ago, the Federal Government's Green Paper "Restoring Full Employment", of which I have a copy, was released. In less than one month, submissions closed prior to the committee reporting to the Prime Minister on the views of the community on solving unemployment. It is obvious that a lot of work has gone into the preparation of the 200-page discussion paper, with dozens of graphs and charts covering most aspects of this serious problem.

It is somewhat disappointing that the committee did not appear to present the full range of ideas that it no doubt received from interested groups and individuals. The index suggested that about 200 submissions were received. Perhaps some bold new initiatives to solve this problem are to be found in those unpublished contributions. It is interesting in the context of this Bill before the House that even if industrial relations was considered important to employment opportunities by some of the 200 persons and organisations that made submissions—and I am sure it was—the sorts of proposals put forward in the Bill did not rate a mention in the paper. I would go so far as to say that some of the provisions of this Bill will actually discourage employers.

It is important for this House to consider some of the points that were raised in the green paper even if they did not include many of the ideas no doubt put forward by those who see enhanced industrial relations as the main contributor to jobs. Instead the paper has already opted for one major solution—the Jobs Compact—plus a few ancillary suggestions. The paper's major contribution is its background to the depth of the problem and its gravity. It is spelled out that the dominant contributing factor is the increase of married woman in the work force. In 1966, 40 per cent of 35-44 year old women were in the work force. By 1992, this had grown to 72 per cent. We are also advised that two-thirds of the unemployed are men and that half the unemployed are younger than 30. In fact the largest group is the 20-24 year old group.

Ms Power: That's because they're lazy and don't want to work.

Mr LAMING: I will take the interjection from the member for Mansfield who said, "That's because they're lazy and don't want to work." I reject that. It is very disappointing to hear young people classified by a member of the Labor Party as being lazy and not wanting to work. I reject it now and I always will.

In addition, it has become clear that people are staying unemployed longer. The average spell of unemployment has stretched from 26 weeks in 1978 to 57 weeks in 1993. The average time on the dole is now more than a year. I repeat, the average time on the dole is now more than a year. Why does this House not spend more time debating this particular issue?

Ms POWER: I rise to a point of order. I question the relevance of the information that the member on his feet is giving to the House in relation to industrial relations.

Mr DEPUTY SPEAKER (Mr Briskey): Order! There is no point of order.

Mr LAMING: Thank you Mr Deputy Speaker. I will support your decision, because I will return to the Bill from time to time. The economic cost of unemployment in Australia was calculated at $10 billion per annum. That is not far short of Queensland's entire annual Budget. The Paper claims that unemployment contributes to domestic violence, marriage break-down, health problems—particularly mental health—and crime.

The paper was optimistic in regards to the effect on unemployment from economic growth. However, growth of 4.5 per cent to 5 per cent per annum was claimed as necessary to reduce unemployment to 5 per cent by the year 2000. Such growth would need to be accompanied by flexibility in the labour force, income restraint, productivity and a boost in national saving. Yes, flexibility in the labour force! Now, to me, the word "flexibility" means the ability to change and adapt in all directions. In his second-reading speech the Minister referred to the "no disadvantage" test as meaning that industrial agreements must not disadvantage employees' terms and conditions of employment. In his speech there was no mention of employers not being disadvantaged. It sounds like a one-sided flexibility to me.

To return to this economic growth which might, I repeat might, deliver us an unemployment rate of 5 per cent, I ask: is 5 per cent an acceptable unemployment figure? It might be an attractive target now, but I do not accept it as being an acceptable longer-term goal. In addition, Australia cannot afford to wait for this growth, even if we were assured of achieving it. It is probable that we will be saddled with long-term unemployment for many years. What can be done? Although the Committee evidently believed that tinkering at the edges was not sufficient and that a bolder, more radical approach was needed, this is hardly what it recommended be circulated for comment. The Job Compact is anything but radical.

The paper recorded, almost certainly correctly, that most growth is in the small to medium enterprises. Any scheme that does not recognise and capitalise on this will have an uphill battle to succeed. The Committee also recognised that the gap between welfare and the income from one low-income wage had become much smaller and that this created a disincentive for some unemployed to seek work. The committee identified that only 30 per cent of those workers who had received a wage subsidy were still with that same employer three months after the subsidy ceased. It is strange, then, that the wage subsidy approach was the central element of the Job Compact approach. This is

not to say that a Job Compact between the Government, employees, unemployed and unions is not desirable nor that it will not provide some relief, particularly to the long-term unemployed. I have a concern about whether the paper concerns itself unduly with the long-term unemployed—which is of course a tragic circumstance—rather than the real problem of unemployment generally.

There also seemed to be considerable consensus that Australia needs improved economic growth and that an increase in employment assistance is preferable to income support. There was also a strong call to governments to reduce the burden of complying with government rules and regulations. Now that is an interesting little observation on the part of the committee—a reduction in the burden of complying with government rules and regulations. I truly wonder whether Queensland's Industrial Relations Reform Bill is going to become listed as yet another burdensome bundle of Government rules and regulations. Why, I even recall in the Minister's second-reading speech, his proudly announcing that the "onus has been placed on the employer". Is not the onus a type of burden? Too right it is! The *Macquarie* Dictionary defines onus as "a burden'.

Two existing programs, the Community Action Program, for voluntary work, and Job Clubs were mentioned as initiatives that could be and should be expanded. I am pleased to see this. But the Job Compact is obviously the main thrust of the committee's recommendations. It could be described as an extension of the Jobstart scheme involving wage subsidies to employers for taking on long-term unemployed. The subsidy would be temporary but could be extended beyond the limits of the current scheme, perhaps to nine months.

The concept of a training wage for long-term unemployed until they acquire job skills will be considered, and I believe this has some merit. Ah, but yet again we run foul of this Government's industrial relations approach which, I dare say, will preclude the concept of a training wage even for the long-term unemployed. I would appreciate the Minister's comments on that in his reply.

The green paper indicated that the Compact would be applied to the longest term unemployed first, perhaps starting with those who had not worked for three years. It would then work upwards with a view to applying to those unemployed for 18 months. My immediate concern was that it could well stay at this level and become a scheme,not primarily for long-term unemployed but only for long-term unemployed.

Mr Foley: Are you aware that we have provision for a training wage under the Industry Placement Act introduced by our Government in 1992?

Mr LAMING: I would appreciate some comment from the Minister on that during his reply.

In this regard, I believe that the Green Paper has fallen short of addressing the basic fact that, even with an optimistic level of economic growth, there will continue to be not enough jobs to satisfy the needs of the work force. This legislation currently before the House does not contribute in any meaningful way to the solving of the problem. Without underestimating the tragedy of long-term unemployment, I think this aspect was higher on the agenda than the basic imbalance between available employment and current and prospective employees. To be fair to the committee, this was part of the Prime Minister's brief. In that case, it was the Prime Minister's brief that did not address the fundamental problem.

If we are to solve this problem, we must address the real reasons for unemployment and not simply service unemployment. Perhaps the perceived need for many families to have two incomes, while others rely on welfare, would be a good place to start. Indeed the committee proposed a new parenting allowance for spouses in low-income families caring full-time for children. This, I believe, would be worth debating further. Is this not a better option than this Bill's proposed 12 month's unpaid, parental leave? Yes, I certainly believe it is worth considering. For those on higher incomes and with dependent children, the proposal of income-splitting for taxation purposes is worthy of serious debate. This was not covered in the paper but has been suggested as a method of encouraging one member of a dual income family to move out of the work force to make room for some of our young people who desperately need the work, not just to improve their financial position but to live decent lives and to contribute to our society. This proposal also has the advantage of allowing more young children to be under the care of one of their parents at home which,in the longer term has, I believe, beneficial social outcomes. I would like to refer to the member for Mansfield, who preceded me, and point out that this proposal is not gender specific but will allow fathers just as much opportunity to take a domestic role as it does for mothers.

There are those who say that unemployment is a Federal issue. I do not. It is an issue for the whole community. Those of us fortunate enough to hold elected positions have

a greater responsibility to seek out and implement solutions. This current process may be our last opportunity. All concerned Queenslanders should take this opportunity to make submissions before 11 March, and I call on them to do so. Hopefully, the committee will adopt ideas that will address the real cause of unemployment, and not just service the problem. Despite the Minister's remarks to the contrary, this Bill will do little, if anything, to ease unemployment.

So we have before us a Bill that will, we are told, generate satisfying and well-paid jobs. It will not. A Green Paper has also been issued. Although it is not a formal document of this House, it should be studied by every member. This latter paper, like the Bill before us, does not contribute anything towards creating new, real jobs. Since the proposal of a job compact looks certain to get the nod in the White Paper, there is a sudden realisation that this questionable plan is going to cost anything up to $3 billion. Where will the money come from? The Labor Left wants a jobs levy, yet the Prime Minister has promised no increases in taxes. What a dilemma! When the Federal Finance Minister Mr Beazley was asked his position on the subject, he stated—

> "The jobs levy is there for consideration, but there's not a high disposition among my colleagues.
>
> But that's not to say it's off the table—it's on the table—but it's sort of located somewhere round the edge."

What sort of gobbledegook is that? We will just have to wait and see. The jobs compact will be of extremely limited use in combating the real reasons for unemployment. This Bill before the House will actually make it more difficult for employers to create jobs. It is simply a union feather-bedding exercise. I urge members to vote against it.

Mr PURCELL (Bulimba) (2.51 p.m.): I rise to support the Industrial Relations Reform Bill 1994 and, in particular, the amendment of section 89 of the Act, which relates to the enforcement of orders of the Queensland Industrial Relations Commission in respect of industrial disputes.

The Industrial Relations Reform Bill is good legislation, as all practitioners of industrial relations in this State agree. We probably do not have very many practitioners of industrial relations in the Opposition. They would not know. As with any legislation, it is when it is tested in the field that its shortcomings come to light. So it has been with section 89 of the Act.

A decision of the Industrial Court in September 1993 highlighted the shortcomings of the existing legislation. His Honour Mr Justice Mackenzie heard an appeal brought by the Australian Meat Industry Employees Union again decisions made and conclusions arrived at by the Assistant Industrial Registrar.

It is necessary for me to give a short history of the dispute that resulted in the decision by Mr Justice Mackenzie. It arose out of the different emphasis placed by the management of the Metropolitan Regional Abattoir and the PSMC on how enterprise bargaining should proceed in the public sector. Enterprise bargaining can begin when all parties have agreed to the guidelines. This dispute goes back one or two years ago when the MRA management, employees and unions got together to discuss ways to increase productivity at the meatworks. I should point out that this meatworks is an integral part of this Government's strategy to support, and continue to support, meat producers in this State. The MRA is a State-owned meatworks and, therefore, to a certain extent it sets standards and margins. Many meatworks are not Australian owned— they are owned by overseas companies—and it is important that this meatworks continues to operate, and to operate efficiently.

It was never made clear to the employees or the union by the management of the MRA that to achieve efficient gains and structural changes that would benefit the employees monetarily, the PSMC guidelines first had to be agreed to. That was not made plain to the workers when they sat down to work out how to get the meatworks back on its feet and working at maximum productivity. Nevertheless, management and the work force sat down and made major changes that saw 37 employees made redundant and major gains to efficiency and productivity. When the employees of the MRA went to share in the efficiency gains, as was their right under the latest industrial relations wage decision, they were denied their share because, as they saw it, of a minor technicality. There was also the matter of a fair and a reasonable redundancy package to be agreed so that the years of service and loyalty of the employees, whose grandfathers, fathers and sons had worked for the meatworks, would be acknowledged.

That is a short history of the dispute. Negotiations had taken place over a long period. However, they broke down when the employees believed that the gains from their increased efficiency were not being recognised. They would no longer allow their mates to go down the road without proper redundancy packages. In

frustration, the meatworkers held a stop-work meeting at the works, and to show their disappointment at the impasse, went home.

The MRA applied to the Industrial Relations Commission for return to work orders, which under the present legislation can be granted. When the MRA was granted those orders, the southern district secretary, Mr Richardson, his organisers and workplace delegates read out those orders at a mass meeting of some 300 workers to 500 workers that was held at the site. They were told what was required of them under the orders. The meeting was quite hostile towards the MRA management as a result of the orders being placed on them. The workers thought that they had been fairly cooperative over a long period, and had certainly brought the meatworks back from the brink, yet their effort was not being recognised. Because the union would not agree to any resolution that was not a return to work, various motions were moved that they should go home. The meeting was then closed by the union. Those employees who attended that meeting held a meeting on their own without any union officials present, then went home.

The men were called back to attend a second meeting that was called by the union, and at that meeting resolved to returned to work. Negotiations with the MRA continued. The employees settled down. The return to work order that had been placed on the workers had the desired effect, although it took two mass meetings for them to go back to work.

It is from this point forward that the Industrial Relations Act fell down. It took the dispute out of the hands of the union and the MRA, who had experienced people on the ground, and it took on a life of its own. The Deputy Registrar, who was acting on behalf of the Registrar, was required under the Act to have the union and the MRA each file an affidavit to him advising him whether there had been compliance with the order and, in default of compliance, what steps, if any, had been taken to comply with the order.

I turn now to the decision of Mr Justice Mackenzie, who is the President of the Industrial Relations Commission. He was given the job of sorting out this mess that should never have occurred. In his decision, His Honour pointed out that in 1988 there was an inquiry into the Act, and particularly into this section of the Act. His decision states—

> ". . . the report of the Committee of Inquiry into the Industrial Conciliation and Arbitration Act (November 1988), but s. 8.23 (now s. 89) casts its net more widely than the Commission's recommendation. The report was concerned only with non-compliance by an industrial organisation. However s. 8.23 (now s. 89), and s. 8.24 (now s. 90) which prescribes a range of powers available to the Full Industrial Court, apply not only to industrial organisations but also to individuals who do not successfully show cause. That is the cause of some practical difficulties to which I will refer in due course."

Mr Justice Mackenzie then goes through the dispute procedures that the Deputy Registrar, Mr Blumsen, was required to go through to comply with the Act. Those procedures occupy several pages. His Honour then states—

> "The commentary in the report of the Committee of Inquiry upon which the provision is based describes it as a 'stringent proposal'. There is no reason to disagree with that description. However as conceived by the Committee the provision would have had the benefit of simplicity of operation in that only the applicant and the industrial organisation would have been parties and the Industrial Registrar would have the relatively simple task of considering whether there had been substantial compliance on the basis of affidavits . . ."

His Honour then stated—

> "When the provision was limited to action against the industrial organisation only it was administratively convenient."

He further stated—

> "The process of automatic enforcement envisaged by s. 8.23 is capable of being an administrative nightmare. The situation is compounded in a case like the present where the procedure of actually engaging employees on a particular day is atypical."

The meatworks hires employees at its gate. People who turn up at the gate may or may not be hired. It depends on the level of activity at the meatworks. People would not go to the gate expecting to be hired unless there was a big kill on.

The difficulty under the present Act is that people did not know how many people were at the meeting. No names were known and people were relying solely on the list of names supplied by the management of the MRA, which provided the names of every employee at the meatworks to the Deputy Industrial Registrar. Everybody on that list was lumped together, regardless of whether some people were shopping, fishing or mowing the lawn at the time of the meeting.

His Honour stated further—

> "The mandatory requirements . . . require the Commission to order each of the persons to whom the order was directed to file an affidavit and for each of those persons to do so. The short answer to the problem in the present case is that the steps envisaged by s. 8.23 have not been followed with respect to the officers and the employees."

Those were some of the shortcomings on behalf of the registrar. His Honour continued—

> "The procedure of calling on them to show cause cannot, on the facts of the case, be invoked.
>
> With respect of the broader issues I would simply say that while it is in accordance with the practice and with the Act . . . to make orders directed to officers or members of an industrial organisation generally and without further description, when, after apparent non-compliance"—

and they did not know whether they complied or not because they did not know who was involved—

> "a procedure such as that in s. 8.23 . . . is to be invoked, with the possibility of a substantial fine for being imposed in the event of failure to show cause, the person who is required to show cause must be identified and given sufficient notification, at the time of issuing the notice to show cause, of the matters in respect of which he is required to show cause."

That can be summarised in this way: if we are going to slam somebody—fine or gaol them—that person has to be told. And this action can be taken only in respect of the right person. His Honour further stated—

> "It is accepted that this view creates grave practical difficulties in implementing the procedure under s. 8.23 in respect of employees and perhaps officers of a union, but that is a consequence of the way in which the section is drafted and the application of the rules of natural justice."

No such rules were applied in this case. His Honour continued—

> "It is a consequences of this view that the Industrial Registrar would be acting in excess of jurisdiction if he issued notices to show cause to the officers of the union and to the employees, as the procedure envisaged by s. 8.23 had broken down . . .
>
> Accordingly notices to show cause against them cannot be proceeded with.
>
> . . .
>
> By way of conclusion, I make the following orders:
>
> . . .
>
> 2. In the case of the President, Secretary, Southern District Secretary, organisers and other officers of the AMIEU, the decision of the Assistant Industrial Registrar is set aside."

Honourable members can see that that section of the Act was unworkable. It would continue to cause problems in the industrial field on the ground. Such an eminent person as Mr Justice Mackenzie was of that view. I am sure that any thinking practitioner of industrial relations would applaud the proposed new section 89.

I will move on to the section the Bill that deals with long service leave for casual employees. I am sure this would be dear to the hearts of my friends on the other side of the Chamber. This aspect applies mainly to people who earn their living with their hands and their backs—the people who members opposite claim to represent—earning their crust by the sweat of their brow. In 1992 this Government brought in a Bill in relation to building and construction workers. The portable long service leave legislation took some 20 years to be introduced into Queensland. It applied in other States well before it applied in Queensland. It took the throwing out of the former National Party/Liberal Party Government for that to come about, and for workers in the building industry to receive their long service leave entitlements.

The Bill extends the entitlement of long service leave to all casual employees subject to prescribed conditions. As with full-time employees, the entitlement will be 13 weeks after 15 years continuous service for the same employer. The provisions are the same as those that apply under the present Act. If people leave an employer for more than three months, employment continuity is lost. A significant amendment to the existing method of payment for long service leave is the inclusion of total ordinary hours worked by the employee during the period of unbroken service. The old method recognised only the number of hours worked during the 12 months prior to taking leave.

To determine the number of hours worked by the employee, the employee is required to record the total number of hours worked since the start of the period to which the entitlement relates. The details are to be carried forward to 30 June each year. That is a good piece of legislation for casual employees, who make up a vast group of workers in this State.

I would now like to comment on the parts of the Bill which relate to enterprise bargaining. I

have some concerns about enterprise bargaining as it will apply to the building industry. The lowest common denominator will apply—the lowest tender price applies—and therefore prices are very keen, as they are at the moment. This Government has been receiving value for money from the building industry. The lowest common denominator is a primitive way to operate. There is nothing in the award set up for the building industry that cannot be traded off. That is a danger, particularly for families who take their holidays every 12 months or so. They can trade off their holiday pay, sick pay, recreational pay, annual leave, rostered days off annual leave and public holidays for a lump sum. It can be reduced to that level, which concerns me. We may have to revisit this Act at a later stage once it has been tested in the field to see how it is going.

I would like to address the current dispute on the waterfront. The waterfront is operating under Federal legislation which this legislation mirrors. There are some traps for the unwary. The waterfront has been reduced to two employers who employ all of the waterfront labour in this country. This is very dangerous, given the lock-out provisions in the award. It may not be only these two Australian companies that employ labour on the Australian waterfront in the future. There is nothing stopping an American company either buying into one of these companies, taking them over, or setting up its own waterfront labour hiring company. The loyalties of such companies certainly would not lie with Australia, particularly if they employed labour on the American waterfront. Such companies could cause endless disputes in this country by utilising the lock-out provisions of the award.

The Brisbane port is recognised as the most efficient in Australia. It has been achieving high levels of productivity. I want to outline some of the milestones that the Brisbane wharfies have achieved. Twenty-one awards have been replaced by a single award. Enterprise agreements have been negotiated for all employees. The work force has been slashed from 8 872 to 3 818. Work force reductions have occurred not only at the Brisbane port but also at all other Australian ports. I do not believe that is a positive measure, but that is what structural efficiency and enterprise bargaining is all about. There has been a reduction in the waterfront work force of 57 per cent. The current dispute is over labour——

Mr Nuttall: Tell us about Henry Lawson.

Mr PURCELL: I will not get Henry Lawson in. The company in question sacked 55 employees in Sydney. Of those 55 employees, 22 were union delegates. The intentions of the company were clear. That dispute spread from Sydney to every waterfront in Australia. The dispute had a large impact on operations in Queensland. The port was closed down for three days.

Letters were sent to people requesting them to report to work, but when they arrived at work, the gates were locked. Guards were placed on the gates.

Time expired.

Mr LITTLEPROUD (Western Downs) (3.12 p.m.): I am aware that the Industrial Relations Bill is one of the most important Bills to come before the House this year. On the last occasion that this legislation was debated, the relevant Minister was Nev Warburton.

Mr Foley: No. I introduced the amending Bill.

Mr LITTLEPROUD: I accept that correction. When Nev Warburton introduced the original Bill, an extensive debate ensued. On that occasion, the debate was gagged before Neville Harper, who was the shadow spokesman at the time, had a chance to examine in detail the various aspects of the legislation. I hope that, on this occasion, the Leader of the House and the Government allow the debate to take its full course. I am sure that my colleague the member for Clayfield, the Opposition spokesman for Industrial Relations, has a further relevant contribution to make. I listened carefully to his contribution this morning, and to the contributions of all other members. There was a lot of depth in their comments. They went into much more detail than I intend to. I will be speaking in more general terms.

I come from an area of Queensland in which not many workers are members of a union. I took particular note of the contribution of the member for Moggill, who referred to the need for this Bill to look after those who need protection. The member identified a pertinent point. He questioned whether this Bill pays enough attention to the needs of small business. Small businesspeople do not have the wherewithal to hire industrial advocates. In many cases, they just roll with the punches. Far too often in Australia, it has been a case of the big unions against the big businesses. With the vast resources available to them, they are able to contest certain issues. Quite often, small businesspeople have to live with the outcomes of such contests. I, too, question whether this legislation offers enough protection to smaller employers.

Thankfully, in Australia there has been a general realisation that our industrial laws

needed to be more flexible. We realised that we had to do something about our productivity and the industrial relations between employers and employees. Over the past decade, a fair bit of progress has been made in that regard. I am reminded of the obstinacy of the Electrical Trades Union, which forced the Queensland Government to respond on behalf of the people. As a result of that confrontation, in 1985 voluntary employment agreements were formulated.

The concept that was developed then now has another name. It is being adopted right across Australia, with different variations. It is not a case of extremes. It depends on which party is in Government enacting legislation as to whether certain benefits are provided. My colleague the member for Clayfield has regular contact with the industry association. It has identified certain problems with this legislation. I can see that some Government members have grins on their faces. Of course, at present, the Labor Party is in Government, and it has a close relationship with the labour movement. Certain provisions of this legislation are very beneficial to that movement.

We want what is best for Queensland and Australia. The proof of the pudding will be in the eating. Thankfully, there is a trend toward rationality. We know that we have to be realistic in any steps that we take to make Australia competitive. Prior to being elected to this Parliament, I was a member of the Queensland Teachers Union for 24 years. Since then, I have been on the public payroll of the State Government as a member of Parliament. I have been receiving a salary all my life. I have some appreciation of what the union movement is all about. I do not stand up for the few in the employer circles who rip people off. I am equally cranky at those unions that stand over people, whether it be the members of the union—which occurred with the Teachers Union—or the employers with which they negotiate. The sooner we return to sane negotiations, the better.

The legislation that set up VEAs was introduced by the Honourable Vince Lester, who will be participating in this debate at a later stage. Vince will have fond memories of that legislation, as will Mr Ivan Gibbs, who at that time was the Minister for Minerals and Energy.

Mr Livingstone interjected.

Mr LITTLEPROUD: I take that interjection. I have not forgotten the $15m that was miraculously found and handed to those fellows who had already been paid out by way of superannuation and other benefits.

The term "enterprise agreements" had its genesis in voluntary employment agreements. The latter term was determined not to be acceptable. The term "enterprise agreements" was first used by the Federal coalition, and has since become a generally accepted term. In his second-reading speech, the Minister referred to the history of voluntary employment agreements in this State. Power Brewing was one of the first companies to register a VEA, which is now referred to as an enterprise agreement. At the time that that agreement was negotiated, it was pointed out that increased productivity and higher payments to workers would result from it. The agreement gave greater flexibility to the work practices of that organisation. In his second-reading speech, the Minister pointed out that there is a high incidence of change in the workplace practices in all of the agreements that have been registered. That illustrates that we are on the right track. Now it is a matter of finetuning the process to ensure that no party is either advantaged or disadvantaged.

I turn to the provisions of this legislation. The employer and employees in a particular workplace may be able to strike an enterprise agreement having regard to certain safety net factors, including sick pay, long service leave and workplace health and safety. That agreement may then go to the Industrial Relations Commission to be registered and accepted. It is of concern that this legislation gives a union the right to be aware of such negotiations and play a role in them.

The Bill states that even if only one employee in a workplace is a member of a union, the union has a right to be involved in the negotiations. We are part of a Chamber in which the majority rules. We accept that as part of democracy. The same does not appear to apply to the workplace. Ninety-nine employees may be prepared to negotiate on a private basis with their employer. However, if one union member does not agree to do so, the union can be brought into the negotiations.

Mr Foley: There is no right of veto.

Mr LITTLEPROUD: But the union can be involved. I believe that that provision is contrary to the democratic process. In my view, the majority should rule. We will see how it works out. We will see what goes on. I want to make that point to the Minister.

I would next like to talk about the part of the legislation regarding apprenticeships. Even though is not necessarily part and parcel of this particular Act, it certainly is related to industrial relations. Just recently, I had a visit from a

constituent. He expressed his concern with regard to the performance of the Minister's officers who handle apprenticeships and, in particular, organising the block release arrangements. I had two cases cited to me. The first case related to a young butcher who had been notified to come to Brisbane for his block-release training, I think it is done at one of the TAFE colleges. Is that correct?

Mr Foley interjected.

Mr LITTLEPROUD: Anyway, he had to come to Brisbane. That young fellow travelled quite a long distance from the country. When he arrived here for his block-release training, he was told that he was not wanted. He had to go all the way back home. The second case was not quite as bad. The person involved in that case was making arrangements over the phone. He was mucked around a fair bit.

Mr Foley interjected.

Mr LITTLEPROUD: The Minister is aware of what I am talking about. That situation certainly needs addressing. It is not a good sign for an employer contemplating hiring an apprentice.

Mr Foley: It is fair criticism. That is why we have changed the system, so that you can allocate against the local level. The local TAFE college can put a package together with some of the employers to overcome some of the rigidities that resulted in the block-release problem you mentioned.

Mr LITTLEPROUD: The person involved in that incident also suggested that there might be a little bit more cooperation between this Minister's department and the Department of Social Security. There may be some way that the Minister can organise some funding to go towards solving these sorts of problems. That may prove to be advantageous both for the Government, by making it more attractive to get people to take on more apprentices, and for the people who employ apprentices. I hope that the Minister has taken note of that point.

In conclusion, I want to make a plea that we do not go to extremes and indulge in too much hyperbole. We must realise that Australia is moving towards a more realistic form of industrial relations, and rather than be in there making sure we get an advantage for the people we represent, we need to make sure that we get a piece of legislation that will do the right thing by Queenslanders, whether they be employers or employees. Most of all, I am concerned about the legislation's not looking after small businesspeople. It is all very well to say that the work force is being looked after, but let us have some concern for the small businesspeople as well.

Mr WELFORD (Everton) (3.22 p.m.): It is my pleasure to speak in support of the Industrial Relations Reform Bill. It is pleasing to hear some measure of moderation on the part of some members of the Opposition. Mr Littleproud, who has just spoken, appears to be an exception to the rule in that regard. He stood up and made some reasonable comments about industrial relations in Queensland, yet he sits there among colleagues of his who have stood up in the House today and uttered the most redneck, reactionary extremism one could possibly imagine. He has to live with that, and our sympathies go out to him.

This Bill is landmark reform in Queensland. It is true that the Bill is the culmination of a series of reforms to industrial relations laws in Queensland since our Government came to office. Notwithstanding the fact that our Government has moved considerably to adapt to the changing climate of economic and industrial relations in Australia, the fact is that the position that we have come to is still poles apart from that of our opponents—still light years away from the abject poverty of any decent Opposition policy on these sorts of issues.

The Opposition's policy was highlighted at the last Federal election when the whole concept of industrial relations was brought into sharp focus for the entire electorate of this country. Members of the Opposition in this House often speak as if Queensland is a country on its own. Certainly, that was the belief of a previous National Party Premier of the State—who most of the present Opposition idolised—but the reality is that we are part of a nation. What this Bill does is bring Queensland into line with the rest of Australia in recognising that change has occurred and that we need to adapt to that change.

In common with the Federal legislation, which this legislation mirrors, the fundamental principles of this legislation are flexibility and fairness. The fundamental principle of flexibility allows enterprise agreements so that individual enterprises can organise their workplace to perform their work in the most effective and efficient way possible. The question of that flexibility of enterprise agreements has been addressed by other members of the Government.

I would like to look at the other fundamental principle upon which this legislation is based, that is, fairness, because in the laws that we make what distinguishes us from our opponents more than anything else is our commitment to fairness and equity. That is what distinguishes Labor from these ramshackle Opposition members, who blithely parrot the extreme

reactionary views of their Federal colleagues, Dr Hewson and Co. They are all blind adherents to outright unbridled competition, otherwise described in lay person's language as the law of the jungle, because that is all they believe in. The law of the jungle is the industrial relations system into which they would catapult this State if they had the reigns of office.

Industrial relations is not just a figment of some statistician's imagination. Industrial relations is about human relations. People who work in the industrial relations field know that it is not some theoretical concept, not some econometric model that might parade around the empty space within the head of Dr Hewson and his supporters here in Queensland; it is essentially about relationships between human beings. What sets the Labor Party apart is that we care about people.

Mr Cooper interjected.

Opposition members interjected.

Mr WELFORD: We put people and their working lives ahead of the theoretical extremism with which the member for Crows Nest and the Opposition Leader would happily comply.

Mr Cooper interjected.

Mr DEPUTY SPEAKER (Mr Briskey): Order! The honourable member will be heard. The honourable member for Crows Nest will cease interjecting.

Mr WELFORD: Well may they squeal. They were there at the last Federal election, lining up behind Dr Hewson and lining up behind industrial relations policies designed to scuttle any semblance of cooperation in the workplace and any semblance of rational workplace reform. They wanted open slather.

Mr Robertson: Do you remember the $3 an hour?

Mr WELFORD: I remember the $3 an hour. They wanted to pay young working Australians $3 an hour. That is the sort of policy that members of the Opposition are prepared to support, yet they say they care about working people. Fairness means basic rights for working people. Fairness means that we protect the basic human rights of working people. Those human rights have been enunciated in the International Labour Organisation and United Nations conventions to which this legislation, for the first time in national industrial relations legislative history, clearly subscribes. We now subscribe and entrench in the legislation—the law of this land—workers' rights consistent with the very best rights formulated at the best international forums around the globe.

Colleagues of the Opposition who advocate these quaint notions of labour market reform, such as Dr Hewson, would have us abolish the Industrial Relations Commission. Before the last State election, the policy of the Leader of the Opposition was to abolish the State Industrial Relations Commission. I note that he does not cavil with that proposition. However, his Industrial Relations spokesperson stood up here today, and when challenged with that point of view, backed away at a million miles an hour. That is what the member for Clayfield did. He was falsely denying that the Opposition ever had a policy such as that. The reality is that the unbridled deregulatory position that they support in relation to industrial relations does not treat people as human beings and reflects no understanding of the concept of fairness. It simply descends to the law of the jungle.

It is true that times are changing. It is true that Australia now operates within a global economic environment, but our industrial relations laws are adapting to this change without throwing the baby out with the bath water, without denying workers' rights and without pretending—which is what the Opposition does—that the only way that Australia could compete in international forums is by foisting onto Australian workers the same rights as those suffered by workers in Third World countries. That is where they would have us go. That is where they would have all those people whom we represent in this place go in their workplace if they were allowed to have their way. They want to put industrial relations "reform" in reverse. They do not want reform, with an industrial relations system geared to our future as a competitive and productive economy; they want industrial relations change which puts us back to eighteenth century feudalism. That is all they stand for.

This Bill does two fundamental things. Firstly, it does adjust our industrial relations climate and structures to a rapidly changing economic world. It does provide the flexibility that is necessary to achieve that effective adaptation. It also provides for some consistency across the nation. Far from us simply—as the member for Clayfield put it— following the leader when it comes to industrial relations reform, we are achieving something that is very important, not just from the narrow viewpoint of an industrial relations system but from the viewpoint of the entire Australian economy. As a person who purports to have some economic nous, the member for Clayfield ought to have been more sophisticated in his understanding of the importance of consistent industrial relations systems across the country if we are ever to achieve an efficient economy. We are not going

to achieve an efficient economy if the Federal Government embarks upon a certain course for the national award system and then we in Queensland—out of sheer spite— pretend that we can hold out and run something that is completely counter to the course that the Commonwealth has taken.

If the honourable member for Clayfield had any idea about the importance of economic efficiency, he would not be so banal as to suggest that all we are doing is following the leader. We are making a conscious choice. We are not following the leader. This is not a knee-jerk reaction. This is a conscious choice to bring Queensland's industrial relations system into gear so that the workers in this State can enjoy the flexible agreements and working arrangements which will be consistent across our nation in due course— and inevitably. Regardless of what the Opposition's mates do in other States, the reality is that this is the course that Australia is taking. It is the course that we ought to be taking. Opposition members are living in the past if they think that we can stand by and ignore that.

In contrast, this Government's approach is based on cooperation and consensus—consensus on what is required in the workplace to achieve a productive culture and an efficient and harmonious workplace. To pretend that we can achieve a productive economic culture in this country by fuelling the flames of discontent in the workplace is simply to live in the past.

Let us see what fairness is based on in this legislation. The two concepts of this legislation which underpin the fairness that I have been talking about are, firstly, a regime that provides minimum entitlements, in other words, a safety net based on the existing awards system and, secondly, the proposition that is often described as the no-disadvantage test, which simply ensures that existing conditions of workers in this country are protected to the extent, for example, of the 1984 termination change in redundancy test case, which set the ground rules in this country that are eminently responsible and from which it would be folly for us to resile. That is what the no-disadvantage test does.

These two concepts are critical to what I perceive to be a fundamental element of this legislation, that is, fairness. It is based on a number of important International Labour Organisation conventions. These conventions are meticulously formulated. They result from more extensive debate than any law made in any Parliament in Australia. They are the result of consensual negotiations amongst many countries in the United Nations and the ILO. In many respects, they are much more sophisticated and much more well thought out than most of the laws we pass in our own Parliaments. Whether or not they are made in consultation with the States does not require that the Commonwealth obtain final agreement from the States—as the member for Clayfield tried to suggest. Consultation simply means that the States are given the opportunity to express a point of view. That has been done in pretty well every ILO convention which our country has ratified.

The external affairs power has been pivotal in ensuring that these changes can occur. It is through the external affairs power of the Australian Constitution—which Opposition members so vehemently defend—the High Court and the Governments of this nation realise that, if we are to hold our heads high in international arenas, if we are to go anywhere in the world and talk about human rights, it only makes sense that we try to defend them and that we incorporate them in the laws of our own country. That is what protecting the national interest is all about—not just our national interest as a player in the international field, but the national interest in terms of the rights of ordinary Australians.

Let us look at the provisions of the legislation which relate to minimum entitlements. There are minimum wage entitlements which result from the minimum wage fixing convention of 1970—ILO Convention 131, which was ratified by the Whitlam Government on 15 June 1973. It is given effect to in Division 4 of Part 4 of this legislation. In setting the level of minimum wages, the commission will consider the principles that it applies to the level of minimum wages in awards generally.

ILO Convention 110—the equal remuneration Convention of 1951—also applies. It was ratified by Australia on 10 December 1974. ILO Convention 111—the discrimination (employment and occupation) convention of 1958 and its supplementary recommendation—was ratified on 15 June 1973 by the Whitlam Government, as was the UN convention on the elimination of all forms of discrimination against women. These conventions are given effect by this Bill in Division 5 of Part 4 of the Bill. In Division 5, there are also provisions which ensure that none of the outcomes of those conventions being given effect will be to reduce remuneration of any employee, and no award or certified agreement can be inconsistent with an order made under Divisions 4 or 5 of Part 4 of the Bill.

ILO Convention 158 is the convention on termination of employment. Its related

recommendation of 1982 was ratified by Australia on 26 February 1993. These relate to the issues of unlawful dismissal and redundancy pay. They are given effect to by Division 4 of Part 11 of the Bill, which also gives effect to the objectives of ILO Convention 111, which I have already mentioned, and ILO Convention 156 relating to the family responsibilities of workers. It was a 1982 convention, and its related recommendation 165 was ratified by Australia on 30 March 1990.

The family responsibilities of workers are recognised in this Bill for the first time by way of parental leave, paternity leave and maternity leave in Division 3A of Part 11. In relation to that, the 1990 parental leave test case is relevant in establishing the minimum standards in Federal awards in Australia. These standards are also reflected in awards of State industrial tribunals.

In adopting these ILO conventions, we are not endorsing the industrial or human rights practices of any other country. It may well be true that, as the member for Moggill pointed out, there are other countries which have ratified these conventions and which do not comply. It is a perverse logic that suggests that, because other countries do not comply with these conventions, that is a justification for our not ratifying them. The reality is that, if we are to go anywhere in the world as Australians and hold our heads high in respect to human rights and industrial rights, then it is our responsibility to recognise these international conventions.

Dr Watson—Professor Watson as he was once known—started out as a commerce professor. He has ended up as the nutty professor. Over time, we have come to expect him to provide a level of decent intellectual input into these debates, but he simply mouthed the platitudes of the member for Clayfield. He told us a lot about what he did not want, but he did not tell us what he did want, because that is what Opposition members are not prepared to tell us. They are not prepared to tell us what they are prepared to do for the working people of this country, if the policies that they want to retreat to were adopted.

We have come a long way in industrial relations reform in Australia. The flexibility engendered into workplace agreements by this legislation is greater than has ever been the case under Labor or non-Labor Governments in this country in the past. Every time we take a step forward in the reform of the economy or the workplace, if Opposition members said that we would not do it and we did it, then they say that we have not gone far enough. If that is the only argument that they have, they are running backwards at a very fast rate.

We heard from the member for Clayfield and the member for Moggill argument by assertion. They offered no justification or rational analysis for the many cliches that they trotted out—just argument by assertion. They say that we are failing workers. The member for Moggill suggested that we were misleading and failing the workers of Queensland.

If by ensuring equal pay for equal work value and by ensuring equal pay and non-discrimination for men and woman in the work force we are failing workers, then we are doing a damned good job by that failure. If that is the only failure of which we are guilty, then we will plead guilty all day. If we are failing workers by recognising their family responsibilities, if we are failing workers by recognising their right to freedom of association under the freedom of association and protection of rights to organise in the 1948 convention, if that is the only failing that we have, then we are pleasantly guilty. If the only failing that we have is to protect people against unfair dismissal, then what are we? We are guilty! If the only failing that we have is to ensure that women have equal rights in the workplace, then what are we? We are guilty! We will stand guilty until the cows come home if it means that we stop the ratbag rabble on the other side bringing workers down and destroying Australia's human rights record.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (3.41 p.m.): In supporting the comments of the shadow Minister, the honourable member for Clayfield, I believe it is important that all honourable members, unlike the one who has just resumed his seat, consider the full implications of this legislation at a time when Australia continues to have unacceptably high levels of unemployment. It is legislation designed to complement that introduced in Federal Parliament by the Keating Labor Government—the so-called Brereton Bill—which has been condemned by every employer organisation in this country.

I ask those honourable members opposite who talk about jobs, who talk about the worker: how many of them have employed people? How many of them have generated jobs? How many of them have put their house on the line, their business on the line, notched up an overdraft, or mortgaged themselves to hilt for the privilege of the greatest exercise in social justice that we can have in this country in 1994, that is, to generate employment? I suggest that most of the critics that we have heard from the Government side of the House have never been in that position, although they condemn the Opposition and the stance that we are taking today.

This is legislation designed by a Labor Government that is the captive of the union movement and the central role of the ACTU. It is legislation in the true Labor style. It is legislation that is the bench mark of a trade union Government. It is legislation by the unions, of the unions, and for the unions! I repeat: it is legislation by the unions, of the unions, for the unions, and everyone else can go to hell!

From what we heard earlier today from the member for Waterford—the honourable member who led the debate for the Government—the former secretary of the Trades and Labor Council, it is clear to all on this side of the House that: once a union hack, always a union hack. What have we heard today? We have heard this Goss Labor Government reveal itself as the George Street branch of the ACTU. If that is the way it wants to go down with the employer organisations in this State; if that is the way it wants to go down with the small business sector; if that is way it wants to go down with the majority of Queensland workers who are not members of the trade union movement, so be it. If, as the honourable member who preceded me said, he pleads guilty, well, I say that he is guilty. What a disgraceful performance from the honourable member for Waterford, and those who followed him. They represent a party which, throughout its history, has done everything in its collective power to prop up the union movement at a time when the work force is ditching it.

This is dangerous legislation. It is legislation that entrenches the dominance of the union movement in the workplace. Although it purports to widen freedom of choice; in reality it restricts it. This Bill is the pay-off. It is the pay-off to the trade union movement for the support that it has given Goss Labor and Keating Labor. Most specifically, however, this is legislation that once again entrenches the adversarial nature of industrial relations.

Mr Santoro: And they like it.

Mr BORBIDGE: And they like it, as the honourable member reminds me. This Bill seeks to enhance that time-honoured principle of employer versus employee, and I believe that this is a sad reflection not only on this legislation but also on the state of industrial relations generally.

This Bill, in common with so many that it supersedes, sets out the industrial relations battlefield. It presupposes industrial conflict as the rule rather than the exception. It is entrenching conflict rather than promoting mediation. Last December, for the benefit of the honourable Minister, in respect of the Federal Bill which we are echoing today—Mr Brereton's little echo who sits opposite me—the *Australian Financial Review* correctly reported—

> "The industrial relations reform Bill implicitly assumes all employers are bastards and it is therefore necessary to have convoluted rules and third party involvement to ensure acts of bastardry are kept to a minimum."

Those are not my words but the words of the *Australian Financial Review*. It is disappointing—

Mr Foley: Do you still advocate sending in the troops on the waterfront?

Mr BORBIDGE: I am happy to debate with the Minister anywhere. I am happy to debate with their leader on this particular issue. I challenge honourable members opposite to invite their leader to a place and venue that suits him to debate this legislation. It is disappointing that so much of what is being done in the area of industrial relations has as its starting point a negative and predatory view of employers in terms of their relationship with their workforce.

Only when we move beyond this bloody-mindedness and acknowledge the commonality of interest between employer and employee will we see industrial legislation that truly reflects community interest and that has national economic ideals at heart.

At the moment, that is not possible as Governments at both State and Federal level persist in building impediments into the work contract. How long will it be before the reality of industrial relations is rammed home to Government? The simple reality is that a commonality of interest does exist between the employer and the employee, that not all employers are bastards and that employee satisfaction has a strong correlation with organisational productivity. It will come as no surprise to members on this side of the Chamber that the successful companies in this State and in this nation are the ones that have successfully developed a satisfactory workplace contract with their staff. Increasingly, that contract has been formulated to the mutual benefit of both groups to the betterment of economic output. But that is a concept completely foreign to members of the Labor Party and the trade union movement, who continually seek to build into the work contract a range of regulations which they disguise under the so-called banner of safeguards. It is doing it here today. In so many cases, these safeguards amount to little more than impediments to profitability, productivity and, above all, employment.

This legislation is about the three Rs of industrial relations—regulations, restriction and regression. It regulates and restricts freedom; it

regulates and restricts productivity; it restricts employers in the determination of their work force; and it restricts employers in dismissing employees. The reasons for termination must be connected to the employee's capacity to work, conduct, or the employers' operational requirements. The onus of proof falls fairly and squarely on the employer. For those employers who get it wrong, they will front to the new Federal Industrial Relations Court—a court that will then be able to award unlimited compensation and order re-employment where it deems the termination to be harsh or unreasonable. When the discredited Cain/Kirner Government introduced similar legislation in Victoria, how many appeals were there for unfair dismissal in the first 12 months of legislation? Six thousand appeals!

Mr Welford: Hear, hear!

Mr BORBIDGE: The honourable member says, "Hear, hear!" He is proud of it. He is going to subject that to people who have the capacity to pull Queensland and pull Australia out of recession.

Mr Cooper: Look what happened to Victoria. They destroyed the State.

Mr BORBIDGE: As the honourable member reminds me, look what happened to Victoria. They destroyed the State. That court will then be able to award unlimited compensation and order re-employment where it deems the termination to be harsh or unreasonable.

This Bill reflects Labor's industrial priorities of the 1950s. It seeks to prop up the union movement at a time when union membership is declining, and declining rapidly. Let us have a look at how this Labor Government is looking after its mates. It is looking after not the majority of workers in Queensland but the minority. Nationally, only 34 per cent of the work force are financial members of the trade union movement. In Queensland, that figure drops to as low as 29 per cent. So this Government is legislating for 29 per cent of the Queensland work force, or the people who control 29 per cent of the Queensland work force. It is the greatest pay-off in political cronyism that we have seen in this State. The rest of the people, unless they have joined a trade union movement, can go to hell.

Mr Santoro: And damn the other 70 per cent.

Mr BORBIDGE: It is industrial blackmail in the best traditions of the Labor movement, in the best tradition of Mr Barton when he was a member of the TLC, in the best traditions of Mr Ludwig and the AWU, in the best traditions of the Labor Party powerbrokers in this State.

Mr Santoro: What did Mr Ludwig say to those Federal members who didn't want to vote for what's-his-name—Hawke—"If you don't vote for him, we'll break your legs."

Mr BARTON: I rise to a point of order. Over the din, I thought I heard the Opposition Leader refer to me as a "thug". I find that offensive, and I ask that it be withdrawn.

Mr DEPUTY SPEAKER (Mr Briskey): Order! The honourable member has asked for that term to be withdrawn.

Mr BORBIDGE: I withdraw it. I say to any members opposite: if the cap fits, wear it.

Mr DEPUTY SPEAKER: Order! The honourable member will withdraw that remark without qualification.

Mr BORBIDGE: I withdraw without qualification. The facts are, quite aside from the provocation coming from the Government side of the House, that trade union membership continues to fall, and it continues to fall despite the numerous preference clauses that still exist in the workplace, particularly in Government workplaces and in certain trades. It is against this backdrop that this Bill, in conjunction with its Federal counterpart, will be used as an active recruitment tool by members of the trade union movement and, of course, the associated financial benefits for the Australian Labor Party. The fact that trade unions will be given this massive influence in Queensland, this massive preference in terms of the workplace in forcing people into trade unions, is the principal concern of industry, of small business, and the productive sector.

This legislation almost ensures that agreements without union involvement will be nigh on impossible. To the extent that some enterprises want to or need to do deals, it will be rational for them to approach the relevant union even if their particular work force has traditionally not been unionised. So come in spinner. The big beneficiary is the trade union movement.

Mr Purcell: But they get the benefits of being in a union, even if they're not in a union.

Mr BORBIDGE: We are excited, are we not we? My friend, the wharfie, is a bit excited. I can understand the sensitivity—

An honourable member interjected.

Mr BORBIDGE: Is the member not a wharfie? I apologise if I have reflected on the member by calling him a wharfie. This particular philosophy, which dictates—

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! The House will come to order.

Mr BORBIDGE: Mr Deputy Speaker, I thank you for your protection.

A Government member interjected.

Mr BORBIDGE: I never need it from the honourable member. This particular philosophy, which dictates that all agreements must be lodged with the State Industrial Commission, that the commission has a responsibility to notify the relevant union, and that the union must be involved in negotiating that agreement, is nothing more than a tool to be used by the union movement to establish a foothold in the non-unionised work force. This is the fundamental difference between what the Minister on the Government side of the Chamber believes in and what the Opposition believes in.

When the honourable member for Keppel as a Minister in a former National Party Government introduced workplace agreements into the industrial relations environment in the 1980s, members of the present Government did everything in their power to rail against them.

Mr Santoro: They called it legalised theft.

Mr BORBIDGE: As I am reminded by the honourable member, the Labor Government abolished those legal contracts retrospectively. It promised that they would not last, despite the fact that they had been proven to be one of the best reforms in industrial relations this century. Yet the Government opposed them on that occasion, and now, although it claims to embrace workplace bargaining, it does so on its own terms and on the terms as established by the trade union movement in a way that will serve only to kill off workplace bargaining at its very height.

There is little doubt that industrial relations remains one of the biggest impediments to this nation enjoying a sustained and a long period of economic growth. It remains at the forefront of micro-economic reform—a concept of which we have heard so much about but of which little, if nothing, concrete has been achieved. Our failure in reforming industrial relations was evidenced in recent weeks as our export drive came to a grinding halt with a strike at Australian ports. The message that particular strike sent to the world economy should not be underestimated. The world is looking at Australia.

Mr Santoro: Another pretty mess.

Mr BORBIDGE: As my friend reminds me, it was not a pretty message. The world has Australia under a microscope. We must perform, and we must reform. Until we start to compare ourselves with the New Zealands, with the Singapores, with the Thailands, with the economic tigers——

Mr Purcell: Are you saying that Australian workers aren't any good?

Mr BORBIDGE: All we are doing is irrelevant. It is no longer good enough for Labor Governments and the honourable member who interjects to rest easy on the basis of an Accord which, while serving to reduce industrial disturbances, has in fact promoted inefficiencies and intransigence. The time has come for true reform of industrial relations; for Governments to fundamentally rethink the way they treat the relationship between employer and employee; to accept that there is a commonality of interest; and to promote incentive.

This legislation corrupts industrial relations in favour of the trade union movement. It makes enterprise bargaining the sole preserve of unions—the Government's political and economic powerbrokers. In the process, it locks out 70 per cent of the employees of this State. Major restructuring of industry will be close to impossible under this legislation. At a time of pending economic recovery, this is something that we should not be doing. This hypocritical Government talks of world's best practice, but then it puts, as a roadblock in front of world's best practice, industrial relations legislation that entrenches its mates in the trade union movement. This legislation will not last long—only for as long as this Labor Government stays in power; it will be repealed by a coalition Government as a matter of priority.

Mr NUTTALL (Sandgate) (4.01 p.m.): I rise to speak in favour of the Industrial Relations Reform Bill. It is apt that the word "reform" is included in its title, because it is reform for employees, employers, trade unionists, and for those people who are not in trade unions. The Opposition has been peddling the untruth that this legislation will benefit only employees who are in unions. This is not the case. Those people who do not belong to unions have the same opportunity as those people in unions to negotiate enterprise bargaining agreements. There is no discrimination whatsoever—none at all.

It always seems that debating industrial relations brings out the worst in the Opposition.

A Government member: They show their true colours.

Mr NUTTALL: I take the interjection from the honourable member; they do show their true colours. I would not be one to say that members opposite are a mob of rednecks, but such comments have been bandied around. All of the six contributors to the debate from our side of the House have a solid background in industrial relations. We will hear from 12 Opposition

speakers in this debate. As I said, industrial relations matters bring out the best in the Opposition. I understand that the Opposition spokesperson for industrial relations has a background in industrial relations, having worked previously for a member of a union of employers. Also, a former Minister for Industrial Relations will be speaking after me. Those people probably have some understanding of industrial relations, but the question would have to be: how much?

If members opposite really want to become involved in industrial relations and wish to understand what it is all about, they should speak to people who are registered as belonging to a union of employers—the Master Builders' Association, the Australian Medical Association, the United Graziers Association, the Confederation of Australian Industry and the canegrowers' and retailers' associations. They should run some candidates from these groups at the next general election. Maybe then we could have a solid and sensible debate on industrial relations. At the moment, the Opposition lacks any expertise whatsoever to be able to stand toe to toe with us to debate industrial relations issues.

I wished to speak particularly about clause 20, which relates to general conditions of employment. I also wish to refer to schedule 10, the termination of employment convention, and to schedule 13, which deals with the termination of employment recommendation. Those two schedules were mentioned in the speech of the Opposition spokesperson on industrial relations earlier today. The power of an employer to dismiss an employee remains an overriding aspects of contracts between master and servant. In the absence of some form of reinstatement action being available to the employee, the employer retains the sanction which has, at least in the present economic environment, serious consequences for all employees. In the revolutionary atmosphere of 1917, Bertrand Russell argued—

> "The tyranny of the employer which at present robs the greater part of most men's lives of all liberty and all initiative, is unavoidable so long as the employer retains the right of dismissal with consequent loss of pay."

In real terms, the legal powers available to an employer today are far greater than any legal remedy which may be exercised by the employee. However, in many respects, this real power imbalance is obscured by the legal fiction that the employment contract is a contract between equals. To put it another way, the law treats the power of the employer in the termination of employment as being equal to that of the employee. In reality, however, the employer's power to dismiss far outweighs the so-called reciprocal right of the employee to resign. The power to dismiss is a punitive weapon which strikes at the employee's very financial existence in any circumstances where less than perfect labour mobility exists, particularly in the case of unskilled and disadvantaged groups. By comparison, the cost to the employer of seeking a replacement employee is minimal. The point was summarised by Professor Wedderburn, when he said,

> ". . . through the formal language of an agreement between equals, the law protects in great measure the employer's disciplinary power over the worker."

It is against this background that the power of the Australian industrial tribunals in this country to order reinstatement of unfairly dismissed employees—and their willingness to use such powers—must be seen and put in the right perspective. I refer to a definition of "reinstatement" applied by the Industrial Commission of New South Wales in the case of the Australian International Pilots Association v. Qantas Airways Ltd. The New South Wales Industrial Commission, in court session, referred to "reinstatement" as—

> ". . . restoration (of an employee) to the position formerly occupied or to one of similar status, a distinction having been drawn between that situation and re-employment."

Re-employment constitutes, in essence, the re-engagement of any employee under a fresh contract of employment. The employee would lose continuity of employment and, subject to legislative intervention, those benefits of employment accrued over time. Given the dramatic personal consequences for an unjustly dismissed employee and the substantial proportion of industrial disputes arising out of dismissal—and I will speak further about that shortly—a power to correct the harsh application of an employer's right to dismiss must be considered an important attribute of any system of industrial arbitration. The jurisdiction to grant reinstatement has long been conferred upon industrial tribunals in the States of New South Wales, Queensland, Western Australia, South Australia and Victoria. And, of course, this now includes the Federal Industrial Relations Commission.

Last night and early this morning I went through the annual report of the President of the Industrial Court, and particularly that of the Industrial Relations Commission. I noted that 81.4 per cent of cases brought before the State

Industrial Commission in the year 1992-93 were in relation to dismissals, reinstatements and suspension.

This Bill will incorporate the provisions of ILO Convention 158, which relates to the termination of employment. Such provisions are not new to this State. Section 11.11 of the Industrial Relations Act 1990, which relates to reinstatement and re-employment, is being repealed and replaced with ILO Convention 158. In August 1984, a decision was handed down in the Federal arbitration commission on the issue of termination, redundancy and change.

Not long after that decision was handed down, in November 1984, the then Trades and Labor Council of Queensland—which has been renamed the ACTU (Queensland Branch)—filed an application with the State Industrial Relations Commission. In November 1986, the decision in that matter was handed down by a Full Bench of the State Industrial Relations Commission. That decision supported the claim submitted by the then Trades and Labor Council of Queensland and the Australian Workers Union of Employees on the issues of termination, change and redundancy. It was indeed a landmark decision.

The issues of termination, change and redundancy are important concepts in terms of various awards. Although not all State awards encompass the termination, change and redundancy provisions, most of the awards in the State of Queensland encompass the issue of termination and redundancy. The issue of change, particularly technological change, should be incorporated in all awards. In today's society, technology gallops along at a fairly rapid pace. Very few workplaces are not affected by the introduction of some form of new technology. Invariably, the people who suffer most because of new technology are those in the workplace. New technology tends to take over a number of jobs.

Mr T. B. Sullivan: And often those in the less skilled areas, too.

Mr NUTTALL: I take that interjection. The unfortunate fact is that, quite often, new technology takes over the jobs of unskilled workers. Those people must be retrained. Of course, that was one aspect of the decision handed down by the Industrial Relations Commission. The employer must inform the employees and their union of the new technology that will be introduced and the possible job losses that will result. The decision referred also to the training of those employees who retained their jobs to enable them to adapt to the new technology. The decision referred to the fact that the employer, in conjunction with the union and the employees, may assist in relocating people into new jobs. The current position is that the Commonwealth Employment Service must also be advised of any subsequent changes.

I turn now to ILO Convention 158. It states—

> "For the purpose of this Convention the terms 'termination' and 'termination of employment' mean termination of employment at the initiative of the employer."

However, that does not apply to all employees. The convention states further—

> "The following . . . shall not constitute valid reasons for termination:
>
> (a) union membership or participation in union activities outside working hours or . . . within working hours;
>
> . . .
>
> (d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
>
> (e) absence from work during maternity leave."

Last year, a number of cases were brought to the attention of the public in which women in the work force were dismissed simply because they chose to have a family. We are heading towards the twenty-first century, but some employers still hold the view that, if women in the work force fall pregnant, that is bad luck; they are out of a job.

Article 7 of the convention states—

> "The employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity."

In layman's terms, that provision decrees that an employer cannot come up to a person and say, "Get your bicycle clips on. You are out of here." An employee has to be given the opportunity to answer any criticism that the employer may have. This legislation enforces the right of employees who believe that their employment has been terminated unjustifiably to appeal to the Industrial Relations Commission. Fortunately, the State commission has the power to order reinstatement.

Article 9 of the convention states—

> "(a) the burden of proving the existence of a valid reason for the termination as

> defined in Article 4 of this Convention shall rest on the employer."

Therefore, the onus is on the employer to prove why the employee's employment should be terminated. Article 13 states—

> "1. When the employer contemplates terminations for reasons of an economic, technological, structural or similar nature, the employer shall:
>
> (a) provide the workers' representatives . . . with relevant information . . ."

The provision of such details will enable negotiations to take place so that a smooth transition can occur. When the employer contemplates terminations for reasons of a technological nature, he must notify, in accordance with national laws and practices, the competent authority—in this country, that is the Commonwealth Employment Service— as early as possible, together with the unions, giving them relevant information regarding the reasons that those jobs are to disappear. A number of retraining schemes will hopefully enable such people to gain re-employment.

The decision handed down in November 1986 by the Industrial Relations Commission relating to unfair dismissal sets out quite clearly a table regarding how many weeks' notice employees must be given of their impending dismissal. That decision also sets out the procedures that must be followed in such a circumstance. It is pleasing that this Bill covers all of the aspects of that decision.

Workers in this State can be very proud of the fact that this Government has not shied away from implementing these changes. We believe that the changes contained in this legislation will benefit the employee. The Opposition must understand that this Bill has involved lengthy consultation with the employers of this State.

Mr Santoro: You've got to be joking!

Mr NUTTALL: It gets up the nose of Opposition members when they are told that the employers in this State are willing to work with and cooperate with a Labor Government.

Mr Santoro: They don't like that. They do not like this Bill. They don't like it. They are forced to co-operate. They don't want to do it.

Mr NUTTALL: I can say to the member for Clayfield that there are some aspects of the Bill that the trade union movement does not agree with 100 per cent either. However, in any form of agreement, there has to be decent compromise.

Mr Santoro interjected.

Madam DEPUTY SPEAKER (Ms Power): Order! The member for Clayfield will cease interjecting.

Mr NUTTALL: I am pleased to say that the employers in this State, together with the trade union movement, are able to sit down and work together in a cooperative manner in order to achieve the best result so that we can get on with the job of enhancing the quality of life for people in this State.

Hon. V. P. LESTER (Keppel) (4.21 p.m.): This Bill is an absolute cop-out to Canberra. Mr Brereton has had his say and then Mr Keating has rung Mr Goss and said, "You will do this or else." Mr Goss has bowed to the pressure. This Bill is also about selling out to the unions. Why will this Government not allow Queensland to stand on its own feet? Under this Labor Government, we do not seem to be able to do that.

This Bill is about letting union leaders run our country, and it is about letting union leaders wreck our country. It is about letting union leaders bludgeon people into becoming members of unions. I want to make it very clear that I have no argument with a person who chooses to be a member of an union. I do have a problem when people are bludgeoned into becoming union members. Membership of unions should be won, in the same way as somebody moves to join a football club or a church organisation. After all, whether its employees are union members or not, a business—the employers—has to be able to compete and make a profit. For some reason or another, the Labor Party seems to think that "profit" is a dirty word.

Mr T. B. Sullivan: That is a lie and you know it.

Mr LESTER: Let me make my point very clear: if business does not make a profit, it cannot employ people.

This Industrial Relations Reform Bill is about centralisation of labour; it is about inflexibility; it is about regulation; it is about restriction, and it is about sterility. On the other hand, the coalition believes in less centralisation. It believes in flexibility, choice, productivity and jobs. Obviously, industrial relations in Queensland needs to be less centralised and more flexible so that greater opportunities will be provided to employers and employees to choose how they regulate their own lives and their own affairs.

The short title of the Bill states—

> "This Act may be cited as the Industrial Relations Reform Act 1994."

It should be cited as an industrial relations regressive Act.

This is not an industrial relations reform Bill. This Bill is about regulation, restriction and regression. When the National Party Government introduced voluntary employment agreements in the mid-1980's, it did so without fear or favour. The National Party's farsighted policy meant choice for the people. It meant a fair go for the people. It meant job creation and it meant that people could negotiate their own hours with their employers.

In many instances, employees were able to work out options with their employers. Two examples of that are Power Brewing and Metway Bank. Negotiations with those employers enabled employees to work 10 hours per day for four days a week, followed by three days off. That meant that they could have more time with their families. The employees chose to do that. It gave them an opportunity to bargain with their employer without being restricted by all sorts of insidious laws.

Indeed, when this Government came into power, SEQEB workers were again subjected to a form of regulation. They did not like that one little bit. They were quite happy with the previous position when they were able to regulate their hours by negotiation with their employers.

The interesting part of this whole discussion is that concurrent with the introduction of the National Party's voluntary employment agreements that were brought down in the mid-1980s, from December 1985 to 1989, 236 200 new jobs were created in Queensland. Ironically, from 1989 to 1994, under the Labor Government, 96 200 jobs have been created. I thought this Government was all about employment! Of the new jobs created from 1985 to now, the National Party created 21 per cent and the Labor Party created only 7.3 per cent. The National Party did three times better than the Labor Party has done in job creation. There were three times more jobs created under the National Party Government. That is what Government should be all about, being able to create jobs while keeping employees happy. That is what the National Party does.

I would have challenged anybody to go to Metway Bank and to go to Power Brewing and see what the workers thought. They told the unions to go to blazes. They did not want anything to do with the unions. The reason they did not want to be involved with unions was that they were able to work out a flexible system themselves that appeared to work and did work.

Supported by the Labor Party, the unions have retained the bludgeoning tactics of, "No ticket, no job." They support preference policies. Indeed, from 1989 to 1993 there has been an increase of union membership of only 3 per cent, in spite of the insidious laws introduced by the Labor Government. The reason for that is that the workers will do anything they can to avoid joining a union. Only 29 per cent of all workers in Queensland are members of a union. Ironically, 20 per cent of them do not want to be union members.

Under the new legislation, unions want to be involved in every enterprise agreement. They want to have their say even though only a little over a quarter of all Queensland workers are union members. Where is the freedom of choice? Why should unions be able to steal money by forcing people to become members when those people do not want the unions involved in any shape or form? The unions want to steal their money to pay their Labor Party levy.

Indeed, the unions are embarking upon a gerrymander. They have a little over a quarter of all working Queensland as members, yet they want to be involved in all of the decisions. This is the greatest gerrymander of all time! If the unions had 100 per cent union membership they might have a case, but they do not have anywhere near that figure.

Ironically, since 1989, union membership for men has fallen by 12 000, but women's membership has increased. Most of the new female members are women who work part-time. They are working to support their families. Others are single mothers, trying to feed their children and to send them to school. In some cases, having an unemployed husband means that the wife has to go out and do part-time work. The unions are bludgeoning these women into becoming members. They are making people pay hard-earned money just to pay the Labor Party's union levy.

The unions are taking money by stealth. They are stealing money that people in less unfortunate circumstances than ourselves use to feed their families. The unions are stealing the money that those people would otherwise use to buy bread, butter and milk with which to feed their families. In many instances, the unions are not doing their job.

In the past 11 days, my office has received 622 phone calls, and I have the documents to prove it. Many of those phone calls were from union members who have a problem, and their own leadership has not helped them. What about the railway union leaders? They have absolutely sold out the people who were put off on redundancies. It did not want to know them.

There are some railway people who want voluntary redundancies. Where the heck are the union leaders? They are not there to help them. They have to come to me to try to get that assistance.

Let me take another example. What about the train men who travel north of Rockhampton to Mackay in diesel engines? There are no toilets on those trains, so they have to go to the toilet at the side of the line. They went to their union leaders about this, but they did nothing. That is why they had to come to me to get some action. At least we got an article on the front page of the *Courier-Mail*. What was the reaction from the Labor Party? Mr Comben came out with some sort of drivel. Mr Hamill also came out with equally stupid drivel when he was talking about that important necessity for those people. I am the first person who has listened to those railway workers. That is why they came to me. That is why I am busy in Rockhampton. I am doing all of Mr Braddy's work as well.

The unions are just not representing their people. I challenge any Government member to talk to the union leaders to see if they are really representing the grassroots of the union movement. How many people come to see me and say, "Vince, I went to our union leaders about this or that, and they did nothing?" So they have had to come back to members of the National Party to get something done about it. It is pathetic that the unions are doing absolutely nothing at all to help the grassroots people. They are taking money from them by stealth and giving it to the ALP by way of levies. What about the Hanger report? The Labor Party said that it would adopt every bit of the Hanger report. But what did it do? It did not put in the political objects funds, because the Labor Party wanted to steal that money. It cannot deny that. It lied—or told an absolute untruth. The Labor Party got those poor people in and then did the wrong thing by them. It did not stick to what it said it would do. As to Mr Hanger's good report—the Labor Party said that it was good, but did not act on it.

The Confederation of Industry and law firms are warning that the new Act is a burden for business in that there are new rules and regulations about what an employer can and cannot do. This is restricting the ability of the employer to formulate a better deal for the workers, it is restricting an employer in the way that he or she may be able to make his or her business better and employ more people and it is restricting them from the point of view of whether they can hire and fire. After all, members opposite are not really interested in overall extra employment for the people who work with them.

I want to make it very clear that the personnel manager of Hans Continental Smallgoods Pty Ltd—now, that is a good organisation——

Mr Purcell interjected.

Mr LESTER: Here we go! We have an employer employing people, yet members opposite want to knock that employer. They always knock the employer. Where would we be without the employers? They are the people who provide jobs in this State and in this country, yet members of this Government want to knock them all the time. The personnel manager of Hans Continental Smallgoods said that managers may no longer be able to make very basic business decisions. The union leaders are making the employer make business decisions that accord with what the unions want.

Let me look at what some of the unions have done in the running of businesses. Do members remember that place that Bob Hawke ran? He took over a big department store—Bourkes in Melbourne. It went broke. The unions did not do too well in trying to run the Bourkes store. When Bob Hawke first took it over, there was all that hullabaloo with the unions about how Bourkes would do very well and that it would share the management with the employees. I think that half the employees walked out, and then the show went broke.

What about the petrol stations? The ACTU's Solo went broke. That is what happened to it. The Trade Union Building Society went broke. That is what happened to it. The unions are not doing terribly well in running any business enterprises; they would not know how to.

Why is it that there is so much internal strife within the unions? It is because the unions do not know how to care for their own employees and give them the best possible deal. That is why.

Staff are not able to be dismissed without an employer going through a fairly lengthy process of legal consultation, with the unions having the final say. That is the idiotic situation in this State. This legislation will not make things any better for anyone. The question that must be asked is: will this legislation lead to the creation of more jobs? I can tell honourable members that it will not.

As honourable members are aware, recently I travelled overseas. As I stated in my report, I consulted with a number of business people. The first question that they asked me was, "What is wrong with the industrial relations system in Australia? Why are there so many strikes in your country? Why is it that the Government does not seem to be able to give

the workers a reasonable deal so that they will want to put productivity first?" In many other countries, the workers put productivity first. They are given the incentive to work.

Mr Purcell interjected.

Madam DEPUTY SPEAKER: Order! The member for Bulimba will cease interjecting.

Mr LESTER: I remember visiting a coalmine in the United States. All that the workers at that coalmine could say was, "Man, we're going there, and we're going to win some coal. We're going to win more coal tomorrow, and we're going to win more coal the next day." When I was visiting that coalmine, the mining unions in Australia had called a strike. Honourable members can imagine how well that went over in the United States!

When I was in Amsterdam, I spoke with the manager of the Deutsch bank. He addressed a Rotary meeting that I attended. That man was very concerned about the state of industrial relations in Australia. We talked about coal contracts. He said, "A lot of the problem is that we can't rely upon you. We cannot be sure of you." Recent strikes in the coalmines have resulted in the loss of coal orders from Japan. What do the unions do? They call a strike! That does not do our reputation overseas much good.

I simply say that we have a long way to go with industrial relations in this nation, and it is not being gone about in the right way. With a bit of coaxing and encouragement, Australian workers are the best workers in the world. Everybody knows that. There is no better worker than the average Australian. Australia has produced the best sports people in the world; it has produced some of the best industrialists in the world; it has produced the best cricketer in the world, Sir Donald Bradman; and it has produced the best shearer in the world, Jackie Howe. It must be borne in mind that Australia has a very small population compared with the populations in some other countries. It does not matter what we take on in Australia; we can do it better than anywhere else in the world. However, if people are not encouraged to work, if they are not given the incentive to go out to work, they will not work. People are not encouraged to work overtime. If they do work overtime, they have to pay an increased amount of tax. This acts as a disincentive to workers.

During the time of the previous Government, enterprise agreements were entered into by Power Brewing and Metway Bank. The workers at those organisations were very happy. Government members know that those workers would not allow the unions in. They did not want to have anything to do with the unions. They were worried that the unions would muck everything up. They were concerned that the unions would muck up what was for them a very good arrangement. Those workers had more money coming in, they worked fewer days and they had more flexible working hours. They praised the organisations for which they worked. So often one hears workers in industry knocking the organisations for which they work because of what the unions have done——

Time expired.

Mr BUDD (Redlands) (4.41 p.m.): It is indeed a pleasure to follow the poor, simple man from Keppel, the Honourable Vince Lester——

Mr LESTER: I rise to a point of order. I find that remark offensive. I am not a poor, simple man. I ask the member to withdraw that comment unequivocally.

Madam DEPUTY SPEAKER: Order! The member for Redlands will withdraw the comment.

Mr BUDD: I withdraw the comment that the member for Keppel is a poor, simple man.

Honourable members interjected.

Madam DEPUTY SPEAKER: Order! Members will not interject from other than their usual place. I remind Government members that the same rules in regard to interjections apply to them as apply to members of the Opposition.

Mr BUDD: The member for Keppel just spent 20 minutes ranting and raving about how great he thought VEAs were. I will read from a letter—

> "It is envisaged that under voluntary employment contracts an employer would be able to negotiate with an employee payment of a lesser amount than the minimum weekly wage prescribed by awards of the Commission. It would be argued that voluntary employment contracts or any move away from the existing arbitration system is a recipe for industrial instability and wage fixing chaos."

That letter is addressed to the Honourable M. J. Ahern, and it is signed, "Vince Lester, Minister for Employment and Industrial Affairs".

Mr Livingstone interjected.

Madam DEPUTY SPEAKER: Order! The member for Ipswich West will cease interjecting until he returns to his usual place.

Mr BUDD: I am very pleased and proud to be speaking to this Bill today. I think it is a great piece of legislation. This legislation will help to promote the further spread of enterprise

bargaining throughout the Queensland business world. In November 1993, Queensland passed the milestone of 100 approved agreements. As at 1 February 1994, there were 155 approved enterprise bargaining agreements under State legislation covering more than 45 000 workers. In just three months, there has been a 55 per cent increase.

The Leader of the Opposition, Mr Borbidge, is wrong about his three Rs—"regulates", "restricts" and "regresses". I will cite some figures—companies' commitment to training programs, 73 per cent; consultative mechanisms, 69 per cent; continuous improvement, 73 per cent; changed work time patterns, 49 per cent, and so on. These agreements reflect an increasing recognition of the importance of a consultative, cooperative approach to effective industrial relations in workplaces.

The Opposition spokesman indulged in scare tactics. I note that he has now left the Chamber. Over the past few days, all that he has done is try to scare the people of Queensland. An article headed "Labour bill stirs Opposition anger" in the *Sunday Telegraph* last weekend states—

> "Small businesses would be afraid to take on new staff due to the Goss Government's new Industrial Relations Bill 1994, an Opposition MP said yesterday. "

The article goes on—

> "He said the bill insisted that employers must immediately notify the Commonwealth Employment Service if they dismissed 15 or more workers and that if they failed to do so they could be fined or the Queensland Industrial Commission . . ."

What that Opposition member did not say is that if an employer decides to dismiss 15 or more employees for reasons of an economic, technological, structural or similar nature, he or she must notify not only the CES but also each industrial organisation and give them the opportunity to have consultation. That is what this Bill is all about. It is about consultation.

Ms Edmond: That's what they don't like.

Mr BUDD: It is not just that they don't like it; they don't understand it.

That Opposition member said that the unions would be coming in and that they would take everybody out, that they would fix everyone up. The article quotes him as saying—

> "What this effectively will mean is that unions, whether or not they are welcomed or wanted, will have automatic right of access . . ."

The legislation does not prevent an employer from dismissing an employee on other valid grounds. Valid grounds include a deficiency in the employee's capacity, performance and conduct. So it is not as bad as Mr Santoro is making out. I cannot see any problem whatsoever with that part of the Bill.

I refer now to a letter to the editor from Ken Crooke regarding industrial reform. He states—

> "Small business operators and non-union workforces across Australia be warned: the ALP is preparing 'dob in' legislation that will bring union heavies to your door."

What a load of rubbish! It will not bring union heavies to people's doors. The legislation does not provide unions with a right of veto in relation to enterprise flexibility agreements. If an enterprise flexibility agreement has the support of a majority of employees and meets other requirements to the satisfaction of the commission, it will be approved with or without union support. I emphasise that—with or without union support.

I refer also to another letter written by Mr Crooke in which he finally got it right. It was exactly the same letter printed in a different newspaper. However, in one paragraph he says, "Nice one, Mr Goss". That is when he finally got it right.

In the lead-up to the legislation that honourable members are now debating, I was horrified to read a headline in the *Courier-Mail* of 7 February 1994—"Sack deadwood now". What a great headline that is! Because this legislation mirrors Federal legislation, will the Opposition support what the great workplace relations lawyer Joe Catanzariti has said? Obviously, Mr Foley was asked to comment on what he said. The article states—

> "State Industrial Relations Minister Matt Foley said Mr Catanzariti's comments created an unnecessary atmosphere of antagonism and were not conducive to congenial industrial relations.
>
> . . .
>
> The Queensland general secretary of the Australian Council of Trade Unions, Dawson Petie, said Mr Catanzariti was talking about employees as if they were a commodity."

People are not commodities; they are human beings. The article goes on—

> "The legislation is there to ensure workers get a fair go."

The article continues—

> "Employers would need sophisticated systems to show dismissals were not harsh, unfair or unconscionable.
>
> The buoyant share market and a general upswing in the economy have encouraged some employers to take the soft option and retain the services of employees whom they consider marginal or poor performers."

Did he understand or did he even wonder whether the employers had trained the employees properly, whether the employers had counselled the employees. The article continues—

> "Mr Petie said the history of reinstatement cases revealed worker inadequacy often resulted from 'gross management neglect' and a failure to provide proper training, counselling and working conditions."

I want to say something about the enforcement of orders issued by the Industrial Relations Commission. This legislation ensures more efficient and equitable enforcement of orders made by the commission in dealing with industrial disputes. Previously, when the commission made an order against an industrial organisational person, the organisational person could then be locked into an automatic procedure, which might hinder the settlement of a dispute and cause disharmony between the parties. The organisational person was required to file an affidavit regarding compliance with the order. The industrial registrar would then determine whether or not there had been substantial compliance with the order and, if the registrar was not satisfied, a notice was issued to the organisational person to show cause to the Industrial Full Court why the organisational person should not be dealt with.

The new legislation addresses the inflexibility of the existing process by deleting the requirement to file an affidavit once an order is issued and by removing the role of the industrial registrar. What is wrong with that? Why have not Opposition members spoken about that? They probably have not said anything because people such as that great workplace industrial relations lawyer, Mr Catanzariti, would like to retain the old system in order to make more money for lawyers.

Madam Deputy Speaker, you spoke about the history books that you have written. Obviously, Opposition members should read them. I mentioned before to one of the members of the Opposition that he should read this book by W. G. Spence, *History of the A.W.U.*, but after listening to what they have said, I think they have read it. They seem to want to go back to the days when men were arrested and gaoled on the slightest pretext. Union organiser Gilbert Casey was locked up for a fortnight and then released without trial. This was done in order to break up a camp. In March 1891, 74 men were travelling near a lawn when the grass caught fire. Twenty-five men were arrested and charged with rioting. There was no case and they were discharged, but they were at once re-arrested and charged with arson, and 13 were committed for trial. A man called C. F. Latriel got a month, and then he got two months extra for calling another person a scab. A man named German was tried 11 times, but the police had no evidence and he got cleared every time.

To be a unionist was very tough in those days, and I think that the Opposition is trying to make it even tougher now. Just one incident that occurred in a court in St George is full of meaning. His Worship said to the arresting constable—

> "Did you search the prisoner?
>
> Constable: I did, Your Worship.
>
> His Worship: What did you find?
>
> Constable: I found a union ticket, Your Worship, which I produce as evidence in court."

Mr Santoro and other members of the Opposition should try reading this book. If they do, they will realise how hard people have worked. I will lend them those books; they might learn something from them.

The Opposition would like industrial relation practices similar to Troubleshooters Available, which was started some time ago. The *Western Sun* dated December 1992, refers to a meeting which Mr Howard Hobbs, the member for Warrego, addressed. The article states—

> "Mark Stoneman came out and shore with Barry Hammonds, not just as a publicity stunt, but to draw attention to the fact that we in opposition certainly do support the principle of Industrial Relations reform."

What great industrial relations reforms! I would like to read a letter that was sent to the manager of the Railway Hotel Charleville. It states—

> "Dear sir/madam,
>
> You will probably be aware that in July 1992, Troubleshooters Available opened an office in Charleville. However, we would like to draw to your attention the fact that Troubleshooters is a Labour Hire agency which was developed in the building industry and now can be applied to all industries.

> Under Troubleshooters Available system your labour costs will be reduced and you will be saving time and money."

It is a great advantage to the employer. This is the type of industrial relations that Opposition members want. The letter continues—

> "The employer no longer has to worry about:—
>
> Penalty rates
>
> Workers Compensation
> Union Superannuation
> Payroll Tax
> Holiday Pay
> Long Service Leave
> Sick Pay
> Redundancy Pay
> Group Tax Deductions
>
> Union Award Rules, such as:—
>
> maternity leave
> paternity leave
> special allowances
> unfair dismissal or backdated claims
> seniority."

That would be a great leap forward in industrial relations if we allowed that to happen. That certainly will not be happening under this piece of legislation. In the Minister's second-reading speech, he said—

> "It unashamedly takes up provisions of the Commonwealth Industrial Relations Reform Act, namely minimal entitlements for employees; the promotion of bargaining and the facilitation of agreements with a fair and equitable award system as a safety net.
>
> . . .
>
> It is also proposed that the Queensland Industrial Relations Commission will be required in performing its functions to take into account principles embodied in ILO Convention 156—Workers with Family Responsibilities, particularly to prevent discrimination against workers with family responsibilities and to help those workers to reconcile their employment and family responsibilities."

There is no better year in which to introduce this Industrial Relations Reform Bill than the Year of the Family. I commend the Bill to the House.

Hon. N. J. TURNER (Nicklin) (4.55 p.m.): In rising to speak to the Industrial Relations Reform Bill, I take this opportunity to relay to the House the stress that such a Bill has already caused many people, particularly small business proprietors not only in my electorate but also in other areas throughout Queensland.

The Honourable the Minister for Employment, Training and Industrial Relations has introduced this Bill with a degree of gusto and relish which is not shared by the electorate at large. He requested leave to amend the Industrial Relations Act 1990 to further promote workplace reforms and protect workers' entitlements, and for other purposes.

Firstly, for over a decade, small business has battled burgeoning Federal Government industrial relations legislation that has relegated real workplace reform to a poor second. Secondly, the servile, sycophantic concerns of a Labor Government cannot get out of the bed of its trade union mates to look at Australian business rationally. It cannot seem to see the wood for the trees. The next supposed concern of this Government is the protection of workers' entitlements. What a joke! The fundamental ignorance of successive Labor Governments, both State and Federal, of small business proprietors as workers for the purpose of protection against intrusive business practices is well known by members on this side of the House and Queensland business alike.

Mr J. H Sullivan: Have you ever heard of the Business Regulations Review Unit set up by this Government, not your Government?

Mr TURNER: I do not know why the member is talking about that. However, has he ever employed anyone? Has he ever owned anything, done anything or employed anyone? He is an academic, educated person; he has never owned anything, done anything or employed anyone. Yet he is an instant expert on everything. If Government in general—and that includes this State Government and the Federal Government— were to acknowledge and recognise that there are some 800 000 small businesses in Australia today, we could cure unemployment virtually overnight. If they were all to employ just one extra person, that would virtually soak up all unemployment. However, small business has been ridden to death by the Labor Government and by the Federal Government in Canberra. However, the situation is not as severe in the other States, because the people in those States have woken up to Labor. Small business have been ridden to death with sales tax, land tax, payroll tax, workers' compensation, superannuation and training levies. They are all dragging down small businesses, and if the Government were to give them some relief from that burden—to cut the red tape to allow them to employ people—it would do so much towards getting this country out of the problems that it is in at the moment.

Mr Randell: They don't seem to

understand that over the long run they are creating unemployment.

Mr TURNER: No, they do not seem to understand that, but someone such as the honourable member who has had practical experience, who has had dirt under his fingernails, who has employed people, who has worked, who is not an academic does understand. The sad fact of the matter is that those members who represent the Labor Party today are not the people who represented the Labor Party in days past—in the Chifley and the Curtin era. Labor members are no longer people who were once workers who had dirt under their fingernails; who had had their noses to the grindstone. There would be some, but very few. The ALP no longer stands for the Australian Labor Party. It stands for the "academics and lawyers" party. It no longer truly represents the working class, or the working people. It cannot pretend to.

I am seriously concerned about the other purpose of the Bill that the Minister crows about ambiguously. The question that is being asked out there—and I mean outside this ivory tower—in the real world, is, is this a white card for endless union insurrection? There is no doubt that the Government's white-flag waving on the union battlefield leaves the realm of the private sector wide open to complete ACTU takeover.

Over the past week, we have witnessed large Australian businesses losing valuable export trade because of the increasing might of the unions. How on earth will small businesses cope when they are pitted against the unsurpassable strength of the union labour stronghold? Comments have been made by businesses across Australia, in particular the north coast, about the insidious hold that the unions have over the workplace. Their concerns stem from the obvious intrusion of an all-powerful machine that has few personable traits and certainly no conscience when it comes to small-business proprietors. Specifically, the concerns have related to the imperative involvement of unions in the hiring and firing process.

An employer who wants to establish a work agreement with his or her employees has to take it to the Industrial Relations Commission for approval and implementation. If one or more of the employees is a member of a relevant union, the union must be given the opportunity to be a party to this agreement. Even if there is only one union member and 100 other non-union employees, it must be taken to that union.

Mr Stoneman interjected.

Mr TURNER: I have been on both sides, but I would rather be on the Right side than the Left side.

The management of staff will no longer be the right of the owner/operator of a business. In fact, the thrust of the legislation is dedicated to a preference for unionists. This essentially allows for the boycotting of businesses which do not manage their operations as the union sees fit.

Mr Foley: With respect, that is not correct. What it expressly does is allow enterprise bargaining in the non-union sector.

Mr TURNER: We have heard a great deal from the Minister. I would like him to explain that in his reply.

The people who matter, the people who make this country great and who are working to make it stronger, are concerned about what the Minister is doing. They have every right to be concerned about the union takeover.

This is a de facto dictatorship that suppresses innovation, effectiveness, prosperity and motivation of small business in Australia. This Bill is designed to ensure that the backbone of Australian enterprise is well and truly broken. This nation was built on enterprise and initiative. The lasting memory or legacy of the lunatic Left of State and Federal Labor administrations will be that of a Government whose voluntary surrender to the union machine brought Australian business to its knees.

These small-business people to whom I refer may have to appear before a bunch of union heavies and Industrial Commissioner Ray Dempsey—the ALP appointee to this position and former secretary of the TLC. I will now read a letter forwarded to me in a birthday card from Mr Dempsey during the Queensland power strike, when business and industry was being held to ransom by the unions. It stated—

> "This is to commemorate your party's second birthday as absolute ruler of Queensland. It is fitting that your Government is two years old, because that is the way it has been behaving. In fact, there would be thousands of mums to testify that their two-year-olds behaved better. Queensland families are worse off as a result of your scandal-ridden Government. You have presided over the worst State economy, with the highest unemployment, inflation and bankruptcy rates,"—

I wonder what he thinks of that now—

> "not to mention the State with the lowest average weekly wages. You have proved absolute power corrupts absolutely.

No-one but your few powerful cronies would think today worth celebrating."

Mr Purcell interjected.

Mr TURNER: I do not care what he wrote; I am talking about the man's mentality. I will not even take the interjection of my learned friend, because it would be wrong to do so. Later on, someone might read *Hansard* and say, "I thought that man was clever. I thought he had dirt under his fingernails, yet he interjected." I quoted that letter to indicate the man's mentality—the man before whom business people will have to appear to seek justice. I will leave it to others to judge what sort of justice business people will receive as a result of the passage of this legislation.

Mr BENNETT (Gladstone) (5.04 p.m.): I was not going to enter this debate, but all of the redneck talk made me a little upset. Something had to be done about the deplorable state of industrial relations in Queensland. Recently, a young woman and her father came into my office. The woman told me that she had started work at her local service station under the six-month CES employment scheme. Shortly afterwards, her employer returned from a two-week holiday and said, "I don't want you any more." His holiday was courtesy of the CES; it was a holiday on the Government, the taxpayers and the people of this country.

Mr Nunn: These are the people Mr Turner said made this country great.

Mr BENNETT: Yes, these are the people whom Mr Turner said make this country great. This Bill offers protection against unfair dismissals. Unfair dismissals do occur. A recent example is that of the young woman from a catering firm who told me that her boss said, "If any of you get pregnant, you are sacked." A lot of the employees of the catering firm were married and had families.

This Bill deals with such matters as parental leave. It stipulates that employees have to have 12 months' minimum length of service by the expected birth date to qualify for leave—leave to look after the child. Prior to this legislation, employed women who became pregnant could be sacked. This Bill is about protecting the workers of Queensland. Members opposite continue with their philosophical arguments about unionists versus non-unionists. The Opposition is like a scratched record; speaker after speaker stands up and bashes the unions.

Mrs Edmond: Bash the workers into the ground.

Mr BENNETT: That is right; the Opposition would like to bash the workers into the ground. The member for Keppel said that he is an advocate of the common worker. I was involved in the electricity dispute in 1985; I know what the member got up to. I know about the tactics of the former Government. I know the fear and distress that the Government caused the SEQEB workers and their families. Today, he knocked Australian coalminers, who contribute so much to the economy of this State.

Mr Pearce: Did you know that, when the National Party was in Government, coalminers used to walk off the site when a National Party Minister came on the site?

Mr BENNETT: No wonder, given the rough treatment that Government gave them. By way of example, prior to 1985, if an employee wanted to speak to the boss of the Queensland Electricity Commission about certain issues, he would say, "Are you outside the gate? If not, I will not talk to you. I am not interested in the subject unless you are outside the gate." That was the system of industrial relations under the former National Party Government. Employers would not talk to employees until they were outside the gate. How ridiculous! Enterprise agreements will further improve the employer/employee relationship.

I was a member of the award restructuring committee of the Gladstone Power Station. Back then, management and workers worked together on career path structures and so on. The union members and the managers said that such a process should have started years ago. This enterprise agreement is improving that process. If at any time the enterprise agreement sours, there is the award safety net to fall back on. This is a great step forward. Members opposite are not recognising what is happening in the workplace. They are putting their heads in the sand and they are refusing to recognise what is taking place in industry today. With the help of unions, workers in all industries are striving for better skills.

Members opposite cannot justify their assertion that the whole point of this industrial relations legislation is to enhance union power. It is designed to enhance the skills and careers of the working people of this State. It also gives the employers room to negotiate with the unions on their site to improve efficiency. Efficiency has been improved. The Industrial Relations Reform Bill will ensure that this State remains at the forefront of developments in industrial relations.

Gladstone business operators have been some of the first to embrace the new flexibility that allows innovative enterprise negotiations to occur. At a greenfield site in Gladstone, ICI has negotiated an enterprise agreement which, among other provisions, includes changes to working hours. Both the employer and the

employees love that agreement. It means that there is more flexibility in the shifts that can be worked by employees. In fact, 12-hour shift rosters have recently been adopted. As well, employees are undertaking more responsibilities in the workplace. That agreement has provided workers with a decent career path.

I ask members opposite not to get up one after the other and sprout their redneck rhetoric. They claim that this is the end of the world; it is doomsday; and the unions are taking over. Unions aim to assist the employees and employers with which they are associated. Unions help make our community better as a whole.

Mr COOPER (Crows Nest) (5.11 p.m.): It is sad that we must take part in this debate. However, I suppose we could have predicted that this regressive and oppressive legislation would be introduced. A perusal of the list of speaker reveals that a large number of Opposition members want to participate in this debate. That is because the Opposition is very concerned about the direction in which this State is heading. During this debate, once again the hobnail-booted members of the Government have been flinging their weight around. The member for Bulimba—that great friend of the BLF—has always had cement boots. More enlightened contributions should be forthcoming from Government members. In that way, we can move towards the year 2000 rather than regressing to the dim, dark and oppressive years of the past.

At one point, this Minister had a lot of integrity and credibility. However, he has been bullied into introducing legislation such as this. This Bill is evidence of the usual bullyboy tactics of the unions: "You will do this or else." In light of everything that this Minister once represented, it is tragic that he has washed his principles down the drain in the name of——

Mr FOLEY: I rise to a point of order.

Mr COOPER: The Minister is very touchy!

Mr FOLEY: I find that remark untrue and offensive, and I ask that it be withdrawn.

Mr COOPER: Which remarks?

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The Minister has stated that the remarks that the member has made about him are untrue and offensive, and he seeks a withdrawal. Under Standing Orders, he has the right to do so.

Mr COOPER: Of course I will withdraw. Mr Deputy Speaker, I defer to your ruling.

Mr DEPUTY SPEAKER: Order! Has the member withdrawn?

Mr COOPER: Mr Deputy Speaker, in deference to you, I withdraw unequivocally. I have made my point.

Unfortunately, this legislation will take us back to the dim, dark days from which I thought we had escaped, especially those of the 1985 electricity disputes that almost wrecked this State. During those disputes, almost every household had its power supply cut. We do not want to return to those awful days. Since then, there have not been too many power strikes. There has been a reasonable level of industrial harmony, which is very desirable. We do not want employers and employees to be fighting and striking and putting the citizens of this State to great inconvenience. I thought that we were not going along too badly; then the Government introduced this legislation. It will send us back to those dark days.

This nation is starting to recover from recession. Thank heavens for that; it has taken long enough! There has been enough suffering caused by unemployment. This Government will put that recovery at risk because of the arrogance and brutality of the union heavies. We have heard the union hacks speaking in this debate. They love their day in court.

Mr Foley: Do you support sending in the troops?

Mr COOPER: The Minister will have his turn. His advisers are writing heaps of rubbish that he can pour on me later. If the Minister does not mind, I will have my turn now.

It is tragic that we are being plunged into industrial unrest after a period of relative peace. I cannot see the reason behind it. This legislation removes all the checks and balances that were once in place. Without any doubt, the result is that the industrial balance is tilted in favour of the unions. Where is the equity there? Why can we not have fairness across-the-board and a level of cooperation?

As a result of this legislation, productivity will suffer. That is another tragedy, because it will mean that more jobs will be lost. That will be the result of this crazy legislation.

Mr Bennett: Are you talking to this Bill here?

Mr COOPER: I suggest that a few of the moderates opposite know not what they do. They have not read the legislation, and they do not really appreciate its ramifications. The union heavies with cement boots know about the ramifications of this legislation. If Government members really knew what this legislation contained, they would not be supporting it. Government members should mark my words and watch what happens once this legislation starts to bite.

To date, the Government has not unleashed this type of legislation on this State, but it is about to do so. This is the old revenge——

Mrs Edmond interjected.

Mr COOPER: The old loony up the back is at it again. She should head for the Stranger's Bar.

This legislation will mean additional costs for small business. That has been confirmed by the authorities that have studied this legislation. They know exactly how it will affect small business. These very generous arrangements will mean necessary, additional costs to business. As Government members have confirmed, the advice to small business generally appears to be to sack their employees and re-employ them as casuals.

Under this legislation, the cost of union dominance will be crushing. All for what—more unemployment, more poverty and less business activity. I cannot understand why the Government wants to take us in that direction. No Opposition member wants to head in that direction. All of us believe in a fair day's work for a fair day's pay. We want to see as close to full employment as possible. We want to see as much harmony in the workplace as possible. We want industrial peace and we want prosperity for all. We want to see that even for the most downtrodden members of our society. However, this legislation will put paid to all of those ideals, which I thought some Government members once upheld. Quite obviously, that is not the case. When this legislation starts to bite, Government members will realise that some of the ideals for which they once stood have gone down the drain. This legislation revisits the standover tactics and all the unenlightened activities that we thought had disappeared. I thought that we were coming into a more enlightened era. However, it seems that we are returning to the bullying and the greediness. The member for Bulimba and his ilk know exactly what I am talking about.

There is a need for a more enlightened approach in this modern era. We do not want to see a return to the soul-destroying and crushing union power. This legislation will crush the incentive for those people who want to establish businesses and employ people. Business people want to expand their operations. That is how an economy works. That is how business can start to employ people. Growth, expansion and job creation lead to a decent lifestyle for all. I thought that was what we are supposed to be aiming for. However, I do not believe that Government members have learned anything. I believe they want revenge at any cost. In their smug, arrogant and reckless way, I do not believe that some Government members care for anyone but themselves. Their greed and their heartlessness know no bounds.

This is not intelligent legislation; it is not cooperative legislation that takes into account all players. The Government should be seeking to achieve that goal. It may believe that it has taken the needs of small business people into account, but that is just not true. Those small business people are terrified.

Mr Santoro: The only players they want to take into account are the unions, not the employers or the unemployed

Mr COOPER: There is no equity there at all.

An honourable member interjected.

Mr COOPER: Not at all, we are pointing out the inequity. The Government has given most of the power to the unions. What about the other 70 per cent of people involved in the economy the Government has left out? The Government is loading the system one way. It is used to loading it one way. Some day, I hope the Government will learn, because then we all might be a little bit better off. We certainly will not be better off while the Government continues to take us back to an era that I thought was gone. If I have ever seen legislation that could be branded "Jurassic Park legislation", this is it. It is legislation supported by greedy union heavies.

As I said, I do not think that all Government members really know what is in this Bill. If they did, I am certain—knowing some honourable members the way that I do—that they would never support a Bill as draconian as this one.

We have witnessed too much of this sort of legislation in other States. We have also witnessed this sort of legislation in Queensland. One would imagine that the Government would have learned its lesson. These problems are not just related to industrial relations. Government members need only look at the Queensland education system. The education system full of unrest and unhappiness. Government members should talk to the teachers. If it ever did consult with them, it would find out exactly what I mean. It is not just the teachers who are suffering. If the teachers are suffering, then surely the kids are suffering. All this suffering is due to this sort of legislation.

The health system is another example of unrest and unhappiness. The problems of the nurses and doctors must surely be transferred to the patients. People are suffering because of this sort of legislation that has caused the economic wreckage that we have seen in the southern States.

We have witnessed the demise of Labor Governments in Victoria, South Australia, Western Australia and New South Wales. We have also witnessed the decline of the nation itself. All that is due to legislation similar to this. Government members said, "Oh, no, it will not happen to us", yet they follow like lemmings. They say that they will bring in the same sort of legislation here.

The Minister is supposed to be enlightened and intelligent. Unfortunately, he has become a victim of the union heavies. His credibility is at stake. Under this legislation, we will see Queensland on the same downward slide as the other States. The Minister can sit there and laugh about it. When he starts to see the unemployment rate go up, strikes occurring and businesses collapsing, will he laugh then? I wonder if he really cares. We will find out.

Mr Foley: Have you got a licence to recycle these cliches?

Mr COOPER: I speak my own language. I know that the Minister has to have his speeches written for him. I am positive that he has never employed a person himself.

Mr Foley: Yes, I have.

Mr COOPER: I wonder whether the Minister has ever done a day's work in his life! He would not know the meaning of the word.

Mr Foley interjected.

Mr COOPER: As far as I am concerned, yes, I have. I do know what productivity means. I know that it means that enormous amounts——

Mr DEPUTY SPEAKER: Order! Both the honourable member for Crows Nest and the Minister are skirting around Standing Order 120 in relation to personal reflections. I ask both the Minister and the member for Crows Nest to desist from taking that path, otherwise I shall take a certain action.

Mr COOPER: I am sure that the Minister did not mean to be too personal as far as I am concerned. We know each other fairly well.

My heart does go out to the people of this State. Queensland has been a successful State for a very long time; and I do not want to see it on the union/ALP dominated slide that has driven other States into economic disaster. Surely the Government must have taken notice of the collapses of South Australia, Western Australia and Victoria. Queensland is the last bolthole for the Labor Party. People are rushing across the border to Queensland because of the mistakes of those southern Governments. Does the Government realise the damage that has been done in those States? Can the Government see the damage? Maybe the Government does see the damage, but chooses not to take heed of it. Does it not worry the Government that the same thing could happen here if it keeps mirroring the sort of legislation that those States introduced?

I remind honourable members of some of the productivity increases that occurred when the National Party was in power. Under the National Party, voluntary employment agreements were introduced. They were good agreements. They were well accepted by both sides, that is, the employers and employees. Honourable members may recall the success of such arrangements with Power Brewing and Metway Bank. For instance, the employees of Power Brewing were $203 a week, or $10,000 a year, better off than their union counterparts in Castlemaine Perkins. Those Power Brewing employees negotiated voluntary employment agreements. The productivity of the Power Brewing went through the roof! Both parties to that agreement did well. That is what the National Party wants to see happen in other businesses.

Unfortunately, the Labor Party Government has to scrap those agreements and bring in the middleman. The muscle man comes in to skim off the top layer. That means that the worker will receive less, as will the employer. Really, no-one wins except the union heavy in the middle.

Mr Santoro: You know why they scrapped them—because there was no union involved.

Mr COOPER: That is what this Government has done. It has brought back the middleman. The middleman is the one who rips off the cream. He rips off the worker who is doing a good job. The National Party certainly supports the incentive and prosperity based payments. People who receive those sorts of payments are the sorts of people who are making the effort to get the economy ticking.

I am afraid that this legislation takes us back to the jungle. That is tragic. The National Party does believe in the need for unions as proper representatives of working people. I belonged to a union myself, until recently, when I told them to go bush because they were not representing me properly. As far as I am concerned, all unions, wherever they are, have to represent their members and represent them properly. They should not go over the top and get so greedy that they think there is enormous wealth created out there and that it is just there for the taking. That wealth will not last if the unions adopt that type of attitude.

There needs to be a balance between productivity and jobs and the need for improved conditions and security of tenure. There is no shadow of doubt that all of those things can be

balanced. Unfortunately, with this legislation, the Government has missed its chance.

Mr Santoro: We will support the Minister in the future if he does it right.

Mr COOPER: He will be supporting us. One day we will give him some enlightened legislation that might increase productivity and achieve industrial harmony and peace. We are determined to do that because we really want to see industrial peace.

I want to mention briefly the negotiations that are taking place now between the Police Service and the Police Union. They are embarking on enterprise bargaining. This has been going on for probably 12 months now. I am told that progress is being made. The desired result of this bargaining is some flexibility in the Police Service. The National Party wants to see police officers willing to work any five days in seven. We need to get away from the cost of weekend work. If the Government continues down its present path, it could prove to be too expensive to employ police on the weekends. At the present time, criminals know only too well that from Thursday night through to Sunday night, it is open slather. Many of the towns affected by this problem are not far from Brisbane. Quite a few of them are just on the edge of Brisbane. People in these towns know that they are not protected over that period. Therefore, there is a need for a more flexible working week. Enterprise bargaining has to work so that penalty rates and overtime associated with weekend work can be done away with. There needs to be a more even spread of hours during the week so that the police can get on with their job.

Mr Foley interjected.

Mr COOPER: I am talking about enterprise bargaining in the Police Service. I think it is necessary that those discussions be completed as soon as possible. Then we will see how it works. There needs to be compensation for work done on weekends, but it should not be too high, otherwise the Government will not be able to afford to have police working through the weekends. That must continue. As I say, police should be working any five days in seven.

Mr Santoro: They are banned from working overtime as it is now.

Mr COOPER: Overtime not banned, it is just that there is no money to pay for it.

I listened to the member for Everton. He gushed and dribbled a lot of silver-tongued rubbish about fairness, equity, equality and prosperity for all. He believes that this legislation will achieve it. He just personifies the yuppie image that we see from these silver-tongued lawyers on the other side of the House. The honourable member knows that I am right. He has these delusions of utopia. Karl Marx and Lenin had the same delusions, and look what happened to them. Look what they did to their country. We do not want to see that type of thing happen in Queensland. The member was mouthing flowery phrases and rhetoric, but he said nothing of substance. How many people has he ever employed? Has he ever created a job in his life? He has never had dirt under his fingernails. He would not have a clue.

A Government member interjected.

Mr COOPER: That is the last thing that we want to do. I am not going to dwell any longer on that aspect of the legislation. The member for Everton has given a clear indication that he does not know the ramifications and effects of this legislation. The response from business as such has been sad. Of course, business people cannot speak out and say what they really think, because they have been bludgeoned and terrified by the union heavies and by threats from the ALP. If they speak out about this, down comes the fist. Government members know damned well how it works. They know that as well as I do, or I know it as well as they do.

Mr Santoro: It's called the Bill Ludwig treatment.

Mr COOPER: It is. Business people are used to blackmail and threats. The honourable member for Gladstone is laughing now. It is sad and sick. The member for Gladstone has run out of steam because he knows that he really does not have his heart in this legislation. I believe that he might have a sneaking suspicion that eventually this will affect him.

I am fully aware that we need agreements, commonality of interests, goals of achievement and quality of life. But I am afraid that this is not the way to go about achieving that. I commend the member for Clayfield for his very strong interest in this legislation. I am looking forward to working with him and with other members on this side of the House in the not-too-distant future when we are sitting on the Government benches. We will give the people the opportunity for fairness, equity and justice, which all the people of Queensland want. We are the ones who can give them that. By God, with legislation such as this, they have not got a hope.

Mr ROBERTSON (Sunnybank) (5.31 p.m.): I appreciate the opportunity to rise today to speak in support of the Industrial Relations Reform Bill 1994. This Bill represents yet another major step forward by this Government in providing a system that is fair for

all parties, including workers, unions and employers. Having listened for some hours to members of the Opposition, one would have thought that some cruel kind of trick is being played on the workers and the employers of this State. Nothing can be further from the truth.

When one analyses the Opposition's comments and objections to this Bill, it is clear that Opposition members really have nothing to say. They are saying the same old thing that they said last year, the year before that and even when they were in Government— anti-worker, anti-union nonsense.

Mr Nunn: It makes you wonder why they hate the workers, doesn't it?

Mr ROBERTSON: It does make one wonder why they hate the workers, because the workers are the backbone of this State. Time and time again, Opposition members demonstrate their utter contempt for the good, working people in this State.

Mr Bennett: It is the squattocracy.

Mr ROBERTSON: Yes, it is the squattocracy—at least half of them are, and the other half are nouveau riche type free marketeers. Members opposite have demonstrated yet again their abject failure to positively address or appreciate the importance of industrial relations reforms by both Federal and State Governments.

This Bill gives the people of Queensland a good opportunity to appreciate the enormous gulf that exists between this Government and the industrial relations nightmare that would be perpetrated on them by the Opposition. It is a timely reminder for all that Opposition members—after all that has happened in the past—remain captured by the New Right. What they really want is a return to the bad old days when bashing workers was seen as good sport. In those days, that was a sure way to become a life member of either the National or Liberal Parties.

No amount of explanation or clarification during the speech earlier today by the Opposition industrial relations spokesperson can possibly result in any conclusion other than that the National and Liberal Parties remain committed to a Kennett-style industrial relations agenda. This debate highlights the difference between our approach to enterprise bargaining and that of the Opposition. It is as fundamental as the difference between protection of basic human rights and the tyranny of exploitation and oppression.

The gulf that exists between Labor and the Opposition was most highlighted when the contribution by the member for Everton was followed by the Leader of the Opposition. That is a classic demonstration of the gulf that exists between members on this side of the House and members of the Opposition. It was highlighted just last Friday, when the Opposition Leader gave the world his solution to industrial dispute on the wharves. What was it? Bring in the troops! That is industrial relations National Party style; when a problem arises between workers and their employers and disputation occurs, bring in the troops!

Mr J. H. Sullivan: They did it in the shearers' strike and they've been doing it ever since.

Mr ROBERTSON: They started it in the shearers' strike. They have had 100 years of bringing in the troops, and nothing has changed.

Mr Randell interjected.

Mr ROBERTSON: I cannot hear the honourable member. He is probably speaking arrant nonsense anyway.

Earlier today, the Leader of the Opposition demonstrated yet again his contempt for ordinary working people. During his diatribe, the Leader of the Opposition tried to describe one of the members on this side of the House as a wharfie, thinking that that was some kind of insult. What a joke, when the Opposition spokesperson for industrial relations said this morning, "Nobody on this side of the House denies anyone the right to withhold their labour." But given the Opposition Leader's comments about bringing in the troops, we can safely assume that Mr Santoro is for the high jump. Clearly, he is going to be replaced by the honourable member for Mooloolah, who has a distinguished military career. So far as Mr Borbidge is concerned, Mr Santoro just does not cut it.

Mr Santoro: Is this another brilliant piece of intuition from you?

Mr ROBERTSON: I take that interjection. What is significant about Mr Borbidge's enterprise bargaining solution is that it is not shared by his Federal counterpart, John Howard, who said, "Leave them alone." Is it any wonder that we do not hear anything any more about the proposed amalgamation between the silvertails and the rural squattocracy?

It is clear that significant gulfs exist between those two parties. Before the 1992 State election, it was Mr Borbidge, the Opposition Leader, who wanted to abolish the Industrial Relations Commission. There can be no clearer demonstration of the direction in which the National Party wants to head. There can be no clearer demonstration of the gulf that exists

between the so-called coalition partners with respect to their industrial relations policy. I hesitate to say this, but I almost feel sorry for Mr Santoro, because clearly he has no future.

When the Opposition Leader's industrial relations solution is compared with the comments made today in this House by the member for Moggill, it is clear what a dangerous and confused mix of industrial relations policy the Queensland coalition has. Members will recall that the member for Moggill made a number of outrageous accusations against the International Labour Organisation. If I recall correctly, he suggested that by virtue of the membership of Chad, Afghanistan, Argentina and other countries, this somehow made the ILO a questionable organisation.

For the benefit of members opposite, I shall give them a short history lesson about the International Labour Organisation. The ILO was established in 1919 under the Treaty of Versailles as an autonomous organisation associated with the League of Nations. Agreement to establishing the relationship between the ILO and the UN was approved in December 1946, and the organisation became the first specialised agency associated with the United Nations. Let me name some other members of the ILO—Austria, Belgium, Canada, Finland, France, Germany, Greece, the United Kingdom and the United States.

Mr J. H. Sullivan: They're both a bit suspect.

Mr ROBERTSON: According to the member for Moggill, clearly they are suspect. What about our major trading partners in the Asia/Pacific region—Indonesia, Thailand, Vietnam, Singapore, China and Malaysia? In all, over 160 countries around the world belong to the International Labour Organisation. Given Australia's place in the international community and our reliance on establishing and maintaining good relations with our major trading partners, I am surprised by Dr Watson's attack, which was both insensitive and ignorant—as ignorant as the comments made this morning by the Opposition spokesperson on industrial relations when questioning the Minister about the effect of the ILO's convention on equal opportunities and equal treatment for men and women and workers with family responsibilities.

What do the ILO conventions referred to in the legislation cover? There are indeed many conventions. They cover fundamental issues such as equal opportunities and equal treatment for men and women workers, the freedom to organise, and the protection of the right to organise. If any member of this House cannot understand the need or the relevance for these conventions, then they need only look at Western Australia, where only yesterday an employer sacked an employee who refused to sign a work contract. All he did was refuse to sign a work contract.

Today's debate has provided the opportunity for members opposite to demonstrate their credentials as union bashers. They fail to recognise how much industrial relations has changed throughout the past ten years—change introduced as a result of the partnership and cooperation between the Federal and State Labor Governments, employer groups and unions.

In case members opposite need reminding how much things have changed in the past decade, let us consider some facts. It is a shame Mr Cooper is not here.

Mr J. H. Sullivan: No it is not.

Mr ROBERTSON: In some ways it is and in some ways it is not. I just wish he were here to be reminded of how much things have changed in industrial relations, particularly over the past ten years. He seems to have had a real lapse of memory about what the bad old days were like in Queensland and the rest of Australia.

Mr J. H. Sullivan: In the bad old days he was a going to a privileged school in Sydney.

Mr ROBERTSON: In the bad old days he was a Minister in the Government. Unfortunately, I had much to do with the gentleman on many industrial relations matters. It was in 1985 when Vince Lester was the Minister for Industrial Relations and, as we have discovered today, he was somewhat uncommitted to the prospect of voluntary employment agreements at that time. Obviously he has been dragged into line. In 1985, the number of working days lost through strikes in Queensland was 411 days per thousand employees. What was the rate ten years on in 1993? The rate was slashed to 114 days per thousand workers lost through industrial disputes. It was 25 per cent of the rate under the National Party rule. It gets worse when one considers that whole decade of National Party rule during the 1980s, leading up to 1989. If honourable members look at the ABS statistics they will see that 1985 was not a particularly spectacular year in terms of industrial disputes, in spite of what these people might have said. The average throughout that decade comes out at 494 working days lost per thousand employees. What an appalling record, yet they come in here trying to tell us—

Mr Springborg: What about '86, '87, '88, and '89—compare them with '85.

Mr ROBERTSON: I am happy to look at that. In 1986 it was 207. In 1987 it was 87. In

1988 the figure rocketed back to 336. The Opposition's legislation of fear and oppression of workers have absolutely no effect because workers in this State will not cop that. They recognise that they have fundamental rights that no amount of legislation from the likes of the members opposite will crush. Today we are recognising the fundamental rights of workers as enunciated in ILO conventions——

Mrs Edmond: In every civilised country.

Mr ROBERTSON: —in every civilised country of the world. Yet, Opposition members want to object to this Bill.

Mr Stoneman: Can't we make our own laws?

Mr ROBERTSON: I understand why Mr Stoneman would want to object to it. We know his work record out in the field. Returning to Mr Cooper's comments, he said, "What happened industrially in the other States of Australia? We do not want to go down that path." When the Liberal Government took power in Victoria, what happened? In the year that Queensland had 69 working days lost per thousand employees—1992—Victoria had 369. Is that what Mr Cooper wants to return to in terms of his nightmarish industrial environment?

Mr J. H. Sullivan: His agenda is an unhappy work force, striking all the time so that he can get out amongst the community and scaremonger further.

Mr ROBERTSON: Scaremonger and reduce wages; reduce living standards and create fear amongst the population— amongst ordinary working people—

Mrs Edmond: They would send kids down the mine if they could.

Mr ROBERTSON: Yes. I took exception to a comment made by the Leader of the Opposition that the people on this side of the House had no idea of what it was like to put their houses on the line or had no idea of what it was like to put their lifestyles on the line. I tell members opposite that there are many members on this side of the House who know exactly what that is like. They know exactly what it is like to wake up in the morning under the previous Government's industrial relations legislation, not knowing that, in terms of representing decent working people, at the end of the day they may have lost their house.

Mr Bredhauer: The fine is going to be $50,000.

Mr ROBERTSON: The member for Cook is quite right. They know what it is like to not just lose one's house and possessions, but also be fined on top of that. We do know, and that is why we do not want to return to the previous Government's nightmare. That is why members on this side of the House—speaker after speaker after speaker—have stood up and praised the initiative behind this Bill.

Mr Bredhauer: And they reversed the onus of proof. If it was printed in the paper that you said something, you had to prove otherwise. You were guilty until proven otherwise.

Mr ROBERTSON: Does that not demonstrate their contempt? Mr Borbidge needs to be reminded what his legislation was like—what it meant to workers, to elected representatives of workers—and why we will always fight never to return to those dark days under the National Party.

The member for Crows Nest also spoke about various initiatives in industrial relations. He spoke about the need in the police force to strike an agreement with the relevant unions to provide for a better service—a more effective seven day-a-week, 24-hour police service. One would think from what Mr Cooper said that nothing is happening. Of course we all know that the parties—the employer and the unions in the police force—are involved in these discussions this very day. If he would care to take an interest in industrial relations matters, he would also recognise what has been happening in the tourism industry and other industries where unions and employers have been sitting down and striking workplace deals. That has not been without disputation, but it has been with a mature approach that has always been demonstrated by unions representing workers in this State to achieve the best deal for their members and also to participate in the economic growth that is needed here in Queensland.

I have no hesitation in supporting this legislation. It represents yet another important and fundamental reform brought in by this Government to improve conditions for working people in this State.

Mr STONEMAN (Burdekin) (5.48 p.m.): I note with some interest that the word must have gone around on the Government side that some of the boys had better pay for their endorsements. Some of the honourable members had not bothered to indicate that they would enter the debate until they got the heavy while the debate was in progress. It is most interesting that they are now coming forward and making contributions to the debate.

This Bill, as my colleagues on this side of the House have been pointing out, will present one of most unbelievable burdens on the capacity of those who drive the economy of this State. I say without equivocation that the

economy is driven in a shared process between workers, investors of all sizes, corporations, and the whole community. The problem is that this legislation sets up a particular set of circumstances that cannot be countenanced in any rational terms. Businesses, and particularly small businesses, have experienced difficult times. They are still going through them and they will go through more in the future. They do not need this sort of legislation to further add to the load.

Before I delve further into my speech, I wish to refer to a letter that was sent to the Premier last week by a couple who operate a small store in my electorate. Out of courtesy, they gave me a copy of it. I will not read out the whole letter, but it outlines their concerns about the changes in trading hours. These people operate a small food store in the town of Brandon. I will share this letter with other members of this House because it encapsulates the costs that employers and small businessmen have to embrace already. These people are totally unaware of what this legislation could do to their business. The letter states—

> "We have been in our business for nearly two years now"—

these people are a young couple—

> "and in that time the State Government has had its hand out for its share; Consumer Affairs; Workplace Health & Safety; cigarette licence fees; milk fees etc; but I don't see anything in return.
>
> All your government wants to do is take as much from the little bloke and suck up to the big chains.
>
> My wife approached your deputy Tom Burns about helping us get lotto. He promised the world but nothing happened. You put up your cigarette taxes to stop people buying smokes which is a big part of our business. You want us to ask for I.D. when someone who looks around 18 wants to buy smokes and if we make a mistake you will fine us."

This is the context in which this legislation must be viewed. The letter continues—

> "You put a tax on milk and expect us to carry it. You don't prosecute juveniles who break into our shops. We were broken into. They cut a hole through our floor. They stole approximately $3,000 worth of stock and did about $2500 worth of damage. The police did their job in catching the two guys but all they received was a 'Please don't do it again.' "

Those people do not yet realise what impact this legislation will have on their costs. As I said earlier, I rise to support all of the honourable members on the Opposition side of the House, in particular the shadow Minister, Mr Santoro, the member for Clayfield. This Bill highlights a distinct difference between the policies and philosophy of the National Party and the Liberal Party as a coalition and that of the ALP. I doubt that anyone would debate that point. The ALP industrial relations policy contained in this Bill is about the centralisation of labour. It is about inflexibility; it is about regulation; it is about restriction; it is about sterility; and it is about widening the ALP campaign fund net. It is about gathering in more money for the ALP campaign, and centralising the process.

On the other hand, the coalition of the National/Liberal Parties is about less centralisation, it is about flexibility and it is about choice. Over the years, I have made the point loud and clear that I am not anti-unions. In fact, I am quite happy for there to be more unions. I am not saying that people should not be members of unions. If 100 per cent of the work force wanted to join a union, I would be happy for them to do so, provided they do so of their own free will and of their own accord. That is quite the opposite of what is happening.

As the member for Keppel said earlier today, if unionism was a voluntary process, only a very small percentage of the work force would join unions. In common with all members on the Opposition side, I receive constant representation——

Mr McElligott: What about the canegrowers?

Mr STONEMAN: I do not mind giving the canegrowers a touch up, because what they have done is immoral.

The policies of the coalition are about productivity and, most of all, jobs. Although Labor members say that they support the little man, they are interested only in people who have jobs, and collecting from them compulsory union fees. Labor members are not about the creation of new jobs, providing incentives, implementing a process that gives people a greater capacity to gain some experience in the workplace, and giving young people an opportunity to get onto that first rung of the ladder. They are not interested in that; they are interested only in those people who have jobs.

As I say, a fundamental difference between the enterprise bargaining process that the National Party pioneered and the Labor Party's process is the ability for an employee to decide whether the union is in or out of negotiations.

The difference in policies is about freedom of choice. The Minister always quotes the ILO conventions, and all that rubbish. He never talks about the fundamental right of people to have the freedom of choice to decide whether or not they want to be a member of a union. In many instances—and, sadly, I see this occurring—people say to me that the only time they ever see representatives of their union is when they come around to take their money from them. That is the last they see of them.

The changes to the Industrial Relations Act which are before this House will not lead to a substantial increase in productivity and world competitiveness for Queensland. The legislation will not assist in achieving world's best practice. In fact, it will inhibit it. Industrial relations in Queensland need to be less centralised and more flexible to provide greater opportunities for employers and employees to choose how they regulate their own affairs. Again, I would have thought that that was a fundamental right.

The short title of this Bill states—

> "This Act may be cited as the *Industrial Relations Reform Act 1994*."

It should be cited as the "Industrial Relations Regressive Act". I wonder how the philosophy of some of those people on the Government side has developed.

The growth of this State is quite considerable. In fact, over the past 18 months, adult enrolments on the electoral roll have increased by 2.8 per cent. There are 42 members in this House who represent electorates that are experiencing above average growth. Of course, 47 electorates are not experiencing that growth. It is interesting to note that the Labor Party represents 75 per cent of those electorates that have a low growth rate. I know that the Deputy Speaker will find what I have to say absolutely fascinating. He represents an electorate that has a lower than average growth rate. However, that is not his fault. It is interesting that the Minister is dictating these regressive processes. Who represents the most regressive electorate in this Parliament in terms of growth?

Mr Santoro: Why don't you surprise us?

Mr STONEMAN: I will surprise members. That electorate is represented by the member for Yeronga.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! Before the honourable member surprises the House, I remind him that if he wants to refer to matters relating to the electorate of the member for Inala, he may do so, but he may not refer to them as relating to the electorate of the Deputy Speaker.

Mr STONEMAN: Mr Deputy Speaker, I apologise. As I say, it comes as no surprise to the member for Clayfield that the electorate of Yeronga is regressing at the rate of 4.53 per cent. It wins the wooden spoon prize by a street and a mile. The Minister says that this Bill is progressive.

Mr Santoro: I really should not have been surprised about that. It is the only slip of the day that I will admit to. I really should not have been surprised about that.

Mr STONEMAN: People are leaving the Minister's electorate in droves. In 18 months, 1 000 people have said, "Let us be gone from this man's electorate because he is leading us as a constituency and this State down the drain." The Minister should hang his head in shame.

Mr Santoro: That is what he wants to do. I think that he wants to get rid of us.

Mr STONEMAN: He does. The member is so right. As I say, this Bill should be cited as the "Industrial Relations Regressive Act". This Bill is not an industrial relations reform Bill; it is about regulation, restriction and regression. It is a Bill reflective of Labor.

Sitting suspended from 5.58 to 7.30 p.m.

Mr STONEMAN: This is a Bill reflective of Labor in the 50s, prior to the ALP losing office, when Queensland was the cinderella State. It is about union power; it is about an ALP Government looking after its union mates. It really is about the collection plate. This "Canberra" Bill is not a Bill for Queensland; it is a Bill to enshrine the authority of the Queensland branch of the Australian Council of Trade Unions, formerly known as the Trades and Labour Council, in enterprise bargaining.

My old friend the member for Waterford, who I really do genuinely respect and admire, in the darkness of the night, in the loneliness of his own—

Mr Santoro interjected.

Mr STONEMAN: That is exactly right. He has made his bed and he has to lie in it. Over the past decade, the view has emerged that Labor Governments govern, firstly, in the interests of the Labor Party; secondly, in the interests of its union mates; and, lastly, in the interests of all Australians. Sadly, the 80 per cent or so of people in the work force who do not want to be union members are running a very sad last. In my view, if the Australian Labor Party and the Government in this State allowed people to be serviced by unions that were able to extend a service in the genuine sense of the word, the

figure for union membership would probably rise to 21 or 22 per cent.

This Bill is a good example of ALP mateship. We see the same mateship reflected in the pork-barrelling of ALP marginal seats by the Federal Minister for Sport—has she resigned yet? She looked after her Labor mates with much aplomb and largess with taxpayers' money. As a brief example to draw the attention of honourable members to the way that Labor looks after its mates, prior to the 1993 election—and this is reflected in this Bill—the then marginal ALP seat of Kennedy received almost $410,000. On the other hand, the equally large but very safe adjoining seat held by the National Party received just $106,012. I remember the Minister for Administrative Services talking about those seats today.

Mr CAMPBELL: I rise to a point of order. I raise the aspect of relevance to the debate. Talk about sporting grants, I feel, has very little to do with industrial relations.

Madam DEPUTY SPEAKER (Ms Power): Order! I note and share the same concerns. I know that the member for Burdekin is trying to associate it with the Bill. But he is drawing a very longbow. I suggest that he return to the contents of the Bill.

Mr STONEMAN: Members opposite need to listen to my next paragraph. This Bill contains some 490 clauses, covering 121 pages. Attached to the Bill are 13 Schedules. If members opposite want me to talk about the Bill, I will do so. We need to look at the totality of what this Bill will mean to the community. Earlier, I talked about the impact on a small business in my electorate. That example was illustrative of the concern felt right throughout the community.

Each of the 13 Schedules details the articles or recommendations from the General Conference of the International Labour Organisation, and cover another 100 pages. The clauses of the Bill take up 121 pages, and the schedule runs to another 100. I have worked with the Minister over a number of years. The way that he has embraced international covenants is embarrassing. Our Queensland community has proved that it can look after itself.

This Bill, when enacted, will not be for the fainthearted—it is complicated and difficult. For the benefit of honourable members, I will reiterate some of the things being said about this "Canberra" Bill—and that is what it is. The Confederation of Industry and law firms are warning that the new Bill is a "burden" for business in that there are "new rules and regulations about what an employer can and can't do". For example, it restricts employers in dismissing any employee without providing a reason. The reasons must be connected to an employee's capacity to work, conduct or the employer's operational requirements. According to Clayton Utz, employers who "get it wrong" can expect to find themselves in front of the new Federal Industrial Relations Court, which will be able to award unlimited compensation and order re-employment where termination has been harsh or unreasonable. A leading industrial advocate with Livingstones Australia believes that most employers do not yet understand the significance of the Federal legislation. And again I refer to the business in Brandon. It wrote to the Premier saying, "We are being hit by your Government at every corner." Livingstones Australia said—

> "All the precedents of the past will be useless. The onus will be on the employer, not the employee, to prove serious misconduct."

The Confederation of Industry has advised that the legislation is so radical that some aspects of it will be challenged in the High Court. The personnel manager at Hans Continental Small Goods Pty Ltd—and one of my colleagues talked about this earlier today—said that managers may no longer be able to make very basic business decisions, such as dismissing staff, without going through a fairly lengthy process of legal consultation. The executive director of PPI Industries Pty Ltd fears that the legislation will further undermine the efficiency of Australian industry. He said, "It threatens the ability of companies to manage their own staff."

There is a concern that many overseas companies may look at the Australian labour regulations and see it as unrealistic to invest because of the extra cost. That is my fundamental concern. We should be about providing incentive for investment; about saying to investors, "Go out into Queensland and invest, because at the end of the day you will get a return and it will be worth while." Every day we hear the Treasurer telling us how wonderful Queensland is—he is on the thin edge of the last slippery slide of exploiting the benefits that he inherited.

The new and added regulations were regarded as another tier on an already overregulated area. Again, I cite the example of the small store in Brandon. Lawyers advise that the legislation will place an extra administrative burden on employers, who will have to document and cover themselves against the most menial incidents. For example, if dismissal procedures are conducted fairly, the dismissal of

an employee, even for valid reasons, may be deemed by the court to be unfair.

I feel that there will not be a resolution of the House to allow me extra time to encompass all of the things that I would like to cover. This Bill is not about the productivity of this State; it is not about a fair go for employees; it is not about how to get this State and this country going again; it is about doing a deal for the old union mates. The Minister does not understand the enormity of what he is introducing with this Bill.

Time expired.

Mr GRICE (Broadwater) (7.39 p.m.): I am not sure whether I oppose this Bill——

Mr Nuttall interjected.

Madam DEPUTY SPEAKER: The member for Sandgate!

Mr GRICE: But I am not sure that I oppose it out of sympathy for the Government's boofheaded planning.

Madam DEPUTY SPEAKER: Order! The Chair finds that remark unparliamentary. I ask the member for Broadwater to withdraw it.

Mr GRICE: I will withdraw it. It was ill-considered planning. The Bill will speed up the already existing drift to the usage of casual labour and subcontractors throughout small business. We all know that small business makes up the largest employment force in the State and in the nation.

Mr Livingstone interjected.

Madam DEPUTY SPEAKER: Order! The member for Ipswich West will cease interjecting.

Mr GRICE: If the trainees just stop and think for a minute, surely they will see that they have pushed private enterprise into doing exactly the reverse of what their ultimate goal is.

Mr Beattie: Have you ever employed anyone?

Mr GRICE: I have employed many people. The Government's repeated mistake is that it continues to think that it can push a democratic private enterprise into a corner and jam it there. It will merely push the employers, this time rapidly, into bankruptcy, which will cause the demise of the unions that it loves so much. I will defend the people whose interests this Government and its Trade Hall bosses have totally ignored. I refer to the small businesspeople and the staff that they employ. Labor might like to ignore them, but small businesspeople provide a huge proportion of the employment in our economy. That is particularly true of the Gold Coast——

Mr Beattie interjected.

Madam DEPUTY SPEAKER: Order! The member for Brisbane Central will cease interjecting.

Mr GRICE: This is particularly true of the Gold Coast, where there are very few mass employers but thousands of small ones. Small businesses and their employees have very special needs which are not met by the provisions of this Bill. It would even be fair to say that the Bill contains elements that will prove detrimental to those people.

These days, small businesses are not money trees. They generally operate very close to the wind with scant reserves. The nature of most small businesses is such that they are unable to pass on extra costs to their customers. That means that they do not have a lot of fat to cope with the more excessive demands that unions make as a matter of course. It is true to say that much of the output of major enterprises is much too expensive. Much of that comes from recovering the costs of peace with the unions. Every one of us pays far too much for a whole range of items, and we can blame union muscle and compliant Government for that.

Large companies have learned that the combination of big Government and big unions can be incredibly disruptive of production schedules. They have often taken the easy course of getting into the club and playing Labor's game of corporatism. They do the cosy deals, and then they lift the prices to maintain viability. If the big companies had to buckle to the pressure, what chance do smaller businesses have? This Goss Labor Government has decided that smaller businesses should be subjected to the same pressures that unions bring to bear against large companies.

I have no doubt that the Labor Party will use its numbers to force this Bill into law, and I have no doubt that small business will suffer. It will face crippling added costs after this Government has thrown it to the rapacious wolves at Trades Hall.

The additional burdens imposed by this legislation might amount to only a few hundred dollars a month for a particular small business, but that added cost might well be more than the operating surplus that that business is generating. In that case, the only viable option will be to close down or to reduce staff. As I said earlier, growing numbers of businesses are already being forced to operate with casual labour or subcontractors. Is that what the Government wants? Does it want small business employing people on Monday and Friday but not on Tuesday, Wednesday and Thursday? That is the direction in which this Government is forcing them. This legislation simply hastens that process. Firms will then have the flexibility to

employ staff when the costs can be justified. That is hardly a boost to small business, to the State economy or to the general wellbeing of our society.

We will pay dearly for Labor's determination to put union influence into just about every workplace in this State. We will pay with bankruptcy and unemployment. This legislation is not very well disguised as a push for more and more and more union power. We even have the situation in which a union would legally be able to intervene with respect to a certified agreement, even when it had just one member in a workplace. The Industrial Relations Commission even has a discretion to invite a union to join in if that union can demonstrate that it has a genuine interest in the matter. That union could intervene when the employer and the vast majority of employees wanted nothing to do with the unions. That must be democracy Labor style!

That sort of provision not only gives unions power where they should not have it but it is also an added pressure applied to employees to join unions. If the unions are to be involved in everything, why not join up? That seems to be the philosophy. Why not make everyone join up? The same applies to the new flexibility agreements. Again, unions can demand to be involved, and they must be accommodated. That is an outrageous proposition, and I will never agree to it.

Government members interjected.

Mr GRICE: Madam Deputy Speaker, I wonder whether you can hear me over the noise coming from the back bench.

If people employed in a particular workplace have chosen not to be members of a union, they have also chosen not to be represented by a union. They have made a free choice, and the unions and their political stooges—the Australian Labor Party—should be made to respect that choice.

Mr Beattie interjected.

Madam DEPUTY SPEAKER: Order! The member for Brisbane Central has been warned. I will not warn him again. Next time, I will warn him under Standing Order 123A.

Mr GRICE: I was amazed to find that this Bill legislates for the right to take industrial action in support of a negotiating position. Beyond that, it gives legal indemnity for the strikes or other disruptive and revenue-killing industrial guerilla tactics that we have seen in the past. The Government pretends that it has to take that step to meet ILO requirements. What does the ILO have to do with us? Have I missed something, or are we still an independent nation? Was this Parliament elected to represent the people of Queensland or the people of the ILO? I am happy to say that I represent the people of Broadwater and, in this case, the business people of Broadwater and the staff whom they employ.

I will not lend my support to any move to encourage the destruction of business by legislative approval of strikes. We have always had to contend with industrial action, and there have been times when it was justified. There have always been isolated instances of employers who have engaged in onerous practices, and strikes have resulted as a last resort. I can see no justification for sanctioning strikes as a negotiating tool of first resort. But that is what this legislation sanctions and indeed encourages. Put together with the right of the unions to intervene in negotiations, the Labor Government is encouraging disastrous strife in the economy. The only winner out of that is the union boss. It is certainly not the employer or his employees, who now know that they had better give in quickly or face ruin.

It was interesting to hear the ramblings of the member for Everton. He entertained the aviary on the back bench by ranting about how Queensland once steered an independent course. The member for Everton told us that we should all be falling into line with the rest of Australia on industrial relations legislation. Of course, the member means falling in line with the loony Labor policies that were enacted in the last decade by other Labor State Governments and the Commonwealth Government. He should remember that those other Labor State Governments have all gone. They are finished. Loony ideas such as this Bill had a lot to do with their demise.

The member for Everton probably has pictures of John Cain on his wall! The member for Everton's hero woke up too late to the influence of the unions—the same unions that have forced this legislation on Queensland. On 16 October 1992, Cain told the *Age* newspaper that much of the blame for his Government's failure could be put down to capture by the unions. There is another scalp on the belt of the unions. They pulled down that Government.

I have nothing against unions where membership is voluntary. I have nothing against unions acting on behalf of a voluntary membership. I have absolutely no quarrel with the important role that unions have played in the past in gaining workers decent working conditions and rewards. I go further and say that I believe that the standard of living that we enjoy today in this country is partially due to the unions of the past. However, this type of legislation places the unions in a situation in which their

use-by date is up. That fight was won a long time ago. I do not believe that unions need any special protection under legislation. There is no logic in giving it to them—beyond the need to pander to Trades Hall.

Of course, we all know that the unions are the training ground for the Labor Party hacks who sit on the back bench. The unions provide the background for a huge proportion of the Labor members of Parliaments in this country. A seat is a reward for faithful service to the union movement. Perhaps that is why legislation as flawed as this comes before the House.

Not too many members of the Labor Party have the slightest idea of what goes on in the real world. To most of the crowd opposite, employers are nothing but milch cows. If someone is an employer, he must be rich and ripe and ready for the plucking. Government members forget that most enterprises grow from the personal, financial commitment and the risk taken by the owners. They forget that returns on investment are the wages business owners pay out. They forget that, without returns, there is no incentive to keep the enterprise afloat. They forget that the incentive to employ others comes from the expectation of returns sufficient to pay them.

It is time this Government of union hacks woke up to the real needs of business and the economy. They do not need new costs imposed. They do not need a new legislated right to strike while an agreement is negotiated; they need the right to talk to their own employees on mutually agreeable terms without the interference of unions. They need conditions which encourage business returns, thus expansion, thus jobs and thus prosperity. They do not need this dreadful piece of socialist legislation.

Mr Barton interjected.

Madam DEPUTY SPEAKER: Order! The member for Waterford! I will remind Government members that I need to hear the speeches being delivered, and I wish to hear them. If members continue to interject, they will be warned under Standing Order 123A, and following the ruling they will be sent from the Chamber.

Mr SPRINGBORG (Warwick) (7.51 p.m.): In rising to participate in this debate tonight, I would like to point out what I see is a major inequity in one of the awards in this State. First of all, what I would like to do is concentrate on some of the comments which have been made in this House today in the debate on the Industrial Relations Reform Bill. I would like to rebut some of the nonsense which has come from the other side of the House.

Nothing offends me more than to have Government members jump up in this place and say that they are fount of all knowledge as far as the working community of Queensland is concerned. I do not think that any member on either side of this Parliament can claim to represent one group necessarily more than another group. I would dare to say that within my electorate I have a great deal of the blue-collar workers and white-collar workers who would support me. I feel that that has always been the case. I think at the end of the day the people make up their minds on what they see is the best policy for them and their families.

In the past, it may have been the case that the Labor Party purported to represent the majority of workers in this country. Presently, I do not think that that is necessarily the case. By and large, out in the community members see a work force that is becoming increasingly more disgruntled with the policies of the Labor Party. If Government members talk to a lot of workers, they will find that the workers feel that they have never done it so hard as they have done under the Federal Labor Government in this country during the last 10 or 11 years. In that time, their real purchasing power has gone down because of increases in the CPI and increases in a lot of other living expenses.

I think that is a sad litany of a lot of the policies which have been explored and followed in this country. It has hurt the work force and, by and large, it has hurt the employers in this country. It concerns me a lot that in this Parliament we see the politics of division. We see the members on the other side standing up here, saying that we are anti-worker. There are many people on the Opposition benches who would fulfil and have fulfilled the role of an ordinary, average worker. Some of us have worked as farm labourers and other such positions. Many members on this side of the House would fit that mould. I do not think that it is fair for Government members to profess that they represent those people wholly and solely.

People say how happy the work force is in this State since the Labor Party came to power. As I go around and talk to the railway workers, the nurses, the police and many other people in this State, including workers in private enterprise, it is quite apparent to me that they are very unhappy with the way that this Government has acted in many areas.

An example of this is that there is no longer job security within the public service in this State. Years ago, many young people used to set about a career in the public service, knowing that

they could take out a loan for a house or a car. They knew that they could start a family and they knew that they would be in the employment of the Government 40 years down the track. They knew that they had job security; therefore, they could plan. That job security is not there today.

In many cases we have seen what has been called voluntary early retirement used to force people out of the work force.

Mr Vaughan: Just like the SEQEB workers—they had job security!

Mr SPRINGBORG: I will take that interjection from the honourable member. I remember the sentiments of many people, the majority of them workers, in 1985. What they wanted was to have their power back on. They did not want candles in their homes. They wanted the traffic lights working. They did not want their houses to burn down because their curtains caught fire from a candle. The majority of people were happy with what happened in 1985. It was an unfortunate time; it was a divisive time. However, as a result, since then we have had the best electricity system in this country. Industrial disputation has not occurred within the electricity industry since 1985. I think that that is extremely fortunate. I think that shows that we have a new level of responsibility on these matters throughout the community.

We do hear a lot in this place about a fair day's pay for a fair day's work. I would say all Government members would agree with that principle. There would not be one sane person in this country who would believe that if people, regardless of their gender, regardless of race and many other facets, did an equivalent day's work, then they should not be paid an equivalent amount of money.

Mr Campbell: That mightn't happen.

Mr SPRINGBORG: Exactly. It has been enshrined in an award which was put in place in this State in 1993. It is something that went on in this State for many, many decades. There has not been a desire on the part of Government to fix this problem. It has enshrined inequality, unfairness and gender inequity in this State. It is something about which I have no doubt that the honourable Minister for Employment, Training and Industrial Relations and the Minister for Education are aware.

I want to talk about male cleaners in schools in this State. In a letter to me, the Minister has even conceded that there is a problem. Although he said that he hoped that it might be fixed up, it was not. I wrote to the Minister on 4 December 1992. Part of that letter states—

> "The argument used by the Department and Union is that females are categorised as part time or casual employees. Males work 38 hours per week and because females work 30 hours per week, therefore they are casuals."—

I am talking here about school cleaners—

> "However, after looking at the Industrial Gazette, of 30th June 1984, it states that casual employees shall mean, in the case that female cleaners, employees who are engaged for less than 26 hours per week, while in all other cases, it shall mean employees who are engaged for less than 40 hours per week. However, the 40 hour per week ruling is not relevant now as the males now have a 38 hour week.
>
> I believe that this is an inequitable situation in this day and age when people are supposed to receive equal pay for equal work, and it needs to be addressed. A new system for cleaners is to be introduced some time in the future, whereby new and current male employees will commence on 38 hours per week at $10.59 per hour and after their 1st Year $11, 2nd Year $11.41, 3rd Year $11.82.
>
> However, current female cleaners, of which there are 3,000 will be paid $12.50, per hour, until they retire, plus they will receive an increase with any wage rise which will happen in the future."

The Minister responded—

> "The matter of differential rates of pay between 40 hours per week cleaners and 30 hours per week cleaners is directly attributable to provisions of the Miscellaneous Workers' Award—which is legally binding on the Department of Education. This situation has been recognised as anomalous by all parties to the award and is currently the subject of negotiation between officers of my department, the Department of Education and representatives of the Australian Liquor, Hospitality and Miscellaneous Workers' Union."

The Minister further stated—

> "It is anticipated that the new award will be ratified by the Queensland Industrial Relations Commission early in the new year."

That letter was dated 31 December 1992. The gentleman in question has been pursuing this matter. He has had no support, I dare say, from the Government or from the union that he is most disgruntled with. In a letter in response to Mr Foley, he stated—

"However, I believe that either Mr. Foley or the cleaners, through the Union have been misinformed. I set out below my understanding of the new conditions which apply and the discriminatory practices which have not changed.

Under the new award, females currently employed by the Department for 30 hours a week, will continue to be paid $12.50 per hour. Males are currently paid $10.06 per hour, $2.44 less than females. However, males will now be employed for 38 hours per week at $10.59 per hour, with increments for each year of service up to third year, when the rate will be $11.82 per hour. This will still be 68c per hour less than the female rate.

Also, why is (it) that all male cleaners, irrespective of their number of years of service, (in some cases 10 years or more), are to start on the new rate of $10.59 per hour? Surely it could be expected that cleaners who have three or more years of service will automatically be paid the highest rate of $11.82 per hour.

Even though males will be paid less than females, they are still required to perform duties which are not to be performed by females, such as operation of heavy machinery, cleaning from ladders etc. No extra allowance is paid to the male cleaners for this type of work."

That letter was addressed to me and dated 16 April 1993.

Finally, I refer to a letter from the Minister, Mr Foley, who said—

"For present employees, there will, as Mr Thompson says, continue to be a differential between the hourly rate for certain male and female cleaners with the making of the new award. This is unavoidable, because the Structural Efficiency Principle of the Queensland Industrial Relations Commission under which the new award is being developed prohibits any reduction in remuneration. However, with the introduction of the new award, all future employees regardless of their sex will all be paid at the same base hourly rate.

For existing male Cleaners in Secondary Schools who attend work twice daily, the hourly rate under the award is presently being discussed with the Department of Education."

On 12 November last year, a new award came into force in this State, that is, the Queensland Government Employees—other than Public Servants—Award. The Honourable the Minister for Education is aware that we tried to get to see him. He referred us to his industrial officers, who were very aware of the problem and knew that it went back many years. There seemed to be very little desire—or there was a lack of ability—to do something about rectifying that inequity. They knew there was an inequity, but they did not do anything about fixing it up.

This Government was elected in 1989, and again in 1992, with an overwhelming majority. It said, "What we are going to do in this State is say to the people of Queensland, 'We are going to address the situation with the teachers in this State, who are underpaid. We are going to address the situation in this State so far as the police, because they are underpaid.' " But in this major, glaring example, it did absolutely nothing. As I said before, I think we all believe in equal pay for equal work.

Mr T. B. Sullivan: Did your teachers take the pay rise that was granted?

Mr SPRINGBORG: Of course the teachers took the pay rise. I am talking about the cleaners. That is beyond the argument. I am using an example of the pay rise which was granted to address the so-called inequities that existed in the past. In New South Wales, in order to address this situation, the Government went ahead and fixed up the award. In Queensland, this Government has not done that. I do not know why. Maybe it is because it is not popular to support the male school cleaners in this State—of which there are very many. Maybe at the end of the day the principles of the Labor Party in this State are not what they purport them to be.

Mr T. B. Sullivan: Do you want us to sack the women teachers each Christmas?

Mr SPRINGBORG: No. This has nothing to do with women teachers. I am talking about women cleaners—c-l-e-a-n-e-rs. Can't you understand that? Cleaners!

Madam DEPUTY SPEAKER (Ms Power): Order! The member for Warwick will address his remarks through the Chair.

Mr SPRINGBORG: There is a fundamental difference—one cleans the place and the other one teaches in it. The honourable member does not seem to understand that. This problem has existed in the minds of the people in the Education Minister's own department. His industrial officers said, "Maybe 50, 60 or 70 years." They have no desire to fix the problem.

Mr Foley: Is this a good example of why it is necessary to have legislation for equal remuneration for work of equal value?

Mr SPRINGBORG: This Government came to power in this State in 1989 purporting to implement those sorts of things. I do not think that there would be one person in this place of straight mind who would argue against that particular principle. What I am saying is that this glaring anomaly has existed in this State for many years. It has existed since the time this Government came to power. I had hoped that we would not need legislation such as this to fix this problem, that it would have been fixed in line with other glaring inequities that have occurred. Even though in the past there has been a great lack of desire to fix it, I hope that something happens in the future.

Mr Thompson has fought this case for many years. No doubt he has been a supporter of the Labor Party, and I would say that he will continue to be a supporter of that party. He has had no success with his union over this and has resigned from the union. That man has fought a campaign which, to this stage, has not borne fruit. When he has brought up this matter in the past, many of the other cleaners have been frightened, because they have been threatened with being put on contract. They are extremely concerned about that.

As a result of the new award, the male cleaners will start off at $10.06 per hour, going to $10.48, $10.89 and $11.82 after that. That will happen in three years' time. That also means that under this new award, of all employees who were employed as cleaners before the introduction of that award—whether they are male or female—the male will be at a disadvantage. When there is a national wage case increase of 3 per cent or 4 per cent, there will be a 69c difference in three years' time, and that gap is going to get wider until their retirement. Some of those female and male cleaners are in their twenties. They could conceivably be in the employ of the department for the next 30 or 40 years. As a result, this particular award—the Government should have been arguing on behalf of those male cleaners—is going to enshrine that discrimination for ever and a day. The Government should have taken up the cudgels on behalf of those people.

Mr Vaughan: Who made the decision on the award? Who handled the award?

Mr SPRINGBORG: The Industrial Commission, of course. The point is that we have been informed reliably that there has not been a push from the Government.

Mr Vaughan: You don't understand what you're saying.

Mr SPRINGBORG: Yes, I do. I understand very clearly. I am talking about fairness and equity in employment and payment. That should be a fundamental principle which the Government argues and pushes. I am arguing that the wrong decision has been taken here, that the union has put the wrong argument and has not taken up the cudgel on behalf of those workers. Members in this place should be arguing against these things. I am happy to stand up here on behalf of the male school cleaners in this State and put forward that argument. I hope that something is done about this matter. In this country we have to do a lot more about industrial relations reform than what is being done by this Government or the Federal Government. We are practising the politics of division.

I cite the example of Warwick Bacon, which is a major abattoir in my electorate. Last week, some of its containers were sitting at the ports waiting to go overseas. That is not the sort of industrial relations system that we want to see here. The cattle buyers were not buying, because there was no guarantee that that commodity would be handled on the wharves. That is not what we desire to see. I am sick and tired of talking to workers who say to me that there is no incentive for them. For example, at that very same place, one of the workers said to me that he had just stepped up from being a bacon cutter to being a boner, but he would be far better off going back to being a bacon cutter because he would receive a greater family allowance supplement and would work far fewer hours. There is something wrong in this country when a person who works harder is discriminated against by the support systems which our Government puts in place.

I will cite another example. It involves a person who runs a business selling and repairing vehicles. Recently, he gave an employee an award wage increase. The employee came up to him and said, "I don't really want this. I want it given to me in the form of cash or maybe not at all." The employer said, "I am duty bound to do that. Why would that be the case?" The employee explained, "Because that affects the assistance which I can get from the Government. I am far better off not taking it."

If we are talking about improving the lot of our workers in this State and in this country we should be talking about better, more sensible reform than this legislation. We should also be talking about taxation reform to provide an incentive for those people who want to work more to earn more. That can be done through the taxation system. We will be opposing this legislation because it will enshrine union dominance and the politics of division in this country and in this State forever and a day.

Mr ROWELL (Hinchinbrook) (8.11 p.m.): In his second-reading speech the Minister revealed the perception that is held by the Government that Queensland workers need Big Brother to intervene in every facet of the workplace. Members on the other side of the House may not realise that for every condition that has to be complied with, more jobs are being lost.

This is particularly the case with small business operators and employers that do not employ large numbers of workers. Moving around my electorate, I am aware of the increasing disquiet of many of these groups who have employed two or three workers on a permanent or part-time basis. The same disquiet is felt by employers of seasonal labour. Large numbers of people are employed to work on field crops such as sugarcane and bananas. The tourist industry is very dependent on employees with a range of skills. It could benefit from enterprise agreements.

The concerns are varied and I believe they are worthy of mention because, unless employers operate in a climate that rewards effort, then small businesses in particular will be reluctant to do more than survive. This Bill absolutely exonerates a worker from any industrial action that is taken should an employer want to dispense with the employee's services. Having to pay compensation for a successful claim would mean that an employer would either be very brave or desperate to take on staff when he could face similar claims in the future.

I would like the raise the issue of Convention 98 of the International Labour Organisation, which was signed back in 1949. I believe that there have been no changes made to it since 1973. It is in repeated in Schedule 12 of this Industrial Relations Reform Bill. I refer to Article 2 on page 214, which states—

> "Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration."

I have some concern about that Schedule, and particularly that part relating to the ILO. If we are going to have certified agreements, I believe there is some contravention of the Bill. I would like a comment from the Minister. He looks as if he is too busy, so I will have to wait until later, perhaps. It is an important issue. If in a group of 50 workers, one worker is in a union and the other 49 workers are people who are there to do the job and are willing to make an agreement, the unions can intervene under the provisions of this particular section of the Bill. Does this Government not want to assist people who have no job to get back into the work force? Or is all this a facade to keep people reliant on handouts from the Government? People in a dependent state will not bite the hand that feeds them.

About three years ago, a young baker in my electorate wanted finance to start up a hot bread shop. His finances were extremely limited. After doing the rounds of the financial institutions, including the QIDC, and getting the door slammed in his face, somehow he got sufficient money together to buy a number of machinery items with which to start business. The business went well. In fact, he and his wife opened another outlet in a nearby small town.

The business expanded to the extent where they could see the potential for pastry lines, so they paid $100 to advertise for a professional pastry-cook. The young couple have worked very industriously, putting in extraordinary hours to make the business the success that it is today. The advertisement resulted in their employing a pastry-cook. He worked for a week altogether before he decided not to turn up for work. The wages book was signed for three days, totalling 24 hours' work, but after a further two days he decided to leave without presenting his hours worked or picking up his wages. Some time later, as the result of a complaint lodged by the former employee, an industrial inspector visited the premises. The outcome of the investigation was a summons to recover wages.

I rang the industrial inspector in Townsville, who faxed through the timesheets the pastry-cook had produced. It was interesting to note that the time claimed for the three days, for which the employee had signed for 24 hours' work, had become 34 hours, which increased the amount of the claim. I have seen nothing in the Bill to prevent the repetition of such a false claim. Had the young couple wanted to contest the case, their legal adviser estimated that it would cost $500 to defend the summons. This young couple, who have worked hard to get where they are, were faced with a claim lodged by the industrial inspectorate that they said was unjust. No public money would have been provided if they wanted to contest the claim. In fact, $500 of their own money was required if they wanted to defend the summons. The advice from both their accountant and solicitor was, "You can never win. Don't waste your money." In other words, it was the employee's word against theirs. This young, energetic couple have said they will be reluctant to employ staff after the incident and will only expand their baking business to the extent that it can be serviced by their own labour.

Will any small business be able to withstand the power of the unions using the provisions of this legislation? Most small businesses are struggling to survive. They have not the time or the resources to get embroiled in a tug of war with a union official. If the worker is not satisfied with the conditions spelt out in an enterprise or voluntary employment agreement, then there is no obligation on him to take the position. The Government is taking away the right the employer and employee to negotiate for better terms of employment, working conditions and remuneration. Basic conditions must be set down, but union intervention to oversee every facet of an agreement that is based on an award is not required.

Another small business in my electorate is a nursery, which propagates a wide range of species. There are many opportunities to expand the business—the employment of an additional six persons was contemplated. Numerous requests for workers were made to the Commonwealth Employment Service. A number of people from the service had been taken on and, in each case, a degree of specific training to meet the requirements the job was provided. A considerable amount of time was involved in familiarising the new person with the duties. The work was to do with ensuring that necessary procedures of plant propagation were carried out at the critical times, plus general nursery work.

A great deal of disappointment was experienced with the number of employees on whom time had been spent training on a one-to-one basis, only to have them decide the job was not suitable and return to the good life on unemployment benefits. This nursery business, which has the ability to employ additional staff, is reluctant to expand because of the attitude of those who have been offered the chance of employment.

The benefits of social security are far too lucrative and too accessible for a certain proportion of those people now eligible for the benefits. Yet again, another business has decided to contract its operations rather than cope with the rigours of employing additional personnel to increase its output. I have heard of numerous cases where people who have had jobs that paid only slightly above the dole have assessed their position. In the case of a single income and a number of family members, the advantage of the dole, plus health card and concessional benefits, far outweighs working for a living. It has been suggested that a day's work for cash in hand, now and then, is the icing on the cake. The recipients who have a hobby such as fishing can really enjoy the good life.

The last Federal Budget devoted a total of $38 billion to the Department of Social Security. That represents 35 per cent of the total Federal Budget. That percentage is not sustainable. Increasingly, the Government is generating disincentives to the employment of people. That escalates the amount that is paid to those people who cannot find work. Employers are facing the burden of numerous Government-based obligations that have to be complied with and that result in many hours of non-productive paperwork. Those obligations are: registration for group employment, with payments made at two-week intervals; complying with holiday leave loading; ensuring tax file information is produced; superannuation payment made on a monthly basis to relevant funds; for traders who collect sales tax, that tax has to be remitted on a regular basis, with accurate documentation——

Madam DEPUTY SPEAKER: Order! The Chair is reasonably tolerant, but I remind the member for Hinchinbrook that his comments have to be relevant to the Bill. They also cannot be repetitious. The list that the member is speaking about is not contained in the Bill, and I ask him to return to speak to the clauses that relate to this Bill, or I will ask him to resume his seat.

Mr ROWELL: Madam Deputy Speaker, I concur with your ruling. All those obligations, and many other items, involve appropriating finance. Hopefully one can still run a business and make a profit! I would like to say that many farmers and small business people work long hours. Sometimes they work seven days a week. Without that commitment, their businesses would cease to function. They have the capacity to put on extra staff, but are very sceptical about spending time to train people, only to be let down. This legislation does nothing to allay their concerns.

The challenge for Government is to provide opportunity for both employers and workers. This legislation may have the intention of providing incentives for employers, and those employees who will derive a benefit from going away from some prescribed conditions in their awards, but because the Government's strength is based on the union movement, in almost all cases intervention by unions is inevitable.

Prime Minister Keating continually talks about Australia being part of the Asian region, and that that is where our future lies. If that is so, it would be safer if any future negotiations he undertakes are restricted to areas such as the South Pole. After less than a year in Government, his attitude caused irrevocable damage to Australia's trade with Malaysia. That is very important because, unless we trade with

other countries around the world, all our employment opportunities will be lost. With our cost of production, for Australia to be able to compete on an even footing will undoubtedly require a good relationship in the workplace. Those employees who think they can do better than working for wages should be encouraged by providing conditions that suit both parties—or encouraged, as was the young baker in my electorate, to start a business of his or her own.

We could talk about trading with our neighbouring countries, but I do not think that any Australian would accept the conditions of employment that exist in many of those countries. Although this Bill might have the intention to make Australia competitive, too many negative factors govern it. Many of Australia's neighbours have a variety of natural resources but, most of all, an enormous capacity to mobilise a very large human resource. That human resource is now working under conditions and for a salary that would whip the union movement in Queensland into a frenzy. The movement would be calling strikes, workplace health and safety inspectors would be running around, factories would be picketed and people would be marching in the streets holding placards condemning their working conditions. The wages in some of these countries are in the range of $A15 to $A20 per week for factory workers, and are much lower for field workers, that is, those who work in agricultural pursuits.

Those countries are producing manufactured items with the cheapest labour and using the most advanced technology. They are using equipment of the best design from many sources around the world. This equipment and technology is being maintained and operated, not by foreigners, but by the local people. That is a matter about which we have to take a great deal of notice in regard to Australia's system of employment and the opportunities that this country presents to people. Although we do not want to accept those low levels of wages that exist in other countries, we certainly have to consider the best opportunities that we can offer.

In Indonesia, I have seen a range of products that have been manufactured to a standard of quality that would be equal to anywhere else in the world. At Ok Tedi mine, New Guineans were working long hours driving 150-tonne haulpacks for about $A4 a day. The works manager at that mine, who spent a number of years with Thiess Constructions, said that he had never worked with a more able work force in his life. Banana field labourers in Ecuador work for $70 a month, producing a crop for the world trade. Although those people live relatively uncomplicated existences, they survive quite well. Very often, they take care of other members of their families, as only a very limited form of social security exists in those countries. Certainly, when we consider the massive economic growth that is taking place in China, and the amount of foreign investment that is pouring into that country to develop businesses, Australia's future needs to be reassessed. The Mabo legislation has shaken business investment——

Madam DEPUTY SPEAKER: Order! The member for Hinchinbrook is testing the patience of the Chair. We have been to Indonesia. I am not going to visit the Mabo legislation in any shape or form under this Bill. So the member will either move on to some matter that relates to this Bill, or he will resume his seat.

Mr ROWELL: This type of legislation, which can put investment at risk with the strike provisions contained in it, coupled with land tenure uncertainty, will do nothing to instil confidence——

Madam DEPUTY SPEAKER: Order! The member for Hinchinbrook will resume his seat.

Mr ROWELL: I do not believe it.

Mr RANDELL: I move—

> "That the member for Hinchinbrook be further heard."

Madam DEPUTY SPEAKER: Order! That is out of order. I call the member for Indooroopilly.

Mr BEANLAND (Indooroopilly) (8.28 p.m.): This patronising, sardonic piece of legislation is being thrust upon the workers and the employers of Queensland.

Government members interjected.

Mr BEANLAND: It is good to hear so many Government members at the back of the Chamber parroting away. They are typical Labor Party members. This legislation mirrors the Federal legislation that has been thrust upon the people of Australia by Labor's wreckers in Canberra, who pass as Labor's whiteboard Government.

This legislation exalts the role of the union bosses to the cost of the employee and the employer. It will ensure a continuing role for union bosses. To sum up, this is a mate's Bill—a Bill for union bosses to save Labor and Labor's flow of support and campaign funds. The legislation pits employers against employees. There is no room for tolerance and cooperation.

Last Saturday, the daily press published Premier Goss's comments when he was whining

about the fact that firms resist investing in Queensland. Premier Goss said that he was becoming frustrated that his attempts to attract corporate sector investment in Queensland had met with limited success. He said that Sydney and Melbourne boardrooms fail to recognise the investment opportunities available here. Those are fine words indeed.

The business people in the boardrooms of Sydney and Melbourne are well aware of what is happening in Queensland. They are well aware that this legislation will be debated and passed on the numbers. The message that the Premier and the Government are hearing from the boardrooms of Sydney and Melbourne is that the business people of Australia do not like this legislation. It will not help to generate jobs, investment and growth. Nowhere in the legislation is there an indication to contrary. The Bill firmly indicates that Queensland is going backwards and that this Labor Government, after four short years, is on the nose—investment is not coming here.

Regardless of the rhetoric, the reality speaks for itself. I will say more about this in a moment. This legislation does mirror that of Canberra. It is worth while noting that a recent article pointed out that Australia ranked low in world competitiveness. Australia was ranked 14th out of 22 OECD countries on the world competitiveness scoreboard—the world competitiveness report for 1993. That report is produced annually by the World Economic Forum International Institute for Management Development in Switzerland. It had Australia ranked 14th, and New Zealand—that much maligned country that people love to throw off at—ranked at No. 8, up from No. 15 in only 12 months. I mention that to highlight that New Zealand is not going down the track of giving unions total control.

New Zealand has a far less rigid system, which I will talk about very shortly. Its system was brought to our attention in the recent report produced by the Federal member for Lilley. However, he wandered off in the opposite direction in his report. He highlighted that the labour markets in places such as New Zealand were less rigid and were more flexible than ours.

This Government cannot attract business to Queensland, despite every opportunity to do so because of what the Labor Party did to bankrupt the southern States. Businesses know that they will be confronted with this industrial relations legislation, legislation which pits employer against employee and gives total control to the union bosses. There is no point in the Minister squawking about other aspects of the Bill, because the Bill is quite straightforward.

It is interesting to note that, not very long ago, this Labor Government vigorously resisted and attacked the voluntary employment agreements in this State—for example, those entered into with Power Brewing and Metway Bank. Its sole reason was that there was no role for the union movement in those enterprise agreements. Because there was no role for the union bosses, Labor would not have a bar of it; their political masters indicated that there would be no funds and campaign support if the Government did otherwise. Those businesses were being crucified by none other than the Premier and the Minister for Employment, Training and Industrial Relations.

We now see enterprise bargaining being brought in with the heavy hand of the union bosses playing a major role. The real issue is the very important role that the union bosses will play in relation to this legislation. All of this comes at a time when such industrial relations issues have been resolved in other places—in the places around the world which were held back by the Labor Party, the Socialist Left and the communists. Every day we see Governments moving away from rigid and inflexible labour markets. It is happening everywhere else, but not here in Queensland. It is a bit like the televising of Parliament—we can see the Kremlin but not the Queensland Parliament. Other places enjoy enterprise agreements, but not Queensland; the union bosses have to be involved. It is all about protecting and enhancing the powers of the union bosses so that their influence will not be eroded.

The current figures show that only 29 per cent of the members of the private work force are union members. That is a huge reduction compared with the figure a couple of decades ago when it was over 50 per cent. Only some 67 per cent of the public work force are union members. Only three or four years ago, that figure was over 75 per cent. This highlights the continuation of the increasing irrelevance of the union movement in this country, particularly the union bosses and the roles that they play. This legislation is about rejuvenating their role and their position.

Recently, a Federal Labor task force discovered the problem which keeps our unemployment so high. It then made recommendations in totally the opposite direction. It identified that the rigidity of our labour market was one of the primary reasons for high unemployment in this country. But instead of that task force recommending change, it recommended yet again Labor's cure for just about all ailments that seem to come up in this

State and country—that is, throwing more money at the problem.

If members opposite are genuine and sincere in their real concerns about those out of work, they will vote against this legislation. The least the Minister could do is forget about this Bill—dump it. The Minister would be doing the unemployed in this country and in this State a favour if he did so, and he would be earning a few brownie points for himself. One of the reasons that Australia has 11 per cent unemployed compared with a figure of 6 per cent for the United States is that our labour market is infinitely more rigid and inflexible than that of the United States of America. We should not lose sight of that.

Many people like to throw off at other counties of the world, yet here we have almost double the unemployment rate of the United States of America. The United States has also been through a recession similar to our own. There has to be a reason why our unemployment rate is so much higher than that of the United States. The US has seen a collapse of family life and social infrastructure, and the extent of poverty is worse than it is in Australia. However, the United States has a much lower unemployment rate—something I have heard little or nothing about from members opposite.

One of the reasons for this is that the United States labour market is less rigid and has far more flexibility. What virtue is there in making it ever more difficult, complicated and expensive to employ people when the inevitable consequence of that is that the Government makes it unlikely that employers will take on new staff full time. We are moving away from encouraging employers to take on more staff.

Maybe members opposite think that somehow people get jobs miraculously. They always seem to forget that it is only business that creates jobs. For it to do so, it has to generate profits—not super profits, but an adequate return on capital so that it can pay suitable wages for its staff. Without that, business will not employ full-time staff in this country. It has become so complicated and expensive to employ staff on a full-time basis. One would have thought that, in a time of such high unemployment, a Government acquainted with that problem would have been looking at ways of changing the industrial relations system to make it less expensive to employ people. To do otherwise will add to the unemployment queues. Government should make it less expensive and less complicated.

However, let me hasten to add that it is not the level of wages—I emphasise "wages"—that is the problem. For example, manufacturing employees, relatively speaking, are paid lower rates of remuneration than they are in comparable countries, such as the United States of America, western Europe and Japan. The problem is with the on-costs, such as redundancy requirements, which are covered heavily in these amendments to the legislation. The superannuation guarantee levy, termination requirements, the training guarantee levy—these are the bane of most business people trying to keep their doors open. There are also the other on-costs that are thrust upon them. The Government cannot expect some great service industries in this State because of the prohibitive costs of running some of those industries at what are normally regarded around the world as working hours—between 9 o'clock and 5 o'clock, five days per week. These are the factors that make it expensive to employ people. One would have thought that the Government would be interested in reducing the level of unemployment. However, its lack of action speaks louder than the rhetoric that pours forth from Government members.

The creation of jobs is one of the most significant issues in this State. Recent surveys demonstrate clearly that unemployment is at the top of the list of concerns of all Australians. Regardless of one's political leanings, one of the real problems that must be overcome is the high level of unemployment. This legislation will serve only to lengthen the unemployment queues. It in no way contributes to resolving the crucial problems facing this State. There is no magic formula for resolving the problem of unemployment. It certainly cannot be resolved quickly. It is a slow and difficult task, and one which has clearly been too difficult for this Government.

We must not make it more difficult and expensive for the small businesses in this State to appoint full-time staff. However, under this legislation, it will be more difficult and expensive. This Government is attacking not only big business but also small business. How can this Government claim that it is creating jobs and that it wants to create more jobs when, through this legislation, it will reduce employment opportunities? The Government is illustrating clearly by its acts that it simply does not care.

All one hears from this Labor Government is the retention of minimum standards, but it never addresses the fundamental issues. Why make it more difficult and expensive to employ people? This legislation will lengthen the jobless queue and contribute to the current unemployment problem. In the current economic climate, that is

a most serious and sad indictment of any piece of legislation.

One hears a great deal from this Government about the events of the last century. Sometimes when I listen to Government members, I am sure that they are referring to the year 2000 BC rather than focusing their minds on the year 2000 AD. When commenting on the final terms of the Commonwealth legislation, on which this Bill is based, the vice-president of the ACTU, Jennie George, stated that the final terms of the Bill were settled between the Minister and the ACTU executive. She stated that the employers have to understand that the Bill is a payback for the commitments that were made by the Federal Labor Government during the course of the Federal election campaign. She stated further that the legislation in no way represents reform to Australia's industrial relations system. That fact is abundantly clear.

I have listened to the contributions of a number of Labor members. There has been no mention of unemployment in any of their contributions. We heard from the member for Everton about fairness and equity. What is fair and equitable about 11 per cent of the workers being unable to find a job because of this Labor Government's policies? I contend that, with this legislation, we are moving right away from fairness and equity in a grandiose manner. We heard a great deal from the lightweight member for Everton about workers' rights. What about work for all, accompanied by adequate wages? Not a word was said about that!

Once again, the member for Everton talked about bringing workers down, as he does continually. Labor in this State and this nation is resigning people to the jobless queue. The Federal Government appointed a committee to examine alternatives for reducing unemployment. The report brought down by that committee presented a perfect opportunity for the Federal Government to tackle the real issues head-on and to formulate distinctive policies to resolve the problem. Instead, Labor walked away from it.

During the contributions made by Labor members to this debate, no mention was made about the role of the private sector in generating growth and creating employment. Once again, it appears that the powerhouse that can create those opportunities—the private sector—is being neglected totally. This legislation pits employers against the workers. All business groups and employer groups have condemned this legislation, as well they might. Only a profitable private sector creates jobs. On a number of occasions, Labor members have claimed that, somehow, jobs create jobs. Of course, that is a lot of nonsense. Only the private sector creates jobs. Labor members continue to dwell on the events of the last century rather than focusing on current problems.

I turn to the waterfront dispute and the inefficiency that still exists in that sector. An independent report to the Federal Government found that the waterfront is still one of the most inefficient sectors in this nation, with costs up to eight times higher than those of our cheapest overseas competitor, yet the Federal Labor Government is not prepared to tackle a problem that has been highlighted for several decades. What occurs when there is an opportunity to tackle the problem? Again, the Labor Government walks away from the problem and washes its hands of it. It is too hard to tackle.

In this country, jobs will never be created unless our failure to be internationally competitive is redressed. As I stated earlier, on the world competitiveness scoreboard, of the 22 OECD countries, Australia was ranked fourteenth. New Zealand was ranked eighth. In just 12 months, New Zealand has moved from being ranked fifteenth to being ranked eighth. Australia is not going anywhere. In the past few days, there have also been industrial disputes involving Qantas. There have been no substantial achievements in waterfront reform.

It is clear that the next industrial relations battlefield will involve employers feeling the boot of the union bosses. Because of this legislation, employers will think long and hard before they employ staff on full-time salaries and conditions. Because of the conditions of termination provided in this legislation and the other changes for which it provides, employers will have to think long and hard before employing permanent staff. Recently, there has been a large increase in the number of part-time staff employed in this State. That trend will continue as employers resist employing full-time staff.

It is not too late for this Government to reconsider this legislation in order to illustrate that it is serious about attracting business to this State. It should not echo the hollow words—and what hollow words they were—of the Premier that firms are resisting investment in this State. Firms will continue to resist investment while this Government remains determined to pit workers against employers. That conflict will serve to quash investment opportunities, which will come around only once. The States that have Liberal Premiers— Victoria, South Australia and Western Australia—are very aggressive in embracing investment opportunities. In those States, the corrupt and bankrupt Labor Governments were thrown out of office and replaced by progressive Governments that are

making every effort to attract business investment. Those States will not be constrained by regressive legislation such as this. They will attract business investment so that full-time job opportunities can be created. Those States will grow and leave Queensland behind.

Mr STEPHAN (Gympie) (8.49 p.m.): It is a pleasure to participate in this debate. Enterprise agreements should and will have a positive impact on this country, particularly Queensland. As the member for Indooroopilly just outlined, at present Australia is not placed well on the world competitiveness scoreboard. In the past, this country has performed much better than it is at present. It definitely has the ability to improve.

I take exception to a comment by one of the Labor lackeys during this debate that employers must recognise that Labor won the election. I inform that honourable member that we certainly do not need to be reminded of that fact. We know very well that Labor won the election, as illustrated by the attitude being adopted by some people. We find Mr Keating, and members opposite, to a lesser extent, wandering about the place trying to laud it over the industry. It is no wonder we are in the financial trouble that we are.

Mr Purcell: Queensland?

Mr STEPHAN: Mr Keating has had an influence on Queensland, as has Mr Goss. Unfortunately, that influence is far greater than it should be.

The Minister has to realise that at the moment the unemployment rate is very high. I ask: what is the Government doing to encourage industry and small business to employ extra staff? This Bill does not set out to create more employment. All that it does is look after one or two of the Labor Party's lackeys. Honourable members would remember just a few years ago when Vince Lester was the Minister responsible for this portfolio. At that time, voluntary employment agreements were in place. Those agreements certainly worked very well for the industries that took advantage of them.

Mr Purcell: Two companies took it on out of thousands.

Mr STEPHAN: The Labor Party told companies that they had to do away with these agreements. It forced them to stop using voluntary employment agreements. The Labor Party did not get rid of the agreements because the employees and the employers found them misleading or difficult to understand. The employers and employees wanted to be a part of those voluntary employment agreements, and this Labor Government took that right away from them. The Labor Party got rid of these agreements because the unions did not have any influence in the making of them. The only reason that the Labor Government scrapped those agreements was that it had no input into them.

Mr Beattie: Santo wants to correct you.

Mr Santoro: You are doing well.

Mr STEPHAN: I thank the member for Clayfield. He is doing a fantastic job as Opposition spokesman. I support him in that role.

Last year, I accompanied Mr Santoro to New Zealand to have a look at the type of employment agreements that are used there and the way in which they are negotiated. We found that the employers and the employees in New Zealand were very pleased to be a part of those agreements. Employers and employees were able to reach agreement between themselves.

Mr BEATTIE: Over where?

Mr STEPHAN: In New Zealand. I am sorry if the member is not listening. Both employers and employees in New Zealand were pleased with the agreements that they had entered into. That is what gets under this Government's skin. The members of this Government hate the thought of voluntary employment agreements producing good results. If Government members look at the chart referred to by the member for Indooroopilly, Mr Beanland, they will find that, as a result of these agreements, New Zealand is ahead of Australia on the world competitiveness scoreboard. If Government members look at that document, they will find just how well these agreements are going in that country. I might add that the policy to implement these agreements in New Zealand was instituted about five or six years ago by the Labor Party. The Labor Government in that country did not carry on in the manner that you lot opposite do——

Government members interjected.

Madam DEPUTY SPEAKER: Order! The member will address his remarks through the Chair. Government members will cease interjecting.

Mr STEPHAN: I feel sorry for members of the Government, who are of the belief that industry cannot make up its own mind. The Labor Party thinks that employers and employees cannot reach agreement between themselves without the influence of outside sources.

Of course, these agreements contain minimum standards that must be agreed to and adhered to. I do not have a problem with that. The problem the Opposition has is with the

Government's insistence that unions be involved in this process, even though only a very limited number of members of the work force concerned may be members of a union. I ask: why is that? Approximately 30 per cent of the work force are members of a union. That is certainly not a reason for recommending that unions should be involved in every agreement that is entered into.

The engineers union in New Zealand is encouraging people to join that union. That union knows that it must earn the respect of its members in order to increase its membership. If the unions and the Government in this State continue to adopt a cement-boots attitude, they will not earn respect. The unions in Queensland are definitely going down the wrong track. The work force has shown that it does not want to be dominated in the form of compulsory unionism. Employees want to be able to work out their own agreements with their employers. History has shown that that can work very well.

If this country is going to get back on its feet, productivity needs to be enhanced. If each small business in this country employed one extra employee, it would certainly make a big difference.

Mr Beattie: Are you employing someone extra yourself?

Mr STEPHAN: We would employ an extra person in the shop, yes. A lot depends on——

Mr Beattie: For how long?

Mr STEPHAN: For one day—one day at a time. There are five days in a week and 52 weeks in a year. For how long does the honourable member employ someone?

Mr Beattie: Yearly.

Mr Santoro: Don't ask embarrassing questions.

Mr STEPHAN: I note that not many Government members actually employ people and pay their salaries. That is one of the reasons that this Government is experiencing problems.

Mr Bredhauer: Do you pay the award wages?

Mr STEPHAN: Of course we pay the award wages. As a matter of fact, we pay above the award wages. If an employer is going to get any support at all from his staff, he has to give them some support, too. If an employer gives his employees support, it will lead to a closer working relationship.

I notice that the enterprise agreements that are in place did not do very much to settle the unrest on the wharf just last week. The Government must realise that it is not supporting businesses to the extent necessary. Who suffered as a result of those shipments being held up? Who pays for the losses that are incurred as a result of the attitudes adopted by this Government?

This Bill does not do much for the employer. The Government has not gone out of its way to help the employer to operate his business. What the Government is doing is trying to pull the employer down. The Confederation of Industry has said that the Government is inconsistent. This Bill ensures that the employee is protected, but it does nothing for the employer.

Mr Beattie: That is not true. Have you read the Bill?

Mr STEPHAN: I have read the Bill. It is all for the employee all the way through. The Government needs to wake up to itself.

Mr Santoro: Keep going; you are doing well.

Mr STEPHAN: I thank the honourable member for that comment.

Mr Foley: What about the Nestles plant on the outskirts of Gympie?

Mr STEPHAN: When the Minister goes to have a look at the outskirts of Gympie, he might be able to take with him a pencil and a piece of paper, but I do not think he will be able to take with him the commonsense to enable him to understand what the local people in Gympie are looking for. As I have said, the Minister is one-sided in his attitude and his approach.

Mr Welford: It's nice to see you're even-handed.

Mr STEPHAN: Earlier, the honourable member was trying to convince members to adopt a particular way of thinking. I am afraid that he did not do too well, because he is only looking at this issue from one side of the argument. When has he ever employed anybody in order to know what it is like to be on the other side and to hand over $500, $700 or $900 a week and make sure that it is there, even if he has to go without himself in many instances—as many people do?

This issue has a lot of depth and variation. It represents a very important part of our future. I ask Government members to think again, to have another look at what they are doing and at least endeavour to ensure that we have a brighter future than we have faced in the past couple of years.

Mr JOHNSON (Gregory) (9.01 p.m.): Tonight, I rise to speak to this Industrial Relations Reform Bill. In doing so, I point out that the people who represent the Government on the

other side of the House should think for a little while about what this legislation means and what it will mean to everybody in Queensland—the worker and the employer. To be successful, we must work together. But this legislation will divide and erode the relationship between the employer and the employee. The legislation that was in place before this Government came to power created harmony in that regard. Now we are going to see that torn to pieces.

Through this legislation we will see productivity fall right across-the-board. Thus, there will be a snowballing effect right across all industries. This legislation will expedite mass unemployment, which is already occurring. It will hasten that process.

Mr Fenlon interjected.

Mr JOHNSON: The honourable member can sit there and laugh. He is a very irresponsible member. We are led to believe that the unemployment rate in Queensland is 11 per cent. But the sad reality is that it is probably closer to 15 per cent. Thanks to the efforts of this Government, the unemployment rate seems to be growing, particularly in the railways, which I shall mention shortly.

Through this legislation, the Government seems to be on a campaign to destroy the achiever. If somebody is out to achieve and create something, somebody else must benefit. If somebody is doing well, that person will create employment and employ more people. But Government members do not seem to be able to recognise that. They are not being honest with themselves. Profitability benefits everybody, not just the person who does the employing, owns the business, or whatever. The dole queues will get longer. This legislation will destroy that achiever financially, physically and socially. That seems to be what this legislation is hell-bent on doing. It will not only destroy the employer, it will also destroy the worker.

Mr Fenlon: How?

Mr JOHNSON: If the employer falls over, the worker is out of a job. The honourable member is an educated man.

Mr Foley: "We'll all be rooned, said Hanrahan"!

Mr JOHNSON: The Minister will eat those words. I shall tell the honourable member how the worker will fall over. This legislation is only out to protect the employee, not the employer.

Mr Vaughan interjected.

Mr JOHNSON: No, the member has got it wrong. I shall cite some prime examples of this. In 1966, what occurred at Mount Isa Mines was a classic example of how the mining industry in north Queensland was virtually brought to a standstill because of a couple of selfish people. I shall talk about Pat Mackie and his achievements in Mount Isa during that year. That cost the export earnings of this State close to $800m because of the greed and selfishness of a couple of people. You can shake your head, Mr Deputy Speaker——

Mr DEPUTY SPEAKER (Mr Bredhauer). Order! The member will come back to the Bill before the House.

Mr JOHNSON: I am talking about the Bill. I am giving examples of how this Bill will further erode what is best for the employer and the employee. In the case of Mount Isa Mines—all members know what happened there. Pat Mackie ran off with the tin and left all the workers high and dry. That is what happened, and that is going to happen here, too, in this situation. As a result of this legislation, I do not see how the worker is going to be able to negotiate when it will be a one-way street. We are not here just for the worker; we are here for the employee and the employer. I believe that this Bill does not address that.

1994 is the Year of the Family, but members on the Government side of the House do not seem to want to value the family unit. As a result of this legislation, we will see increased unemployment. The loser will be the family unit. This is a sad situation. People such as Laurie Brereton, Kim Beasley and Matt Foley have turned people such as John Halfpenny, Laurie Carmichael, Norm Gallagher, Bill Ludwig and company into well-off people at the expense of the worker. This cannot and should not be tolerated.

Tonight, at the Gateway Hotel, I attended a drought committee meeting. The member for Fitzroy was there, as were the Honourable the Deputy Premier and four Opposition members. It was gratifying to see the bond between the people from the mining towns in central Queensland. Coal miners' wives were working with the rural people to try to get the situation in that part of Queensland back on course because of the drought that has been compounding the problem there.

Mr Deputy Speaker, you might say that I am straying from the Bill, but I am trying to point out to this House that this piece of draconian legislation is tearing the people of this State apart. As I said at that hotel tonight, people from all facets of life are working for the betterment of their fellow man, and this legislation should be working for the betterment of our fellow man.

Mr Santoro: We're all Queenslanders.

Mr JOHNSON: Exactly. As the honourable member for Clayfield says, we are all Queenslanders.

Mr DEPUTY SPEAKER: Order! The member will come back to the Bill before the House.

Mr JOHNSON: I will come back to the Bill. I did not think I was off it. I want to speak on behalf of the railway employees of this State and the unjust, harsh treatment that has been dealt to them by this Government, which is supposed to represent the worker. I might say that the people on this side of the House now represent the worker. As Neil Turner, the member for Nicklin, said this afternoon, it is the academics' and lawyers' party; it is not the ALP. Mr Turner summarised it well.

I must pay tribute to one union man. I just say a big "thank you" to Trevor Campbell of the Public Transport Union for having the guts to stand up for his employees in the railway debacle late last year. That is the sort of person that we want in unions. That is the sort of person with whom the Government should be consulting when it drafts this type of legislation.

Mr Beattie: Who does he support? He supports the Labor Party. That's who he supports.

Mr JOHNSON: I know he does, and I respect that. I take that interjection from the member for Brisbane Central. I will say that at least the member for Brisbane Central and the member for Archerfield had the guts to stand up and fight for the railway workers. The rest of the members opposite did not.

Mr DEPUTY SPEAKER: Order! This is not relevant to the Bill before the house. The member will come back to the Bill before the House.

Mr JOHNSON: However, I will tell you, Mr Deputy Speaker, that while I am the member for Gregory and while I am standing in this House representing the people of that seat, who include a great many railway workers, I will fight to the death for their cause. Members opposite might want sell them out, but they will have a champion here when it comes to the railways. I see the Honourable the Minister writing frantically. I urge the Government to consider one thing.

Mr Santoro interjected.

Mr DEPUTY SPEAKER: Order! The member for Clayfield will cease interjecting.

Mr JOHNSON: This country is in a very, very poor state of affairs—thanks to what has been going on in Canberra for 10 years. The point I want to make is—let us work this one out together. Let the worker and employer talk about it and negotiate. That is how one gets the best deal. If one has a problem, one negotiates. Let those people do it between themselves. We should not have legislation which pits one against the other. Unfortunately, that is exactly what the legislation will do. It will the divide workers and employers, which is a sad state of affairs and bodes ill for the productivity and the betterment of this State.

Mr GILMORE (Tablelands) (9.13 p.m.): Earlier in the debate the member for Mansfield quoted a piece of poetry by Henry Lawson. It was at that moment that I felt obliged to say a few things about this legislation. A number of people from both sides of the House have tried to put together the essence of the legislation and what it will to mean in respect of our efficiency—particularly in the international trade forums in which these days we pretend to take part. I believe that that quotation from the member for Mansfield clearly demonstrated the problems with the Labor Party's view of industrial relations and the unhappy mix that is being created by this legislation. As has just been said by the member for Gregory, rather than working together and creating a cooperative arrangement whereby we as a nation are standing side-by-side, working as partners in this world of competitive industry, this legislation seeks to further continue the divide that has been created over many, many years.

I do not have to lecture members on the Government benches about the development of Australian unionism. I do not have to lecture them about its genesis. I do not think that members on this side of the House ought to forget the genesis of the union movement in this State. It came from extreme adversity. It arose during the very difficult time of the shearers strike. They did not go on strike because they were doing well; they went on strike because they were faced with very, very difficult times. We must never forget that, because out of that conflict came a union movement which, over the years, developed into something that it was never meant to be. It developed strengths which, unfortunately, tipped the balance from the extreme of one side that created the union movement to the extreme of the other. This nation can no longer afford extremes. I would not advocate for one moment that the union movement disappear, because extremism is alive and well in this country. The kind of adversity that we faced in the past could easily raise its head again—from either side of the industrial spectrum. We must remember that, but we must also remember that as a nation we are confronted with the reality of trading with the best in the world. The best are not necessarily Australians working in New South Wales or

Victoria. The best are scattered around the world.

Mr Elliott: In Asia. would you believe.

Mr GILMORE: In Asia—those developing tigers—where currently people are experiencing poor wages and conditions. Those are the kinds of things that in the past the Australian union movement fought to improve. As the member for Hinchinbrook said before he was sat down, as a nation we are competing against people who are paid very poor wages but are working with the best technology in the world.

Mr Welford: You want that here, don't you—poor wages?

Mr GILMORE: No, I do not. My friend has not been listening. I am saying that it is the responsibility of this Parliament to see that we develop as a matrix of people working together—committed to the future of this nation; committed to the profitability of industry so that we can afford to employ people at the wage levels that the workers of this country have come to believe is their right. We do not need to go back to a bowl of rice and a kick in the pants every morning as the wages of the day. We do not need that and we do not want it. That is un-Australian, unreasonable and unrealistic. However, we need to ensure that there is a reasonable balance struck between the right of a worker to get reasonable compensation for a day's pay and the right of an employer to get a reasonable day's work out of that person for the remuneration that he paid.

I will return to my original point. Out of the trauma of the development of the union movement and over the subsequent 50 years, we developed an unfortunate set of circumstances in this State which has cost this nation dearly in terms of our international competitiveness. We had inter-union rivalry. We developed that wonderful Australian disease called a demarcation dispute. If one reads the history of Australia's industrial progress, one finds that some of the most costly disputes that have occurred in this country, and have cost us dearly as a nation in terms of our ability to compete, have been demarcation disputes between unions—not between the worker and the boss, but between unions. They closed down the railway lines; they closed down the coal mines—simply so they could argue about who should have jurisdiction over whether somebody made the tea or whether somebody drove the truck. Those are the sorts of things that this nation can no longer afford. I am pleased that the Federal Parliament, under the jurisdiction of the Labor Party, is moving away from those types of disputes. We have been through the period of the Accord but that in itself has not been sufficient to create the feeling of understanding, the feeling of oneness, the feeling of ownership of Australian industry——

Mr Livingstone: It is not one-sided though, is it?

Mr GILMORE: Of course it must not be one-sided. That is what I am on about. This legislation, unfortunately, continues to allow the dreadful dead hand of unionism—that reactionary group of people who have been dragged kicking and screaming through every stage of the reform of the industrial situation of this nation—to intervene at every stage of the reform process.

Members on the other side of the House will remember well when we tried to change the single man operation of trains. We remember it well because it could not be done because the unions of the day said that it ought not to be done, simply because there would be one fewer person operating the train. Of course, that would be unfortunate because somebody would lose his job. However, it meant that it improved the efficiency of the operation. If there is anything that this nation needs today, it is to aspire to world's best practice—world's best efficiency in everything we do. It does not matter whether we are driving buses for the Brisbane City Council, whether we are driving triple-header coal trains in central Queensland, or whether we are operating coal loaders in central Queensland. If we are going to survive, and to be able to pay the people—whom the Government purports to represent—the wages they need to survive in this country, we have to do it better than anybody else. It is very important that we understand the lessons of history and do not go back. We must never go back to the situation in which the unions of this nation—and over the years, they have been a reactionary group—were allowed to continue to drag their feet. This nation can carry the unions, but it cannot drag them. So the Government should at least have the decency to ask them to lift their feet.

Through the negotiations of the 1950s and the 1960s, we developed work practices which are today anathema to us. We developed conditions that were far in advance of the capacity of the industry to pay. It did not matter how ridiculous they were, those conditions became inviolate; they could not be eliminated. During that time, we did not have multiskilling. A tradesman was the man who worked the spanner, but he could not clean the floor. That is an illustration of the types of practices that have to be thrown into the waste basket of history, because we can no longer afford them.

An interesting alliance was created by the high tariff measures that were put in place during the 1950s and the 1960s. It suited the union movement, because it protected Australian industries, which were forced to employ more people, to pay higher wages and to provide better conditions for them. However, now that this nation has been exposed to the realities of world trade, we can no longer tolerate those types of practices that dragged us back.

For instance, in the coal industry, Australia is subject to competition from nations that have excellent coal reserves that are close to ports, easy to mine and covered with a very shallow layer of overburden. Those countries are very competitive indeed on the world market. Australia must continue to compete, and the only way we can do that is to create better efficiency. Currently, Australian coalmines—and I speak about Queensland's mines; I have recently visited some mines in New South Wales—are very efficient indeed. I might say that that is a tribute to cooperation between——

Mr Livingstone: A tribute.

Mr GILMORE: It is a tribute to the cooperation that has taken place between the employers and the employees. I pay a great tribute to them, but there is still a long way to go. I am not sure——

Mr Beattie: Most of them are under Federal awards.

Mr GILMORE: It does not matter whether they are under God's awards. It does not matter what types of awards they operate under. The only award that matters is whether we eat at the end of the day, and most of the members in this House have a dirty habit of wanting to eat three times a day.

Mr Livingstone: If you don't have trust between everyone, we're not going to go anywhere. According to you, the boss is always right.

Mr GILMORE: I agree with the honourable member. We must have trust. The Minister was kind enough to observe that this legislation is really part of an evolutionary process in industrial relations. Somebody said that he will be back. Yes, he will be back. He must come back, because with these kinds of shackles around the process of getting people to talk to each other, Australia will not be able to survive and get industry to what we call best practice.

Interestingly enough, the electricity industry in Queensland is very close to best practice. It is not by any measure best practice in the world, but it is certainly best practice in Australia. There is a reason for that.

Mr T. B. Sullivan: But you keep knocking it.

Mr GILMORE: I ask the honourable member: when did I knock the electricity industry in Queensland? I have never done so, because the electricity industry in Queensland is a model for the rest of Australia to aspire to. I am proud of it. Currently, some things are happening in it that are going destroy it, but that has nothing to do with this legislation. The electricity industry in this State has aspired to, and has achieved, best practice because of a very unfortunate set of circumstances that occurred in 1984-85. It would have been wonderful if we could have avoided it. However, I will use that wonderful word "recalcitrance" and say that had we been able to avoid the recalcitrance of those reactionary unions that——

Government members interjected.

Mr GILMORE: I wonder how many members remember what was the genesis of the electricity strike. What was it?

Mr Livingstone: Contract labour with SEQEB. I can't tell you which job it was. The fact is it was in relation to contractor labour, and it was provocative.

Mr GILMORE: Where was the job? It is lost in history. We have all become so bitter and twisted about this episode. I have just read the history of that dispute, and I do not want to debate it in this place tonight. I do not want to lift the scabs off old wounds. That is not why I am here. Instead, I would plead to be the voice of reason.

I will go back to the matter about which I was speaking. The electricity industry has become vastly efficient because we have had to adopt a contract arrangement. We have now been able to get in contractors to carry out maintenance work on power stations. We can now build powerlines with contractors. Nobody died from that.

Mr Bennett: We've always built powerlines with contractors.

Mr GILMORE: Exactly, and that arrangement is working very well indeed. The contract arrangements that now exist in the electricity industry and the award arrangements that exist in the electricity industry in this State are making it the pride of this nation and the kind of industry that everybody aspires to emulate. It is regrettable that we had to go through that very painful procedure to get there, but we went through it. I do not need to talk any more about that episode other than to say that out of that fire came a wonderful piece of industrial business in respect of the Queensland electricity industry, which we all ought to take some pride in. We

should remember the lessons of the past and hope that we do not have to pass through that valley again.

In respect of the mining operations in this State, I have said already that they are extremely efficient. There is still much to be done.

A Government member: Like what?

Mr GILMORE: That is an interesting question for the honourable member to ask—"Like what?" We must do whatever needs to be done to remain in a pre-eminent position, and to be able to survive. It is no good sitting back and saying, "Like what?" It is no good sitting back and saying, "We have done it." All of a sudden we are the best, but once we get to be the best, then we have to continue to be the best. We have to aspire to be the best, night and day. We simply cannot sit back on our laurels. We simply cannot say, "What more can we do?" We have to keep working at the business, but this legislation does not aid in that process.

I deeply regret to have to participate in a debate about a piece of legislation that promised so much, yet has failed so miserably not only for the future of industrial relations but also for the future of the industrial competitiveness of this State on the world's stage. That should be the great concern for every member in this Chamber tonight.

Mr ELLIOTT (Cunningham) (9.29 p.m.): In taking part in this debate, I want to make a couple of brief points. It is rather incongruous to me that this Government has introduced legislation that purports to support those people who supposedly make up its constituency. Of course, I am referring to those people who work for a living. Yet, as mentioned by the member for Warwick, the Government is not even supporting its own cleaning staff in this building. It has absolutely annihilated the Hansard staff. It has eroded their working conditions absolutely. I do not know whether they are underpaid, but they are most certainly overworked in respect of meeting the requirements of members. It ill-behoves anyone who purports to support people who work on wages to have done the things it has done in this building.

Mr J. H. Sullivan: And we can presume you haven't got a speech, either.

Mr ELLIOTT: The honourable member is about to hear my speech. He can sit and listen, or he may leave. Members opposite have presided over a system of government— both the State Government and its Federal counterparts—laws and regulations which have resulted in a high proportion of all farmers, in particular, either making nothing for their 50 to 80 hours of work per week or, alternatively, a pittance in terms of their hourly rate.

Section 49AE and section 49AF will implement Article 1.2 and Article 3 of the provisions of the minimum wages convention of the ILO. As a lawyer, I am sure the Minister knows about those conventions. The following quote comes from a meeting of 3 June 1970 about the minimum wages convention—

> "Noting the terms of the Minimum Wage-Fixing Machinery Convention, 1928, and the Equal Remuneration Convention, 1951, . . . as well as the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951."

Article 3 of that convention states that the elements include—

> "(a) the needs of workers and their families"—

and if the Government suggests that people on farms are not workers, I suggest it tells them so—

> "taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups."

I suggest to the Government that this Bill—and what the Government has done and is doing—will have no impact on, or offer any assistance to, that group in society whatsoever. The Government has presided over an absolute disaster in human and social terms. If members opposite were the employers of rural people, those people would take members opposite to the ILO and prosecute them. The Government has not, in any way, shape or form, assisted or helped those people. They are the new peasant class. They are absolutely slaving to put food on the Government's table, and they are not even getting a mere pittance; most of them are making nothing. There were 100 000 farmers at the time of the farmers' march. That figure has probably dropped to around 80 000. Those people are being treated as second-class citizens. Members opposite have a cheek bringing in a Bill which will further exacerbate the position of rural people and make it more difficult for everyone involved in trying to make a living through agriculture, contracting or in any of the small businesses associated with rural and provincial centres.

I will quote an example to the House of what happens to someone employing four or five people in a machinery business—and there are plenty of them. As regulation increases, such businesses will have to put on another person to keep the books for the superannuation requirements, wage requirements, taxation and

so on. The Government is creating more regulations every day. It is making it impossible for businesses to operate. Because of the regulation and red tape involved in trying to run small businesses a clerk will have to be employed. It is an unmitigated disaster. It is adding to an already very serious problem faced by people who are trying to survive in the most difficult circumstances ever.

Not satisfied with that, the Government's own Queensland Industrial Relations Commission is getting involved. Let us take the example of a feedlot which is in the process of being built. People who live close to that feedlot—that is, farmers, all of whom are making a loss at the moment—have made a verbal agreement.

Mr Vaughan: They are not all making a loss.

Mr ELLIOTT: I take that interjection. Through you, Mr Deputy Speaker, how would the honourable member know; he has not been to this feedlot.

Mr Vaughan: I know. I've been out there.

Mr ELLIOTT: I am quoting a particular example of a feedlot. All of the people surrounding this feedlot are making a loss at the moment.

Mr DEPUTY SPEAKER (Mr Bredhauer): Order! The member for Nudgee will cease interjecting. The member for Cunningham will direct his remarks through the Chair.

Mr ELLIOTT: I did. I said, "through you, Mr Deputy Speaker" on every occasion. These people have made a private, verbal agreement with this feedlot. They are working as labourers. They have made an agreement which has allowed them to work as and when it suits them and suits the feedlot. They are working for $10 an hour. The minimum wage is $9.80. They are perfectly happy with that arrangement, as they do not have far to travel to work. If they were to travel to Brisbane to work as builders' labourers, they could probably make $15 per hour. But they do not want to work in Brisbane; they want to work where they live—in the country, right next door to home. Is it any wonder that they are somewhat annoyed about the commission upsetting that practice.

As it happens, another person has come along and has not really wanted a job. He has been there for three weeks. He said, "I am not satisfied with this; I want $15 an hour." This is despite the fact that all of the other people involved are perfectly happy with their $10. They were virtually going broke but now they are supplementing their own positions and will be able to stay on their farms until things get better. This Bill will be another nail in their coffins. It will make it more difficult for these people to do such things. Those two parties are not breaching the ILO minimum wage conditions. It is purely an agreement between two parties, which should be allowed to stand. The Government should not interfere in it. Not only is the Government being a busybody, which it is very good at, but it is also exacerbating a very serious economic problem for people who are very happy to have the work and the money.

The Government does not know what it is doing; it ought to see what is happening in the real world. Members opposite live in an ivory tower; they are all academics. Only a few people on that side of the House have worked with these types of people every day of the week. About the only practical bloke on that side is the "old phantom". He ought to be on the front bench doing something useful. But he would not get the job; he would be too practical. This Bill will make the whole predicament worse. It will make it more difficult in the future for people who wish to have personal agreements and for those who have done so already and who are perfectly happy. This will make the country area harder to work in and it will be harder to maintain and operate businesses. These measures are eroding the whole business process.

Mr PERRETT (Barambah) (9.40 p.m.): I had not planned on speaking to this Bill, but I do want to make a short contribution. The member for Cunningham made many of the points that I had intended to make. The Bill before the House proves why this Government and its mates in the unions are the scourge of rural industries right around Australia, and particularly in Queensland.

The Government may blame droughts, high interest rates and all sorts of other factors for the predicament that rural industry is presently facing. However, the fact is that the trade unions are running this country. They have made us non-competitive with our trading partners right around the world. Every time that a deal is struck between the Government and its union mates, increased costs to farmers are the result. Those increases may be reflected in the purchase price of a new tractor, a new machine or a spare part. They may be reflected in the cost of supplying commodities to the bush, fuel or other items.

This legislation is to be condemned in the strongest terms. This Government and its union mates have made this country uncompetitive. Recently, I have visited a few countries in Asia. Although I will not advocate that we should lower the conditions that apply to our workers to those that the workers in those countries are prepared to accept, I will remind members that this country was once referred to as "the lucky country". We

have so much to give—so many wonderful agricultural resources and excellent mineral resources— yet people do not want to trade with us because they do not trust us. They regard us as a liability. We are losing time and time again. Because they can deliver, Competitors such as New Zealand are putting it all over us. When an order is made, people want the goods to be delivered. Quite frankly, people cannot be guaranteed of receiving an order from us.

Mr Santoro: They could get it.

Mr PERRETT: As my colleague says, they could get it. After the next election, they will get it. We will put things right.

Mr Santoro: They will get lots of good things after the next election.

Mr PERRETT: We will certainly make sure that we right all these dreadful wrongs and that we give the productive sector—the business sector, the farmers and the miners— a fair go.

An Opposition member: And the workers.

Mr PERRETT: And the workers. The member for Gregory has often said that the National Party is now the party that represents the workers. We are the party that is interested in the workers. In recent times, many former members of the ALP have said to me, "This is not the party for which I have worked. This is not the party of which I have been a member and for which I have handed out how-to-vote cards. The National Party now represents the interests of the little people."

Mr Santoro: You're really hurting them. Keep on going.

Mr PERRETT: The member for Brisbane Central is not present in the Chamber, but I know that he drove up to Bethany in his Saab and had pumpkin scones——

Mr DEPUTY SPEAKER: Order! The honourable member will return to the contents of the Bill before the House.

Mr PERRETT: I will certainly return to the contents of the Bill. It is all about the Australian Labor Party looking after its union mates. Every time such a deal is struck, costs will increase more and more. As my colleague the member for Cunningham said, this legislation will make it harder and harder for people to survive. There is no fat left; it has all gone. If we can restore some sanity to this issue, and if people start considering their fellow man rather then being greedy and going for everything they can get, then we might start to get this country going again.

A glance at the back bench of the Labor Party reveals just how many members owe their seat in this Parliament to the fact that they have been backed by a union that has elected them to this place to push its barrow. Government members are performing that role very well, but they are doing it to the detriment of Queensland.

Mr J. H. Sullivan: You haven't read a single line. Open it up.

Mr PERRETT: I do not have to cite one single line of the Bill; it is full of examples. This Bill is all about dragging this country down. I will not open it and point to any one line, because the member for Caboolture knows very well that the bottom line of the Bill is——

Dr Watson: Do you want a copy?

Mr PERRETT: My colleague the member for Moggill has offered to explain it to the member for Caboolture.

Mr DEPUTY SPEAKER: Order! The member will return to the contents of the Bill before the House.

Mr PERRETT: In my view, this Bill will have serious consequences for the productive sector of Queensland. Over the years, our forefathers worked hard to provide us with the lifestyle that we enjoy today. As I said, this country has wonderful resources, but we cannot use them to their full potential.

I will not continue. I have made my point on behalf of the rural sector of Queensland. The unions are already in the shearing sheds. The unions have also got their hands on the sugar industry. The stopped the delivery of bins to sugar farmers. As a result, the farmers could not transport their cane to the mill. I am very concerned about this legislation, and I condemn it in the strongest possible terms.

Hon M. J. FOLEY (Yeronga—Minister for Employment, Training and Industrial Relations) (9.46 p.m.), in reply: I was particularly touched that, at long last, through the chorus of 27 speakers, we saw the theme of poetry enlivening and enriching the debate in this Chamber. I was delighted to hear the member for Mansfield refer to Henry Lawson's poem to set to one side some of the heresy that had tainted the earlier debate. I confess that, as I listened to the litany of complaints echoing from the Opposition side of the Chamber, I was struck by what a fine group of eighteenth century thinkers we have in the Opposition. They resembled nothing so much as what Oliver Goldsmith contemplated in the deserted village—a village which was utterly changed by the transformations in the workplace occurring in eighteenth century England; just as nowadays we are going through a rapid transformation in our workplaces which is changing utterly the relationships in the workplace between employer and employee,

putting behind us the old world of master and servant and grappling with the rapid changes in the world of work.

The future of our State and our nation depends upon our ability to respond to the changes sweeping through our workplaces. It emerged clearly from the contribution of Government members to this debate that this Bill is right at the centre of the way in which our community is responding to those profound changes in our workplace. This is not something that can be postponed to a later generation. There is an urgency about these reforms. As technology sweeps through our workplaces, as the need for restructuring and boosting productivity in our workplaces becomes more acute, so we need to examine ways and means of ensuring boosted productivity and increasing flexibility in our workplaces. That is the key theme that underpins this Bill; namely, that there is provided for in this Bill an avenue for flexibility for these new working relationships and boosted productivity in workplaces, specifically by allowing enterprise bargaining in the non-union sector.

Well may one understand how painful that must be for members of the Opposition, because they tried and failed to achieve enterprise bargaining in the non-union sector. Only one party—the Labor Party—has been able to achieve genuine enterprise bargaining in the non-union sector, because it has done it by cooperation, by persuasion and by working together to achieve the goal. Part of that, of course, has been achieved through essential safeguards built into the legislation. They are three key safeguards that were referred to by the member for Waterford and by other speakers during the course of the debate. Firstly, the maintenance of an award safety net; secondly, the requirement that the Industrial Relations Commission apply a no-disadvantage test to these enterprise flexibility agreements to ensure that they cause no disadvantage to workers when the package as a whole is compared with the award; and, thirdly, that the union has a right to be heard, although it has no right of veto.

In that regard, the national model upon which this is being followed—if I might say so, the Queensland model of enterprise awards made available through section 105 of the Industrial Relations Act which allowed for enterprise awards—when read together with the enterprise bargaining principles enabled enterprise bargaining in the non-union sector, as was evidenced in the Coachtrans case. Indeed, throughout the course of last year, in my representations on behalf of the Government of Queensland to Mr Brereton and to the Commonwealth Government and, indeed, in answer to questions from the member for Clayfield during the course of last year, I made it perfectly plain that those three key safeguards, hammered out here by a Queensland Labor Government, were key safeguards and principles upon which a national framework might be founded. I am delighted to see that the Commonwealth followed the Queensland model and expressed it in the form of these enterprise flexibility agreements, which put in place a simplified avenue for enabling enterprise bargaining in the non-union sector to take place.

The second principal theme in this debate has been that of certain minimum standards for workers, particularly those derived from the International Labor Organisation. They represent good business practice. We have heard the tales of doom from the Opposition about how this somehow will be an imposition on business. Yet, it was remarkable how little detail they were able to give about any specific provision which was unreasonable. Why? Because when one examines these in details, what one finds is nothing other than good, sensible business practice. One will find the sort of business practice that anyone concerned with continuous improvement and world's best practice would be advising anyone to adopt in the workplace if they are serious about boosted productivity, about getting good flexibility and about ensuring a change in culture to get the sort of workplace reform that is needed.

Those minimum standards are also about giving a fair go to women and a fair go to workers with family responsibilities. They come as part of the international law relating to employment and to human rights. I am surprised and, frankly, disappointed that some speakers failed to grasp the significance of that. We are, after all, at a time when international forces sweep through our economy as never before. Each day we become increasingly aware of how our local markets are part of our regional and international market, and so it is that international law impacts upon our employment practices. In that regard, Australia has a proud record. I might say at the moment, far from the ILO being regarded as some suspect organisation, that last year I was delighted to have the opportunity to visit there with Mr John Howard, the Federal Opposition spokesperson on industrial relations. He showed more respect for the institution than was shown by some of the speakers opposite in the course of today's lengthy debate.

Mr Santoro: We do not say we disagree with everything that the ILO comes up with.

Mr FOLEY: We should be proud of our record at the ILO. This year, even though

Australia is a middle ranking power—it is not one of the super powers—Australia is represented in the employers group by Mr Brian Noakes, and it is represented in the employees group and in the government group. We are only a small to middle ranking power, but we have that representation on the governing bodies of the ILO. It is a matter of which we should be proud.

The third theme that came through this debate was that of the impact on employment. Let me say this: if one reads closely that Green Paper on employment produced by the Commonwealth Government, one sees an ongoing commitment to labour market reform. That is so because, if we want to build a platform for secure jobs growth in the future, we need to make the most of the productivity of our workplaces. That is what this Bill is all about.

I am sad to say that many of the speakers on the Opposition displayed a singular lack of practical experience of workplace agreements. It would do them well to put behind them the arid, ideological debates of yesteryear and to go out into their own electorates—into their own businesses—and start talking with some real managers and real workers in real workplaces and learn about, for example, any of the 178 enterprise bargaining agreements already struck under the Queensland legislation.

Let me turn to some issues of process that were raised in the course of this debate. Before doing so, I note the careful attention to the debate and the careful interest in this topic that has been pursued by members of the exclusive brethren who are with us in the gallery tonight. I thank them for their input and their suggestions during the course of deliberations on this legislation. I note the careful attention that they have given throughout the course of today's debate. Let us turn to issues of process. The honourable member for Waterford dealt with this issue of consultation, but let me make it abundantly clear. The Government consulted with the key stakeholders, both industry groups and trade union groups through the statutory body, namely, the Industrial Relations Consultative Committee. The industry groups included the Queensland Confederation of Industry, the Metal Trades Industry Association and the Retailers Association of Queensland. The Government consulted with those bodies back in December last year, when they had copies of the Commonwealth legislation. We went through with them the details of the policies that we proposed in respect of each of those matters and sought their views and, again early this month, they were provided with draft copies of the Bill and were called to a meeting to comment on it.

There has been consultation with the effected groups and, indeed, this is a matter which has been well and truly debated. To be fair to the Queensland Confederation of Industry, its comments in early February in the *Courier-Mail* complimenting the Goss Government on its consultation with employers are evidence of fairmindedness in that regard. The honourable member for Waterford tabled that document for all the world to see.

Let me turn to the other issue of process, namely the role of our Government in protecting Queensland's jurisdiction, because that is a most important function of government. In this regard, I will deal both with the procedure and the substantive constitutional matters. With regard to this legislation, I have been on the public record in national newspapers, on national television and on national radio, arguing during the course of this last six or eight months the significance of the constitutional change. Indeed, this is a significant constitutional change. It is the first time that the Commonwealth Parliament has relied upon its external affairs power to make laws with respect to industrial matters. It is the first time that the Commonwealth Parliament has relied upon its corporations power to make laws with respect to industrial matters.

For that reason, it was important to ensure that Queensland's jurisdiction be preserved. Accordingly, I made the demand, both publicly and privately, on behalf of the Queensland Government that, with regard to the external affairs power, there be a roll-back provision on the part of the Commonwealth rather than merely covering the field; that is to say, that the Commonwealth should adopt the strategy not of legislating to cover the field, and thereby extinguishing State jurisdiction, but rather allow roll-back provisions so that where State law came into compliance with the relevant provision, State law would have force and effect. That was a most important concession to obtain, because without it the jurisdiction of the Commonwealth would simply have extinguished State jurisdiction in that arena.

With regard to the use of the corporations power—I demanded, both privately and publicly, that the certified agreements and enterprise flexibility agreements proposed under the Commonwealth legislation should be limited to those industrial parties who were respondents to Federal awards. Again, that demand was met.

I am pleased to say that, during the course of the drafting of the legislation—and this was a matter that I raised on the public record at the Ministers for Labor conference— provision was made for the Commonwealth Industrial Relations Commission to refrain from exercising jurisdiction

where there was an adequate alternative remedy in the State. That, it seemed to me, was utter folly and needed to be corrected and replaced with the requirement that the commission must refrain from assuming jurisdiction where there was an adequate alternative remedy in the State jurisdiction. I made that demand both privately and publicly. I am pleased to say that the Honourable Laurie Brereton, on behalf of the Commonwealth Government, saw the wisdom of that demand and, accordingly, the Commonwealth legislation was changed.

With respect to those questions of process—we have taken firm action to preserve the State jurisdiction while at the same time putting in place a sensible framework which means that ordinary Queensland employers can adopt exactly the same procedures and principles whether they are dealing with State or Federal matters. If they want to be involved in enterprise bargaining, they do not have to have one set of rule books for the Federal awards and one set of rule books for the State awards. This enables them to follow exactly the same set of principles and procedures. It cuts red tape and reduces the burden on industry. I would have thought that deserved the support of all honourable members.

I record my thanks to the departmental staff who have worked very hard upon this legislation; all the industrial parties of the Industrial Relations Consultative Committee; those industry groups that I have already mentioned; representatives of the trade union movement, including the ACTU (Queensland Branch), the Australian Workers Union and the State Public Service Federation; my ministerial staff; and the Office of the Parliamentary Counsel. I commend the Bill to the House.

Question—That the Bill be now read a second time—put; and the House divided—

AYES, 51—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Palaszczuk, Pearce, Power, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Warner, Welford, Wells, Woodgate *Tellers:* Pitt, Livingstone

NOES, 33—Beanland, Borbidge, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Hobbs, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Perrett, Randell, Rowell, Santoro, Sheldon, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

Committee

Hon. M. J. Foley (Yeronga—Minister for Employment, Training and Industrial Relations) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr SANTORO (10.11 p.m.): I want to raise a concern that has been put to me by several employers and an employer organisation that has consulted me in relation to family responsibilities. I want to make it clear that the coalition supports raising the awareness of employees and employers as to the means of reconciling work and family responsibilities. Subject to a suitable education campaign and a flexible approach which is not heavy handed, the concept of progressively reviewing industrial instruments to rectify discriminatory provisions over a three-year period is supported in principle by the Opposition. However, it has been put to me that this is a sector in which more consultation should be undertaken with employers and employees and their representatives prior to introducing any legislation.

Proceeding by the Foley approach will, in my view, only raise fear, misunderstanding and possibly inflame bigotry. The simple fact is that people do want to know if this will mean, for example, that gay workers will be obtain time off to care for sick partners. I do not raise that in a flippant or totally hypothetical way because the Minister may be aware that this idea was floated on page 1 of the *Canberra Times* last November. Everyday Queenslanders with all of their values will need to be reassured on what are the limits on helping workers with family responsibility. I would appreciate hearing the Ministers views on this particular concern that has been put to me.

Mr FOLEY: Clause 4 deals with the meaning of certain terms. The honourable member refers to the term concerning discriminatory provision, and that deals with discrimination in employment on a range of matters, one of which is family responsibilities. The honourable member raises the question of how broadly that is to be defined, and that ultimately must be a question for the commission and for the industrial courts to determine, having regard to the conventions out of which those provisions arose. It is a reasonable provision having regard to the increased emphasis in our workplaces about the need to deal with problems affecting workers with family responsibilities. As to the limits of that definition, ultimately these are matters that have to be determined on a case-by-case basis by the commission and ultimately by the courts.

The CHAIRMAN: Order! Before I call the honourable member for Clayfield, I would remind honourable members standing at the back of the Chamber of the provisions of Standing Order 25 which requires honourable members on entering the Chamber to be seated in their places.

Mr SANTORO: I am asking the Minister for his own personal view. Does he think that there is any justification for that fear that was recently expressed in Canberra in relation to that particular and specific instance?

Mr FOLEY: I do not think that I can fruitfully take the matter any further. The provision means what its says. Ultimately where there are matters of fact, these will be determined by the courts having regard to the facts of the particular case.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—

Mr SANTORO (10.15 p.m.): I will mention a few points that have been raised with me particularly from employer organisations. I want to make it clear that employer organisations, in the main, object to the provision that is contained within this Bill. I think that the Minister will be happy to admit that he has received a certain feedback, possibly as late as today, in relation to employer organisations' objecting to the setting up of these industry consultative councils. That is not because they have any particular territorial jealousy or territorial prerogative that they wish to preserve or protect. Basically, the question that they have put to me, and I am sure that they have put it to the Minister—and perhaps he may wish to inform the Committee of the answer—is: what is wrong with the current employer organisation set-up that exists?

We have heard the Minister and we have heard many of the speakers on the opposite side tell the House just how great the consultation process is and just how much they are enjoying working with employer organisations in pursuit of their industrial relations objectives. That is the objectives of the Government. The question that has been put to me and to the Opposition is: why is this duplication of industry consultative councils occurring? The Minister would appreciate that organisations such as the Queensland Confederation of Industry are organisations which are very representative. Many of them, including the MTIA, the QCI and the chambers of commerce boast a membership of many, many thousands. Within that membership there are various sub-categories of other associations which represent even more specific interests of particular employer groups. They are asking: why is this extra consultative structure being set up when, apparently, on all indications—including the admissions of the Government and particularly the Minister—this process of consultation is occurring in a meaningful and productive manner? At this late hour, I suppose I could be very cynical and suggest that it is because the organisations are not yes-men for the Government. From time to time, they give the Government a bit of stick, including the stick that they have been receiving in relation to this Bill. Perhaps the Minister will accuse me of being a little too cynical.

The other question that has been raised is the role of the commission. I am told that once the amendments that are contained within this Bill come into operation, and particularly if the Minister sees his cherished goal of having an enormous number of enterprises indulging in enterprise bargaining under the various provisions of this Bill, the commission would quickly be very much overworked. I am not predicting that that will happen, because I think the record will prove that the Minister's expectations in relation to small businesses employing the provisions of this Bill will be frustrated and will come to naught. Perhaps they will not come to naught, but he will not enjoy the success that, for example, enterprise agreements in New South Wales are enjoying.

As I stated within my major contribution to this particular debate, 70 per cent of those many enterprise agreements in New South Wales do have union participation and union endorsement. It is possible to get endorsement by unions in a genuinely free and democratic system. Let us assume that the Minister's anticipations do come to pass. I would suggest that the commission will, indeed, be overworked. I ask the Minister: has he considered the implications for the commission's and the commissioners' workloads? Does he anticipate that there may be a need for more commissioners, and will provision be made for more commissioners as the workload under this section is increased?

The other point that I wish to put to the Minister for his consideration and comment is: will commissioners develop the specific knowledge that will be required if they are directed by the Chief Industrial Commissioner to chair these consultative councils? Presumably, under this provision within the Act, there will be several—perhaps many—consultative councils. If they are meeting regularly—presumably the Minister and the Government would want to receive the feedback that they would deem to be desirable—how do commissioners develop

the specific expertise and the specific interest that would be necessary for them to play a useful role as chairmen of these consultative committees yet still perform the other tasks that they will be required to perform as a result of the implementation of these amendments and the carrying out of their responsibilities under existing provisions of the Industrial Relations Act? So a series of concerns have been expressed by employer organisations and, I believe, with reasonable justification, particularly when the Minister and other Government members have claimed that they are working very well with the employer organisations. I ask the Minister: did he consult sufficiently with employers, and what did those employers say to the Minister in relation to this issue during his consultations?

The CHAIRMAN: Order! Before the honourable member resumes his seat, could I suggest that he formalise his amendment by moving it?

Mr SANTORO: I formally move the following amendment—

"At page 23, line 11—

omit 'of' (2nd mention)."

Mr FOLEY: The Government will agree to the amendment proposed by the member for Clayfield. This Government always listens to reasonable propositions. As is the case with the unions, the Opposition should have the right to be heard, although when it comes to Government legislation, not a right of veto. The amendment is of a technical nature, and I am happy to accommodate it.

Turning to the industry consultative committees—they are contemplated in the next section, section 49D. It should be noted that they are bipartite, that is, they include both unions and employers. The provision encourages the parties to work together. With respect to the workload of the Industrial Relations Commission, the intention of the Bill is to reduce the incidence of arbitration through facilitating these consultative processes. However, the workloads of the commission will be monitored carefully. Currently, the commission operates on an industry panel basis. Although that is a matter for the commission itself, it may be that that will continue for some time. In that way, it provides a mechanism by which commissioners can gain industry knowledge.

The honourable member rightly refers to the positive work carried out by a number of industry associations, and this is intended to complement rather than be a substitute for that work. As the Bill indicates, it is intended to assist in the development of measures to improve efficiency and competitiveness in various industries and to address barriers to workplace reform in the industry. It mirrors a provision in the Commonwealth Act, and it is based on the proposition that sometimes one can achieve more by a consultative approach in that format than one could achieve through the more formal methods of arbitration.

Mr SANTORO: In relation to the three points that were made by the Minister—he mentioned the concept of veto and, if he chooses, we will debate the concept of veto in subsequent clauses. In relation to these bodies becoming representative and constructive bodies—I understand the intention of the Minister, and I suspect that it is a good and properly motivated intention. However, I remind him of the recent experience of a similar consultative committee that was formed within the tourism industry. I think that the Minister would recall—if he cannot recall it, and he seeks advice, he will be told—that there was much—"conflict" is perhaps too strong a word—dissension as various representatives of that industry jockeyed for positions and influence. I am told that in the end, in many ways, the entire set-up became quite unworkable. So, again, there are particular problems with the setting up of these committees.

The Minister quite rightly says that it will be a bipartite consultative council. Again, he may care to explain how he envisages that the various representatives of those councils will be selected. Will they be appointed by him, thus leaving him, or a Minister of any Government who may follow him, open to the charge of indulging in bias and cronyism by appointing people who favour the Government's point of view, and thereby receiving advice and consultative outcomes which may lead to opinions being put forward that favour the Government?

The other point the Minister made related to making the commission more sensitive to workplace conditions and to marketplace situations. I suggest to the Minister that another way of making the commission more aware of what is going on in the marketplace would be by making it more patently obvious that it needs to be very conscious of the effect that its decisions will have on the marketplace, employers and employees, and that when further applications come before it, it should be asked to provide a review of its previous decisions. I understand where the Minister is heading, but I am just wondering whether this mechanism will really get him there, and whether it is in the best interests of the various players involved.

Mr FOLEY: I will respond briefly. The composition of those bodies is a matter for the commission.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 9, as read agreed to.

Clause 10—

Mr SANTORO (10.28 p.m.): I move the following amendment—

"At page 28, line 23—

omit 'Part', *insert* 'Division' ."

Mr SANTORO: I just want to say a few brief words, then seek to elicit some response from the Minister in relation to the issue of paid rates awards. In his second-reading speech, the Minister indicated his expectation that paid rates awards will progressively be replaced by certified agreements. After all, that is almost word for word what Minister Brereton said. However, a closer examination shows that Minister Foley has tampered considerably with the Brereton formula, again with a bias in favour of unions. It represents a considerable watering down of the Federal approach which, of course, if the Minister was listening—and I suspect he was—represents the major objection to this Bill by the Opposition.

The Federal legislation provides for applications to make or vary paid rates awards, and also certified agreements and enterprise flexibility agreements, to be subject to review by commissioners who specialise in enterprise bargaining. In comparison, the Minister's Bill provides that paid rates awards may be made by commissioners who also arbitrate in the award stream.

Section 170U (a) of the Brereton legislation provides that the Australian Industrial Relations Commission must—and I emphasise "must"—not approve paid rates award applications unless it is satisfied—and I stress "satisfied"—in certain respects. In comparison, the Minister's proposed section 108B (3) (a) of the Bill provides that the Queensland Industrial Relations Commission need not refrain from making paid rates award if it considers that certain circumstances exist. I suggest to the Minister that this represents a lesser onus of proof by which the unions can satisfy and obtain arbitration rather than having to bargain. All of this should help to preserve in Queensland a continuation of the paid rates award system with ongoing arbitration for awards that have rates in excess of the minimum rates.

Again, we have heard the Minister and members opposite state that this Bill represents and seeks to complement the Federal legislation. However—again, with respect—I suggest to the Minister that there are some significant departures from the Federal legislation. He may wish to comment on the example that I have just given.

Mr FOLEY: The Government will agree with the amendment to clause 10 proposed by the honourable member. If the honourable member draws a distinction "without a difference", it may arise out of the fact that the Commonwealth has split the commission into a bargaining division and a general division, and paid rates are to be the responsibility of the enterprise division. In the case of Queensland, it is not considered appropriate to split the commission in that form.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 14, as read, agreed to.

Clause 15—

Mr SANTORO (10.32 p.m.): I move the following amendments—

At page 38, line 21—

omit 'the', *insert* 'those'.

At page 44, line 28—

omit '170MK', *insert* '170ML'

At page 53, lines 14 and 15—

omit '139CC (3) (f) and (g)'.

insert '139CC (2) (g) and (h)'.

At page 53, line 17—

omit '139CC (3) (g) and (h)'.

insert '139CC (2) (g) and (h)'.

At page 61, line 10—

omit 'the single enterprise mentioned',

insert 'a single enterprise'."

Mr FOLEY: Again, the Government will accept those amendments. They are reasonable suggestions. They are technical in nature, and we are happy to agree to them.

Amendments agreed to.

Mr FOLEY: I move the following amendments—

"At page 42, lines 27 and 28—

omit proposed paragraph (b), *insert*—

'(b) if the agreement remains in force after the end of the period of the agreement because of section 139B1 (2)—while the agreement remains in force because of section 139B1 (2).'.

At page 44, line 5—

omit 'only', *insert* 'other than'.

At page 50, line 20—

omit '139CD(3)', *insert* '139ED(3)'.

At page 68, line 11—

omit 'by', *insert* 'when'.

At page 68, line 12—

omit 'amendment', *insert* 'amended'."

Amendments agreed to.

Mr FOLEY: I move the following amendment—

"At page 55, after line 11—

insert—

'Person may retire from enterprise flexibility agreement

'139CJA.(1) A person bound by an enterprise flexibility agreement may file in the Industrial Registrar's office a notice of intention to retire from the agreement at the end of a specified period of at least 30 days from the day of filing.

'(2)The notice must be filed—

(a) within 30 days before the end of the period of the agreement; or

(b) if the agreement remains in force after the end of the period of the agreement because of section 139C1 (2)—while the agreement remains in force because of section 139C1 (2).

'(3) At the end of the specified period, the person who filed the notice is no longer bound by the enterprise flexibility agreement.'."

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 19, as read, agreed to.

Clause 20—

Mr FOLEY (10.34 p.m.): I move the following amendments—

"At page 102, line 16—

omit 'If satisfied an employer has',

insert 'Unless satisfied an employer has not'.

At page 102, lines 28 to 32—

omit proposed example.

At page 103, line 8—

omit 'the employee', *insert* 'a penalty of'."

Mr SANTORO: I want to make some comments on the provision for parental leave. I wish to refer particularly to various ILO conventions that have been addressed in this debate, and to comment on some of the points made by the Minister. Proposed Division 3A of Part 11 provides minimum conditions for parental leave. There is no requirement for the commission to make an order. There is no provision in the Commonwealth legislation that its provisions will not apply if Queensland has comparable provisions. Section 170KA (4) of the Federal legislation provides that its minimum provisions are intended to supplement State legislation and awards, which is code for saying that employees can have the best of both worlds.

Minister Foley is introducing similar minimum standards to avoid forum shopping. That is understandable. Having listened to the Minister, one might be excused for gaining the impression that pages 76 to 97 of the Bill—that is, the detailed provisions covering 22 pages—are needed for Queensland to comply with our international obligations. I respectfully suggest to the Minister that that is not the case. The detailed provisions are similar to mirror Commonwealth Government policy on how Australia's broad obligations should be materialised.

If members have any doubt about what I suggested, they should go to page 192 and look at the relevant articles—22 and 23—of the ILO recommendation. These provide, I suggest to the Minister and to honourable members, the barest of bones. The rest of the flesh is attributable to the Federal Industrial Relations Minister, Mr Brereton, and now Minister Foley. Although these provisions are supported in principle, Minister Foley is proceeding to impose them without adequate consultation or consideration of the cost on employers. This should occur before my commitment can be given to supporting the arrangements.

Although no comparable Federal provision exists, Minister Foley's Bill contains section 174BL, which provides a discretion for employers to assign a pregnant employee to safe duties or to direct the employee to take leave for a period that a doctor considers necessary. I would like to put some questions to the Minister—perhaps not for very specific comment, but to give us an indication as to whether or not he has thought about it. What does he estimate will be the additional costs of the new parental leave and termination provisions on the private sector and the public sector? Who does he propose to regulate to omit from dismissal provisions—section

175AC(3), on page 98? Also, why does the Minister see it necessary for unlimited compensation being able to be awarded? I wish to stress to the Minister that these questions are of considerable concern to people to whom we have circulated this Bill, and who have provided us with feedback. I would be grateful for his comments.

The other point that I wish to address is the whole concept of dismissal. When considering the Minister's enthusiastic support for Division 4, which imposes minimum requirements for dismissals, it is pertinent to remember that the Commonwealth Government ratified the termination of employment convention without the agreement of the Queensland Government. I took particular note of the Minister saying that we have significant international obligations to observe and to ratify within our legislation. He went on to say how many letters he had written and how many public warnings or reservations he had expressed in relation to various ILO conventions—presumably including the termination of employment convention, which was implemented without the agreement of the Queensland Government.

The comparable Commonwealth arrangements which are being followed consist of a number of minimum entitlements in respect of employees, whether or not they are covered by Federal or State awards or agreement or are award free. These minimum conditions include circumstances when terminations are unlawful; the periods of notice that employers must give before terminating employees; the requirement that employers advise the CES in certain circumstances, and that failure to notify the CES constitutes an offence.

It needs to be emphasised that those Federal provisions apply to employees covered by the State legislation. There is no provision in the Federal legislation to say that those provisions do not apply if an adequate remedy exists in the State jurisdiction. However, it is only the other Federal termination provision that requires the Federal court or commission to refrain from making orders if an adequate alternative remedy exists under State legislation. However, it must be remembered that, if the current Bill is enacted, there is no cast-iron guarantee that the Federal court or commission will not make orders covering employees under State jurisdictions, as this will be dependent on whether they consider the current Bill adequate. This is the Federal arrangement that Minister Foley says he supports: Federal industrial tribunals making decisions on whether or not the legislation of the Queensland Parliament is adequate.

A closer examination of this Bill and the provisions of this clause once again demonstrates that all is not what it is made out to be. For example, section 175BC provides significant minimum periods of notice based on length of service. This is supposed to give effect to the ILO convention, which is mentioned in the legislation. However, Article 11 of the termination of employment convention merely states that a reasonable unspecified period of notice is required to be given. This example illustrates the point that many of the dismissal provisions in the Bill go well beyond the need to comply with Australia's ILO commitments. The provisions are a result, I would suggest, of the ACTU/Brereton deal, not the imposition of ILO standards, and employers have to bear the cost without adequate flexibility.

I again remind members that, if they doubt the point that I am making in relation to the very generous provisions that are contained in this clause, all they need to do is look at the schedule to discover that they are very generous indeed in comparison with what the ILO set down. Substantial criticisms can be directed to this portion of the Bill, including the impracticality of employers operating in a commercial environment notifying unions in advance of proposed retrenchments, as proposed by section 175EA. I ask the Minister: what is the rationale behind that?

These changes include the compensation that can be ordered where unlawful dismissal has occurred. The Federal legislation provides that the court may order that the employer pay unlimited compensation to the employee. This flows over into section 175CC of the Bill. This replaces the existing provisions of the Queensland legislation, which place a cap of one month's wages per year of service on compensation in lieu of reinstatement. The cap is to be lifted and the maximum amount that the commission may award will be unlimited. Given its open-ended nature, this provision is opposed by us. The example at the bottom of page 102 of the Bill places no limit on the commission. This issue is so serious that the Minister will recall that only very recently a very reputable law firm suggested that, if employers did not want to become trapped by the possibly expensive nature of the application of this provision, they should start dismissing employees now if they thought that the dismissal of those employees was a desirable thing for the continued viability of their business.

Other changes from the Federal legislation are the addition of "performance" to section 175BA as another reason for validly dismissing an employee; the inclusion in section 175BB of

"capacity" as an additional ground for when an employee is required to be given the opportunity to respond to allegations; and changing the periods of time within which the applications of employees or unions must be made under paragraphs (a) and (b) of section 175CA from 14 days to 21 days in both cases.

In addition to all the obligations and penalties that the Bill imposes on employers, I suggest that the Minister is adding another slug with section 175CG, which does not mirror a Commonwealth section. Again, I believe that this waters down the message that the Minister is trying to convey to us that this is an exact replica of the Federal Bill and is aimed at providing complementary legislation. I suggest to the Minister that this section will be an enormous burden and will cause enormous heartburn to many small businesses. The Minister may wish to comment on whether or not these potential future costs to small businesses were considered when this particular section and these particular amendments were being drafted.

Mr FOLEY: Dealing with provisions for parental leave—the relevant provision is set out in the new Division 3A at page 76 of the Bill. This gives effect to the family responsibilities convention and the family responsibilities recommendation. That is quite appropriate, having regard to this year being the International Year of the Family.

As to minimum standards—the honourable member asked about the cost or burden to industry. The answer to that is that many of these practices embody best practice for industry in any event. They are designed to help create the sort of workplace culture which assists in making our workplaces more productive and more profitable. At the end of the day, they are designed to assist workers to have certain basic rights but also to ensure that we have a climate of workplace reform in place to ensure that we achieve the boosted productivity that is needed in our workplaces.

With regard to the provisions concerning termination, I might take the honourable member to the provisions of the new section 175AC. The honourable member will see there that there are certain exclusions of employees, including casual, part-time or seasonal employees, employees engaged by the hour or day and employees engaged for a specific period or task. If one looks down at section 175AC, one will observe that they are in fact designed to pick up the standards set out in the Queensland Industrial Relations Commission statement of policy on termination of employment, introduction of changes and redundancy of 16 June 1987. That is to say, they reflect a standard with respect to those exclusions and exemptions that have been in place and have been reasonably well accepted by the industrial parties.

Turning to the issue of the removal of the cap—if we were to leave the cap, then the applicant would simply wander down the road to the Federal Industrial Court, and Queensland would lose jurisdiction. That is the first reason for doing it. The second point to make, however, is that the assessment of compensation depends upon the assessment of the merits of a particular case by the commission, having regard to all the facts and circumstances of the case before it. It should be said that, in Queensland, we have had a robust jurisdiction for unfair dismissals for some time, so that this really holds no terrors for Queensland business and industry.

As to the removal of the cap—the honourable member is quite correct in that this will mean that, in an appropriate case, damages higher than those previously provided by the cap can be awarded. It is our expectation that that will occur in only a very limited number of cases. The previous cap in any event was fairly generous—some four weeks for every year that the person was employed. I am told that the experience in Victoria is that, although this has made a difference in a small number of cases, it has not had an impact overall with the general run of cases or with the average impact of these provisions.

At the end of the day, it is important to remember that these are concerned only with unfair dismissals, not with fair dismissals, and that the facts and merits of a particular case have to be demonstrated before the commission.

Mr SANTORO: I thank the Minister for referring me to section 175AC, within which exclusions are detailed. I intended to refer to that particular section in the remarks that I am about to make. Section 170CC of the Federal legislation does provide for exclusions by regulations within the limits of Article 2 of the Termination of Employment Convention, and this is mirrored in section 175AC (3) of the Bill. I think that the Minister would note that the Commonwealth has not yet made its regulations. I suggest that subsections 175AC (1) and 175AC (2) of the Bill are not of as much help as the Minister has just suggested. Respectfully, I say that they have limited application.

For example, under the Bill as it stands, an employer may still be required to pay compensation of up to $1,000 to certain casual employees if the employer fails to notify the CES about his or her dismissal due to larger scale redundancies. If the Minister says that this in fact

will not apply, despite the provisions of this part of section 175AC (1), he may care to tell me how casual employees in those sorts of circumstance will be excluded.

I also ask the Minister to state whether the new dismissal entitlements will apply to all public sector employees and, if so, where are the amendments to the public sector legislation to override these advantageous provisions? I suggest to the Minister that this particular issue is being ignored in Part 3 of the Bill. Maybe he has some comments.

Mr FOLEY: Yes, they will apply to public sector employees. With regard to the Commonwealth regulations, I have in fact written to Minister Brereton drawing his attention to what I have respectfully urged upon him as the wisdom of the Queensland approach so that he might follow in this modest part of the Bill the Queensland model that he was kind enough to adopt for the whole scheme and structure of the Federal legislation.

With regard to the earlier question about the reason for notification in the case of pending dismissals of over 15 people, really, the answer to that is pretty straightforward, namely, that we live in a time of restructuring, of downsizing and of technological changes, and industries have to reorganise themselves. It is quite important—in fact, it is simply good business practice—that those displaced workers should have the chance at the earliest opportunity of getting an alternative job or of getting the necessary retraining to help them get a job. That is really the policy behind those provisions.

Mr SANTORO: I want to briefly refer to the role of unions, and particularly the requirement for union notification in case of dismissals. When speaking on a previous clause, the Minister was kind enough to refer to the presence in the public gallery of certain people who have a very strong interest in this legislation. He mentioned a group of Queensland citizens who call themselves the Brethren. One of the beliefs that that body of people hold is that their conscientious convictions compel them not to have dealings with certain groups within our society. In this particular case, their conscience means that they cannot negotiate nor sign any agreement with a union. They conscientiously object to officers of industrial organisations having a right of entry to their business premises. Because of those convictions, they cannot make an enterprise bargaining agreement or an enterprise flexibility agreement. They claim that an enterprise award would be open to them, but this is well known to be impractical and cumbersome, especially for smaller enterprises.

The reason I raise this situation here is that I do know that they have made submissions to the Minister about conscientious objection as, indeed have——

Mr Beattie: You're putting us to sleep. Get on with it.

Mr SANTORO: I am representing people who have a very reasonable concern. After all, the God given right of free conscience and free speech should not be denied to anybody, including the honourable member for Brisbane Central, who in most cases I regard as a fair and reasonable person. I am sure that through unreasonable interjections, the honourable member for Brisbane Central will prove that he is against people seeking to exercise conscientious views.

Mr Chairman, this particular clause presents difficulties not only to the people who I have just described and who are listening to this particular debate with great interest, but it also represents some considerable problem to the Opposition and, indeed, many employers who have formally approached the Opposition. They have asked us, "Why should we be required to provide notification to the CES and to the unions and to suffer penalties if we omit to do so?" I also understand that the penalties are prospective in that people can call for the imposition of penalties well after the offence under this particular Act is committed.

Even though the Minister was very complimentary to the people in the gallery and to other people who have made representations who are not here, I still note the presence of the Brethren. I do so not to score a political point, because I make the submission in a very genuine way, not only on behalf of the people looking down upon us, but also on behalf of the Opposition who have, in fact, over many debates—particularly when it comes to industrial relations matters— put it to the Government that freedom of choice as to who one deals with and who one has dealing for one is still a principle that should be supported.

Even though the Minister and members opposite do make some very pleasant and some very understanding comments about the desirability of being able to freely exercise conscience and being able to deal in a fair and open way, there is still nothing in this legislation that waters down the stranglehold that unions have because of their influence over the system.

The Minister keeps on saying that there is no right of veto. That is not disputed by me or anybody else on this side of the Chamber. The unions have an almost automatic right under

various provisions and sections of this particular Bill to appear——

Time expired.

Mr FOLEY: Just dealing with the issue of those exemptions to which I referred earlier, they apply, of course, to the notice provisions and the redundancy provisions relating of 15 or more employees. They do not apply to harsh or unjust dismissal. For example, a casual employee of 20 years' standing can seek remedy where the facts of the case warrant.

Mr Santoro: So long-term casuals would still attract those penalties?

Mr FOLEY: It depends upon the facts of the particular case as assessed by the commission.

Just turning to the other issue about notification to the CES and the industrial organisation or the trade union—the answer is that it is to assist in one of the greatest industrial and social challenges of our time, namely, the process of adjustment. Unions and the CES have an important role to play in that adjustment. The honourable member only needs to go to places such as Wollongong to look at the tremendous human devastation that has been caused by the process of restructuring. We need to face up to the fact that our workplaces are changing profoundly. We need to ensure that we have mechanisms in place for handling that process of change in a way which is as empathetic as possible to the workers concerned and to the impact upon their families.

Mr Santoro: Why the big stick approach, though? The Opposition could cop, perhaps, some incentive for employers to notify the CES or even the union, but why the big stick approach? Why the penalties? Why not give it a try? In these times of cooperation, consultation and good will, why the big stick approach?

Mr FOLEY: I do not accept the honourable member's description of a big stick approach. These are practices which one would expect any responsible employer to adopt. But when one is faced with the social challenge and social dislocation of industry restructuring with which all western societies are faced, one really has to address it with the force of legislation in order to ensure that we treat these problems with the seriousness that they deserve.

With respect to the brethren of whom the honourable member spoke—I have had the benefit of discussions with them. It is, of course, a matter entirely for them. They may well find that the enterprise flexibility agreements enable them to explore options over and above those that they currently have, which enable them to have enterprise bargains in the non-union sector. From my discussions with them, I understand that that would mean that the union would have a right to be heard before the commission, although not a right of veto. As I understand it, although they do not particularly favour that, it is something with which they could live.

This is adding an extra option to the range of options that already exist for them and other employers and employees. Some people find it perfectly satisfactory to operate within the existing award system. It may be that they will find it so. I am pleased that the industrial practice has been that there have not been difficulties in industrial practice in Queensland in their dealings with unions. I am very pleased that that is the case.

Dr WATSON: Can the Minister tell me precisely how notifying the CES is going to help in this great adjustment process about which he spoke a moment ago?

Mr FOLEY: I would have thought it obvious to the honourable member that, if one has a large number of employees who are about to lose their jobs, it makes a lot of good sense to put them in touch with the Commonwealth Employment Service, through which they have access to a range of programs funded by the Commonwealth Department of Employment, Education and Training, including programs to assist them to retrain and programs to inform them about the range of alternative employment that is available. The sooner that can happen, the more information those people can get, and the better cooperation that exists between Government and the industry that is seeking to downsize, the better labour market flexibility there would be. I would have thought that the first reason for doing it was a compassionate, humanitarian, social one, namely, to minimise the pain and the dislocation that have become too much a feature for many Australian families.

Secondly, even from the point of view of labour market flexibility, it makes a lot of good sense to ensure that, if an employer has skilled, experienced people who have to be put off, they be assisted to make the transition to other jobs available in other parts of the labour market as smoothly as possible. That is why provision exists for that notification to take place.

Dr WATSON: Do I take it, therefore, that in the notification process the CES has to be notified of every individual employee? Once the employer organisation notifies the CES that there may be a dislocation, what is the mechanism that is going to be used for the CES to operate? How much is that going to cost?

Mr FOLEY: The process that the local CES chooses to follow with respect to its own management of those restructuring problems is a matter between it, the company and the workers concerned. How much is it going to cost? It is costing an arm and a leg at the moment to try to deal with the social costs of unemployment.

I find this question a little surprising. Over the past couple of weeks, members have had a vigorous debate in this Chamber about issues of crime and law and order. I believe that everyone agrees that one of the things that we need to do to reduce problems of crime is to assist people to get a job to ensure that they do not fall into the abyss of unemployment and, particularly, long-term unemployment. If we can spend a few shillings to help people retrain and get into appropriate employment, it seems to me that that would be money well spent to avoid the many pounds that flow from the social and economic cost of unemployment following upon downsizing of industry.

Dr WATSON: Mr Chairman——

A Government member: This is your last throw of the dice.

Dr WATSON: It is my last throw of the dice. I have asked this question twice, but so far the Minister has not provided any specific instances. The issue is that the Minister is going to impose upon employers an obligation and a cost. He is going to subject them to potential penalties if they do not notify the CES. Yet he has been unable to quantify any possible gain.

The Minister has said that if there is to be any gain, that is between the CES and the employer. What does the Minister expect employers to supply to the CES? The Minister is putting this into the Bill. He is imposing costs. He is opening up employers to potential penalties, but he has been unable to specify a mechanism by which, once the notification takes place, the CES can automatically operate. The Minister has no idea of the costs. He has the audacity to say that unemployment is expensive. I accept that. But he has not been able to specify how this process will speed up people getting jobs. He has not been able to define the benefits in terms of reduced costs for Government. The Minister does not have a clue. All he is doing is imposing something on employers, which opens them up to penalties, with no identifiable or quantifiable gain whatsoever.

One of the things about which Opposition members spoke during their contributions to the debate on the second reading of the Bill was the costs being imposed by this Bill on business. One of the reasons is that it will increase costs to business and, thereby, in the long term, reduce employment levels and increase unemployment. The Minister has given no indication of the relative benefits and costs. I do not think he knows of any. He should have been able to tell us that. This is the third time that I have asked about this. Let us see if the Minister can tell us about that on this occasion.

Mr FOLEY: The cost of a postage stamp is 45c. The requirement under proposed new section 175EC is that the employer notify the CES. That need cost only 45c. This sort of cold, withering blast of economic rationalism does the Opposition side of the House no good at all. If the honourable member cannot see the plain commonsense——

Dr Watson: As an academic and a lawyer you ought to know better than that.

Mr FOLEY: I take the term "academic" as a term of praise from the honourable member.

Mr T. B. Sullivan: What about "lawyer"?

Mr FOLEY: Only a lawyer can really love another lawyer. I do not even expect that from the honourable member. His question is so breathtakingly lacking in human compassion for what is going on in real workplaces as to be an affront to commonsense. The honourable member should go to some of those factories where people who have worked for a long time have lost their jobs. The member asked a question about the benefit that will accrue compared with the cost of 45c to send a letter to the CES in order to assist those people to make something of their lives. The most reactionary, cold-hearted, Right Wing economist would surely see the benefit to the common good of assisting those people to make something of their lives. The sooner they can be put in touch with the employment authorities so that they can be retrained and get a job, the better.

Amendments agreed to.

Question—That clause 20, as amended, stand part of the Bill—put; and the Committee divided—

AYES, 50—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Pearce, Power, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Warner, Welford, Wells, Woodgate *Tellers:* Pitt, Livingstone

NOES, 30—Beanland, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Perrett, Randell, Rowell, Santoro,

Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Springborg, Laming

Resolved in the **affirmative**.

The CHAIRMAN: For all future divisions, the bells will be rung for two minutes.

Clauses 21 to 33, as read, agreed to.

Clause 34—

Mr FOLEY (11.19 p.m.) I move the following amendment—

"At page 116, lines 7 to 9—

omit, *insert*—

'Insertion of new s. 382

'34. After section 381—

'*insert*—'."

Amendments agreed to.

Clause 34, as amended, agreed to.

Clauses 35 and 36, as read, agreed to.

Clause 37—

Mr SANTORO (11.20 p.m.): I particularly want to make reference to the concept of industrial action. Section 467A makes it an offence to dismiss an employee because he or she has engaged, or is proposing to engage, in a strike. Members opposite would appreciate that the penalty is to be no less than $12,000 per employee. The provision within this clause of the Bill is strenuously opposed by the Opposition. This opposition is based on numerous grounds that are similar to the coalition's objections to the Labor proposals for a sanction-free bargaining period. For the sake of brevity, I will not repeat these objections, because I had much to say about them when I made my contribution in the second-reading debate.

In addition, the penalty is grossly excessive. If such dismissals are to be unlawful, the provisions should not be different from the arrangements that applied to other grounds for unlawful dismissal, as outlined in proposed Division 4 of Part 11 of the legislation. Also, reasonable limits to strikes should be provided to prevent businesses going to the wall. The question needs to be asked: why does Labor consider these grounds to be so much more serious than dismissing an employee because he or she is on workers' compensation? The answer is obvious: it is about tipping the balance in disputes in favour of the unions. Also, the reverse onus of proof is unnecessary and abhorrent. I would suggest that this is an absolute outrage. The Government's so-called commitment to civil liberties is exposed as an utter fraud. According to the Foley formula, everything is to be stacked against the employer. Why should unions not continue their strikes indefinitely, secure in the knowledge that their jobs are secure? Surely, even one-eyed Labor supporters, Government members and unionists would appreciate that there comes a time in the strike, such as was reached in the airline pilots dispute, when an employer has to engage alternative employees. The Minister does not agree, and wants unions to have open-ended freedom. This is certainly a provision within this legislation to which the Opposition objects most strongly. Why cannot the Minister advise the Parliament which classes of employees will be excluded? The Opposition is opposed to exclusions being prescribed by regulation. Considering the seriousness of the penalties and the reverse onus of proof, we suggest that they should be specified in the legislation. How can employers be expected to know who is affected if the Minister, as I have said previously, does not tell us.

At the same time, the Minister is toughening up the law, which will reduce the options available for employers who choose to take more drastic action in the heat of a dispute. The Minister is doing the reverse in respect of unions. I refer honourable members to clause 9 of the Bill, which proposes a new section 89. Under the existing legislation, the Industrial Relations Commission had wide powers in respect of the resolution of industrial disputes, which it exercises with great responsibility. The available orders include those under section 41, being the power to grant injunctions; section 42, being a direction or order of the commission in relation to strikes or lock-outs; and section 187, being action on industrial disputes on notification or in the public interest. Those orders are usually against unions because of strike action, although they have been made against employers.

Under the existing section 89, those orders specify a time for compliance and direct the union to serve a notice with the industrial registrar within the period advising whether it has complied. If the industrial registrar is not satisfied that compliance has occurred, he or she calls on the party to show cause to the Full Industrial Court why it should not be penalised. The penalties that the Industrial Court can impose include hefty fines, suspension or cancellation of union registration. Put simply, if a party chooses not to comply with the umpire's decision on a dispute, it knows that it must wear the consequences, including a discretion that the Industrial Court can impose a heavy punishment. To put it another way, if people

break the law, they go to court. This was included in the Neville Warburton legislation.

Today, under the guise of "improvements to institutional arrangements", the Minister seeks to make a major change. That is a change to which the Opposition objects rather strenuously. The Minister seeks to change the law so that, when a union ignores the commission's orders and breaks its laws, the employer will have to play policeman and prosecute the breach in the Industrial Court. I ask the Minister: why? What is the justification? Are the employers prepared to play this role? When the Minister asked them if they were prepared to play this role, what did they say? The breach is a matter between the union and the commission, not between the union and the employer. Why should the employer have to bear the cost and inconvenience?

I respectfully suggest to the Minister that this is another step back to the bad old days. In other words, under this legislation unions will declare open season on the public and strikes will occur, and employers' sanctions will become meaningless. Orders of the commission will be treated with contempt. If I could draw an analogy, it would be like having a State of Origin match with a referee whose rulings could be ignored. The Minister's approach would also be like one spouse who could not leave home without being beaten up by his or her partner while knowing that the police could not intervene, even though grievous bodily harm was being inflicted. After one beating is over and things are quiet, the victim feels that he or she has to be nice to avoid another beating. I am sure that we would all find such a situation abhorrent, which is the way the Opposition describes the provisions to which I refer in this Bill. Because of these very severe reservations in relation to industrial actions, which unions can take unfettered from any real sanction, the Opposition will be calling for a division on this clause.

Mr FOLEY: It should be noted that the provisions of new section 467A with respect to the dismissal of an employee for engaging in industrial action are subject to certain limits and safeguards. They apply to industrial action where that action has been notified to the Industrial Relations Commission, where that industrial dispute has been notified to the commission, or the commission has found an industrial dispute to exist. In those circumstances, the commission is charged with the conduct of that industrial dispute. It should also be said that the protection conferred by this section does not apply if the industrial action has involved, or is likely to involve, any unlawful personal injury or wilful destruction of, or damage to, property or the taking, keeping or use of property.

Let me turn to the latter point that the honourable member made with regard to the enforcement of orders of the commission. This amendment, like all the other amendments, has been the subject of consultation with both industry groups and trade union groups. It arose out of a finding of the Queensland Industrial Court that there was—indeed in the words of Mr Justice Mackenzie, the president of that court—"an administrative nightmare" under the present arrangements where certain problems arose with the enforcement of orders of the commission arising out of the dispute at the meatworks at Murarrie. As a result, a study was undertaken of His Honour's reasons for judgment, and corrective action has been taken to overcome the problems so as to bring the enforcement of orders in the commission really into line with the same principles and procedures that apply in the case of any other dispute between parties that goes before a court of law. In that case, if an order is obtained and one party is aggrieved that it has not been enforced, that party brings the matter back before the court to enforce the order. That is the provision that obtains in the courts of the land, and a similar provision is made in this legislation. The previous provision with respect to the enforcement of orders meant that action was continuing when the dispute was over, that is, the matter was continuing without it necessarily being the wish of any of the parties who were involved in the dispute at all. This reflects, as I say, the problems that were identified in that case and the administrative nightmare to which the President of the Industrial Court referred. Those provisions have been designed to correct that.

Mr SANTORO: The Opposition is not convinced or reassured by what the Minister has just said. As I indicated in the comments that I have just made, there is a relaxation of the legislation so that employees and unions can break an enterprise agreement by giving certain notice, and indulge in strikes or industrial action totally free from any sanction. Under this section, they cannot be dismissed for engaging in industrial action.

Employers have told us that this provision leaves it absolutely totally open ended and in favour of the employee and the union. I can assure the Minister that it is of no great consolation to have detailed within this section the circumstances in which the subsection does not apply—namely, if the industrial action has involved, or is likely to involve, unlawful personal injury; or wilful destruction of, or damage to,

property; or taking, keeping or use of property. We do not regard those as concessions—they are commonsense paradigms and absolutes. We thank the Minister for putting them in, but there are other safeguards that should be in there for employers who wish to, under reasonable circumstances, dismiss employees.

This legislation ties it all up. We can have a series of rolling strikes month after month and the employer will not be able to do anything about it. Employer organisations and individual employers have made some very strong and sensible representations in relation to this provision. Along the lines that I have detailed to the House, with respect to what the Minister has said, we are not satisfied and we still intend to divide on this clause.

Mr FOLEY: I will make a small point. It relates to a misunderstanding that the honourable member apparently has, and which was perpetuated by his speech during the second-reading debate. I will explain these aspects so that there is no ongoing misunderstanding. With respect to enterprise flexibility agreements or certified agreements—the party may not retire from that simply by the giving of notice. That has been put beyond doubt in the amendment which was circulated earlier and which has now been passed. That provision states that, within 30 days from the end of the period of the agreement, notice may be given to retire. Or, if the agreement finishes but continues on in force, a notice can be filed within another 30 days. Lest the honourable member perpetuate a misunderstanding, those certified agreements and enterprise flexibility agreements are intended to be what they are on their face value; namely, an agreement for a certain period. It would be contrary to the scheme of the Bill and contrary to good common sense if one party could retire voluntarily from them. That would defeat their purpose.

Question—That clause 37, as read, stand part of the Bill—put; and the Committee divided—

AYES, 50—Ardill, Barton, Beattie, Bennett, Bird, Braddy, Bredhauer, Briskey, Budd, Burns, Campbell, Clark, Comben, D'Arcy, Davies, De Lacy, Dollin, Edmond, Elder, Fenlon, Foley, Gibbs, Hamill, Hayward, Hollis, Mackenroth, McElligott, McGrady, Milliner, Nunn, Nuttall, Pearce, Power, Purcell, Pyke, Robertson, Robson, Rose, Smith, Spence, Sullivan J. H., Sullivan T. B., Szczerbanik, Vaughan, Warner, Welford, Wells, Woodgate *Tellers:* Livingstone, Pitt

NOES, 30—Beanland, Connor, Cooper, Davidson, Elliott, FitzGerald, Gamin, Gilmore, Goss J. N., Grice, Healy, Horan, Johnson, Lester, Lingard, Littleproud, McCauley, Perrett, Randell, Rowell, Santoro, Simpson, Slack, Stephan, Stoneman, Turner, Veivers, Watson *Tellers:* Laming, Springborg

Resolved in the **affirmative**.

Clauses 38 to 42, as read, agreed to.

Clause 43—

Mr SANTORO (11.39 p.m.): In my major contribution, I queried the necessity of having clause 43, which refers to ANTA, in the Bill. The Minister did, via interjection, say that it was a drafting error. I would like to know why there is a need to relocate clause 43 after Part 5. The Minister might care to explain to us why that has happened.

Mr FOLEY: It is in the wrong place.

Mr SANTORO: I accept that as a reasonable explanation. To complete this in a fairly light-hearted way—we do hope that the Minister does not put too many more of these schedules in the wrong places.

Clause 43, as read, agreed to.

Schedule—

Mr FOLEY (11.40 p.m.): I move the following amendment—

"At page 228, lines 20 to 22—

omit."

Amendment agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Foley, by leave, read a third time.

The House adjourned at 11.42 p.m.

V. R. Ward, Government Printer, Queensland