Speech by

Mr ALLAN GRICE, OAM

MEMBER FOR BROADWATER

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WORKPLACE RELATIONS AMENDMENT BILL

Mr GRICE (Broadwater—NPA) (10.01 p.m.): Tonight I wish to speak against the Government's attempt to abolish Queensland workplace agreements. The amendments being proposed by the Labor Party are the recipe for everything that Queenslanders feared. They are not amendments of some so-called Today's Labor; rather they are the policy rantings of a "Yesterday's Labor". These amendments are all about returning to the union heavyweight days and the days when freedom was a word that had no place in the workplace. They are about returning to the days when a worker was forbidden to be an individual. They are about a return to the days of either complying and conforming, being a member of the union and accepting what the union said or not having a job.

It is ironic in the extreme that a Government elected on a platform of jobs, jobs, jobs is so determined to act against job creators, that is, the small business sector. It is equally ironic that a political party that has always claimed to get its mandate from the workers is so fanatically determined to take away the basic rights of workers that were enshrined by Queensland's workplace agreements.

The Workplace Relations Act introduced by the coalition was a visionary policy—a policy aimed exclusively at tackling unemployment. Queensland workplace agreements provided an opportunity for the Parliament to do something very positive for Queensland and for Australia. At a time when unemployment is unacceptably high there is an urgent need for fair and progressive legislation, not the regressive amendments proposed by those opposite.

This is the moment to move with the times, not revert to some political rhetoric found exclusively in the pages of union handbooks. For six years under the former Labor Government, Queensland moved backwards in the area of industrial relations, which was a one-sided exercise dominated and controlled exclusively by unions. The ALP became a puppet Government manipulated by its masters in the union movement. And now when the Premier claims to lead a "Today's Labor Party", we are seeing proposed amendments that mirror the same fatal errors that made Queensland and indeed Australia become the industrial joke of the Western World.

Today we have an opportunity to stick with the reforms introduced by the coalition Government by rejecting the amendments of those opposite. These reforms did away with the bias that was entrenched in our industrial relations system. They ensured that the unfair, inequitable and inefficient provisions that applied to businesses were abolished. They ensured that the rights of employees were protected. The reforms were extensive and introduced a new right of entry provision.

Labor's laws entrench the right for unions to enter any workplace where the work being carried out was covered by that union regardless of whether the union actually had members in the workplace. There was no legislative requirement to provide notice to an employer of any intent to enter. As one would imagine, such broad powers have provided unscrupulous union officials with the opportunity to enter workplaces uninvited with the intent of intimidating not only the employer but also the workers—workers who did not want to become members of the union.

These intimidation and standover tactics were bliss to the unions, so much so that a survey conducted by the Queensland Chamber of Commerce and Industry showed that almost one third of the responding employers had experienced what they described as union intimidation. We had union officials entering a workplace uninvited, intimidating staff and management and disrupting work activity.

The coalition put an end to that, and so it should have. A Labor Government would never have done what was right by the worker if it meant compromising union dominance in any way.

The coalition is committed to freedom of association and freedom of choice. It is a pity that I should even have to highlight this point, but I do so only because it is a point that drives a wedge between both sides of this Chamber. It is a pity that such a basic and fundamental principle should in fact be opposed by an established political party, let alone one that governs our State.

In a bid to return to union dominance, this Government has raised concerns about the industrial relations reforms introduced by the coalition—concerns that can best be described as undiluted nonsense. The Minister described Queensland workplace agreements as most harsh and unfair. The Government has tried to paint a picture that QWAs are somehow making employees suffer—somehow depriving employees of basic rights and wages. The Government has tried to paint a picture that QWAs offer no safeguards. Such claims are arrant nonsense.

Before approving agreements, a Commissioner for Certified Agreements or an Enterprise Commissioner must be satisfied that the agreement does not in any way disadvantage employees in relation to their employment conditions. What could be a more secure safeguard than that? The commissioner has the power to refuse to approve an agreement if he or she considers on balance that the employer or employee's employment conditions were reduced. Again, what could be a more secure safeguard?

The Government cannot claim that this safeguard has not been working. As at 4 May, 23 QWAs had been refused by the Enterprise Commissioner and a further 21 had been withdrawn, yet the Labor Party will try to convince anyone who will listen that this safeguard is not working. Why would such distortions be put forward by the Labor Party. The answer is as transparent as any X-ray image. QWAs did not rely on unions, but the Labor Party does. It is interesting that on not one single occasion has any ALP member of Parliament ever raised an instance of an abuse of a QWA in this Chamber, yet now they feign concern and outrage.

The coalition has always been committed to the rights of employees, and that is why a particular effort was put in to ensure that QWAs were fair. The Enterprise Commissioner is able to become involved in a dispute resolution if the parties to a QWA make that provision in the agreement. The Employment Advocate is able to provide help and advice to both employers and employees on their respective rights and responsibilities under the Act. The Employment Advocate is also empowered to investigate and remedy complaints and alleged contraventions in relation to QWAs. Even more importantly, an employer or employee is able to appoint a person to be a bargaining agent for the making, approval, amendment or termination of an agreement. What could be more fair? What could be more fair than allowing an employee to enlist the assistance of anyone?

The Labor Party's problem with QWAs does not stem from any genuine concern about employees. It does not stem from any genuine commitment to boost job creation and lower unemployment. Rather, the Labor Party's opposition to QWAs stems from union domination. Its fear stems from the fact that its bankrollers will lose their monopoly in the workplace. Whereas the coalition respected the rights of an employee to have his or her QWA kept confidential, the Labor Party termed this "secrecy". The Minister claimed that QWAs were not subject to public scrutiny. The Labor Party is opposed to the basic concept that the private dealings between two parties in relation to personal dealings is not a matter for public knowledge. The amendments proposed by the Government tonight fly in the face of reform.

Mr Healy: They are draconian.

Mr GRICE: Draconian and old, old Labor, as the member for Toowoomba North reminds me. The Minister's arguments are nothing more than carefully placed decoys to distract everyone's attention away from the real motive behind the Labor Party's burning desire to get rid of QWAs. At no point has the Minister or any Government member been honest and said that the proposed amendments are all about returning union power—all about entrenching the union's monopoly in the workplace.

These amendments are inconsistent with a Government that professes a commitment to job creation. These amendments are inconsistent with the basic principle underlying job growth and job creation, and that is the principle of a flexible workplace. These amendments are regressive; they punch the heart out of industrial relations reform. There is only one simple motivation behind these amendments, and that is union control.

As I move about my electorate and speak to businesspeople, they ask me why the Labor Government is going to wreck the industrial relations legislation. Those people see the current rules and regulations—the coalition's rules and regulations—as a positive. They see them as the best way to the future.

Mr Hayward interjected.

Mr GRICE: I thank "Break-even Ken" for his interjection from up the back.

Over time and consistent with economic conditions, they want to increase business and employment and their own financial positions. However, the regressive laws planned——

Mr Lucas: Could you have been a contender?

Mr GRICE: I accept that inane interjection. I would rather be a has-been than a never-been like his good self.

However, the regressive laws planned for implementation by the Beattie Government are not going to achieve that. The people of my electorate—and I am sure all Queenslanders—want to see fairness and equity in all things. They want the law to be just, so that both employers and employees can have a fair go and get on with creating employment. But these Braddy Bills will not do that. I am sure that the constituents who approach me frequently about their situation would welcome a decision by the Government not to proceed with the wrecking operation that it is planning.

The coalition's legislation, which has been in place for 18 months, represents the culmination of an exhaustive process of consultation. It involved consideration of matters such as the reviews expressed by major stakeholders, including unions, employer groups and business; the need to logically harmonise State and Federal legislation; the unique nature of industrial relations as it operates in Queensland; the future prosperity of the Queensland economy; and consideration of the need to incorporate those principles guiding this Government and on the promised enactment of which this Government was elected to power. It is on that last point that I wish to elaborate.

When Queenslanders went to the polls in July 1995, they voted for reforms that would introduce fundamental industrial relations reforms—reforms that would reinstate the direct relationship between an employer and employee as the central and most important relationship, reforms that would provide employers and employees with the freedom to choose the most appropriate and mutually beneficial form of workplace agreement, reforms that would at least ensure that basic tenet of freedom of association for Queensland workers, reforms that would compel industrial organisations to be more accountable to their members and, finally, reforms that would bring fairness and balance back into the industrial relations system. The legislation fulfilled the coalition's promise to enshrine these principles in law. Most importantly, the consistent application of these principles throughout the drafting process has resulted in two cohesive and workable pieces of legislation.

This consistency of approach marks a significant departure from the Goss Government's idea of democracy, which saw principles applied variously to different parties within the system. When I say there was a lack of consistency in the application of the Goss Government's industrial laws, I realise that some might suggest that I am giving a rather polite interpretation, but I do that in deference to you, Madam Deputy Speaker. The Goss Government was selective in how it formed and then applied its legislation because it received political benefit from it. Quite simply, the old rules—the rules which the "Braddy Bunch" now seek to reimpose—do not apply to Labor's union mates. The long and short of it was that Labor did not want to offend its sugar daddy for fear that he might take away some of its money. Labor has always bent over backwards to accommodate the union movement, and often sideways and forwards to boot.

Mr Mackenroth: I've got the impression from your speech that you don't like unions.

Mr GRICE: I simply advise the member that, as he staggers through the balance of his career, he will find it just as easy to be pleasant.

Unfortunately for the people of Queensland, the unions forced Labor to its knees. For example, the Goss Government clearly recognised the importance of enterprise level industrial agreements. In an attempt to appear even-handed—and I stress appear— that Government offered enterprise flexibility agreements as a gift to the hopes of small business. However, the gift was a Trojan Horse because, at the same time, Goss Labor invested power in a third party, namely uninvited trade unions, to stifle the negotiation and approval of the very agreements that employers and employees had worked so hard to develop. Far from being productive, its gift to small business was counterproductive. It was this appalling situation that the coalition sought to reform.

It is this essential reform—this profitable enterprise for the private sector in Queensland and the small business sector in Queensland, the two great engines of our economy—that Labor, which is now back in power by a slender thread stretching from the electorate of Nicklin to the Premier's office in George Street, wants to wreck. I cannot let this happen.

Mr Healy: It will be tested tonight.

Mr GRICE: It will be tested tonight, indeed—in spades.

The people deserve better than a one-way ticket on Minister Braddy's mystery tour to the past. If this legislation is passed, they are in grave danger of finding that it is just simply a one-way trip. The coalition stands for enabling employers and employees to develop their own working arrangements without unwarranted and uninvited interference, and there are some compelling reasons for doing so. The old, highly legalistic and adversarial industrial relations system was premised on assumptions that

are no longer relevant. It assumed that employer/employee relations were, by nature, perpetually in conflict, and it assumed that employers and employees were incapable of overcoming that conflict without assistance and protection.

We all know that that is wrong. Even the members on the other side of the House know that that is wrong. In fact, employers and employees have very much in common. Primarily, they are both dependent on the long-term viability and profitability of the enterprise, much as a boxing promoter might be—a fact that Labor and its union mates still seem, at any rate publicly, unable to understand. Today's workers have the education and maturity to recognise this fact and reject the paternalistic and patronising attitude that is the backbone of the union movement. Employers are fully aware that the success of their enterprise is dependent on a committed, skilled, productive and well-rewarded work force.

Our working culture is way ahead of the antiquated industrial relations system preferred by the ALP, that is, the "Arrogant" Labor Party. Employers and employees need to be given the freedom to negotiate harmonious and productive workplace agreements. They must be harmonious because the most highly valued working conditions at one workplace will not necessarily be the same as those at another. Agreements which acknowledge this fact and are tailored accordingly will naturally promote higher levels of worker satisfaction. Anybody who has experienced that knows it for a fact. The agreements must be productive because agreements that are flexible enough to accommodate the unique production requirements of the individual enterprise are by their nature likely to be more conducive to productivity growth than those that do not take into account local conditions.

All that is needed is for Governments to facilitate this process by removing obstacles and providing opportunities. That is what the coalition in Government did. That is what the people of Queensland want Governments to do. However, far from seeking to remove obstacles in the way of creating greater opportunities, the Beattie Government now wants to create new ones. It is prepared to sacrifice the welfare of ordinary Queenslanders for the benefit of union bosses. This Government has nothing to be proud of on that score. The coalition legislation that the Beattie Government wants to replace—the coalition legislation that has been in place for only 18 months and which is yet to take full effect in terms of impact on the labour market—enshrines freedom of choice. The introduction of Queensland workplace agreements meant that for the first time agreements could be made between employers and individual employees without uninvited union interference. These QWAs particularly suit the needs of small business. Under the law, these agreements must be freely entered into but are binding on the individuals who sign them. As a further choice, informal over-award arrangements continue, as does the option to continue within the award system. Trade unions are an integral part of the process under the coalition's law; it is just that they no longer have monopoly benefits.

An Opposition member interjected.

Mr GRICE: There is no disagreement with that, as my colleague advises. Unions with members at a workplace can continue to be able to negotiate certified agreements and be party to those agreements at the request of their members. Employees negotiating an individual workplace agreement can still choose to be represented by a union representative but they have the option of doing the negotiating themselves or appointing alternative bargaining agents. That is another example of freedom of choice. Without doubt, trade unions that offer high quality, relevant services to members will continue to play a powerful role in the industrial relations system, whatever the make-up of that system. That is the true benefit of competition in the marketplace.

If a person is good, he will win. If he sells a product that people will want, people will buy. If he does not do that, people will not buy, and why should they? Under the laws which the Beattie Government wants to scrap, workers have a greater say in the type and size of industrial organisations that represent them. In direct contrast to Labor's centralist approach, the coalition's laws actually encourage formation of new unions by reducing the minimum membership required from 120. The Workplace Relations Amendment Bill before the House shows that the Government has learnt nothing. It must be defeated on the floor.