



Speech by

**PAUL LUCAS, MLA**

**MEMBER FOR LYTTON**

---

Hansard 27 August 1998

**WORKPLACE RELATIONS AMENDMENT BILL**

**Mr LUCAS** (Lytton—ALP) (4.08 p.m.): I am pleased to participate in the debate on the Workplace Relations Amendment Bill. This very important legislation was introduced by the Minister for Employment, Industrial Relations and Training. I am particularly pleased to speak in this debate because it is a fundamental aspect of the platform that Peter Beattie campaigned upon at the last State election and it is good to see the Labor Party Government delivering on that promise so soon in its term of office.

We gave a very clear commitment that we would repeal Queensland workplace agreements, and the strong mandate that we have on this side of the House, compared with the mandate that members of the National and Liberal Parties have, is beyond any—

**Mr Seeney:** 38%.

**Mr LUCAS:** The honourable member's is about 12%. I will say this about 12%: it is better than 0.2%, and that is how many people have signed Queensland workplace agreements. Those opposite are doing much better than that.

There are two aspects of the odious industrial relations regime that the member for Clayfield, the former Industrial Relations Minister, introduced into the law of this State. I refer to the Workplace Relations Act and the Industrial Organisations Act. He paraded around in them. He wrapped himself in them. It was just like the emperor's new clothes because they turned out to be a disaster and a disgrace, and it is with great pleasure that, hopefully, this House will repeal some of them today.

With regard to the Industrial Organisations Act, the former Minister came in saying that we need a level playing field and that we need to make sure that union donations to political parties should be approved. But where was the legislation about companies? Where was the legislation that gave shareholders in companies a choice? There was no such legislation because the member for Clayfield was not interested in reciprocity; he was simply interested in getting the workers.

**Mr Santoro:** We were talking about industrial legislation and employer organisations.

**Mr LUCAS:** I can understand that the member for Clayfield is not too interested in praising the former Attorney-General. As we know, they are not the best of mates. In fact, I have been told that that is why they are sitting at opposite ends of the front bench. They need someone fairly burly like the member for Gregory or the member for Crows Nest to separate them because they have been known to be at each other's throats from time to time.

One of the problems with the Workplace Relations Act was that it disempowered workers. Most people in this society are workers and they have families. These people were disempowered. Imagine the member for Clayfield having the Queensland workplace agreements as his crowning policy achievement! One would have thought that as they were so good, workers and employers would have been stampeding head over heels to get down to the industrial registry to file them and that the registry would have had to employ extra staff to file the agreements. How many agreements did we get? The answer is they covered 0.2% of the work force.

I will tell honourable members a bit of a story. When I was at school the teachers tried to teach us Italian. If a student took Italian in Year 8 the school was very keen to have him take the subject in Years 9, 10, 11 and 12 as well. The Italian teacher used to say that if a student received 30% it was a

good, solid mark. I do not believe that anyone could say that 0.2% is a good, solid mark. In fact, it is about the worst mark that one could get. That is the way that workers and employers treated Queensland workplace agreements.

In today's Courier-Mail we saw an article concerning a real estate agent saying how well he has done under a Queensland workplace agreement—

**Mr Swarten:** As he would.

**Mr LUCAS:** As he would, as the Minister quite accurately points out. If he was doing so well, surely he would be happy with a regime where it was open to public scrutiny so that other people could see how good it was. The fact is that people who do well might not need protection, but most ordinary workers do.

**Mr Swarten:** He didn't say what the workers said about it.

**Mr LUCAS:** No. Most people are workers and most people do not have the bargaining power that employers have. That is one of the reasons why it is important that it is seen to be done publicly and that it be open to accountability. One Nation members of this House talk a lot about conspiracy theories. I would have thought they would have been very much in favour of accountability and being able to see what the Queensland workplace agreements are. They do not seem to be demonstrating such an attitude thus far.

Let us have a look in detail at the report that was undertaken in relation to Queensland workplace agreements. This is particularly interesting because the former Minister's own Act provides under section 911 that reports can be issued in relation to various matters under the Act. He was hoist on his own petard. His own Act has been the undoing of his great brainchild, the Queensland workplace agreements. As I said, only 0.2% of the work force have availed themselves of the opportunity of taking up a Queensland workplace agreement. The report says this—

"The marginal wage increases provided by QWAs ... is indicative of the relatively poor bargaining position that individual workers subject to QWAs have relative to those engaged in open collective bargaining before the Queensland Industrial Relations Commission."

In other words, that is before the independent umpire—before the arbiter. They were scared to have something appearing in the light of day before the independent arbiter. When QWAs were compared with certified agreements, the report says this—

"This is borne out by the analysis of QWAs which shows that 32.5% of the agreements remove overtime provisions, 28.5% increase hours of work, 24.2% remove allowances and 23.6% remove or decrease penalty rates."

And further, an examination of certified agreements since the implementation of the Workplace Relations Act has found—

"... that clauses contained within the agreements focus on improvements in the workplace. In particular, clauses related to training (75% of agreements), occupational health and safety (67% of agreements), productivity improvement (64% of agreements), multiskilling (45% of agreements) and career paths (45% of agreements) are predominant. Unlike QWAs, only 2% of all agreements examined contained clauses relating to increasing hours of work."

There is another part of the report that I found interesting; it referred to the construction industry and the Civil Construction Award. A particular example was mentioned where a QWA involved an increase in the working week from 38 hours to 60 hours for a 2% wage increase. My colleague the member for Bundaberg, who is very good with figures, did some quick calculations and informs me that that is a 60% increase in hours of work for a 2% increase in pay. That is very good! The workers did very well under that agreement! When people are receiving that sort of treatment, is it any wonder that those opposite want to keep it secret?

**Mr Wilson:** That's about a 45% decrease in hourly pay.

**Mr LUCAS:** As the member for Ferny Grove says, that is an hourly decrease in pay of about 45%. A husband or wife could come home and say, "Gee, I really negotiated well with the boss today. I got a 45% pay cut for the hours I work." If that is the way those opposite work—

**Mr Swarten:** They would be proud of that; they are Tories.

**Mr LUCAS:** They would be proud. I think under the member for Clayfield the Liberal Party received a 45% cut in their representation in this place. Another interesting part of the legislation is the allowable matters section.

**Mr Seeney:** Tell us about the no disadvantage test.

**Mr LUCAS:** It is obvious that the no disadvantage test has worked very well when we have a 60% increase in hours of work with a 2% increase in pay! The honourable member might not think that

that is a disadvantage. I hope he would be prepared to accept that if he was in the work force. I certainly would not. The honourable member would not have agreed to it.

There are a whole lot of matters in the member for Clayfield's ill-begotten legislation that will be repealed. I want to say a few quick words in relation to the allowable matters. He restricted the allowable matters under award conditions to a maximum of 20. What about other issues? What about redundancy? There is one thing on which we should all agree in this House and that is that the most important political motivating factor in the community today, and the one single issue upon which people agree and which comes to the top of every survey, is job security. If it is not job security for individuals, it is job security for their spouses or for their kids. The member for Clayfield takes provisions for redundancy out of awards. One could not ask for a sillier move than taking out provisions that deal with negotiating the future of workers. The one fundamental message that we have received in this Chamber is jobs and job security. The member for Clayfield has taken that aspect out of awards. There are other important provisions such as protective uniforms, travel, time and wages records and first aid, just to name a few. There are many more than that.

I spoke before about the issue of overtime. I said that a large proportion of QWAs had imposed substantial restrictions on overtime. My principal occupation prior to entering this Parliament was that of a solicitor. That is one group in society who are better paid than the average worker. I worked significant hours in that job.

**Mr Rappolt:** Did you have an award?

**Mr LUCAS:** No, I did not have an award. I worked significant hours, but I was well paid for that work.

I also remember my time as a shiftworker for seven years. I had to work split shifts on Sundays, and I got pretty ordinary money, as did the other people with whom I worked. Things are a bit different when one is not getting paid very much. It is one thing for someone who is earning big bucks and who has a future; one day they might become a partner or a proprietor. But for those workers who have to use a bundy clock every day and have to feed their wives, husbands and kids, it makes a lot of difference if they are not compensated for overtime. What is even worse is that the reduction in overtime destroys family life, because it means that there is more and more incentive to make people work on Saturdays, Sundays and after hours.

I enjoy being a member of this place. It is a great honour and privilege to be here. However, my greatest regret—and probably my only regret—about being here is that I do not get to see my kids as much as I would like to. No-one makes us do this job. We volunteer for it. And as I said, I am honoured and proud to do it. But the ordinary workers who have to make ends meet, pay the bills and work those hours are suffering greater penalties as a result of losing their penalty rates. I would like to know how the former Minister could possibly defend a system that yielded average wage increases of 2.6%, compared to certified agreement wage increases of 4.1% and award wage increases of 2.9%. The simple fact of the matter is that those figures speak for themselves. If the workers want to know what puts more money in their pockets then, clearly, on any interpretation, Queensland workplace agreements do not do that. The report to which I have referred gives a breakdown of the conditions that are varied by Queensland workplace agreements. I seek leave to have those conditions incorporated in my speech.

Leave granted.

The following table provides a breakdown of conditions varied by QWAs (excluding QWAs that did not vary award conditions) as found in the sample of agreements by Departmental staff.

**QWA Conditions**

Increased hours—38.1%  
Increased span of hours—53.0%  
Remove/Decrease penalty rates—69.4%  
Removing overtime—42.5%  
Remove leave loading—12.7%  
Remove allowances—69.4%  
Remove/Decrease sick leave—19.4%  
Remove Annual leave—17.9%

**Mr LUCAS:** A number of members have talked about the interests of small business. I believe that is very important. For every worker, we must have a place where they work. So it is very important to take into account the interests of business. But no-one can convince me that this initiative has been in the interests of small business, when only 0.2% of Queensland workers are covered by QWAs. The facts do not speak for themselves. I am not talking about 2%, 20% or 40%; I am talking about 0.2%. That is a disgrace.

**Mr Seeney:** Why are you worried about them?

**Mr LUCAS:** I am worried that 1,516 workers are getting ripped off. As far as I am concerned, that is too many. That is why this is not on.

If members were interested in small business, they would be taking into account the fact that one of the most important determinants of the viability of small business is the purchasing power of the people in the community at large. That is determined by their salaries. So if members take away their purchasing power, those people are not going to spend money at the local fruiterer, the local fish and chip shop or the local mechanic, and small businesspeople will pay the penalty. That is why, during economic downturns, small business does it the hardest. There is a reinforcing cycle: workers get sacked, they have less purchasing power, so they have less money to spend in small business. I say to members opposite: every time you screw down a worker's wage, just remember that you are cutting the throat of small business.

I have no argument with increasing wages in accordance with productivity. Since the advent of the Hawke Government and then the Keating Government, the union movement in this country has been responsible for working with employers to yield real productivity gains whereby this country is now very competitive overseas. A great example of that was when we brought in national superannuation—to the howls of members on the conservative side of the fence.

Economists will tell members that one of the greatest problems in this country is our relatively low percentage of savings as a proportion of our expenditure and gross domestic product. That has an effect on our overseas debt. It also has an effect on how much money we can lend in Australia to small businesses. That is why national superannuation is important. But that was something that members opposite opposed. They were not interested in that. Small businesspeople are the ones who find it hardest to borrow money. They are the ones that the banks will not touch. Banks will touch big business. If we have a pool of funds to lend to small business, we can get small business to develop.

**Mr Dalgleish:** Did you run a small business?

**Mr LUCAS:** I worked for small business all my working life. I acted for clients in small business. I worked for small business, and I am very proud to have done that. I was privileged to work with small-business proprietors. I do not know what their politics were. Obviously, a lot of them were not Labor voters, but it was a privilege to work with them, because I got a very good appreciation of what they want. If the member for Hervey Bay is suggesting that one has to run a small business to be able to contribute to this debate, then he is very sadly mistaken.

There is one thing that sums up everything about Queensland workplace agreements. If they were so good, why are they secret? If they were such a great thing, instead of making them secret, the former Minister, the member for Clayfield, would have made it compulsory to pin them up. Instead of saying, "They are secret", he would have said, "You are required to post all Queensland workplace agreements all over the industrial registry and send a few copies to the Courier-Mail as well." That speaks volumes. We know that the member wants them to remain secret, because that is the only way that they can subsist.

Other members and I have indicated in our contributions that, when one looks at the facts and the statistics, one finds that they are nothing but a millstone around the neck of the work force—even if only 0.2% sign them. So the sooner that this legislation is repealed and this important election commitment of the Beattie Labor Government is implemented, the better it will be for all Queenslanders—whether they be workers, their families or small business.

---