Speech by

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INDUSTRIAL RELATIONS BILL

Mr GRICE (Broadwater—NPA) (11.15 p.m.): The heading on my speech notes is: "armed and dangerous"—the member for Kallangur, perhaps.

The handling of the Industrial Relations portfolio since last June has been characterised by the uncharacteristic silence of Minister Braddy. The man once dubbed "motormouth" by his Cabinet cohorts has barely uttered a word either in relation to his portfolio or in support of his Premier. But that is hardly surprising in a Government where much of the front bench was responsible for keeping the current Premier on the backbench during most of the term of the failed Goss Government.

Where was the Minister during the Sun Metals debacle? They sought him here, they sought him there and the Premier sought him everywhere. However, the Minister remained elusive, content to enjoy the benefits of ministerial leather while letting the Premier do the work. Old faction rivalries aside, the Minister has opted to spend the rest of his term planning his retirement at the next election. His job is guaranteed until then, so why make the effort, why bother? I think I can probably understand a bit of that.

It works something like this: Minister Braddy opts to go quietly on the condition that he retains the portfolio for the duration; he will not rock the boat, even though he would dearly like to make a few factional waves. It is classic ALP deal-making politics. It is also a manifestation of the balancing act being performed by a Premier who is hostage to the Australian Workers Union, commonly known as the AWU. Being hostage to the AWU is, however, perhaps the least of the Premier's problems.

Just below the surface and about to boil over is the bitter rivalry between the AWU and the coalmining unions here in Queensland. The rivalry goes back more than 75 years when the then Miners Federation was robbed blind by the AWU during a period of industrial turmoil. Basically, in return for AWU support, the miners' union had to substantially fund much of the AWU propaganda effort throughout the twenties. There followed from the 1930s a bitter and sometimes physical turf war between these two unions, with the AWU invariably coming out on top because it had the ALP in its pocket—and nothing has changed. Today, if the Premier wants to fiddle with the industrial relations laws, he has to bow before the altar of the AWU. His survival in the longer term within the Labor Party depends on how well he can preserve the preferential treatment his Government gives to the AWU.

His problems do not stop there. His Mines Minister is backed by an AWU intent on ousting the coalminers' union from its position of power in the Queensland coal industry and, at the same time, within the Government there are those who are equally determined to block any expansionism by the AWU. That Mines Minister, by the way, is the same man who presided over the gutting during the second Goss Government of the safety and scientific capability of a once world-class department. If honourable members go to the Mines Department today, they will find a demoralised work force where the main source of activity is public servants being forced to apply for their own jobs.

I return to the Premier's industrial relations problem and his doomed attempts to show that he can please all of the people all of the time. The factional knives are out. There are those in Cabinet whose first loyalty outside this House is to their union paymasters. Loyalty to the Premier comes a long way down their list of priorities. For them, union ties are stronger than any other sense of obligation because their political survival hinges on union patronage. Where does this leave industrial relations in

Queensland? It leaves it with a lame duck, two unions which despise each other more than they despise the bosses and a Government which is struggling to keep the lid on a blood feud within its own ranks. By the way, neither business nor hardworking ordinary Queenslanders are impressed.

As we have heard before, the whole basis of the Beattie Labor Government's Industrial Relations Bill is flawed. It is more a trip back to the past than a push into the next millennium. At the turn of this century we should be looking forward to a new era in industrial relations relating to both employer and employee. We do not want to go back to the old days and bad ways of the past where we had union officials in their cardigans encamped in their back rooms with more interest in powermongering and faction fighting than in the rights of their members. Many were also too concerned with their own lurks and perks, and there were several who did plenty of skimming off the top of union funds.

Our party believes that the removal of the unfair dismissal provisions of the 1997 legislation and the reintroduction of unlimited entry rights for union officials directly threaten the capacity of small business to provide additional jobs. The proposed changes do nothing for small business and offer no incentive to create new permanent jobs.

Let us face it: if we are ever going to create more sustainable jobs and build this State into an even greater one, there has to be a compromise between the employers and the employees. I am not saying that all employers do the right thing, and we all know that there are many workers who do not pull their weight yet cry foul the loudest and want the world on top of it. To build, both sides have to meet in the middle and help create sustainable and meaningful productivity. That brings reward for the employers and allows them to consolidate and expand, and to the employees it brings lasting jobs with due rewards and protection of their jobs. If they are good employees, they should never fear any bosses.

As we go towards the new millennium we should be seeing unions working on a new deal. We should see every attempt being made by Governments to encourage a stronger working relationship between unions, employees and the employers. A new deal is what we want. Only the employees and the employers know how best to get to that point, and unions must be prepared to listen to the arguments of both sides if we are to get there.

The last thing we want to see is the type of unions and boss bashing and the type of discrimination, demarcation and exploitation of the workers which we saw at the turn of last century. Surely we have learned in these past 100 years a better way to work and produce. If we have not, how can we ever expect to keep this State at the forefront of industry and commerce? The challenge is there to the Beattie Labor Government, which relies so much on union support and funds to stay in office. Already it is bleeding from the behind-the-scenes manoeuvring by smart alec union officials and over-ambitious Labor heavyweights. It will be interesting to see who wins through, but if the workers do not this Government will stand condemned.

Both the State and Federal Workplace Relations Acts provide for strict freedom of association. Freedom of association is one of the fundamental principles underpinning the legislation. The principle of freedom of association means that everyone has the choice to belong or not to belong to an industrial organisation.

In addition to freedom of association, the current Workplace Relations Act deals with the related issue of preference for union members and stipulates that union preference clauses in awards and agreements are unenforceable. It is true that the importance of the freedom of association principles has been recognised throughout the world. They should be maintained in the new legislation.

The following matters confirm that the membership of industrial organisations should be truly voluntary. Compulsory unionism should remain illegal. Discrimination based on membership or non-membership of an industrial organisation should be prohibited. A person must not coerce another person to join or not to join an industrial organisation. What do we see in the Bill? We see that the freedom of association provisions have been maintained but a new provision inserted which will allow union encouragement clauses in both awards and agreements. I wish to read the new provision to the House. Proposed section 110 states—

"(1) A provision (an 'encouragement provision') of an industrial instrument may encourage a person to join or maintain membership of an industrial association.

(2) The following is not prohibited conduct—

(a) making or acting under an encouragement provision;

(b) encouraging a person to join or maintain membership of an industrial association.

(3) In this section—

'encourage' does not include coerce."

The provision will see the return to the bad old days of no ticket, no start. The insertion of union encouragement provisions is outrageous. Essentially, the freedom of association provisions have been maintained but will be torpedoed by a provision which seeks to encourage a person to join or maintain membership of a union. To make matters worse, the new clause provides that the word "encourage" does not include coerce. The definition of "coerce" has not been included, and that will only encourage and see the use by unions of this provision in a way which will openly contravene the principle of freedom of association.

It simply does not make sense to have a union encouragement provision for the freedom of association, which will see these principles attacked. In effect, then, the Government has not wholeheartedly embraced the concept of freedom of association and it is my submission that the House should condemn the proposed new section 110 and remove it from the Bill as it stands for the important reasons I have put to the House.

The Bill also seeks to impose a regime of right of entry without having to give notice, which will see unnecessary disruption to business. Employers would prefer to receive notice of intended entry in order to minimise disruption to payroll officers and to allow sufficient time to collate the information requested. These changes are against the background of only 21.5% of Queensland employees in the private sector having union membership. We are also concerned that the right of entry allows a union official the unfettered ability to discuss with employees any matter at all during non-working time. That ability is an unwarranted intervention in an employer's business by a third party and will only create disharmony in the workplace.

Employers have maintained a strong opposition to allowing legal practitioners to appear in the Queensland Industrial Relations Commission without the consent of the parties concerned. There is a misconception that by allowing lawyers to appear there will somehow be a lessening of involvement by aggressive independent consultants in the tribunal. That is the thrust of the change. However, allowing solicitors to represent parties will most likely see an increase in the amount of matters pursued by solicitors who are not necessarily familiar with the jurisdiction.

The issue of increased cost to both employers and employees is also of great concern. As has been seen in the Federal jurisdiction, the use of a lawyer by one party invariably sees the use of lawyers by the other party. In many cases this may be unnecessary and it will serve only to increase costs. In relation to the requirement to gain the leave of the commission before a lawyer can appear, experience in the Federal jurisdiction has demonstrated that it is rare for leave to be refused and the process becomes a formality. I bring to the attention of the House the effect this change will have on the Queensland system. I believe that it would be in the best interests of the State system to reconsider this change.

The three-month probationary period for all new employees was already available to employers where the party agrees. The new salary exemption, whereby employees whose annual wages exceed $68,000 are prohibited from bringing an application, will see an increased number of applications made by employees who are currently exempted. The exemption for small businesses of 15 employees or less has been removed. I oppose that, as it provides further disincentive for some small businesses to employ more permanent employees.

With regard to the flow-on of certified agreements, the existing provision has been reworded to state that the commission may include in an award provisions that are based on the certified agreement if it is satisfied that that is consistent with the principles of the Full Bench in deciding wages and employment conditions and would not be otherwise contrary to the public interest. There are some concerns that the change in wording—albeit subtle—may see applications of this nature made more frequently and subsequently succeed. It will not encourage enterprise bargaining if those who enter bargaining see their gains subsequently flowing into awards.

With regard to certified agreements and the seven-day periods in which the registrar must place notice re any certified agreement, a new provision has been inserted which allows a relevant union to be heard on the application for certification of an agreement, including a non-union agreement. Further, the commission is required to notify all relevant employer organisations of such an application and tell them that they are entitled to be heard. I believe that this will discourage employers from entering into certified agreements. For those employers who do, the process will be lengthened, and they can expect unwanted and unwarranted union intrusion.

In the face of all of these points, I cannot but suggest that the House rejects this legislation.