Speech by

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INDUSTRIAL RELATIONS BILL

Mr FELDMAN (Caboolture—ONP) (Leader of the One Nation Party) (1.42 a.m.): It is with pleasure that I rise to join the debate here tonight on the industrial relations legislation. I acknowledge the dedication of the Minister and his staff for providing us with such a detailed briefing. Again, I thank the Minister.

Let us look at the State this Bill is introduced into. The situation of underskilled and semiskilled workers throughout the Western World is very parlous. Neither Anglo-American versions nor the European version of capitalism has been able to rescue them from growing long-term unemployment. Australia has been no different in relation to the shift to part-time work.

Australia and much of the Western World is experiencing a fundamental change in the dynamics of their work forces, due to the rise in part-time work. Over the past decade, some 1.8 million new jobs have been created in Australia, of which one million are part-time. An increasing proportion of these is held by married women, who often enter the work force to maintain the family's standard of living. It is rather sad to see that the standard of living is actually falling. Part-time work is attractive to employers because of lower wage rates, lower oncosts and increased flexibility, but for most it is a very poor substitute for full-time work. There is a growing gap between the rich and the poor.

A study in the United States shows what a deregulated labour market can offer. In the 20 years to 1993, average workers' wages fell 16% in real terms, and 25% of full-time workers were in year-round work earning less than $US14,000 per year. According to the US Department of Labor, in 1997 36 million workers, who constituted some 40% of the labour force, were defined as distressed—being either unemployed or having part-time work, being employed at poverty level wages or being employed below their skill level.

In Australia, a fundamental change in the work force demography is continuing. Recent research by Ann Harding of the National Centre for Social and Economic Modelling at the University of Canberra looks at changes in household income over the period 1982 to 1992. The data shows that the economic position of the upper one-third has improved and that of the bottom 20% has marginally improved, thanks merely to increased welfare support, while the middle has been losing ground.

The proportion of Australians living in single-income families—typically with the husband in the work force and the wife caring for the children—is in decline, falling from some 22.9% of households in 1982 to 13.9% a decade later. There are a number of factors at play here, but one significant reason for the changes in the work habits is the need for more than one income to maintain the family's living standards. Single-income families have moved steadily down the income scale over this period. Many now find themselves in the lowest income groupings.

Dr Bob Birrell of the Monash University Centre for Population and Urban Research has examined the state of incomes of families of men aged 25 to 44. He found that in major cities such as Melbourne and Brisbane 18% of men in this age group have total incomes— wages and welfare—of less than $15,600 a year. Another 33% had total incomes of between $15,600 and $32,000 annually. Country Victoria was much worse: 23.5% had incomes of less than $15,600. This means that in their prime income-earning, family formation and home-owning years over half of Australian men either cannot support a family or can do so only if their wives enter the paid work force.

Dr Birrell found that 32% of the Australian population over 20 years of age are now dependent on a pension or benefit for primary source of income, and that is one in three voters. An incredible 43% of Australian children are now growing up in families classed as the working poor or in families that are on welfare. Government made the indigenous people of our society welfare dependent with sit-down money. What we see here is an intent to do the very same thing with the rest of the population.

The rural and manufacturing sectors are certainly in decline. Only one in 23 Australians now lives in our bush shires. While the Australian population has expanded to over 18 million between 1976 and 1996, the total population of the bush shires fell from 884,000 to 778,000—from 6% to 4% of our population. The flight from the land continues. Between 1988 and 1996, the number of Australian farmers declined 15%—from 168,000 to 147,000, a loss of 52 farmers a week. Of those remaining, only 20% are free of debt. The remaining 80% owe some $18 billion.

Over the past 25 years, our manufacturing sector has been an equal tale of woe. Australian manufacturing has suffered the largest decline of output of any advanced economy in the Organisation for Economic Cooperation and Development. Australia now has the smallest manufacturing sector relative to the size of its economy of any OECD nation, except for Greece. It declined from 24.8% of gross domestic product in the period 1960 to 1973 to 14.3% in the period from 1990 to 1994—wiping out, I might add, some 420,000 jobs in 20 years. The OECD nations averaged a decline of manufacturing from some 28.7% to 21% of GDP over this period. Had Australia declined at this slower rate, today we would be producing $20 billion more in manufactured goods. We would not have a current account deficit. Instead, we are importing $40 billion more in manufactured goods than we are exporting. That is the sorry tale told where this Bill has been introduced, especially here in Queensland.

Although we agree with most of the Industrial Relations Bill as being necessary due to the unfortunate changes that have occurred here in the Queensland employment market, there are a number of issues that we will not support. The most amazing of these has already been highlighted by the member for Whitsunday. It is the way that the Government is clandestinely pushing its homosexual agenda by redefining—in fineprint at the bottom of page 48 and on page 498—the term "spouse" to include de facto same sex partners. I do not support homosexuality, and I cannot support the Minister's sneaky attempt to push homosexuality into this legislation in the way that he has.

I can add no more starch to this aspect of my and our—meaning One Nation's— objection than has already been supplied by the honourable member for Whitsunday, the member for Burdekin and the member for Callide.

Mr Nelson: Tablelands.

Mr FELDMAN: And upcoming from the member for Tablelands, I am sure. I cannot put it more succinctly, either, than did the member for Gladstone. As we saw in the Courier-Mail yesterday, and as the Attorney-General highlighted yesterday morning, the Federal Marriage Act states that marriage is, and should remain, a union of one man and one woman to the exclusion of all others. We will not be part of a clandestine move to attack the basic building block of society: the sanctity of the traditional family unit. No matter how many layers of diatribe it may have wrapped around it to give it the appearance of a genuine acceptance, it will not be accepted by us.

In relation to what is occurring and the reaction from some of the small businesses in and around my electorate and in and around the electorates of people who wrote to me, I have here a typical letter from Restaurant & Catering Queensland, which reads—

> "The Restaurant and Caterers' Employers Association of Queensland would like to express its concern in relation to the following areas of the ... Bill:
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> 1. Definition of an employee
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> 2. Right of entry
>
> 3. Legal representation
>
> 4. Unfair Dismissal
>
> 5. Flow-on of Certified Agreements
>
> 6. Certified Agreement, that is, 7 day period in which Registry must place notice re any Certified Agreement."

Their objection in relation to the first point is that—

> "The new definition of employee extends the definition to an extensive range of what are currently independent contractors. It is a legislative attempt to significantly alter common law definitions."

In relation to right of entry, the letter says—

> "The Draft Bill 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 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 employers business by a third party and will only create disharmony in the workplace.

Our members continue to impress upon us that support for the marked changes of the type contained in the Draft Bill are not warranted. We have continued to extol the benefits contained in the present system, which will see the continuation of a balanced and flexible system of workplace relations."

In relation to legal representation, they state—

"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. However, allowing solicitors to represent parties will most likely see an increase in the amount of matters pursued by solicitors who are not familiar with the jurisdiction.

The issue of increased costs to both employers and employees is also of some concern. As has been seen in the Federal jurisdiction, use of a lawyer by one party invariably sees use of lawyers by the other party. In many cases this may be unnecessary and it will see increased costs.

As far as requiring leave of the Commission before a lawyer can appear is concerned, experience in the Federal jurisdiction has demonstrated that it is rare for leave to be refused and the process becomes a formality. We bring to your attention the effect that this change will have on the Queensland system and believe that it would be in the best interest of the State system to reconsider this change.

The QIRC has always been a layman's jurisdiction. Yourself as IR Spokesperson whilst in Opposition stated as reported in Hansard that keeping the lawyers out of the QIRC was of benefit to the State system.

The RCEAQ believes this is a backward move."

In relation to unfair dismissal, the letter states—

"The three month probationary period for all new employees was already available to employers where the parties agree.

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 business (15 or less employees) has been removed and we oppose that as it provides further disincentive for some small business to employ more permanent employees."

In relation to the flow-on of certified agreements, they state—

"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 it is consistent with the principals of the full bench (in deciding wages and employment conditions) and would not be otherwise contrary to the public interest. There is some concern 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.

6. Certified Agreements—7 day period in which Registry must place notice re any Certified Agreement

A new provision has been inserted which allow 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 they are entitled to be heard.

We 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."

That sentiment was quite typical of what small businesses think.

As to One Nation itself—we support the concept that the employer cannot be compelled to pay employees while on strike. If an employee or group of employees decide to strike legally within the provisions of the Act, that is their prerogative, but it is immoral to expect the employer to have to pay them while they are on strike. We support the new provisions for the increased transferability of maternity leave to the primary carer, except for the sneaky redefinition of "spouse" to include homosexual spouses, which must be amended if we are to support this Bill.

We support the practicality of the definition of "normal working time" as six days in any seven, or 40 hours in any six days, or eight hours in any day. This is a compromise that ensures good flexibility for employers while retaining fairness for employees and their families. We support the principle of equal pay for men and women for equal work. We support the provision of maternity leave to casuals who have been employed for two years or more. We support the provision of sick pay, annual leave, carer's leave and bereavement leave to low-paid non-award workers, who currently comprise about 8% of the work force—a group that has, unfortunately, continued to grow over the last 20 years. We strongly support the principle of freedom of association. In particular, we support the absolute right of a person to join or not join a union or industrial organisation as they see fit, and not suffer any ostracism as a result of their actions.

We believe that the increased use of secret ballots should be made before strike action, and we will move an additional amendment at the Committee stage to enable workers to trigger a secret ballot, if they wish, before any strike action commences. We are glad to see that certified agreements and Queensland workplace agreements remain, because they have been overwhelmingly endorsed by Queensland employers and employees alike. I have already spoken about that on numerous occasions in the past. This Industrial Relations Bill is a reaction to the new part-time status of much of the Queensland work force, which unfortunately the Labor Party has helped to create.

In summary, we believe that there is some fair and just content in this Bill and that it is worthy of much support, but we can only support this Bill if the amendments circulated in the name of the member for Whitsunday are passed at the Committee stage. I will not progress the matter any further now. I am glad to see that we still have some members opposite who are interested in the debate. I again thank the Minister for the briefing that he gave me.