Speech by

Mr R. QUINN

MEMBER FOR MERRIMAC

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INDUSTRIAL RELATIONS BILL

Mr QUINN (Merrimac—LP) (Deputy Leader of the Liberal Party) (9.05 p.m.): The Bill before us today serves to dramatically reduce two of the most basic rights that every human being should enjoy—freedom of association and freedom of choice. Other speakers have already touched upon both of these issues. In this contribution I wish to discuss how the freedom of choice principle is being stifled by the continuing emasculation within this Bill before us of Queensland workplace agreements.

There can be no doubt that the QWA provision within the coalition Workplace Relations Act is one of the outstanding provisions of that Act—or at least it was before the Labor Party tampered with it. It was there as a provision which allowed agreement making within workplaces. QWAs provide the necessary freedom of choice for employers and employees to determine their employment arrangements, unfettered by unwarranted union intervention. QWAs provided an individual agreement making ability between individual employees and individual employers. The introduction of QWAs was accompanied by protection for employees who sought to enter into such contracts while at the same time providing small businesses with individually tailored contracts to suit the specific circumstances of small businesses and their employees.

Unions were not excluded from assisting any of their members or, indeed, anyone else who may not have been a member at the bargaining stage of the negotiation process. The coalition law also specifies the QWA must be entered into freely and that, before approving it, the Enterprise Commissioner must be satisfied that an employee genuinely consents to its terms.

Despite the eminent fairness of QWAs and the process involved in their making, the ALP right from the start declared its total objection to the practice and results of QWAs. The reason for this was very obvious, that is, a union—the friends and supporters of the Labor Party—could not intervene in the approval process or be a party to a QWA. In other words, the coalition legislation gives people who wish to enter into a QWA total freedom to do so without being badgered by a union along the way and eventually at the approval stage. Of course, this did not suit the Labor Party or the unions who, prior to the coalition's Workplace Relations Act, had unfettered right to intervene in the industrial process—a right which is reintroduced to the system by the provisions of the Bill which is now before the House.

It is important to note at this stage of the debate that at no time did a member of the Labor Party or the union movement bring to the attention of this Parliament or the people of Queensland cases of employee abuse as a result of the existence of a QWA. Indeed, it is fair to say that the Enterprise Commissioner, who was charged with approving QWAs, rejected many applications on the basis that they did not pass the no disadvantage test, which was placed in the legislation in order to protect the interests and rights of employees. Despite this, the Labor Party in Opposition pledged to abolish QWAs and, given the finely balanced nature of the last Parliament, many employers, fearing a Labor victory in 1998, declined to proceed with the pursuit of QWAs for their small businesses.

When the Labor Party came to power it very quickly decided to put in train its plan to abolish QWAs. The first part of the plan was to produce departmental research to prove that QWAs were being used as tools by employers to abuse employees and to diminish their rights. The departmental report on QWAs, which was tabled in Parliament, told only part of the story of their successful operation.

In his ministerial statement to the Parliament, Minister Braddy focused almost exclusively on those aspects of QWAs which have led to increases in the number of hours worked by employees and in the alteration of certain other conditions of employment. However, he conveniently did not outline the benefits which QWAs provide to workers, including flexible working hours, which enable employees to better meet their family responsibilities.

Two comments in the QWA report deserve special mention. On page 11 of the report, it is stated that—

> "Generally the no disadvantage test has ensured that financially employees are at least no worse off."

This is proof that the original intention and safeguards of QWAs were being fulfilled. But a more curious and less sustainable criticism was—

> "... that in some cases QWAs have been used to introduce practices that might be inappropriate or which may socially disadvantage Queensland workers and their families (such as increased hours of work or 'cashing out' leave entitlements)."

Such comment ignores the existence and the potential of many situations where it is very preferable for employees that they cash out certain entitlements. For example, employees may want to cash out some benefits so that they can pay for their children's education, pay out what is owing on their motor car, pay for a holiday or pay for a house extension. Why should a bureaucrat decide what is socially advantageous or socially disadvantageous for an individual in these circumstances? Why not give employees and their families the choice to decide what is good for themselves and not have Big Brother do the job for them?

Shortly after this report was tabled in the Parliament, the Minister, in August 1988, introduced the Workplace Relations Amendment Bill. This amendment Bill sought to abolish the provisions within the Workplace Relations Act 1997 relating to QWAs and award simplification. When the Minister realised that he was unable to achieve agreement in relation to his original amendments as they related to Queensland Workplace Agreements, he decided to effectively keep them within the Act in name and emasculate them in a way that now makes the provisions within the Workplace Relations Act less attractive to employers and employees.

The first major amendment related to the provision of section 74 of the Act. This section basically detailed in a broad sense who can enter into a QWA. The Government's successful amendments to this Act prohibit the employer from making a QWA with an employee who is not an adult. What this did was to deprive employers and young apprentices of the flexibility to enter into a QWA which would allow them to be employed within Queensland workplaces as a part-time and/or school-based apprentice under a provision that provides sufficient flexibility and protections, and for this to occur with a minimum of fuss—this, despite the fact that protection for young people is abundantly provided for in the coalition's Workplace Relations Act 1997 under section 84(4).

The next major amendment was to section 81 of the Act, which states that—

> "The Registrar must keep a QWA or ancillary document in a way that maintains the confidentiality of its contents."

That section was deleted from the Workplace Relations Act 1997 by the Government's second major amendment. Therefore, the confidentiality provisions of QWAs are now gone. Members should appreciate that these were confidentiality—not secrecy—provisions.

The coalition's Workplace Relations Act 1997 provides many protections for employees. These protections have been effective and have prevented abuse during the 17 months that the Act has been in operation, at the time when the Labor amendment was being debated in August 1998. The protections are found in section 84(4) of the coalition's Act. This section allows for an employee's particular circumstances and needs. For example, employees with particular circumstances and needs could include women, persons from a non-English speaking background, young persons or persons with limited literacy or numeracy skills.

However, the Beattie Government decided, in one of its amendments, to insert further bureaucratic, cumbersome and unnecessary protections. It did so by amending section 85 of the Act by inserting several other provisions, including a provision that "the QWA is not contrary to the public interest" and by also providing that, in considering the public interest, the Enterprise Commissioner may consider a range of other issues, such as: the relative bargaining power of the parties; the particular circumstances and needs of low-paid workers and any likely changes in the safety net of minimum wages during the period of the QWA; the particular circumstances and needs of workers, including women, persons from a non-English speaking background, young persons, apprentices, trainees and outworkers; and anything else the Enterprise Commissioner considers relevant to the QWA. These additional provisions are unnecessary and made the approval process for QWAs far more tedious and

difficult than what it was. This has acted as a real disincentive for employers, particularly small employers.

So what the Minister effectively did—with the support of the Independent member for Nicklin—was to wreck what were fair and equitable Queensland workplace agreement provisions within the Act. QWAs are now not confidential, and the approval of QWAs is a bureaucratic and tortuous process. The prediction at the time was that the amendments and the Beattie Labor Government's obvious hostility to QWAs would further discourage employers and employees from entering into QWAs and that this effectively represents the removal of choice and flexibility within the agreement-making provisions of the Workplace Relations Act of 1997.

But just to make sure, the Government perpetrated another assault on the QWA approval process—this being starving the administration of resources which enabled the making of QWAs. Let me explain. In March this year, the member for Clayfield exposed the Labor Government's campaign to kill QWAs by administrative inaction. The information which the member tabled quite clearly indicated that the Government was killing off QWAs by administrative means, having failed in the Parliament to have the enabling legislation abolished shortly after Labor won minority Government. The level of support and mechanisms which facilitated the making of QWAs had been ruthlessly slashed to the point at which the approval of QWAs had all but stopped. The situation existed where once the Employment Advocate was supported by six officers servicing the making and approval of QWAs, there was now only one industrial relations officer allocated, assisted in the administrative role by a junior and inexperienced officer.

Information indicated that between June and December only seven QWAs were approved and that there were approximately 700 on the books awaiting attention. It was abundantly plain that the ALP had a plan to strangle QWAs by administrative means—by making it impossible for the system to deal with the work required. This behaviour by this Labor Government was an appalling breach of faith, for QWAs were the only piece of legislation on which the new Labor Government had been defeated on the floor of Parliament.

Mr Purcell interjected.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! The honourable member for Merrimac quite obviously is not taking interjections, so let us have a bit of silence in the Chamber.

Mr QUINN: So there you have it, Mr Deputy Speaker, the killing by stealth by the Labor Party of a very effective provision within the coalition's Workplace Relations Act—a provision which allowed employees and their small business employers and other employers, both large and small the choice of entering into individual agreements which were fair to all parties concerned. This move by the Labor Party demonstrates, as much as any other legislative provision within the Bill that we are debating here today, that the Labor Government has it in for small business and is out to destroy as many small businesses as it possibly can. The ALP still pursues in this place today the ideological vendetta that it has been pursuing against business generally, and particularly small business, since the turn of the century, when it was first formed.

I would like to conclude by quoting from the Courier-Mail which, in its editorial on Friday, 7 August—the day after the Minister introduced his Industrial Relations Bill— stated—

> "Mr Braddy's Bill turns back the flexibility clock. For a government which promised to be obsessed with jobs this legislation is an ignominious start."

This ignominious start is continued in a massive fashion by the Bill that we are debating today.
