Speech by

Hon. BRIAN LITTLEPROUD

MEMBER FOR WESTERN DOWNS

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INDUSTRIAL RELATIONS BILL

Mr LITTLEPROUD (Western Downs— NPA) (12.50 p.m.): It is interesting that I should follow the member for Kallangur in this debate, because he stated that this piece of legislation takes note of the new way business is done today and the changes in the work force. When I studied the Bill and the second-reading speech, I came to the conclusion that the ALP has not totally abandoned the thrust of the legislation introduced by the member for Clayfield in 1997. This Bill amends some of those things and puts a slant on them that suits the Beattie Government, but it has to be conceded by all in the House that the coalition's legislation of a couple of years ago recognised all the things going on in the workplace that had to be addressed in a different way in industrial legislation.

Very often debates in the House feature hyperbole. In this regard it is interesting to follow the member for Kallangur, because he was on about making sure that we progress the productivity of the State. I think that is the objective of all of us in the House.

It is a fact of life that Governments are approached by lobby groups. Lobbyists represent employers, industry groups and employees. It is well documented that the ALP is also funded by both employee and employer groups. Both groups give money to the ALP, but the political allegiance of the ALP is obviously to the unions. This legislation has to be assessed as leading towards meeting the demands of the unions.

The coalition legislation, implemented in 1997, tried to introduce more flexibility into the workplace. It sought to increase productivity and ensure that we could compete in the global marketplace. It also recognised the changes in the workplace. This Bill also does that in that it recognises that there is a growth in part-time work and a growth in contracting. A lot of speakers from this side of the House have pointed out that employers have gone that way to try to overcome what they see as some of the unfortunate aspects of older industrial relations legislation. I notice from this piece of legislation that there is a hint that the Beattie Government is in fact trying to grab on to some new benefits that have come through from enterprise bargaining and have that pass on to people who are on award wages. That could be detrimental to some of those advances that have been made in terms of working out industrial relations on the work floor.

There are two aspects of this legislation about which I will speak at length, these being the flow-on of certified agreements and the power that this Bill gives to the CFMEU. Prior to the coalition Government coming into power in Queensland, a clause relating to the automatic flow-on of agreements within the Industrial Relations Act 1990 had not been established.

When the coalition Government came into power, the Queensland Workplace Relations Act 1997 was introduced. This Act identifies the commission's powers relating to the automatic flow-on of terms from certain agreements into the award system. The commission cannot include terms in an award that are based on a certified agreement unless the commission is satisfied that including the terms would not be inconsistent with two details. Firstly, the flow-on must not be inconsistent with principles established by a Full Bench that apply for deciding wages and employment conditions. Secondly, the flow-on must not be otherwise contrary to the public interest.

The Beattie Labor Government's industrial relations reforms on the flow-on of certain agreements vary subtly from previous legislation in the following manner. Whereas under the Queensland Workplace Relations Act the commission could not flow on terms from a certified

agreement into an award, the Industrial Relations Bill states that the commission may include in an award provision flow-ons that are based on a certified agreement only if it is satisfied that the same two details outlined in the previous Act prevail.

The Beattie Labor Government's reforms as expanded on provide for much apprehension when considering their effects on employers, competitors and the like. As noted, the existing provision has been reworded so that the commission may include flow-ons. This is disadvantageous for employers because the alteration in wording may see applications of this nature made more frequently subsequently succeeding. As a result, employers support the current emphasis towards enterprise bargaining and therefore believe that awards should act only as a safety net. That is, employers support the current legislation, which allows employers to enter into agreements. Those agreements are based on awards subject to the no disadvantage test.

Awards should act only as a safety net above which bargaining can occur. In this respect, once an agreement is approved it displaces the award or the relevant part of that award for the term of the agreement. An award forms the base on which an agreement is built and an agreement is a negotiated and bargained instrument setting wages and conditions.

It is acknowledged by employer groups and unions that many State awards have not been sufficiently updated and do not in some cases even incorporate safety net increases granted by the commission. This failure rests clearly with the union movement, which has neglected its responsibility to update awards under which its members are employed.

Suggesting that awards be automatically updated by having a mechanism which allows the wages and conditions in relevant agreements to be incorporated by the commission into common rule awards is flawed and strenuously opposed by employer groups for the following reasons. Firstly, it is simply not possible to incorporate wage increases gained by bargaining into awards, as those increases are necessarily linked to productivity and flexibility aspects which are negotiated outcomes specific to the particular enterprise concerned. Secondly, the argument does not explain whether the aspects of bargaining which it is intended to incorporate are wage increases and/or general conditions of employment. How can wage increases be granted in the absence of the latter, and if both are required then how can particular conditions gained or changed in individual enterprises be transposed into a common rule award?

Thirdly, the very nature of common rule awards affects a great variety of workplaces and working conditions. Agreements which have been entered into after bargaining between parties have neither the same character nor the same origins as a common rule award. It is not accepted that the two types of employment arrangements can be related in the way suggested earlier. Fourthly, agreements exist mainly in larger enterprises and small business mainly utilise awards.

The effect of rolling into awards the benefits obtained in agreements would have a disastrous impact on the economic viability of business and does not allow for sufficient tests for these to be transposed into common rule awards. It would result in greater casualisation of the work force and greater unemployment.

I turn now to the issue of union power and the CFMEU. It is quite clear that the Government is using the new legislation to reward the CFMEU over the AWU within the Labor Party factions. Why would this House want to reward the CFMEU for a history of disruption, standover tactics, intimidation, disruption to the Queensland economy and refusal to comply with orders and directions from the Queensland Industrial Relations Commission on a multitude of occasions?

The findings of the full Industrial Relations Court in its decision C11 of 1999, handed down on 31 May 1999, are an indictment and condemnation of the activities of the CFMEU. In that judgment, the full Industrial Court found that both the CFMEUQ and the BLF failed to show cause that the organisations had complied with the orders of the QIRC. The commission, on 19 February 1999, prior to the commencement of the strike at Sun Metals, had issued orders to prevent such action and to prevent officials of the respective unions engaging in or inciting such action. These two unions have now been found by a Full Court to have failed to comply. The CFMEUQ actions did not constitute substantial compliance with the orders, that is, the judgment of the independent umpire. The dispute was continued by irresponsible trade union officials.

I refer the House to passages from the judgment of the Full Court which reflect the behaviour of the CFMEU and its officials on that occasion. The final page of the decision states—

> "We turn to the position of the CFMEU. Michael Ravbar, an industrial officer, employed by the union in Brisbane and particularly the local organiser, Frank Young, had the carriage of the CFMEUQ's compliance with the order.
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> It will be recalled that the CFMEUQ did not participate in the conference of 19 February at which the order was made. Ravbar made no attempt to obtain a copy of the order or to procure a copy for Young who obtained access to a copy from Hanna of the BLFQ.

Ravbar instructed Young to 'shirt front' the workers and tell them that because of the orders 'there is supposed to be no inciting or taking industrial action at this stage in that—work as normal'.

Although Young attended at the security entrance with Hanna he did not do that."

In any event, paragraphs 3 and 5 of the order required more than that. Young occupied himself with facilitating Hanna's distribution of the pamphlets previously referred to and to that extent associated himself with Hanna's actions and did nothing to comply with paragraphs 3 and 5 of the order of the court.

Sitting suspended from 1 p.m. to 2.30 p.m.

Mr LITTLEPROUD: Before the luncheon adjournment, I was commenting on the actions of two officials of the CFMEU, Mr Ravbar and Mr Young, and the criticism of them by the Industrial Relations Commission. Young's activities on the morning of 22 February fell far short of what was required by paragraphs 3 and 5 of the order, and Ravbar's instruction to Young did not constitute substantial compliance with those terms of the Industrial Relations Commission.

What a disgraceful indictment upon the CFMEU that those people should not carry out the orders of the Industrial Relations Commission. We have two officials of that union who blatantly disregarded orders of the independent umpire and continued to incite and encourage strike action, which ultimately came close to seeing the closure of a project worth millions of dollars to Queensland and hundreds of the jobs which the Premier says that he wants so badly.

It also came to our attention in this place yesterday that the CFMEU has made significant donations to the ALP in 1996-97 and 1997-98.

A Government member: Of course they did.

Mr LITTLEPROUD: Right. Those documents showed that the CFMEU was, on both occasions, the fourth-largest union donor to the ALP, donating $109,366 in 1996-97 and $79,467 in 1997-98. I heard a Government member interject to say that that is pretty normal. But the accusation coming from members on this side of the House is that this legislation is favouring those people in the union. It is not very healthy to think that after that money was donated we now have legislation that is tending to favour people in those unions. The accusation is that the time for payback to the CFMEU is about to occur with the abolition of greenfield sites and right-of-entry provisions in the new legislation. The Government is allowing the perpetuation of an evil empire created by this union to continue to dominate the business environment of Queensland, and members on this side of the House cannot condone that.

I want to finish by talking about carer's leave. I notice that that is an innovation in the legislation. I understand that, in many cases, the two partners in a home are both working. And when there is a need to look after someone who becomes sick within that family, the need for leave to care for that person is understandable. This legislation is addressing that social responsibility. I will leave it to the commission, to enterprise bargaining or to workplace agreements for the parties to work out whether that will be unpaid leave or whatever. I can understand that progression, because the workplace is changing. The member who spoke before me said that we are trying to make our workplaces more flexible and more productive.

However, when I was reading that section of the Minister's second-reading speech relating to carer's leave, I came across the words "household care". I straightaway thought about social engineering. I was not surprised then to hear other members on this side of the House taking up that issue. I stand here today stating that I believe that the legislation in Queensland should include a definition somewhere of what is a family, and that should have an exclusive right over and above all other sorts of legislation. I believe that a family is a heterosexual marriage. I believe that the accusations coming from members on this side of the House are quite correct.

I have heard other members opposite talking about the need for household care for same sex couples on the grounds of equity. That could have some validity. However, it is my very firm and personal belief that that argument is subservient to the overall belief that, in the definitions of our legislation and all the legislation that applies in Queensland, we should have an exclusive status for the traditional family, and that should override any other arguments about equity. So I put on record my very great concern that this is a case of social engineering which could create a precedent whereby people could say, "You have to alter such and such a law in regard to a family, because it has already been enshrined in the new industrial relations legislation that 'household care' means not only heterosexual marriages but all sorts of other unconventional relationships." I personally do not condone that, and I back the other members on this side of the House who have spoken about that issue.

I am pleased that I have been able to point out two of those special issues relating to this legislation. I also recognise that the legislation introduced in 1997 by Mr Santoro is being amended in some way under this legislation; that it has not been completely thrown away. So those people who put

this legislation together recognised the merits of the legislation, how it was befitting the modern workplace, and how things have changed with contract work and many people entering into part-time work. In that regard, I certainly hope that we achieve an outcome that is not too biased towards the employers or the employees. But there certainly is a need to make sure that the industrial laws of the State are conducive to bringing more prosperity to the State. I support the member for Clayfield in his opposition to some aspects of the Bill.