



Speech by

## GORDON NUTTALL

MEMBER FOR SANDGATE

Hansard 10 June 1999

### INDUSTRIAL RELATIONS BILL

**Mr NUTTALL** (Sandgate—ALP) (12.20 p.m.): I thank the member for Bulimba for his trust in me. Industrial law in this State is the great divide between the conservatives and those on the Labor side of politics. The number of times that I have participated in industrial relations debates in this Chamber—

**Mr Reeves:** Too numerous.

**Mr NUTTALL:** The member for Mansfield is correct: it is too numerous. It is sad that we have to change industrial laws continually.

**Mr Mickel:** I think you have done one good thing: you've cleared One Nation.

**Mr NUTTALL:** After last night, they probably did not want to hear me any more.

I would like to put a bit of balance into the debate and remove some of the rhetoric. Opposition members continue to struggle with the fact that, as a Government, we are able to deal with small business, the trade union movement and the big end of town. Members of the Opposition have never been able to come to grips and have never had a good working relationship with the trade union movement, because they have never made the effort to sit down and understand what it is about. That is a sad state of affairs, particularly at times when Opposition members are in a position of having to govern for all people.

We need to consider what the IR Bill before the House is trying to do. It is about promoting economic prosperity and social justice and, of course, meeting the needs and upholding the values of our community as at State. The Bill has 11 key features. I will touch on each of those. Towards the end of my speech, I will deal particularly with the role of the Industrial Commission and perhaps the future policy of the Opposition. The opposition to the Bill before the House today is being driven by ideology and by a shadow Minister who is bitter and twisted in his views on industrial relations in this State. I know other members have discussed the key features of the Bill; however, from my perspective, it is important that they go on the record.

The Bill provides enhanced powers for the Industrial Relations Commission to assist parties in negotiating agreements, including a greater focus on conciliation and mediation. I will touch on that issue later in my speech. The Bill creates a new position of full-time President of the Industrial Court and Commission, a new position of commissioner administrator and a simplified appeal process. As has already been stated, the Bill provides for a new 21-day peace obligation period to encourage negotiation before industrial action. A three-month probationary period for all employees replaces the small business exemption from unfair dismissal provisions for businesses with 15 staff or fewer. I believe that is a particularly important part of this legislation.

The Bill provides a greater choice in agreement types to suit individual industries, enterprises and workplaces. Awards are to set fair and reasonable wages and conditions of employment and are to be reviewed at least every three years. Minimum employment entitlements are provided for all employees, including those who are not covered by awards and agreements. The provision of unpaid maternity leave is extended to long-term casual employees. The Bill protects employee entitlements when a business changes hands and protects people's right to choose whether or not to join an industrial organisation. People employed as outworkers will be covered by the Act. There are some

substantial changes that benefit workers who are not covered by strong industrial unions. The Government and particularly the Minister are to be applauded for that.

The review preceding this legislation was the first review of Queensland industrial relations legislation since the Hanger report in 1988, which ushered in the Industrial Relations Act 1990. Queensland industrial relations legislation underwent further changes in 1994 and again in 1997. Unlike the changes in 1997, these changes have been brought about as a result of a full review. We need to consider the composition of the independent task force that the Minister established to undertake this review, because we have been hearing the Opposition's one-sided view about this industrial relations legislation. The task force comprised three representatives of employers, three representatives of unions, a person from the Department of Employment, Training and Industrial Relations and two other experts. An important point that needs to be made in this debate is that that task force did include representatives of employers. The terms of reference required the task force to recommend new legislation that improves the strength of the economy, provides job growth and job security, is fair and equitable and is accessible and responsive to Queensland's needs. The task force was chaired by the Griffith University Pro Vice-Chancellor, Professor Margaret Gardner, who is a distinguished independent expert on industrial relations.

The task force undertook a four-part consultation process. The first step was the preparation of an issues paper. The second step was a call for written submissions. The third step was a series of regional consultation meetings. The fourth step was the holding of issues workshops. So the legislation was not rushed; the issues were canvassed widely in a four-step consultation process. In December 1998, the task force presented 166 recommendations in its report to the Honourable Minister. Of those recommendations, 84% were unanimous. As I said earlier, the task force included representatives of not only the union sector but also the employer sector. That is an important aspect of the recommendations to the Minister. The task force found that the current legislation was overly complex. Many submissions suggested that changes were required. The legislation before the House replaces two pieces of legislation: the Workplace Relations Act 1997 and the Industrial Organisations Act 1997.

Many Queensland workers rely on awards to set their wages and minimum employment conditions. As we know, awards have consistently been under attack by conservative Governments and have become increasingly irrelevant and outdated due to the Industrial Commission's limited role in maintaining awards as a minimum safety net of conditions. In order to restore the importance of awards for many Queensland workers, the proposed changes require the commission to set fair and reasonable wages and conditions that are to be reviewed at least every three years.

Public submissions identified the need for a greater range of agreements to meet employee, employer and industry requirements. In response, certified agreements will be made to cover single employer/multi-employer projects, or proposed projects, and new businesses. Single business agreements and multi-employer agreements can be made with unions or directly with employees and can operate for a period of up to three years.

To encourage negotiation between the parties we have the concept of the 21 days' peace obligation period which enhances the commission's powers to assist the parties reach agreement through some form of conciliation, if required. I believe an extremely important part of the legislation concerns the no disadvantage test which ensures that employees must not be disadvantaged when the agreement is compared with existing award entitlements or entitlements under the Act.

More importantly, the Queensland workplace agreement will remain and will not be wiped out by this legislation. These agreements must be approved by the commission and are subject to the no disadvantage test. To ensure fairness and equity and a proper balance between economic and social objectives, the Bill prescribes a set of fair and reasonable minimum employment entitlements for all Queensland workers.

Under the proposed changes the definition of "employee" is to include outworkers. This will entitle such people to coverage for general conditions of employment. More and more we are noticing the trend for businesses to employ outworkers. I believe that this provision is an important platform in this legislation.

I wish to refer to the dismissal provisions. On numerous occasions we have heard that the legislation introduces a three-month probationary period which is applicable to all employees. This assists employers because employees are excluded from making unfair dismissal applications during that period of three months.

I would like to move on to the question of the Industrial Commission. The submissions received by the task force during the review of the legislation identified the fact that many parties wish to avoid drawn out disputes and would prefer to have recourse to a strong, independent umpire, namely, the Industrial Commission. The submissions also recommended that the commission has a stronger role in the award making process in order to ensure that workers receive fair and reasonable wages and conditions. Consequently, the commission will be reconstructed and its role will be broadened.

We saw severe interference from the coalition Government with the operations of the Industrial Commission. I believe that is a particularly sad thing. Under these changes, the court and the commission will be led by a full-time president who possesses legal qualifications and industrial relations skills and experience. The president will be assisted by a vice-president who will also have legal qualifications. There will be at least six other commissioners. Importantly, the proposed legislation puts negotiation and not confrontation at the forefront of industrial relations in this State.

I would like to see the shadow Minister reply to a particular question. If, in some unseen circumstances, the Opposition were to win a State election, will he give an unequivocal assurance that the coalition will not pass all Queensland industrial relations matters to the Federal Government? The Victorian Government, under Premier Kennett, handed over its industrial relations matters to the Federal Government.

Given that Queensland probably has more State awards than any other State, I believe that workers should receive that assurance from the Opposition. It is important that we be informed of the coalition's views in relation to the future of industrial relations in Queensland. I call on the shadow Minister to outline the coalition's future policy in relation to industrial relations. Will the Opposition give an undertaking to the workers of this State that it will not hand over all industrial relations matters to the Commonwealth? That question needs to be answered.

I have spoken to people from the conservative side of politics—and I am not referring to members of Parliament—and I know that there is a strong push for the conservatives to refer all industrial relations matters to the Commonwealth. I believe that would be a grave mistake. The workers of this State need to be aware of the possibility of such a policy.

**Mr Roberts** interjected.

**Mr NUTTALL:** The member for Nudgee has reminded me that the shadow Minister has raised the matter. Perhaps the conservatives do have a permanent solution to this matter. If the solution is that industrial matters are packed up and handed to John Howard and Peter Reith, then God help the workers of this State! This debate provides the Opposition with an opportunity to tell Queenslanders its policy in relation to industrial relations matters. The ball is in the Opposition's court. If the question is unanswered, I believe one can assume that the Opposition will head in that direction.

I wish to refer to the matter of freedom of association because much has been said about compulsory unionism and the right to belong to unions. The legislation contains freedom of association provisions. These provisions permit persons to join or not join industrial organisations of their own choice. That position will continue in this legislation in a simplified form. The Bill permits the inclusion of clauses in awards for registered agreements which encourage membership of industrial organisations, but there is no question of coercion. This is consistent with the decision of the Australian Industrial Relations Commission.

I would like to take this opportunity to congratulate the task force and the Minister on the fine work they have done in relation to this legislation. I commend the Bill to the House.

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