Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

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INDUSTRIAL RELATIONS BILL

Mr SEENEY (Callide—NPA) (3.30 p.m.): I rise in this debate to oppose what is probably a predictable piece of legislation, given the ideologies that have just been enunciated by the member for Fitzroy and others on his side of the House. The Labor Government is more concerned with outdated ideologies than in ensuring a future for today's Queenslanders and tomorrow's children. Sadly this legislation is an attempt to go back to the past. This legislation seeks to regress to a time that is, thankfully, long gone. I suggest to all honourable members on the other side of the House that we would all do better to rise above the fears, suspicions, jealousies and recriminations of the past and look forward to a time that belongs to our children. It would be better if, as law makers, we prepared our industries and our State for the future, rather than sought to implement legislation that takes us back to the past.

I say with confidence to members of the Government that they cannot deny the future. Time is on our side. They may well carry this Bill, but it will be a short-term retreat to the past in the face of social and demographic changes that are too powerful to be denied. Those social and demographic forces will ensure that those of us who seek a more liberal and flexible industrial relations system will see in time a certain and not-too-distant victory in that regard.

I know that many members on the other side of the House are ideologically driven to support this legislation. Many of them owe their very presence in this House to the union movement. They are bound to do the bidding of that organisation as it frantically tries to halt its downward slide into irrelevancy in the face of the social and demographic changes of the information age in which we now live.

Members opposite who are interested in the future of this State rather than the future of the union movement should consider whether the industrial legislation of the past that they now seek to emulate has produced the results that its promoters intended and whether, in the future, it will be more or less likely to produce those results in a practical sense. The evidence is that clearly it is not. Restrictive employment legislation always has and always will cost jobs and businesses their future.

The changes that this legislation seeks to bring to Queensland industrial relations have a common theme. They all seek to reverse the irreversible trends of recent times: tends away from centralised wage fixing and restrictive awards, and trends towards individual agreements and the workplace focus; trends away from union power and domination, and trends towards individual empowerment and individual reward. Those trends are products of the society and the time in which we live. They will not be checked or reversed for long by this legislation, which represents yesterday's ideology and seeks to ingratiate a union movement hankering for the good old days of the past.

The architects of this legislation have failed completely and utterly to understand that the industrial relations scene today is and has to be one of cooperation and negotiation. The old days of confrontation and class battles are gone forever, and that is how it should be. There is now a far greater understanding of the interdependency of employers and employees than ever before, especially in the critically important small business sector.

This legislation can scarcely be conducive to new investment and employment. It can do nothing but make ever more distant any hope of achieving an acceptable unemployment rate. This legislation substantially increases the powers of the Industrial Relations Commission and it substantially

increases the powers of the trade union movement. It confirms forever, if any confirmation were necessary, that the Queensland Labor Party is simply the political wing of the trade union movement.

This legislation increases the burden of regulation on employers. It is the opposite of every move that has been made in industrial relations in recent times. It is a move back to the past. It totally ignores the increasing evidence that the more Governments and their agencies regulate decision making by business, the less that business will invest and the less that the business owner will risk. Unless employers and employees are given the flexibility and encouragement to move to more enterprise or individual agreements the type of investment we need to see in this State will not happen. Unless businesses can be confident that they can negotiate with individual employees the conditions of work that allow them to take into account the particular situation of their employment, then employment strategies will be curtailed. Unless businesses, employers and employees can be assured that they control their own employment decisions to ensure the future of their businesses and the security of their jobs, those businesses will be hamstrung and those jobs will always be limited. This legislation does none of those things.

This legislation grants more and more power to the unions. It seeks to return the unions to the central role in the process despite the fact that more and more employees are choosing not to be part of the union movement, and despite the fact the focus worldwide is moving more and more towards the individual work place rather than a centralised system.

This legislation gives more and more power to an industrial commission, despite the fact that the commission has failed to use its existing powers and it has failed dismally in resolving disputes such as the Sun Metals dispute in Townsville. It only serves to perpetuate a system that is outdated for the benefit of those who have made a career in the disputes industry. That disputes industry has provided a pathway to this place for many members opposite.

This legislation seems to set out to widen the definition of "employee" as much as is physically possible. It sets out to include within the gambit of this legislation as many Queenslanders as it possibly can. In so doing, it extends the definition of "employee" to quite ridiculous lengths. The definition is an obvious attempt to bring under the influence of the legislation a whole range of people who currently operate as subcontractors, small businesspeople or independent operators in their own right. It sets out to include within the definition of "employee" partners in a business who are working in association. In doing that, the legislation sets out to stifle the initiative that has seen many people operate for their own advantage. Once again it sets out to bring those people under the yoke of union influence and in that respect, of course, it is again a move back to the past.

I now address the provisions relating to leave contained within the legislation. I fully support the concept of reasonable leave for employees, family leave, carer's leave and parental leave. This legislation generously provides that after 12 months of continuous service, an employee is entitled to an unbroken period of up to 52 weeks of unpaid maternity leave for the birth of their own child or for the birth of a child of the employee's spouse. The interesting thing here is the definition of "spouse". I refer to page 48 of the Bill. The footnote states—

" 'spouse' of an employee includes—

(a) a former spouse; and

(b) a de facto spouse, including a spouse of the same sex as the employee."

I find it totally unacceptable that this Parliament should be considering legislation that puts same sex couples—homosexual couples—on the same legal footing as the traditional family unit. I find it quite incredible that some members of this Labor Government consider this feature of the legislation so important as to give it prominence in their speeches. I consider it to be quite incredible that they consider this to be a major achievement of the legislation.

I take a fairly liberal attitude to what people choose to do in private. Even though I personally, and I believe most Queenslanders, find these lifestyles immoral, I do not believe that we should be trying to legislate morality. I urge a degree of tolerance towards anyone's lifestyle, so long as they respect the views of others and do not cause affront to the community at large. However, I believe that it is another matter altogether to give those lifestyles recognition in legislation. It is not acceptable to me personally, and I believe with confidence that it is not acceptable to my constituency for homosexual or same sex couples to be recognised and legitimised in this way. I do not believe it is acceptable for such lifestyles to be given legitimacy by inclusion in this or any other legislation on an equal footing with traditional family units. I do not believe the people of Queensland as a whole believe that this type of recognition, acceptance and tacit promotion is warranted or acceptable.

I believe the Premier recognised that the people of Queensland generally do not believe that this is appropriate when, earlier this year, he ruled out the recognition of property rights for same sex couples. However, we now find that it is being included in this legislation. It seems that the Premier has

been rolled by the social engineers from the Socialist Left who seem intent on forcing their political correctness on the majority of Queenslanders from their position within the Labor Government.

If this Bill is passed in its present form, it will be the first time ever that Queensland law has recognised same sex, or homosexual, couples. If this legislation is passed, it will allow same sex couples the same right to parental, family and bereavement leave previously only available—and rightly so—to married and de facto couples. The same rights extended in the State awards for State-based workplace agreements to workers' partners and families will be extended to same sex, or homosexual, couples. That is totally inappropriate and it should be rejected by this Parliament. The previous Goss Labor Government and the Borbidge led coalition Government both pursued a policy of protecting and respecting traditional family values and excluding recognition of homosexual, or same sex, couples from Queensland laws.

Mr Lucas interjected.

Mr SEENEY: Absolutely.

By recognising same sex, or homosexual, couples, the legislation cheapens and devalues the traditional family unit. This legislation represents a major change to the fabric of Queensland society—a change which must and should be rejected by this House. Similarly, the suggestion that homosexual couples are somehow the equivalent of traditional families will, and should, be rejected by the majority of Queenslanders. I believe most Queenslanders would find repugnant the attempts by members opposite, in particular the member for Archerfield, to try to portray homosexual lifestyles as being equivalent to traditional families and as an equally acceptable alternative. I wonder how many Queenslanders know where the Beattie Labor Government stands on this issue.

The ALP went to the June 1998 State election quietly promising de facto rights for same sex couples—a position which was backed away from by Peter Beattie in Government earlier this year. The recognition of these lifestyles appears in the industrial relations legislation before the House today. This legislation cannot be passed when it contains such a significant change to the fabric of Queensland society. It cannot be passed when it provides recognition for a lifestyle that most Queenslanders find immoral. It cannot be passed when the debate on this legislation has been used by Labor members opposite to provide support for and tacit promotion of a lifestyle that most Queenslanders find repugnant.

In this regard, this legislation seeks, once again, to go back to the past and revisit the political correctness that was rejected by Queenslanders and other Australians in recent times—and rightly so. That political correctness will undoubtedly be used to scorn anyone who opposes the Social Left's agenda—political correctness that was, and is again, being used by the social engineers of the extreme Left to bring about fundamental changes in the fabric of our society. I reject that fundamental change of providing legislative recognition. The fundamental change is that this legislation provides within it recognition of homosexual, or same sex, couples. I know that the constituency I represent will reject that fundamental change out of hand. I believe the majority of Queenslanders will reject this fundamental change to the fabric of their society.

Mrs Lavarch interjected

Mr SEENEY: The comparison that the member makes between homosexual, or same sex, couples and traditional families is of itself demeaning. There can be no comparison. To give those two extremes equal recognition in the legislation is an affront to me and, I believe, most other Queenslanders.

The provisions of this Bill that relate to unfair dismissals are also a retreat to the past. Although I understand and support the need for employees to be protected against unfair dismissal, this legislation goes too far. As with every other section of industrial relations, there needs to be a balance between the interests of the employee and the employer. In this case, once again, the balance has been weighted strongly in favour of the employee. What members on the other side of the House and the architects of this legislation consistently fail to understand is that by weighting such things as unfair dismissal provisions too heavily in favour of the employee they effectively create an active deterrent against employment. When employers, especially small businesspeople, face the prospect of litigation and the payouts involved with unfair dismissals, it acts as a disincentive for them to employ people. This legislation will remove from the Act the provision in respect of having a minimum of 15 employees. Once again, it exposes small businesses to the threat of unfair dismissal claims. Once again, the hallmarks of the union movement are clearly seen in this legislation, as the balance in the area of unfair dismissal is tilted too heavily in favour of the unscrupulous employee.

The whole area of compulsory unionism, which is dealt with under Chapter 4 of this Bill—it is somewhat dubiously called "freedom of association"—is also of much concern. The question it raises surely is: why does the legislation canvass such detailed reasons for exemption from membership if compulsory unionism is not part of the whole deal? Those provisions are quite detailed.

For example, clause 113 states that a magistrate or registrar may grant an application for exemption from membership if he is satisfied about a whole range of issues, including—and wait for it—if he is satisfied that the same amount as the membership subscription has been paid to the registrar of a Magistrates Court or registry. What a joke! Under this legislation, people are able to be exempt from membership as long as they pay the same amount as the membership subscription.

Those of us with experience with unions and union organisers could be forgiven for our cynicism when we read clause 110, which deals with the encouragement provisions permitted under this legislation— encouragement provisions to join an industrial association. Clause 110 states that an encouragement provision of an industrial instrument may encourage a person to join or maintain membership of an industrial association. Subclause (3) states that "encourage" does not include "coerce". In reality, we all know what that means. I can imagine the type of encouragement that will be offered to employees to join industrial associations. I can imagine the type of encouragement that will be given by some of the union organisers whom I have encountered in my experience. I can imagine their detailed understanding of the difference between encouragement and coercion.

It is not unreasonable to expect that many lawyers will do well out of determining just what the difference is between encouragement and coercion. If this House needs any confirmation of that, it is certainly provided in the comments made in this debate by the member for Bulimba. Towards the conclusion of his speech, the honourable member portrayed an ideology in respect of which anyone could scarcely be expected to recognise any difference at all between encouragement and coercion. The whole clause relating to the encouragement provisions appears to be in conflict with any concept of freedom of association. At the very least it is confusing and conflicting and provides room for the freedom of association provisions to be ignored or overlooked.

I wish to address another area that represents a return to the past. This legislation resurrects the award system as the dominant method of determining workplace conditions, in direct contrast to the tide of history. This legislation represents the last gasp of a union ideology that is no longer relevant to most of the Queensland work force. Only 22% of the private sector work force are union members. Only 30% of the total work force are union members. Most employees have long since realised that they are capable of controlling their own destinies.

This legislation seeks to return the centrally negotiated award to prominence, thereby returning the trade union to a position of importance. Combined with some of the other provisions that I have mentioned earlier, it represents a giant step backwards. This legislation should be opposed by every member who has not mortgaged their soul to the union movement or to the social engineers of the extreme Left.