Speech by

Dr LESLEY CLARK

MEMBER FOR BARRON RIVER

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INDUSTRIAL RELATIONS BILL

Dr CLARK (Barron River—ALP) (4.55 p.m.): Today it is with great pleasure that I rise to participate in the debate on the Industrial Relations Bill.

Mr Musgrove: You're giving us pleasure as well.

Dr CLARK: I thank the member for Springwood.

This Bill represents the third and most important element of the reforms promised to workers by the Labor Party prior to the 1998 election to restore the principles of equity and fairness in the workplace while providing for strong economic growth. Reform to the Queensland workers compensation scheme was the first part. Cover has been extended to more injured workers, and the system now treats them more fairly. This was achieved with the recent passage of the WorkCover Amendment Bill.

With respect to reform of the State's industrial relations legislation, Labor made explicit commitments prior to the election. In view of the level of cynicism that exists about politicians and their promises, I wish to restate our commitments as they appeared in the Government's pre-election Industrial Relations New Directions Statement and which were implemented in this Bill.

Firstly, a commitment was made to establish an effective industrial relations system that gives Queenslanders a fair and reasonable standard of living, an equitable share of the State's output, access to jobs and training, secure and satisfying employment, equal opportunity employment and employment that is free from discrimination. The second commitment was to develop an industrial relations system which takes account of both the social and economic goals in order to ensure a proper balance between the achievement of fair outcomes for workers and improving the productivity of Queensland workplaces and industries.

To meet those objectives the Government established a review of Queensland's industrial relations system and immediately moved to amend the Workplace Relations Act 1997. Thus, on 28 August 1998, the workplace relations amendment legislation was passed by Parliament. That legislation overturned the harsh and unfair aspects of the Act. For example, it stopped awards from being stripped back to the 20 allowable matters. In regard to Queensland workplace agreements, the legislation removed secrecy provisions, included protection for disadvantaged groups, such as young workers and women, and required the commission to consider the public interest before approval of a QWA.

The Government's comprehensive review of Queensland's industrial relations legislation was underpinned by the imperative that the State's industrial relations system must take account of both economic and social objectives, and that it must be based on conciliation rather than conflict, which puts it in stark contrast to the industrial relations model adopted by the Liberal Federal Government and the former Queensland coalition Government.

The total disregard by the conservative Government of the need to consider social goals in industrial relations policy has been highlighted by Lindsay Tanner in his thought-provoking book titled Open Australia. He points out that the fundamental issue at stake in this debate, which is routinely ignored by supporters of wholesale market deregulation, is the nature of the employment relationship itself. I will quote from Mr Tanner's book, because I believe that members opposite are in need of some

re-education if they are ever to adequately understand and meet the needs of working people and to create a fair society. It states—

> "The contract of employment is not just any contract, like the contract to buy a loaf of bread or a train ticket. It is a vital cornerstone of our society. Labour performs three central functions in modern society, not one. The first is the efficient production of goods and services to sustain our existence. The second is the efficient distribution of the rewards of the production process throughout society. The third is the creation of a sense of identity, recognition and self-worth amongst individuals.
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> Human labour is more than just an input in the production process."

That is something that the members opposite just do not seem to appreciate, considering the rhetoric that I have heard in this House. It goes on—

> "Labour is also our primary mechanism for distributing the benefits which arise from that process, through wages and other payments. Labour markets are different from other markets, because labour is the ultimate determinant value in all products, and most individuals do not enjoy the option of withdrawing if they receive an inadequate price. If we only maximise labour efficiency in the production process while labour remains our primary source of income and social participation, we are likely to pay the price in mounting unemployment, inequality and social alienation. While human worth and income are linked to our involvement in the production process, we must also aim to maximise the capacity to participate in, and share equitably in the rewards of, that process. Labour markets must be both socially and economically efficient. The tensions between these two imperatives are significant, but not absolute. The real objective should be a regulatory framework which maximises the pursuit of both objectives."

That, of course, is the kind of regulatory framework that we have got in the legislation that is before the House at present.

Much has been claimed in this debate by members opposite about the influence of the unions in the formulation of this legislation. They trot out their predictable rhetoric about Labor dancing to the tune of its Labor mates as if no other views mattered. That is patently absurd. It is also, I believe quite frankly, insulting to the nine members of the task force chaired by Professor Margaret Gardner, who is the Pro Vice-Chancellor of Griffith University and a distinguished expert—an independent expert—in industrial relations. I think it is worth reminding the House yet again about the extent of consultation that occurred; it was clearly evident that this Labor Government was determined to consult widely and take in a whole range of views in relation to this matter.

Some 2,500 copies of the issues paper were distributed to employer associations, unions, companies, Government agencies, parliamentarians, of course, and other organisations and individuals. That is hardly a narrow range of people. The issues paper provided information on the review and posed questions for those wishing to make written submissions. We opened up the whole process of developing the kind of industrial relations legislation that was needed in the State to cope in the future. A series of regional consultations was held in eight locations across the State, attracting more than 340 people. I must say that, when I attended the one in Cairns, it was a very valuable experience. It was a very useful forum and a lot of information was gained by members of the task force when they came to Cairns.

The task force did hear a whole range of views. It was not just unions at those consultations; there were employer organisations as well and everybody was able to have their input. As a result, there were more than 200 written submissions in response to that issues paper and regional meetings. Three issues workshops were also held to bring together a range of industrial relations practitioners—people out there on the ground who know what is working and what is not working. These workshops addressed key issues, including awards and agreements, the public sector, and the commission and the court.

In December of last year the task force presented 166 recommendations in its report to Minister Paul Braddy. Of these recommendations, 84% were unanimous. So we are not talking here about a report that is just all over the place in which people cannot agree on what is important; we are talking about a report that contains recommendations of which 84% were unanimous—an unusually high level of agreement in this area. The Industrial Relations Bill is solidly based on that consultation process conducted by the task force and further consultation following a release of that report. Of the 166 recommendations made by the task force, 150 have been adopted in the new legislation. So, once again, we cannot be accused of ignoring a report that was produced for the Government on this vital issue.

Two key recommendations that have been adopted by the Government relate to consultative reforms. They have not had much coverage in the debate tonight, so I would like to focus on those in a little bit more detail. An effective industrial relations system needs to encourage not only cooperation and consultation but also the full participation of workers and employers in dealing with the issues that

affect them. As a result, the new Bill provides for an advisory committee to the President of the Industrial Relations Court. This advisory committee will consist of nine people, including representatives drawn from employee organisations, employer organisations and the Anti-Discrimination Commission. Their function will be to assist in providing feedback from all parties involved in the Industrial Relations Commission and the court.

That advisory committee will be a valuable mechanism to assist in improving the responsiveness and accessibility of the commission and provide greater accountability in relation to performance. It must be said, though, that the president's advisory committee was provided for under the coalition's Workplace Relations Act. However, the significant point is that it met only a couple of times, and it certainly did not include a representative from the Anti-Discrimination Commission. The Government envisages a far more active role for the committee, which will meet at least three times a year.

One of the things that has been discussed in this debate is the proposal to allow lawyers to appear more frequently, subject to conditions, at the commission hearings. If that becomes a significant issue that is seen to be affecting the work of the commission or is seen to be discriminating against any particular party, that consultative group will be able to provide feedback to the Minister on that and make adjustments if it is necessary. We are mindful of the need to monitor the performance of the commission and to see whether it is doing the job that this legislation set out to achieve.

The inclusion of an anti-discrimination commissioner will also ensure the development of stronger links between anti-discrimination and industrial jurisdictions. Importantly, the new Bill also provides for the establishment of an industrial relations advisory committee to investigate and report to the Minister on industrial relations policy issues generally. Significantly, while the Workplace Relations Act provided for the establishment of such a forum and required it to meet at least three times a year, how many times do honourable members think it met? Zero! It never met—ever—under the coalition. So much for the coalition's commitment to consultative processes!

Like the president's advisory committee, the industrial relations advisory committee will include representatives from employee organisations, employer organisations and the Anti-Discrimination Commission. The Government has further stamped its consultative, cooperative approach on the new legislation by drafting new objects that provide the framework for Queensland's new industrial relations system. Specifically, the new objects clearly state that the system will promote participation in industrial relations by employees and employers, and encourage responsible representation of employees and employers by democratically run organisations and associations.

This Government believes that the extensive consultation process undertaken to review Queensland's industrial relations legislation has resulted in the formation of a system that is fair and is balanced. The consultation process provided the first opportunity in a decade for Queenslanders to have their say in the design of new industrial laws, and these do look to the future. Some members have tried to say here today that we are going to back to the past. That is most definitely not the case. These laws are designed to take into account changes in the work force, changes in work practices that are occurring and changes in society that are occurring.

By implementing more than 90% of the independent task force's recommendations, the Government has shown its commitment to a system that delivers positive outcomes for all Queenslanders. Furthermore, the consultative process is embedded in the new legislation through the objects and through the provisions of active consultative forums comprising representatives of employee and employer organisations. In adopting this new legislation, we will be sending a clear message to Mr Reith and to the other States that sound industrial relations reform can be achieved through open and informed discussion between Government and the parties involved.

Before I conclude my contribution to the debate today, I want to talk about one particular aspect of this legislation, that is, the way that it is assisting those members of the work force who have, over many years, tried to balance the demands of work and family life. We have talked in many forums about the need to have more family friendly workplaces, and that is one of the objectives of this legislation. It recognises the increasing proportion of women in employment, which has raised issues for employees generally about the balance between work and family life.

In 1996, 94% of fathers and 63% of mothers in two-parent families with dependent children were in the labour force and about half of single parents with dependent children were in the labour force. The increased participation of women in the labour market and the increasing numbers of working parents in the work force over the past 10 to 15 years has led to conditions such as parental and carer's leave becoming accepted as community standards. All Queensland workers will be guaranteed for the first time access to carer's leave. An employee will be able to access up to five days of paid sick leave and, where an employer and employee agree, will be able to take unpaid carer's leave to provide carer support for members of the employee's immediate family or members of the employee's household when they are ill.

I will reflect on some of the things that have been said in the debate this afternoon about the fact that this legislation changes the definition of "spouse" to include same sex couples. I specifically refer to the member for Callide. It is very disappointing to me to hear members of this House saying that this provision cheapens and devalues traditional family. It does nothing of the sort. It recognises that we need to be compassionate.

Let us take the common case of a homosexual couple with one partner dying of AIDS. We are giving the spouse, their loved one, the opportunity to take paid carer's leave to care for their partner. To me, that is demonstrating compassion and humanity. That is not devaluing families; that is recognising the real pain that certain people experience. Why should these couples be excluded from this legislation? We should not talk in this House about demeaning family life when we recognise the reality of what people are experiencing.

For the first time, this Bill extends unpaid maternity leave to long-term casual employees. Let us face it: a disproportionate number of casual employees are women. Those women who have had consistent employment with one employer will be able to access unpaid maternity leave. They will still have a job to go back to. This takes us a long way from where we were. I can remember that in the 1950s or 1960s a woman working in the Public Service had to leave once she was married. Let us face the reality of what women experience today. This provision is a very significant contribution to enabling women to balance their career and family aspirations. I commend the Minister for including this measure in the legislation.

Access by long-term casual employees to unpaid maternity leave places Queensland at the forefront of industrial reform and I am proud to be part of the Government that is bringing that in. It represents an important and progressive response to the changing nature of the work force and the labour market, in particular through addressing the growth in the number of working women who are employed on a casual basis.

The Industrial Relations Bill is new legislation which will take Queensland into the next century. It is based strongly on the results of a comprehensive process of consultation and review headed by an independent task force. This process has provided an invaluable picture of contemporary circumstances in the labour market and has offered some critical insights into the problems that have emerged under a deregulated industrial relations framework in recent years. A particular area of concern is the conflict and protracted disputation that has occurred in the absence of a strong role for the independent umpire, the Industrial Relations Commission—a role that is restored under this legislation.

Queenslanders need a new way forward that addresses significant economic and social issues in the labour market—a fair and balanced system that recognises the need for the industrial relations framework to respond to both social and economic imperatives. The Industrial Relations Bill before Parliament today provides clearly for such a system. Taken as a whole it provides a clear, coherent and principled way forward which will deliver fair outcomes for employers and employees and which supports the continued economic and social development of the Queensland community. I commend the Bill to the House.
