



Speech by

Mr M. VEIVERS

MEMBER FOR SOUTHPORT

Hansard 11 June 1999

INDUSTRIAL RELATIONS BILL

Mr VEIVERS (Southport—NPA) (12.25 p.m.): The member for Toowoomba South, Mr Horan, suggested yesterday that perhaps a deal would be done with the AWU, and I see today that quite a few AWU members are slipping onto the speaking list. I believe there must be a deal.

Mr Santoro: They are on strike.

Mr VEIVERS: Yes, they were on strike yesterday.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! I hope the honourable member will be relevant to the Bill.

Mr VEIVERS: It thought it was pretty relevant.

Mr Santoro: They still haven't got a deal.

Mr VEIVERS: The member for Clayfield is probably right. The members for Mackay, Mulgrave, Kallangur and Chermside are going to speak, and they were not in sight yesterday. That is quite amazing.

Mr MULHERIN: I rise to a point of order. I am not a member of the AWU.

Mr VEIVERS: The member has changed. I am sorry about that. At least they are putting their hands up.

Today I want to focus on the impact this legislation will have on the operation of the Industrial Relations Commission and the Industrial Court. Firstly, I will touch on a point that my colleague from Callide, Mr Seeney, raised very strongly yesterday, which I thought was very interesting. I refer the Minister to page 48 of the Bill before the House. I agree with the member for Callide, who pointed out that the footnote states—

" 'spouse' of an employee includes—

- (a) a former spouse; and
- (b) a de facto spouse,"—

and wait for it, Mr Deputy Speaker—

"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 am only too happy to stand up for that. I consider it to be quite incredible that members opposite will consider that to be a major achievement in their legislation. I believe most Queenslanders find those lifestyles immoral. Also, I believe that we should be trying not to legislate morality. It is another matter altogether to give those lifestyles recognition in this legislation. I do not believe it is acceptable for such lifestyles to be given legitimacy by inclusion in this or any other legislation by placing them on an equal footing with traditional family units.

I believe the Premier recognised that the people of Queensland generally do not believe that that is an appropriate way to go when, earlier this year, he ruled out the recognition of property rights for same sex couples. 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. In common with the member for Callide, I point out that, 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 rights to parental and bereavement leave previously available—and rightly so—only to married and de facto couples. I must also point out very strongly that the Goss Labor Government and, indeed, 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 law. 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, and I reject it also.

I turn to the issue of legal representation under this legislation. As I said, I wish to focus on the impact of this legislation on the operation of the Industrial Relations Commission and the Industrial Court. I wish to refer in particular to the implications that this legislation has for the workability of the Industrial Relations Commission and the Industrial Court and the appeal that it will not have in respect of the majority of the parties in the industrial relations system after these changes go through the Parliament sometime in the near future. In fact, it is safe for me to say that the provisions in relation to legal representation are being opposed by the vast majority of the players within the industrial relations field in Queensland.

These provisions are being opposed by the vast majority of the union movement and employer organisations. When small business realises what the implications are for it of the legal representation provisions of this Bill, it will also oppose the provisions relating to legal representation. As has been pointed out today, it will do so by walking away from the Queensland system and perhaps straight into the Federal system. The member for Cunningham pointed out lots of anomalies in the system. Private enterprise will not be able to employ people, because it will become too difficult.

I wish to elaborate on the general point that I have made. For the first time, lawyers will be allowed to undertake representation in the Queensland Industrial Relations Commission where it is not by the consent of all parties. There is a current exception in relation to the rules of an organisation or matters concerning variances to award contracts, but this certainly has not applied to the day-to-day issues of the commission. It has always been a lay person's tribunal, reflecting and honouring the typical arrangements of employers and employees. It is not legal or technical in nature, and the issues that arise are not legal or technical in nature.

This Bill gives lawyers access to the Industrial Relations Commission. The Minister has indicated that that is limited. However, it follows a Federal and New South Wales model, under which it is rare that lawyers are restricted in industrial proceedings. The Minister should take that on board. How the Government came to the conclusion that the system needed lawyers is almost as disturbing. It is probably because the Minister is a lawyer. I say this because the major employer organisations, such as the QCCI and the AIG, have indicated that they do not wish lawyers to have access to the system. The major union groups—the AWU and the ACTU—have also indicated publicly that they do not support this proposal. Furthermore, the independent task force also came to the same conclusion that there should be no alteration in relation to the access of lawyers to the system.

In spite of that background, we now find that access is being given to the lawyers. At a point somewhere along the path from the industry view and the independent task force review, we find an outcome that disagrees with all of them. It begs the question: what did this Government owe to the lawyers and lawyers' lobby groups? During the term of a Government, few issues arise in respect of which the major industry groups, the union groups and even an independent task force find against a proposal that is later supported by the Government. Minister Braddy should state why this has occurred. When one looks at the second-reading speech to the Bill, one sees that the Government's reasoning seems to be that that is what the commission wants. That is a rather novel ground for change.

Unlike the QCCI, the AIG, the ACTU and the AWU, the QIRC is not a user of the system, it is an independent umpire. I remind the House that the commission is made up of nine commissioners, of which only three are legally qualified people. The use of lawyers will only add to the cost of commission matters. A strong example of this is reinstatement matters. Unfortunately, the majority of the commission's matters are reinstatement cases. The introduction of legal representation will add substantially to the cost of reinstatement cases. The Government might argue that it put in reasonable prescriptive measures to ensure that costs do not blow out. However, I believe that the majority of those cases are settled—up to 74%—to avoid further litigation costs. The reality is that they are settled on the basis of ongoing litigation, that is, the cost of such litigation.

Somehow out of all of this, the Beattie Government—with its jobs, jobs, jobs promise—believes that increasing the cost of litigation arising from unfair dismissal will encourage employment. Today we have heard many examples of why that will not be so. The cold hard reality is that we will see the reverse. Unfair dismissal applications will become more costly. There is no other conclusion.

In addition to this area, when one considers the access to common law for workers compensation which the Parliament has also promised the lawyers, one must ask the question: what does this Government owe the lawyers? It is obvious why legal representation has, for the first time in the history of Queensland, been promulgated within the Industrial Relations Commission and the Industrial Court. Is it so that the Labor Party can pay back its dues to some sections of the legal fraternity, which funded its 1998 State election campaign to the tune of millions? The Labor Party has already paid up very big to these types of lawyers through the amendments it made recently to the WorkCover Act, and now it is again paying them many times over for their contribution to the Labor Party's campaign coffers by enabling lawyers to come into the industrial system, which will add another layer of excessive cost to the process.

Mr Santoro: That's going to scare people out of the commission.

Mr VEIVERS: It will terrify the living daylights out of them.

Mr Santoro: Nobody wants it—not even their union mates want it.

Mr VEIVERS: We have pointed out two examples of that.

Mr Lucas interjected.

Mr VEIVERS: The member for Lytton, the Labor lawyer, will have his nose in the trough.

Mr Lucas interjected.

Mr VEIVERS: You and your mates——

Mr DEPUTY SPEAKER (Mr D'Arcy): Order!

Mr VEIVERS: Through you, Mr Deputy Speaker——

Mr DEPUTY SPEAKER: I am more concerned about the interjections from the member's side of the Chamber.

Mr VEIVERS: Mr Deputy Speaker, I enjoyed that interjection. I was not so happy about the one from the Labor lawyer. I am sorry; I digress.

Mr DEPUTY SPEAKER: Order! The member for Southport will get on with his relevant speech.

Mr VEIVERS: Yes, which is a bit of a change from the member for Nerang. Ray does not mind. He is a good mate. It was very interesting. In fact, it was relevant, but it took a bit of getting through. I think he is right, too.

This Government is looking after its mates and supporters in the most blatant fashion. It will not be too long before the whole system will be in open revolt against this very blatant example of favouritism. In addition to the representation issue, we see the creation of a new industrial relations court, consisting of a full-time president. I note the earlier comments of the shadow Minister, who pointed out the figures for the donations to branches of the Australian Labor Party from trade unions. For example, in 1994-95 the Labor Party received \$1,019,900.50; in 1995-96, \$1,074,196; and in 1996-97, \$969,201.20.

Mr Lucas: All on the public record. How much did you get from the National Bank? How much did the National Bank put into your crowd?

Mr VEIVERS: None, if the member is talking about my election campaign. In 1997-98 it received \$1,907,815.87—nearly \$2m. I thank the shadow Minister for reminding me about those figures.

Mr Santoro: It's all about money and union power.

Mr VEIVERS: It is about union power. What is the term for holding someone's arm behind their back and——

Mr Littleproud: Half-nelson.

Mr VEIVERS: The member for Western Downs has a great deal of wrestling experience. The unions have the Government in a half-nelson.

Mr Lucas interjected.

Mr VEIVERS: The member gets quite upset about things that should not worry him.

Mr DEPUTY SPEAKER: Order! I find it surprising that the member for Southport needs so much help from the floor to make his speech. He will return to the relevant section of his speech.

Mr VEIVERS: I thank you very much, Mr Deputy Speaker. I thank you for your interjections, too, because it does help me along.

This move that I was just speaking about—and again I am not wishing to make any reflection on any number of existing judges who may be appointed to the position of full-time president—will add another layer of bureaucracy and cost to the operation of the industrial relations system of Queensland.

Essentially, Industrial Court provisions have remained unchanged since the creation of the Industrial Court. The position of the Industrial Court has remained unchanged, as I said, for decades.

The Goss Labor Government preserved those provisions in section 7 of the Industrial Relations Act of 1990 and the coalition Government continued these in the current Act, and this Government is going to throw it all away. The House should be aware that the president of the Industrial Court, who is a Supreme Court judge, has been a part-time appointment and sits alone to constitute the court. However, the full Industrial Court consists of the president and two or more commissioners sitting together. The Industrial Court, constituted under the current Act, hears appeals on matters of law or procedure from the commission, industrial magistrates and the industrial registrar. It also hears cases stated to it, proceedings involving cancellations/suspensions of organisation registrations and proceedings involving offences of certain sections.

Mr Lucas: You did a lot of research for this speech, didn't you?

Mr VEIVERS: Excuse me, I have done my homework. I used to employ 75 people down on the Gold Coast. I can tell the member opposite that when this Bill goes through there would not be any chance of my employing anybody, unless it was on a casual basis. This Government is going to crush employment by bringing this industrial relations legislation in and pushing it through. Private enterprise is going to choke down on what it does.

Mr Lucas: So you had 75 staff under the old legislation, did you?

Mr VEIVERS: How many people has the member opposite employed in his life?

Mr Lucas: I have worked in small business all my life.

Mr VEIVERS: There he is, "I have worked in small business." He was an employee, but he never put his money up where his big mouth is and employed anyone.

I beg your pardon, Mr Deputy Speaker, I digress a little. I have to point out that the Beattie proposals are a significant change to the current structure of the commission and the court. I have even got the interest of the people over in the corner behind the Minister. I am pointing out things that are starting to worry them. I hope that the Minister can answer these questions.

Mr Lucas: They're awe struck.

Mr VEIVERS: So they ought to be. My oratory is terrific.

The court is to have a full-time president who has been a judge of the Supreme or District Court or enrolled as a lawyer for at least five years and has skills and experience in industrial relations. Also, the president of the court is also president of the commission. The position of vice-president of the commission is also being established.

Mr Lucas: I heard you were an expert in small business.

Mr VEIVERS: Mr Deputy Speaker, can you give me some protection from the member for Lytton?

Mr Santoro: You really need it.

Mr VEIVERS: I know. I am a very timid person, and this is upsetting me!

Mr Santoro: The member for Lytton is so dominating.

Mr VEIVERS: Yes. Of course, I went to school with the Minister. He was not a bully, either. He knows how timid I was at school.

Mr Lucas interjected.

Mr VEIVERS: Yes, I boarded with the Honourable Minister over there. He probably does not want to talk about that.

The position of vice-president of the commission is also being established. How can the cost of having a president and a vice-president, which are tenured positions, be justified when there will not be enough work to warrant their full-time employment? The number of cases which would involve a president or a deputy president are very limited. Last year the Industrial Court heard a very limited number of appeals. Also, the State commission heard a number of appeals and perhaps only two or three major matters which would have been likely to involve the two most senior commission members. The new court may hear these matters.

It is worth while noting that the State's wage case, family leave case and the award certification case were just re-runs of matters which had previously been determined by the Australian Industrial Relations Commission. We do not need a new court with two full-time members to adequately deal with these types of matters. The appeals matters heard by the State industrial commission have generally involved either the current president, who is a judge, or the chief commissioner, who is legally qualified. There has been no criticism levelled at the existing appeals system by lawyers, unions or

employers—not even by the member opposite. Hello, is he struck dead? He has got lockjaw. He cannot come back at that because it is true. He has to say: yes.

The House should therefore be aware that there is absolutely no justification for—this is the first time I have ever got him—a full-time president and vice-president and that the taxpayers of Queensland are not well served by the changes which are proposed in the Bill to the Industrial Court. I have to say that the honourable member for Clayfield, Mr Santoro, has done a magnificent job in opposing this. What we brought into the House was sensible stuff. I am going to repeat myself a little—

Mr Reeves interjected.

Mr VEIVERS: Don't you talk! What the Government is bringing into this place is going to drive people out of employment.

Mr Lucas interjected.

Mr VEIVERS: I used to be able to hand them out as well as take them. I find that what the Government is going to do to industrial relations in Queensland—

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! The honourable member's time is exhausted.

Mr VEIVERS: I move for an extension of time.

Mr DEPUTY SPEAKER: If the honourable member had not spent a lot of his time taking interjections and having other people make the speech for him, he might have got a little bit more done.

Time expired.
