Speech by

Hon. P. BRADDY

MEMBER FOR KEDRON

Hansard 11 June 1999

INDUSTRIAL RELATIONS BILL

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (2.58 p.m.), in reply: I thank honourable members for their contributions to this debate. This is one of the most important pieces of legislation for the Queensland community to be introduced this century. As such, it warrants serious and informed debate of the issues involved. Over three days, every member of this Parliament has been given an opportunity to make a contribution in this debate. There is not one member of Parliament who cannot say that he or she has not been given such an opportunity.

In introducing this Bill, the Beattie Labor Government is seeking to restore fairness and balance to Queensland's industrial laws. This Bill does this by providing for a modern and progressive system of industrial relations that promotes stability, jobs and job security, economic development and competitiveness while ensuring that the essential elements of social justice and equity are not compromised. The Government believes that those outcomes are best achieved by employers, employees and their representatives working constructively together. Therefore, the Bill removes the excesses of the confrontationist approach promoted by the workplace relations legislation of the coalition Government. In its place is a fair and equitable framework for industrial relations that will assist in improving the economic competitiveness of Queensland workplaces while ensuring fair outcomes for workers and employers.

I turn briefly to address the Opposition's contribution to the debate. The member for Clayfield concluded his speech with these words—

> "I will give Government members one guarantee: we will fix the industrial relations system of this State again, but next time permanently, when the people give us a chance to fix it."

Those are very threatening and ominous words. In stating that he will fix the system permanently, the member for Clayfield is signalling that he wants to hand over the Queensland industrial relations system to the Federal jurisdiction, which at this time means Peter Reith and the coalition Government. He wants to hand over our State system that has served Queensland well since the beginning of this century and which will continue to serve the interests of the majority of employers and employees in this State. In wanting to hand over the Queensland jurisdiction, the member for Clayfield fails to understand that the majority of Queenslanders, particularly those in rural and regional Queensland, are firmly wedded to maintaining our own home-grown Queensland institution—a Queensland system that is able to meet and respond to the needs of this diverse State.

As that is the only real interpretation of those words—and they are on the public record—it would now appear that it is the wish of the honourable member and the coalition to abolish the Queensland industrial relations jurisdiction and legislation. He will go along with Jeff Kennett, who handed over the Victorian system to Peter Reith. The member for Clayfield, who is the shadow Minister and speaks for the coalition on this matter, is now stating clearly that he intends to take away for the first time the right of the Queensland Parliament and the Queensland people to have their own industrial relations system.

Mr SANTORO: I rise to a point of order. The Minister is misrepresenting me when he says that. I find those comments offensive. I have not made any such statement about handing jurisdiction——

Mr SPEAKER: We do not need a debate on it.

Mr SANTORO: No, but I find the suggestion that I propose to hand jurisdiction to the Federal Government offensive. That is not true. It is not my intention. I ask the Minister to withdraw those words.

Mr BRADDY: I am pleased to hear the remarks of the honourable member. I will withdraw the comments that he finds offensive. However, good public policy tells us that a State Parliament does not have the power to permanently bind a future Parliament in relation to legislation of the Parliament. The future of cooperative federalism would also be severely hampered if States were forced to refer powers on a once and for all basis without the ability to change State policy in new political, social and economic circumstances. When the member for Clayfield said that he would fix the industrial relations system permanently, that was either a bluff and a bluster or it was a very ominous sign of what could occur in the future.

I do not intend to deal at great length with other matters because comment will need to be made in the Committee stage of the debate. The coalition likes to tell the story that under its legislation, which is virtually identical to Peter Reith's, there is industrial peace and harmony. We all know that the reality is quite different. Let us remember such disputes as that which occurred in the Hunter Valley that went for 14 weeks, the Curragh dispute that went for 15 weeks, the Gordonstone dispute that is still continuing and has been going for over two years, the massive Patrick dispute that went for five weeks and the Sun Metals dispute that went for three weeks and was only settled because of the intense involvement and determination of the Beattie Labor Government. All of those disputes, which are of great significance in the recent history of Australia, have occurred under either the Commonwealth or the Queensland Workplace Relations Acts.

The coalition in this Parliament has repeatedly criticised this Government for our so-called inaction during the Sun Metals dispute. There has only been one dispute of significance since we came to Government, which was the Sun Metals dispute. As history will show, it was the active involvement of the Government in Queensland that assisted in this dispute being resolved early. With the Gordonstone dispute, the Federal coalition Government has refused to take any action and the Queensland coalition Opposition refuses to criticise it for not taking any action to ensure that the dispute is settled.

Members of the coalition commented on Des Moore, the Director of the Institute for Private Enterprise, who claimed that the Queensland Government's three month mandated probation laws were not an Australian first. Considering that Des Moore touts himself, and is touted by newspaper editors, as an expert, he said something which is quite remarkable. Des Moore said that Federal legislation already had such a probationary period. The remarkable thing was that his evidence for such a statement did not come from the legislation or the regulations. He says he knew that because he confirmed it with Peter Reith's office. Whoopee for him, the so-called expert! We know that that is untrue. Des Moore does not have the capacity to read the legislation himself. If he did, he would have found that under the Federal and current Queensland Workplace Relations Acts, the ability for an employer to enter a new employee into a probationary period for up to three months at the commencement of the employment contract is optional. If they do not do it, it does not occur. This legislation is the first in the country to go the other way. It is mandatory, unless people enter into a written agreement to take it out or to extend it to a longer period. This probationary period is a very significant improvement for employers. It is something that the Queensland community should know about. It is something that Des Moore, the so-called expert for the conservative forces in this country, should take the trouble to read for himself instead of taking Peter Reith's word for it.

I now address some of the matters that the honourable member for Gladstone has raised. The member for Gladstone has indicated her intention to seek an amendment to retain the existing exclusion for dismissal laws for employers employing less than 15 employees. The Government's clear intention has been to abolish this provision in line with our pre-election commitment. Instead, as I have said, we are introducing, for the first time in Australia, a three month mandatory probation period that will apply to all employers and new employees except in the circumstances that I have indicated.

The next issue raised relates to the conscientious objector provisions, which have existed since the 1940s to enable those workers who do not wish to join a union or participate as a union member, but want a certificate that exempts them from normal participation in union activities, to do so. Those members of our community often belong to exclusive religious organisations and have continued to express their desire for the inclusion of conscientious objection provisions in the industrial relations legislation. Therefore, our provisions are appropriate.

The member for Gladstone also sought clarification of the system of appointment of commissioners with respect to an appropriate balance. I assure her that our Government's intention is to remove any potential, as far as it is possible, for political interference in the process of appointment of commissioners through all industrial commissioners being appointed on tenure. The idea is that, when the existing commissioners come up for reappointment, they will be reappointed on tenure. According to Crown Law, that is the appropriate way to go. We believe that the integrity of a strong and independent commission has to be preserved through the maintenance of a balanced make-up of commissioners representing the trade union movement, employers, business and Government. I

assure honourable members that our Government strongly supports and will continue to maintain the continuation of this tripartite system of balanced and fair representation from the union, employer, business and Government sides.

This is being done in the context of appointing a president who is a lawyer, as is the current part-time president, and so there will be no change. The vice-president is really taking over the role of the chief commissioner. The current chief commissioner is also a lawyer. We are changing things as little as possible through transferring to a full-time system. The Government and I believe primarily in a lay system and we will continue to appoint from the three traditional sectors of the community.

The member for Gladstone and other members raised matters in respect of legal representation. Specifically, the concerns expressed related to ensuring that there would be strict controls on the right of lawyers to be heard. This is now substantially in the hands of the commission itself. We have given it guidelines in this legislation whereby it can appoint lawyers. Much has been said about lawyers. The fact is that lawyers now appear frequently in the commission. That is one of the reasons for the change. It was becoming a sham and was reaching the stage of being shonky.

What has not been said and must be said is this: many of the unions and employer organisations were employing people who were qualified lawyers. However, because they were not admitted as solicitors or barristers, they could argue that they were not lawyers. That is a nonsense. It is the old question from the Middle Ages: how many angels can dance on the head of a pin? All of the organisations were doing that. One union boss told me that in future all of his young organisers and advocates who were coming on stream would be taken on only if they studied law. Unions and employer organisations are employing their own in-house lawyers. We have to face the reality that lawyers are in the system. This is an evolutionary change. There is not, as one or two members opposite claimed, unfettered access to lawyers at all. Lawyers have no right of appearance. Importantly, they have to get in there either with the consent of all parties to a matter or by leave of the commission. The commission itself will determine to what extent and at what pace lawyers will appear before it.

The member for Gladstone and others raised the issue of the right of entry of a union to particular workplaces. The Industrial Relations Task Force recommended that right of entry provisions should allow access to either members of a union or employees who are eligible to become members of a union.

I will deal with the issue of the rights given in relation to carer's leave and maternity leave to same sex couples at the Committee stage, because I think that matter will arise fairly soon into the Committee stage.

A number of Government members spoke of the importance of the consultative and review process in shaping this legislation. I thank all members of the Industrial Relations Task Force for the time, effort and expertise that they put into the process. In particular, I thank the chair of the task force, Professor Margaret Gardner, for her dedication and professionalism, and also my personal thanks go to Professor Ron McCallum for his truly independent advice. I thank my personal staff and the members of the department who have worked long hours very intelligently and professionally over the past 12 months in order to produce this legislation in such a timely fashion.

This Bill is the product of the most comprehensive review of the industrial relations legislation ever undertaken in Queensland. I regret that the member for Clayfield saw it as his duty to attack the director-general of my department. It is insulting and untrue to suggest that Mr Marshman, in undertaking his responsibilities as the head of the department, acted in any way other than in an impartial and principled manner. He is a senior officer within the Queensland Public Service with a long, proud and distinguished record of service within the public sector under a variety of Governments of different political situations throughout this country. The director-general operates with the highest of ethical principles, is a person of great integrity and did not have any immoderate or undue influence in the preparation of this legislation.

This will be the last significant piece of industrial relations legislation to go before the Queensland Parliament this century. It is vitally important that Queensland takes into the next century—indeed into the next millennium—a forward-looking perspective on industrial relations. This Bill provides a new and positive direction forward to make this a reality. I commend the Bill to the House.
