



Speech by

**PHIL REEVES**

**MEMBER FOR MANSFIELD**

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Hansard 10 June 1999

#### **INDUSTRIAL RELATIONS BILL**

**Mr REEVES** (Mansfield—ALP) (2.30 p.m.): The Industrial Relations Bill is about restoring fairness and balance to our industrial relations system. This Bill will create certainty in our industrial relations system. It promotes and balances economic prosperity and social justice, and it is designed to meet the needs of all within our community.

Members opposite do themselves no justice by continually harping on about how we are only looking after our masters. I have news for them. If standing up for workers and creating a Bill that gives them a fair go whilst recognising that workplaces are changing is looking after our masters, so be it. I and other members on this side of the House will do that every time. The people of Queensland who elected this Government would expect nothing less.

For years, both inside and outside of this place, during election campaigns members opposite have taken every possible opportunity to promote our link and connection with the trade union movement. Let us make no mistake, the people of Queensland know of that close connection and how we stand up for the working men and women of this State, because those opposite have helped us to promote that fact to everyone who cares to listen.

When the people of Queensland voted on 13 June last year—a year ago on Sunday—and the people of Mulgrave voted in the by-election, they knew exactly what we stood for in relation to restoring the balance in the industrial relations system. I have news for members opposite: the people supported the platform we went to the election on. Consequently, we are now in Government and presenting this Bill to the House. I ask members opposite to continue to tell everyone that we are the party that represents the working men and women of Queensland.

We on this side of the House are justifiably proud of our relationship with the trade union movement. The trade union movement has as its goal the protection and improvement of the working conditions of all. That is a fundamental goal of this party and it is the foundation on which we were formed. Unlike members opposite, we do not consider or deal with only our traditional constituency. We are about working with all sectors of the community, and we do not wage personal ideological vendettas against our non-traditional constituency. Yesterday and today members opposite said that we have not spoken to business. The review showed that that was false.

Last Wednesday evening, the Premier, the Treasurer, the Minister for Employment, Training and Industrial Relations and the member for Sunnybank attended a business dinner. That dinner, which was held at Michael's Oriental Restaurant at Eight Mile Plains, in my electorate, was attended by 200 local businesspeople. Those businesspeople were given enough time to speak personally with the Ministers and the Premier. They were also allowed to ask questions for 45 minutes. Over the four and a half hours for which the evening lasted, there was not one complaint about or criticism of the Industrial Relations Bill. The Minister for Employment, Training and Industrial Relations spoke to people at every single table. There was not one comment or criticism of the Bill that he has introduced.

I have received one phone call to my office in relation to the Industrial Relations Bill. Members opposite continue with the line that we do not listen to business. We have listened to business and the working men and women of this State. Opposition members have also said that this legislation is bad for employment for young people. In common with everybody else in the work force, young people want security. Opposition members should not just take our word for it. The Managing Director of Coles Supermarkets, Alan Williams, said, "Young people deserve job security and a career path." He was

speaking about encouraging people to stop employing casual workers only and instead to employ permanent workers. Alan Williams has worked his way up from being a cashier to the top of that great company. In common with us, he believes that young people deserve security and a fair go.

Opposition members should compare our record with that of their parties at both the State and Federal levels. Their idea of negotiating with a union is working out where to park their car and how they are going to get to the corporate box at Ballymore and have caviar. They have no idea of what unions are about, because they will not talk to them. They think it is a sport. More importantly, they believe in division and conflict, not arbitration and negotiation. They are about a one-sided bargaining chip, not about having balance. Their record speaks for itself. Just as no-one can stand up and say that every action by a union is always perfect and proper, no-one can stand up in this place and say that every employer treats the work force well and with dignity and respect. There are always some bad apples, and that is why we need an independent umpire.

Last evening, I spoke to a young woman who had been employed recently. Her working conditions under the coalition's industrial relations laws left a lot to be desired. That proves how unscrupulous some employers are. No-one is perfect, and that is why we need an independent umpire. This Bill is about ensuring that there will always be an umpire to ensure that the rights and responsibilities of both the workers and employers are fair and just.

An important principle of this Government's industrial relations policy is the introduction of a system which ensures, as I said, justice, fairness and equity for all employees. However, the achievement of such a system must be balanced by taking into account the efficiency and performance of the economy and the general standards within the community. Consultation and cooperation between all parties is also fundamental to achieving such a system.

It is this principle of balancing what might seem to be disparate objectives and the interests of competing parties which underpins the development of the Bill currently before the House. The principal objective of this Bill is to provide a coherent framework that focuses on the achievement of both economic prosperity and social justice for all Queenslanders, not just a few. This commitment to economic objectives emphasises the importance of strong economic growth, high employment, employment security and improved living standards. This Government does not accept the view that labour is just another cog in the wheel of production. Workers have a right to receive a fair income. By balancing the needs of employers and workers we believe that greater productivity is generated, which leads in turn to increased job growth.

The development of this Bill resulted from extensive consultation facilitated by the IR task force in the first major review of the State industrial relations legislation since 1988. The task force itself exemplified the type of balance necessary in respect of an effective and efficient industrial relations system, consisting as it did of representatives of employees, employers, Governments and independent experts. The composition of the task force allowed for the consideration of a wide range of views and interests. In addition, the external consultation undertaken by the task force, which included an issues paper, a call for written submissions, a series of regional consultation meetings and issues workshop, provided diverse input.

The resulting recommendations on which this Bill is based do not simply reflect the interests of one group or slavishly follow a particular ideology; they balance the views of all parties with an interest in the industrial relations system. The balance between economic and social objectives in the regulation of employment conditions is especially relevant in the making of awards and agreements. The commission must ensure that awards provide for secure, relevant and consistent wages and employment conditions and a fair standard for employees in the context of community living standards. This commitment to social justice for employees is balanced by the economic objectives that the commission must also take into account in making awards, namely, the efficiency and effectiveness of the economy, including productivity, inflation and the desirability of achieving a high level of employment.

Regarding the balance of social and economic justice in the making of agreements, I would like to draw the attention of the House to the provisions of the Bill dealing with resolutions of disputes by negotiation. The commission has the power to help parties to negotiate an agreement as a result of a declaration of a breakdown in negotiations. The power to intervene by conciliation in industrial action that is damaging or threatens to damage the economy, part of the economy or the community or which endangers or threatens to endanger the personal health, safety or welfare of the community is also available. Additionally, the commission has power to arbitrate, where conciliation is unsuccessful, on the negotiation of an agreement which has resulted in industrial action that is potentially damaging to the economy.

I would like now to turn from the balance of the social and economic objectives to consideration of the balance of a different kind—the balance of legislation, awards and agreements in regulating relationships between employees and employers. This Government believes that all persons working as

employees should have protection of certain minimum conditions in legislation and in awards and that, above and beyond this coverage, employees and employers should be able to negotiate fairly for other mutually beneficial conditions. This Bill provides all employees, whether or not they are covered by an award or an agreement, with entitlements to such basic conditions as annual leave, sick leave, public holidays, parental leave, carer's leave and bereavement leave—entitlements that so many of us, including those in this place, take for granted as community standards.

The Bill contains provisions which allow the Queensland Industrial Relations Commission to set minimum rates of pay for non-award employees. Similar provisions have existed since 1994 but have not been utilised. Awards will no longer merely serve as a safety net, but will fulfil the role of providing a comprehensive set of minimum wages and conditions for 400,000 Queensland workers who remain solely reliant on awards. Award employees will have their entitlements reviewed every three years to ensure that they are employed on contemporary conditions relevant to their needs and to community living standards. The retention of junior rates of pay, pending a review and the outcome of the Australian Industrial Relations Commission hearing on the matter, is a further commitment to give proper consideration to employers' needs in this regard.

This Bill continues to provide for a system of agreements, both individual and collective, which allow employees and employers to agree on mutually beneficial work arrangements suited to their particular circumstances and needs. Importantly, though, the range of agreements has been extended to take account of perceived inadequacies in the system of agreements available in the Workplace Relations Act 1997. The process of making agreements in this Bill emphasises the importance of genuine negotiation as opposed to confrontational practices, as many have seen in the past. Certified agreements may be made covering the employment relationship between an employer and a group of employees. They may be made with employees or with unions. Certified agreements may be made to cover a single employer, multi- employers, projects or proposed projects, and new businesses. Queensland workplace agreements have been retained.

In the area of unfair dismissal legislation, important amendments have been made to balance the employees' rights against employers' obligations. Employees' job security has been emphasised by putting more emphasis on reinstatement rather than compensation. Prohibition of dismissal of an employee on workers compensation has been lengthened from three to six months, in line with the standard set by other jurisdictions in Australia.

Concerns of employers have been allayed by the retention of certain exemptions in this Bill from the unfair dismissal laws. All employees during their first three months of employment—the probationary period—are excluded from the application of the unfair dismissal legislation. Quite frankly, if a person cannot make an assessment in three months, one really has to question that person's capacity as a manager.

This Government recognises that, when an employee commences employment, there is a right to trial the relationship and that employers should have the time to assess the suitability of the employee to the job. At the same time, it is considered that a period of three months' probation is sufficient in most circumstances, taking into account social justice to employees. The small business inclusion in the Workplace Relations Act 1997, which exempted employees for 12 months but only if employed by an employer with fewer than 15 employees, was clearly unfair in this regard. What is the difference between 15 or 16? Other exclusions include employees engaged for set periods of employment and those not subject to an award or an agreement earning wages of \$68,000 or more.

Before concluding, I refer to the speech made by the Opposition spokesperson in which he made it quite clear that if—and God help us—his party ever gets another chance to try to amend the industrial relations system, it will make sure that the changes are permanent. We all know on this side of the House what he is referring to. We all know that he wants to go to the Jeff Kennett model of throwing it out to the Federal Government so that the workers of Queensland would come under the Reith legislation. We all know what the Reith legislation was all about. We all saw what the Federal Government did to the MUA and what it deliberately tried to do.

However, the workers of Queensland are a bit smarter than that. Also, the workers of Australia are a bit smarter than that. I have news for the Opposition spokesperson: pigs might fly before he ever again becomes Industrial Relations Minister. I cannot believe it will happen again in my lifetime. The problem would be that, if that happened, Mr Reith would not be the Federal Minister. We are just waiting for the next Federal election so that we can get justice back at the national level as well as continuing it at the State level.

**Mr Johnson:** At the expense of business, at the expense of small business and at the expense of employment.

**Mr REEVES:** I remind the member for Gregory of how I started my speech. I spoke about the business people whom we consulted last Wednesday. The Treasurer and the Employment Minister are

in the Chamber now. They will vouch for this. We had a business dinner with 200 local south-side business people. Not once in the 45 minutes of question time or the four and a half hours that the Ministers were there did anyone criticise or comment on the Industrial Relations Bill. So where are the business people? What about justice for all?

This Bill will make our State industrial relations system more efficient and effective by balancing social and economic objectives; balancing the views and interests of all parties to the system; balancing the regulation of employment conditions between legislation, awards and agreements; and balancing the fairness of conditions between the rights of employees and the obligations of employers.

It gives me great pleasure to support this Bill. I congratulate the task force but, more particularly, I congratulate the Minister, who has done an excellent job in introducing this Bill to the House. Those opposite continue to say that we are the masters of the trade union movement, which represents the working men and women of the State. I tell those opposite to continue to say that to the working men and women because they were the ones who voted us into Government last June. They will continue to do that for many years to come because we have delivered on what we promised: fair and just industrial relations laws for this State.

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