



Speech by

Hon. R. E. BORBIDGE

MEMBER FOR SURFERS PARADISE

Hansard 9 June 1999

INDUSTRIAL RELATIONS BILL

Hon. R. E. BORBIDGE (Surfers Paradise—NPA) (Leader of the Opposition) (4.13 p.m.): This Bill is all about revenge. It is all about getting square. It is all about paying off the Labor Party's union mates. It is about a corruption of the political process. It is about settling scores with the Australian Workers Union. It is not about good industrial relations, as the Minister and his Government colleagues claim; it is about trying to reinvent the past. It is not about good public policy; it is about reinstating union preference and reimposing controls on the free workers who make up the bulk of Queensland's working population. We are standing up for the 70% of Queensland workers who will not have a bar of the trade union movement. This legislation is designed to look after Labor's union mates— another example of Government of the mates, by the mates, for the mates.

This legislation is not about good business. Business has not welcomed this Bill any more than it welcomed the unedifying pursuit of sectional interests that went into making this legislation. To the contrary, business has voted with its confidence index. No-one on the Government benches can afford to discount survey results such as those just released by the Queensland Chamber of Commerce and Industry which show that 37% of all employers could shed staff as a result of the new State industrial laws Labor wants to force onto the Queensland people.

It is interesting that the Premier's representative in north Queensland, his Parliamentary Secretary the member for Townsville, is supporting legislation in this place that will cost his electorate Stage 2 of Sun Metals and Stage 2 of Korea Zinc. What a betrayal of his electorate! Just as he sought to betray his constituents in relation to Nelly Bay, he is now betraying them in respect of industrial relations.

This legislation is not about jobs, unless it is jobs for the boys and girls of the Labor movement and its sympathisers. It is a job killer of a Bill. In addition to the 37% of firms indicating in the QCCI survey that they would lay off existing staff, fully 67% have indicated that there will be a decrease in new employment opportunities as a result of this Bill if it passes into law. Honourable members say, "They are your mates." They are the people who employ Queensland workers. They are the people whom the Deputy Premier was quoting in this Parliament earlier. They are the people who collectively are the economic engine room of this State and who should be respected by both sides of the House.

Mr Reynolds: Unemployment was going up under your regime.

Mr BORBIDGE: Does the honourable member want to talk about unemployment? We delivered the lowest unemployment in Queensland for close on eight years. Unlike the current Government, the coalition inherited unemployment rates of 11%.

Mr Santoro: 11.2.

Mr BORBIDGE: 11.2%. We delivered the lowest unemployment levels in Queensland in eight years. With 17% of Australia's population, we were generating 40% of Australia's new jobs. My record will stack up against the record of honourable members opposite any time.

Despite the distractions from the current and outgoing member for Townsville, I state in short: this is a bad Bill—a product of the vacant lot that this do-nothing Labor Government uses as its policy base. It tries to reinvent the past, and it cannot do that. It tries to leg-roped the overwhelmingly small business private sector and force it into a big union mould. It cannot do that. It tries to resurrect the

union shop, and it cannot do that. Perhaps on that basis it is a success after all. This is a can't do Bill from a can't do Government.

This Bill is a naked attempt by the newly resurgent Left to advantage the CFMEU—the would-be wreckers of Sun Metals and Townsville's future, the union supported by the member for Townsville, the law-breaker picketers of Gordonstone—at the expense of the AWU, the traditional Labor power base in this State. It is a bid by the member for Kedron, who seems determined to go out with a whimper instead of a bang when his parliamentary world ends, to entrench and shore up the power of the unions. It is about getting square with Bill Ludwig.

Worse than that, this is an ideological Bill. We see that from the florid language used by the Minister for Industrial Relations in his second-reading speech. I remind the member for Kedron and the member who preceded me in this debate that there have been no dogs or balaclavas in Queensland industrial disputes under State jurisdiction. Those opposites talk about the MUA. That situation came about under Federal law—the same Federal law that Bill Ludwig says we will see unions and workers opting into increasingly because of the legislation Labor is introducing here. In fact, disputes have been at historical lows—the lowest under the laws of the coalition since 1913.

The public attention in recent Queensland industrial disputes has centred on the illegal antics of unlawful pickets at Gordonstone which, as I mentioned earlier, occurred under Federal industrial law—the law to which this intemperate Bill now before the House will drive increasing numbers of Queensland workers—and the spectacle of the member for Fitzroy playing Nelson Mandela and Mahatma Gandhi on that picket line.

The public attention has been fixed on the appalling, illegal activities of the CFMEU and the BLF rent-a-pickets at the Sun Metals construction site in Townsville. The public attention has been fixed—transfixed, one could say, since this was the most unedifying spectacle of all—on the craven inability of the Premier and his Minister to act to end that damaging dispute.

The public attention has been focused on the Premier's and the Minister's brazen fiction that the State Industrial Commission had been so gutted by the coalition's legislation that it had insufficient power to put a stop to the distemper in Townsville. The lie was given to that self-serving political line—to that claptrap—by the Industrial Court itself. The lie was given to that disingenuous spin by Bill Ludwig himself, who is evidently better able to understand plain English than the duopoly of lawyers opposite—the Premier and the Industrial Relations Minister—who appear to believe that they are leading a crusade. Well, they have got the numbers wrong again. The first crusade was a moderate success, measured by outcome from the victors' perspective. The Premier and the Minister seem determined to embark on an approximate re-creation of the fourth crusade, which was an utter disaster.

The proponents of this Bill appear to believe that they are engaged in some holy war. But there is no holy war in industrial relations in Queensland, and the Labor Party knows that. That is why it has had to invent one. The Minister tells us that the Bill spells out his expensive experiment—that it is time to load the Queensland Industrial Relations Commission with judicial status and turn it into a lawyers' picnic.

In his second-reading speech, the member for Kedron, the same member who has been curiously silent—I hope with embarrassment but, I fear, for lack of energy, since he was found to have misinformed himself about the substantial powers of the existing commission—told the House—

"At the centrepiece of these industrial relations reforms is the establishment of a strong and independent umpire—the Queensland Industrial Relations Commission. The appointment, for the first time in 80 years, of a full-time president of the Industrial Relations Commission highlights this Government's commitment to raising the status and standing of the commission within the Queensland community."

He went on—

"The Industrial Relations Bill places increased functions and powers with the commission. These new powers will allow the commission to intervene in disputes which are damaging not only to the Queensland economy but also to those disputes that threaten to harm or disrupt local communities. They will also allow the independent umpire to put a check on violent confrontations and avert continual and costly recourse to the court systems. More conciliation and arbitration, not further emasculation of the independent umpire, is the way to bring real benefits to the Queensland community."

Pure Orwellian newspeak!

The Minister knows very well that the existing legislation provides a strong and independent umpire—the same umpire as the wink-and-a-nod administration opposite encouraged rogue unions to try to ignore in the Sun Metals dispute. The Minister also knows very well that once that dispute threatened to get right out of hand—through his inaction and the Premier's inability to steel himself to go to the commission as he should, instead preferring to propose a phoenix act by that renowned 11th-

hour fixer, Bob Hawke—the resolution was swift and sure, and through the existing commission under the existing laws.

In the matter of lawyers and their appropriate presence in the industrial relations arena, let me quote to the House the words of the member for Kedron on 30 January 1997, when Hansard recorded him in this place—debating the coalition's successful legislation that he now seeks to exterminate—as saying—

"One of the reasons why the industrial relations system in Queensland was more successful and far more cost effective than the equivalent systems in New South Wales and Victoria was that lawyers were kept out of a lot of the areas of the system—areas where they were not needed. Many a lawyer in the southern States has grown fat on becoming a so-called expert in industrial law ... where it was far better to have union advocates and advocates employed by the employer organisations."

The Minister might like to explain to the House why something he held to be a self-evident truth in January 1997 has become in June 1999—a mere matter of 17 months, much less than the lifespan of many other fragile flamboyants—a significant untruth. I do not think he can explain. I would love to hear him try.

The Minister also might explain to the House why he and the Government have sidelined the State's most important employer organisations in their discussions about a radical redirection of industrial law and practice. Is he so convinced that he is right that he can afford to ignore sound advice—advice such as that offered by the QCCI, whose chief executive, Clive Bubb, makes the very reasonable point that, for small business, Labor's changes to the IR landscape could become a nightmare? They have, as Mr Bubb notes, lost their exemption from unfair dismissal claims and could now be faced with legal representation. What would have been one day before the commission with a settlement cost of \$2,000 could now become four days before the commission with a \$20,000 settlement cost. In the past, the commission has not usually exercised its power to award costs. But it is hard to argue with the proposition that once lawyers are able to flourish their briefs in the commission, one of the first questions asked at the conclusion of every case will be the question of costs. And it will indeed be interesting to see what happens when the commission awards costs against a union or a worker who loses a particular case.

Mr Santoro: The unions hate this, also. The unions hate this provision.

Mr BORBIDGE: That is a valid point from the member for Clayfield. The unions hate this, as well. Mr Bubb, who deserves applause for taking the fight up to the Government on this score, also makes this point—

"If the Government has the best interests of Queensland business at heart, it will not persist with this proposition."

I commend that unchallengeable commonsense to honourable members opposite.

People today demand choice. They want to have power over their own lives. Increasingly, they want to work in environments that do not fit a one-size-fits-all approach to the workplace or anything else. Nothing in the existing legislation—the legislation that this Bill seeks to vandalise—stands in the way of collective bargaining or union membership. Our legislation emphasises cooperation, not confrontation. That it is effective in achieving this aim is clear from the historic lows in disputation to which I referred earlier and the declining level of trade union membership in Queensland under the coalition's industrial relations laws.

We on this side of the House are not stuck in the groove of some ancient class conflict, which in Australia was always a bit of a furphy. That seems to be the fate of Labor. The Bill before the House asserts that the award system is becoming irrelevant and outdated as a consequence of the commission being limited to awarding minimum safety net adjustments targeted at the low paid and suggests that this is unacceptable as a significant proportion of Queensland workers remain solely reliant on the award system to set their wages and conditions. It asserts that the range of collective bargaining arrangements available to employers and employees is inadequate in meeting their specific circumstances and that the process is unnecessarily adversarial, with parties unable to receive assistance from the commission when negotiations break down.

The Minister, in his second-reading speech, claimed that the Workplace Relations Act 1997 had destabilised the industrial relations system by fostering conflict, contributing to an increase in inequitable wage outcomes and promoting the reduction of workers' rights. Wrong, wrong, wrong! The award system in the private sector—the productive wealth-generating sector of the economy—is neither irrelevant nor outdated as a result of the coalition's legislation or any other factor. It is changing—as everything must change—to adapt to changed circumstances. The range of collective bargaining arrangements available to employers and employees is, in the end analysis, limited only by the limitations the parties to them place on them themselves. Far from being a straitjacket, the coalition's workplace laws free employers and employees to make bargains that best suit themselves.

The commission is the final arbiter under the existing legislation. The Workplace Relations Act 1997—the Queensland legislation which, by deliberate decision of the coalition Government retained important, and I might say vital, historic Queensland elements in workplace regulation—has not fostered disputation. The record speaks for itself. We had the lowest record of disputation since 1913. Only the member for Kedron and the other Horatio Nelsons opposite who insist on putting their telescopes to their blind eyes cannot recognise that fact.

The coalition legislation, which this Government wants to dispose of to curry favour with its union mates—but not with the AWU—maintains awards on a simplified pattern designed to create opportunities for unionists to share in the benefits of today's more flexible workplace. According to the Government, new legislation is needed to take account of both economic and social goals. The Minister claims that his Bill will deliver positive outcomes for all Queensland industry and the economy. I can tell the Minister that not even Bill Ludwig believes him.

We already know what business thinks about this Bill. Business has said what it thinks, loud and clear. It thinks that if this Bill is enacted into law—and whilst I do not need to remind the House of this, I repeat that the coalition will be opposing it lock, stock and barrel—it will cost jobs. It will cost lots of jobs. This will further delay the Premier's promise of a 5% unemployment rate.

We already know what roughly two-thirds of Queensland's private sector workforce thinks about this Bill. They believe it is this Bill that is irrelevant because they choose not to be in a union. We already know what a sizeable segment of the union movement thinks about this Bill. If the member for Brisbane Central and the member for Kedron cannot remember—or if they choose not to remember, or to repress that memory—they can ask Bill Ludwig. I am sure they will see plenty of him this coming weekend. There are three strikes against this misadventure in manipulation.

If this Government is serious about getting it right, it will think again. If this Government really has a vision for the future of Queensland, it will think again. If this Government has any interest in leading rather than following, and in making decisions rather than just doing what its mates in the CFMEU want, it will think again. This Government has no vision. It cannot raise interest in the broader community. This legislation is bad legislation. It is a reward for the trade union law-breakers, condemned by all responsible Queenslanders except for the Premier and his Minister for Industrial Relations.

It is a get-even proposition with the AWU. The AWU will have to suffer because it has been more responsible in terms of greenfield agreements under the Goss legislation and under the coalition's legislation. This is bad legislation that will cost jobs. I am absolutely amazed to see this act of political corruption which epitomises a pay-off to unions that have broken the law and which is an assault on unions that have obeyed the law. It is an attack on the 70% of the Queensland workforce who do not want to be in unions. It is bad legislation. The Opposition will oppose it clause by clause.

Time expired.
